



RESOLUTION R-21-2023

A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 605.15 +/- ACRES TO THAT AREA, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA

WHEREAS, the Council of the City of New Albany, Ohio (the "City") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed sufficient reinvestment in new construction; and

WHEREAS, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the "Original Oak Grove II Area"), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, R-50-2018 adopted December 10, 2018, R-05-2019 adopted February 19, 2019, R-37-2019 adopted on August 6, 2019, R-15-2021 adopted on April 6, 2021, R-46-2021 adopted September 21, 2021, R-09-2022 adopted on February 1, 2022, R-18-2022 adopted on May 3, 2022, and R-38-2022 adopted on November 15, 2022, expanded that Original Oak Grove II Area (as expanded to date, the "Current Oak Grove II Area"), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code ("R.C.") Section 3735.67; and

WHEREAS, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 605.15+/- acres and which is depicted on Exhibit A attached hereto (the "Oak Grove II Expansion Area"); and

WHEREAS, the City believes that the redevelopment of the Oak Grove II Expansion Area would encourage economic stability, maintain real property values and generate new employment opportunities and desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70; and

WHEREAS, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the "Survey"); and

WHEREAS, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation of structures in that Oak Grove II Expansion Area; and

WHEREAS, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

WHEREAS, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries;

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

Section 1. Conditions in the Oak Grove II Expansion Area. Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

Section 2. Creation of Oak Grove II Expanded CRA. This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

Section 3. Tax Exemptions in the Oak Grove II CRA. Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring according to the rules outlined in R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

The Mayor, the City Manager, the City Community Development Director, and the City Economic Development Manager, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices

required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

Section 4. Designation of Housing Officer. To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

Section 5. Application Fee. All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

Section 6. Housing Council and Tax Incentive Review Councils. This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

Section 7. Resolution to be Forwarded and Published. The Housing Officer or the Housing Officer's designee is hereby authorized and directed to forward a copy of this Resolution to the Franklin County Auditor or the Licking County Auditor, as applicable, and to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption.

Section 8. Authorization to Petition the State of Ohio Director of Development. The Housing Officer, or the Housing Officer's designee, is hereby authorized and directed, on behalf of the City, to petition the State Director of Development, in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

Section 9. Open Meeting. The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.

Section 10. Effective Date. Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

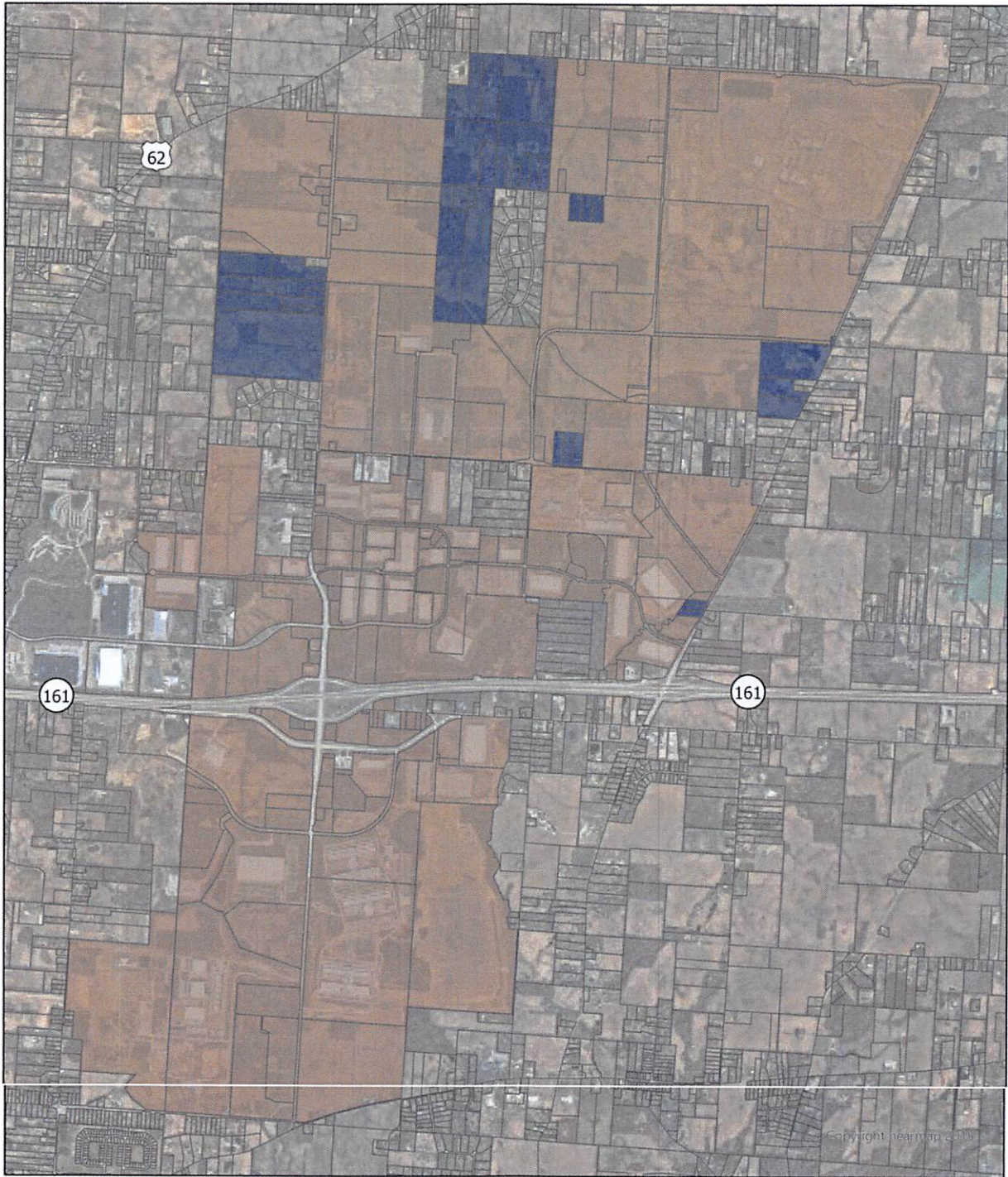
Legislation dates:

Prepared: 04/07/2023
Introduced: 04/18/2023
Revised: 04/12/2023
Adopted:
Effective:

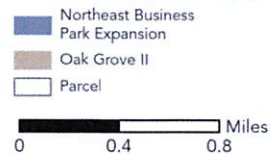
EXHIBIT A – R-21-2023

PARCEL MAP

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



Oak Grove II CRA
Northeast Business Park District





RESOLUTION R-22-2023

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

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

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

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

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

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

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

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 04/06/2023
Introduced: 04/18/2023
Revised:
Adopted:
Effective:

RESOLUTION R-22-2023

EXHIBIT A

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

PROPOSED



ORDINANCE O-17-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 26.2+/- ACRES OF LAND LOCATED ON A PORTION OF 13312 JUG STREET ROAD, ADJACENT TO HARRISON ROAD NW AND GENERALLY TO THE NORTH OF JUG STREET, FROM LIMITED GENERAL EMPLOYMENT (L-GE) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS "HARRISON ROAD TRIANGLE ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

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

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

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

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

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

- A. A 26.2+/- acre site within Licking County, located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street, from its current zoning of Limited General Employment (L-GE) to Limited General Employment (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 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/23/2023
Introduced:	03/07/2023
Revised:	04/04/2023
Adopted:	
Effective:	

HARRISON ROAD TRIANGLE ZONING DISTRICT

LIMITATION (L-GE) TEXT

April 4, 2023

The Harrison Road Triangle Zoning District (hereinafter, the “Zoning District”) consists of 26.2+/- acres located to the west of and adjacent to Harrison Road NW and generally to the north of Jug Street. At the time of this application, the subject property is located in the Jug Street North Zoning District, which consists of 484.8+/- acres. Development is occurring (or in the near future will be occurring) on most of the property that will remain subject to that zoning district. The development pattern within the Jug Street North Zoning District, when combined with the applicant’s acquisition of a number of homes and parcels which abut the northern and eastern boundaries of this Zoning District, have created new circumstances where additional uses are appropriate within portions of the site.

This text sets forth standards for uses and development, with the objective being that development standards which are in place with the Jug Street North Zoning District largely will remain in place in this Zoning District. To the extent that a standard in this text conflicts with a standard that is provided in the City of New Albany’s Codified Ordinances, the standard contained in this text shall govern. This Zoning District shall be governed by the relevant provisions of the City’s Codified Ordinances to the extent that this text is silent on any particular matter.

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

B. 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:

1. Industrial service (See Section 1153.03(a)(2));
2. 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.
3. 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;
4. Vehicle services (See Section 1153.03(b)(4));
5. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
6. Sexually-oriented businesses (See Section 1153.03(c)(3)).
7. Off-premise signs

Distribution and manufacturing uses shall be prohibited within a distance of 400 feet from the northern boundary line of this Zoning District, but shall be allowed elsewhere. Notwithstanding the foregoing, warehousing, distribution, and similar uses shall be permitted within this 400-foot

wide zone if they are ancillary or accessory to another permitted use (other than warehousing or distribution) that is located within this Zoning District. Warehousing and/or distribution uses that do not meet the requirements of the preceding sentence shall not be permitted within 400 feet of the northern boundary line of this Zoning District.

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

1. Street Improvements: To the extent street improvements are required, the developer shall work with the City Manager or its designee to determine the appropriate timing and phasing.

2. Vehicular Access Points – Generally: 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 curb cuts 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.

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

4. Traffic Analyses: No traffic studies or analyses shall be required to be submitted to the City relating to this Zoning District given that improvements to Beech Road and Jug Street are being (or will be) constructed by the City and further given that Harrison Road NW has been constructed. All such improvements are adequate to serve this Zoning District.

5. Dedication of Right-of-Way: A new public street generally running east-west through the southern portion of the Zoning District is anticipated to be constructed by the City at some time in the future. The developer shall dedicate a maximum of 60 feet of right-of-way to the City to accommodate this public street, together with, to the extent necessary, adjacent streetscape and utility easements not to exceed 25 feet in width on either side, in a location which shall be substantially consistent with that which is generally illustrated an exhibit which accompanies this text. The actual location and other specifications for the new public street shall be determined by and through the review and approval of a final plat prepared by the City. Prior to the approval of the final plat, the developer shall locate uses and improvements within the Zoning District in a manner that does not encroach upon the anticipated future right-of-way as illustrated in the exhibit.

D. Lot and Setback Commitments:

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

2. Setbacks:

a. Harrison Road NW: There shall be a minimum building setback of 50 feet and a minimum pavement setback of 25 feet as measured from the edge of right-of-way of Harrison Road NW.

b. New Public Street: There shall be a minimum building setback of 50 feet and

a minimum pavement setback of 25 feet from the right-of-way of the new east-west public street.

c. **Perimeter Boundaries:** The following minimum setbacks shall apply from perimeter boundaries of this Zoning District which do not abut a public right-of-way, provided, however, that should a stream corridor protection zone as required by the Codified Ordinances overlap with one of these minimum setback areas, then the greater setback as between the stream corridor protection zone and the minimum required setback shall apply:

i. **Northern Boundary:** 100 feet for pavement and buildings from the northern boundary line of this Zoning District, but subject to the setback requirements for warehousing and distribution uses which are set forth in the last paragraph of Section B above.

ii. **Eastern Boundary:** 100 feet for buildings and pavement from those portions of the eastern perimeter boundary line of this Zoning District which are located to the north of the anticipated future right-of-way for the planned new east-west public street. 50 feet for buildings and 25 feet for pavement from all other portions of the eastern boundary line of this Zoning District.

iii. **Western Boundary:** 25 feet for buildings and pavement.

d. **Elimination of Setbacks:** In the event that a parcel located within this Zoning District and an adjacent parcel located 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.

E. **Architectural Standards:**

1. **Building Height:** The maximum building height in this Zoning District shall be 65 feet, except that the maximum building height shall be 45 feet for any structure located within 400 feet of the northern boundary line of this Zoning District.

2. **Service and Loading Areas:** Service areas and loading docks shall be screened to limit visibility from off-site.

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 shall be made sufficiently prominent that they can be easily identified from a distance, except on buildings where pedestrian traffic is expected to be minimal such as, but not necessarily limited to, data centers or warehouses, or in the context of multi-building projects where the visibility of building entrances may be obstructed.

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. 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.

f. 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.

g. Except as contemplated in Section E.5.b below, 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.

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, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.
- b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls 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. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).
- 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. 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, and subject to Section J of this text, 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:

- 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.
- vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

3. **Roof-Mounted Equipment:** Screening of all roof-mounted equipment shall be required on all four sides of buildings using materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided not only in order to screen the equipment from off-site view but also to buffer sound generated by such equipment. Parapets (among other architectural elements) may be used to provide screening. Where a building is screened from view outside of the Zoning District by a building located within this Zoning District, City staff may waive or reduce these screening requirements provided that the developer demonstrates adequate buffering of sound from off-site.

F. **Buffering, Preservation, Landscaping, and Screening:** The following landscaping requirements shall apply to this Zoning District:

1. **Buffering:** Buffering of uses and improvements from adjacent rights-of-way located outside of the Zoning District and from other property that is adjacent to this Zoning District shall be provided by means of tree preservation as well as mounding and plantings as detailed in this subsection.

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. **Perimeter Preservation Area:** A "**Buffer Area**" shall apply to the eastern boundary of this Zoning District and the extreme eastern portion of the northern boundary line of this Zoning District to include the minimum pavement setbacks, as illustrated in accompanying plan. Within the Buffer Area, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to allow utilities to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within Perimeter Preservation Area may be removed if they present a danger to persons or property.

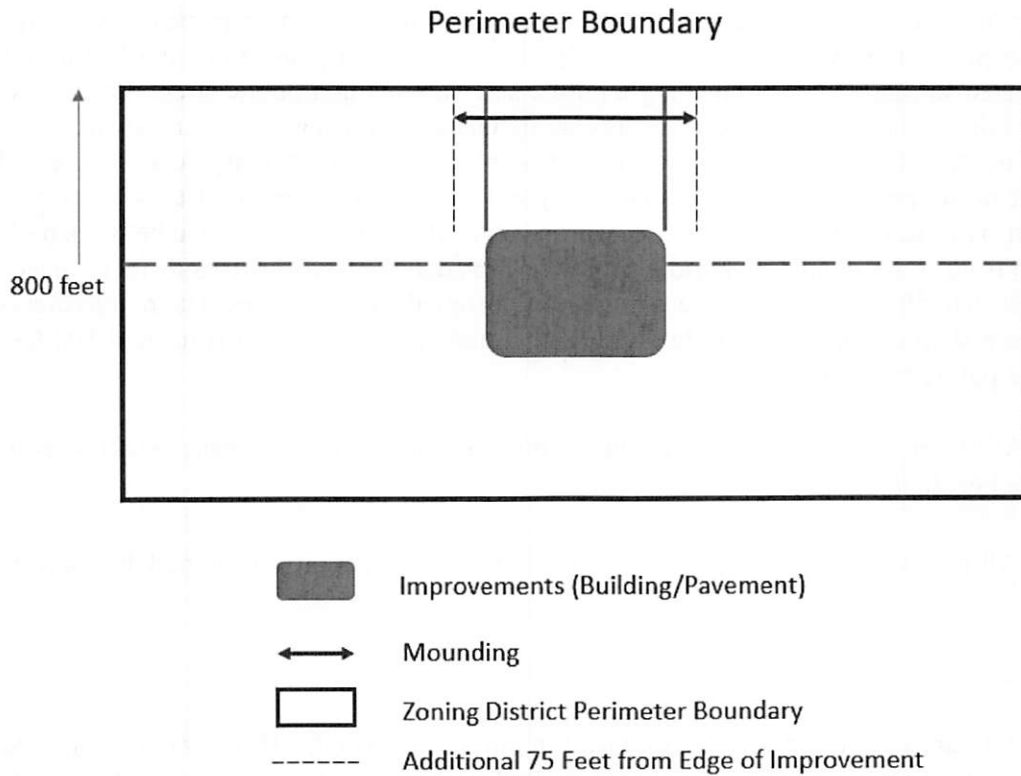
c. **Stream Corridor Protection:** There shall be a minimum 100-foot wide stream corridor protection zone covering the stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 25 feet of this protection zone shall be located on one side of the stream.

2. **Screening:** Screening by way of mounding and plantings shall be provided along the northern perimeter boundary of this Zoning District. Mounding shall be required at a minimum height of ten (10) feet with a landscape buffer on the mound which shall consist of a mixture of

deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of fourteen (14) feet above the top of the mound. Mounding installed pursuant to this paragraph shall be installed within the minimum pavement setback area as required by this zoning text. Utilities may cross through the area where mounding is required. The plan for this area must be reviewed and approved by the City's Landscape Architect.

If there are existing trees within any perimeter area described in the immediately preceding paragraph, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

Required mounding and landscaping shall be installed along the northern boundary line of this Zoning District when it is anticipated (as provided in plans associated with relevant permits) that permanently located buildings, paved parking areas, or above-ground equipment or utility infrastructure will be located within the lesser of (a) the distance between the northern perimeter boundary line and the northern right-of-way of the east-west public street to be constructed by City through this Zoning District (as anticipated by City staff if no plat for this street has been recorded), or (b) 800 feet of the northern perimeter boundary line. At a minimum for each phase and when required, this mounding and landscaping shall be installed along the portion of the northern perimeter boundary line between two points which are determined by extending two straight lines from the northern perimeter boundary line to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



3. Street Trees: A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. For the new east-west public street to be constructed within this Zoning District by the City, the City shall install these trees at the time when the street is constructed. Trees may be grouped or regularly spaced. 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. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

4. 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.

5. 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.

6. Pedestrian Circulation: Unless they are part of a campus which for safety or security

reasons requires access by the public to be restricted, for buildings whose primary use is office, research and production, warehousing, or distribution, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. The requirement in the preceding sentence shall apply only when one or more of these uses are the primary use(s) of a development parcel. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.

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

8. All project landscape plans are subject to review and approval by the City Landscape Architect.

G. 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.

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, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no higher than 18 feet in height.

4. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. 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 the City Standards and Specifications.

8. No light spillage onto properties which are adjacent to this Zoning District shall be permitted from lighting sources within this Zoning District.

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

I. Utilities: All utility lines in this Zoning District shall be installed underground.

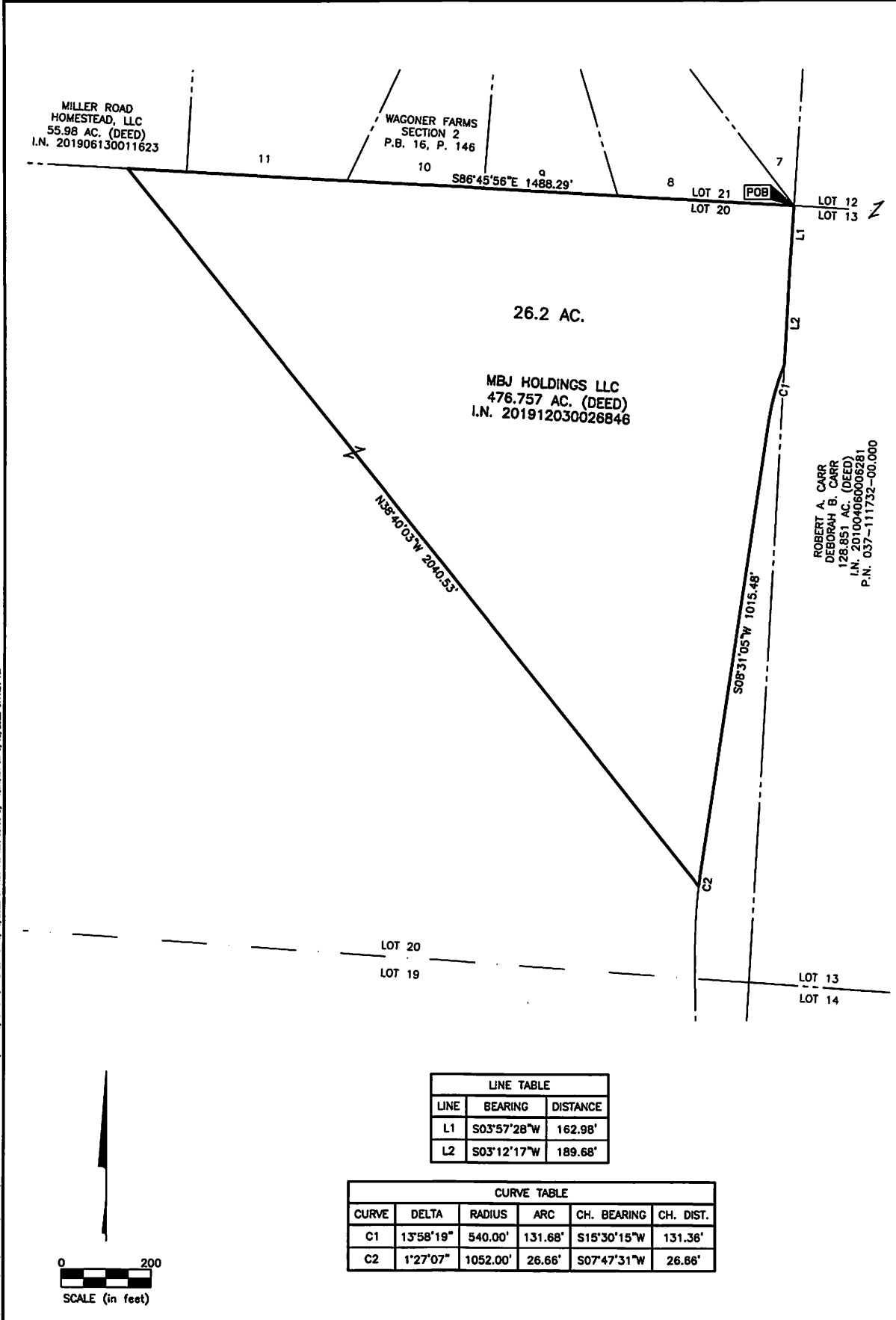


Evans, Mechwart, Hamblon & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 800.775.3448
 emht.com

ZONING EXHIBIT

FARM LOT 20, QUARTER TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: September 13, 2022 Scale: 1" = 200' Job No: 2022-0007 Sheet No: 1 of 1



\J:\2022007_VS\040523\Drawings\2022007-VS-EXHB-ZONE-03.dwg plotted by CADMAN, INDESIGN on 9/13/2022 8:47:58 AM last saved by ITDSCM on 9/13/2022 8:41:51 AM



ORDINANCE O-57-2023

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 4.0+/- ACRES FROM PLAIN TOWNSHIP,
FRANKLIN COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Aaron L. Underhill, Esq., agent for petitioner, with the Franklin County Development and Planning Department, on January 6, 2023, and

WHEREAS, the foregoing Resolution #0048-23 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on January 30, 2023 and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.06, all future annexed properties shall be added to the applicable New Albany Community Authority as described therein and are subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Franklin County requesting the annexation of 4.0+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Franklin County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 4.0+/-acre tract, situated in Plain Township, Franklin County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

Section 5. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Legislation dates:	
Prepared:	03/20/2023
Introduced:	04/04/2023
Revised:	
Adopted:	
Effective:	

Benjamin Albrecht
Law Director

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

I certify that copies of Ordinance **O-57-2023** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

RECEIVED

Exhibit A - O-57-2023

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER

DEC 19 2022

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

PROPOSED ANNEXATION
4.0± ACRES

By CRH Date 12/17/2022

FROM: TOWNSHIP OF PLAIN

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, in Quarter Township 4, Township 2, Range 16, United States Military District, being comprised of a part of each of those tracts of land conveyed to The New Albany Company, LLC by deeds of record in Instrument Numbers 202201070005905 and 201306170100733, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of that 2.0 acre tract conveyed to The New Albany Company Limited Partnership by deed of record in Official Record 32040H14, the northwesterly corner of that 0.284 acre tract conveyed as Parcel 10-WD to Franklin County Commissioners by deed of record in Instrument Number 201004070041805, in the northerly right of way line of Morse Road, in the existing City of Columbus corporation line, as established by Ordinance Number 639-89, of record in Official Record 13294D07, and in the existing City of New Albany corporation line, as established by Ordinance Number 19-89, of record in Official Record 13965D03;

Thence westerly, with said northerly right of way line and said City of Columbus corporation line, a distance of approximately 490 feet to point in the easterly line of that 2.563 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 201404300052684, in said City of New Albany corporation line;

Thence northerly, with said easterly line and said City of New Albany corporation line, a distance of approximately 326 feet to a point in the southerly line of that 7.077 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 202201070005903;

Thence easterly, with said southerly line and said City of New Albany corporation line, a distance of approximately 490 feet to a the northwesterly corner of said 2.0 acre tract;

Thence southerly, with the westerly line of said 2.0 acre tract and said City of New Albany corporation line, a distance of approximately 325 feet to the POINT OF BEGINNING, containing 4.0 acres of land, more or less.

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

Total perimeter of annexation area is 1631 feet, of which 490 feet is contiguous with the City of Columbus by Ordinance Number 639-89 and 1141 feet is contiguous with the City of New Albany by Ordinance Number 19-89, giving 100% perimeter contiguity.

RECEIVED
JAN 06 2023
Franklin County Planning Department
Franklin County, OH

ANx-01-23

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

9 Dec 22
Date

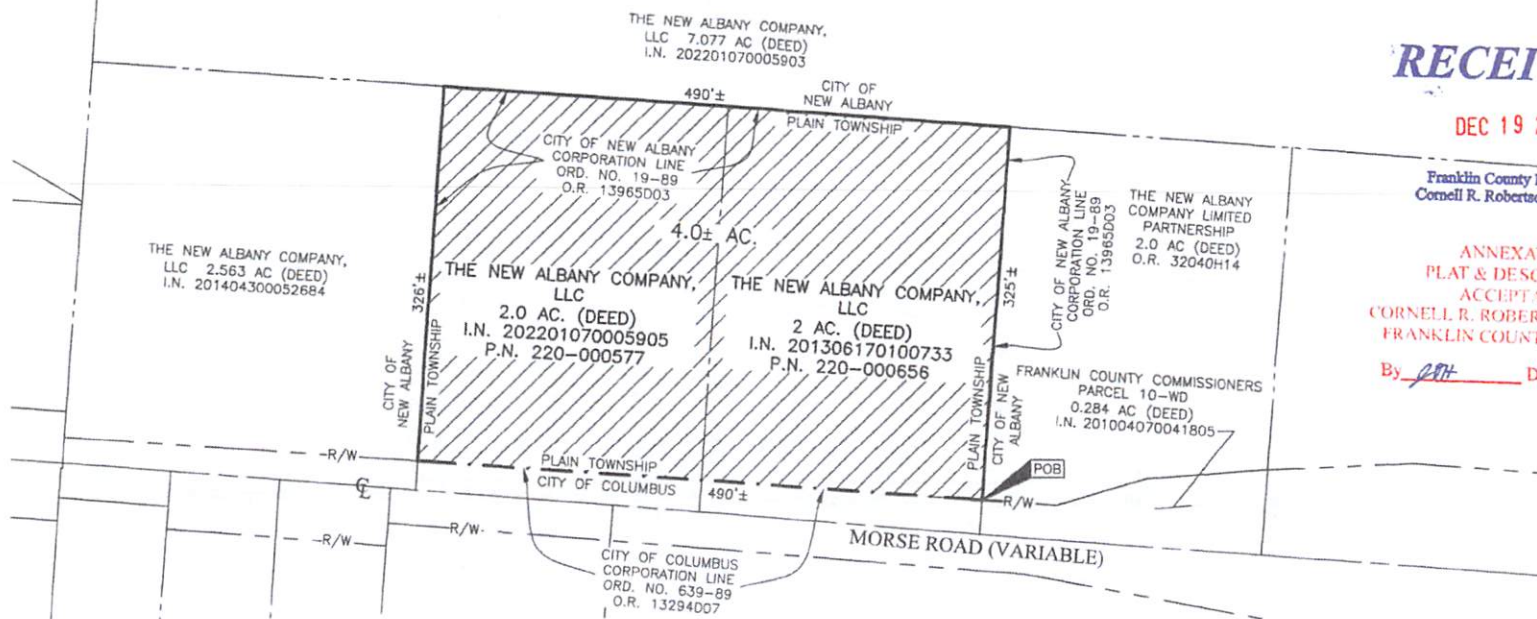


Exhibit B

EMHT
 Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

**PROPOSED ANNEXATION OF 4.0± ACRES FROM
 PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY**
 QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date:	December 9, 2022
Scale:	1" = 100'
Job No:	2022-1147
Sheet No:	1 of 1



RECEIVED

DEC 19 2022

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

ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 CORNELL R. ROBERTSON, P.E., P.S.
 FRANKLIN COUNTY ENGINEER

By EMHT Date 12/19/2022

AREA TO BE ANNEXED
 FROM PLAIN TOWNSHIP TO THE CITY OF GROVE CITY

 EXISTING CITY OF COLUMBUS CORPORATION LINE

 EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
 Total perimeter of annexation area is 1631 feet, of which 490 feet is contiguous with the City of Columbus by Ordinance Number 639-89 and 1141 feet is contiguous to the City of New Albany by Ordinance Number 19-89, giving 100% perimeter contiguity.

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



RECEIVED
 JAN 06 2023
 Franklin County Planning Department
 Franklin County, OH
 ANX-01-23

By Matthew A. Kirk 9 Dec 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date



A:\2022\1147\DWG\04SHEETS\04SHEETS_20221147-VS-ANNX-01.DWG plotted by KIRK, MATTHEW on 12/9/2022 9:42:48 AM last saved by SHARRIS on 12/8/2022 3:00:23 PM



ORDINANCE O-58-2023

AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION OF 0.1685+/- ACRES ALONG THIRD STREET AND 3.02+/- ACRES BETWEEN EAST GRANVILLE STREET AND SOUTH HIGH STREET FOR THE MARKET STREET EAST EXTENSION AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the final plat for the Market Street East extension 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 3.18+/- acres along Third Street and between South High Street and East Granville Street; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on March 20, 2023, recommended approval of the final plat; and

WHEREAS, the city engineer certifies that Market Street East extension 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 creating Market Street East 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 this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

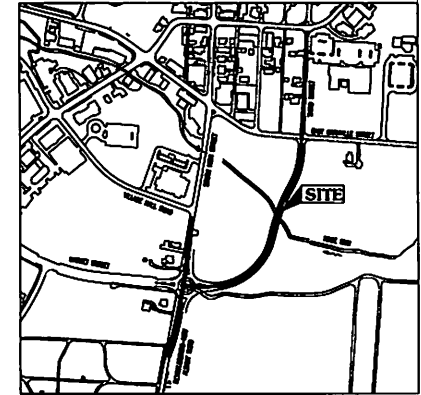
Introduced: 04/04/2023

Revised:

Adopted:

Effective:

MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS



LOCATION MAP
N15

Situated in the State of Ohio, County of Franklin, City of New Albany, and in Quarter Township 4, Township 2, Range 16, United States Military Lands, being a resubdivision of Lots 6, 8, 10, 14 and 16 of G.D. Uly's Addition to New Albany, as recorded in Plat Book 5, Page 402, also being a resubdivision of Lot 61 through Lot 70, inclusive, of the Town Plat (Diagram) of New Albany, as recorded in Deed Book 17, Page 378, containing 3.1825 acres of land, more or less, said 3.1825 acres being comprised of 1) part of the 1.7970 acre tract conveyed to The New Albany Company LLC by deed of record in O.R.V. 34832, Pg. 804, 2) part of the 0.143 acre tract conveyed to The New Albany Company LLC by deed of record in instrument Number 200201280025159, 3) part of the 2.277 acre tract conveyed to The New Albany Company LLC by deed of record in O.R.V. 31702, Pg. 318, 4) part of the 4.999 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143281, 5) part of the 5 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143273, 6) part of the 1.856 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143281, 7) part of the 1.809 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143281, 8) part of the 1.738 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143283, 9) part of the 1.325 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143281, 10) part of the 3.235 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143281, 11) part of the 0.566 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143273, 12) part of the 7.504 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143273, 13) part of the 4.811 acre tract conveyed to Whitbarn Organica, LLC by deed of record in instrument Number 201209250143273, 14) part of a tract containing Lots 50 and 51 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in instrument Number 20160235006604, 15) part of a tract containing Lots 62 through 64, inclusive, of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in instrument Number 201912160168970, 16) part of a tract containing Lot 65 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in instrument Number 20200701004655, 17) part of a tract containing Lots 66 and 67 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in instrument Number 201808100107713, 18) part of a tract containing Lots 68 through 70, inclusive, of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in instrument Number 202009200147726, all references refer to the record of the Recorder's Office, Franklin County, Ohio.

The undersigned, The New Albany Company LLC, a Delaware limited liability company by and Whitbarn Organica, LLC, an Ohio limited liability company by and owners of the lands plotted herein, duly authorized in the premises, does hereby certify that this plot correctly represents its "MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS," and does hereby accept this plot of same and dedicates to public use, as such, of Market Street, Reynoldsburg-New Albany Road, South High Street, East Granville Street, Third Street & Main Street shown hereon and heretofore dedicated.

Easements are hereby reserved in, over, and under areas designated on this plot as "Utility Easement", the aforementioned designated easement permit the construction, operation and maintenance of all public and quasi public utilities, above beneath and on the surface of the ground, and where necessary, for the construction, operation, and maintenance of service connections to all adjacent lots and lands and for storm water drainage. Within those areas designated "Drainage Easement" on this plot, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage canals and other storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff, unless approved by the City Engineer, are permitted within Drainage Easement areas as delineated on this plot. Areas shown hereon outside of the plotted area are within land owned by the undersigned and easements are hereby granted therein for the uses and purposes expressed herein.

In Witness Whereof, _____

_____, has hereunto set his hand this ____ day of _____, 20__.

Signed and acknowledged in the presence of: _____

By: _____

STATE OF OHIO
COUNTY OF FRANKLIN

as:
Before me, a Notary Public, in and for said State, personally appeared _____ who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said _____ for the uses and purposes expressed therein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this ____ day of _____, 20__.

My commission expires _____ Notary Public, State of Ohio

Approved this ____ day of _____, 20__ _____ Mayor, New Albany, Ohio

Approved this ____ day of _____, 20__ _____ City Engineer, New Albany, Ohio

Approved this ____ day of _____, 20__ _____ Council Representative to Planning Commission, New Albany, Ohio

Approved this ____ day of _____, 20__ _____ Chairperson, Planning Commission, New Albany, Ohio

Approved this ____ day of _____, 20__ _____ Finance Director, New Albany, Ohio

Approved and accepted by Resolution No. _____ passed _____, 20__ wherein all of Market Street, Reynoldsburg-New Albany Road, Dublin-Granville Road, Third Street and Main Street shown dedicated hereon is accepted, as such, by the Council for the City of New Albany, Ohio. The City of New Albany, Ohio, approval of this plot shall become null and void unless recorded prior to _____, 20__.

Transferred this ____ day of _____, 20__ _____ Auditor, Franklin County, Ohio

Deputy Auditor, Franklin County, Ohio

Filed for record this ____ day of _____, 20__ at _____ Recorder, Franklin County, Ohio

Fee \$ _____ File No. _____

Recorded this ____ day of _____, 20__ _____ Deputy Recorder, Franklin County, Ohio

Plot Book _____ Pages _____

In Witness Whereof, _____

_____, has hereunto set his hand this ____ day of _____, 20__.

Signed and acknowledged in the presence of: _____

By: _____

STATE OF OHIO
COUNTY OF FRANKLIN

as:
Before me, a Notary Public, in and for said State, personally appeared _____ who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said _____ for the uses and purposes expressed therein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this ____ day of _____, 20__.

My commission expires _____ Notary Public, State of Ohio

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown on this plot were transferred from a field traverse originating and is based on the Ohio State Plane Coordinate System, South Zone as per IAD 83, 1988 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FCOS 9916A and FCOS 9916B designated the "basis of bearing" for this plot.

SOURCE OF DATA: The sources of recorded survey data are the records of the Franklin County, Ohio, Recorder, referenced in the plan and text of this plot.

IRON PINS: Where indicated hereon, unless otherwise noted, and are solid steel reinforcing bar five-eighths inch (5/8") diameter, thirty inches long with a plastic cap placed in the top and bearing the name "E.P. FERRIS SURVEYOR 6342".

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top and flush with the surface of the ground and then capped with an aluminum cap stamped EP Ferris. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these improvements. The New Albany, Ohio, Municipal Engineer shall be notified when the markers are in place.

FLOOD NOTE: All of the subject property is located in Zone X (Areas determined to be outside of the 0.2% annual chance floodplain) and Zone X (Areas of 0.2% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.) of Flood Insurance Rate Map (FIRM) Map Number 39049C0208K (June 17, 2008).

PREPARED BY

E. P. FERRIS AND ASSOCIATES, INC.

CONSULTING CIVIL ENGINEERS & SURVEYORS
2130 QUARRY TRAILS DR., 2ND FLOOR, COLUMBUS, OHIO 43228

We do hereby certify that we have surveyed the above premises, prepared the attached plot, and that said plot is correct to the best of my knowledge. All dimensions are in feet and decimal parts thereof.

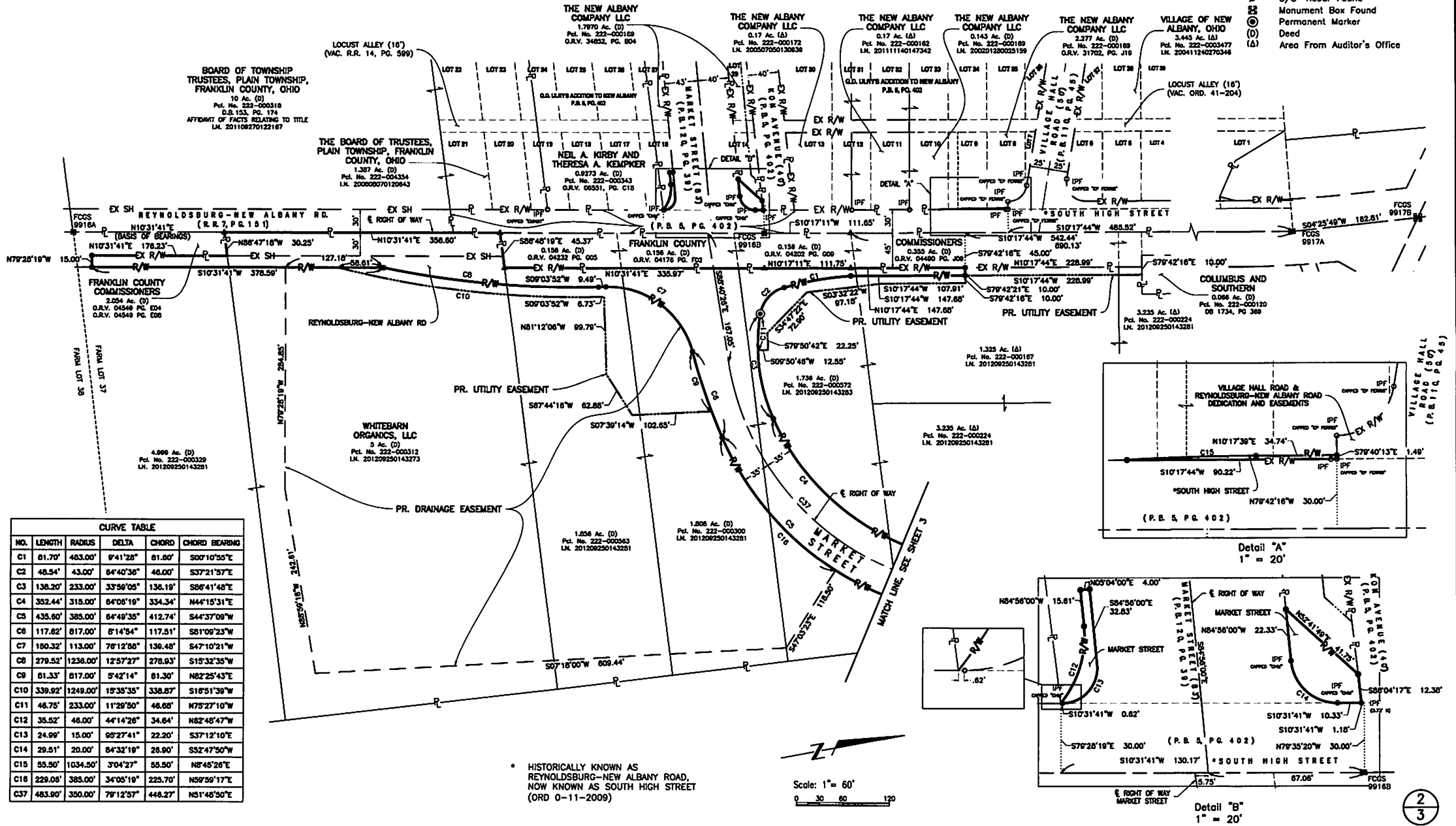


EXHIBIT A

MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS

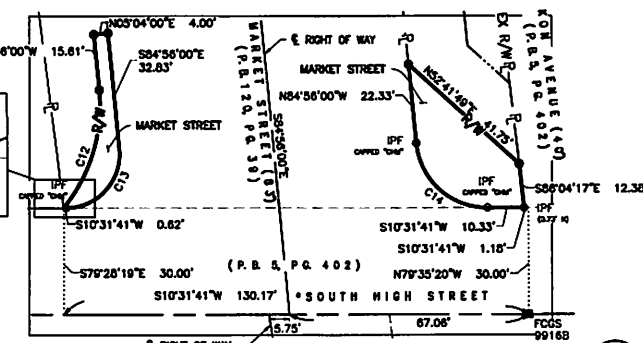
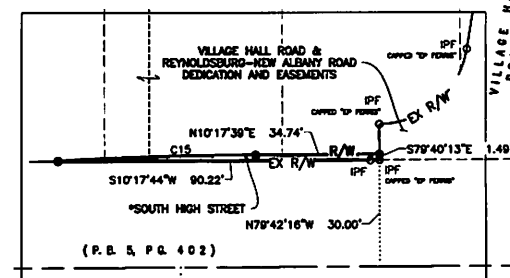
LEGEND

- EX R/W Existing Right-of-Way
- EX SH Existing Highway Easement
- R/W Proposed Right-of-Way
- P Property Line
- ℄ Centerline of Right-of-Way
- ⊙ Iron Pin Set
- 3/8"x3" Spike W/ 1" Diam. Head W/ 1.5" Diam. Brass Washer Stamped "E.P. FERRIS SURVEYOR 8342"
- 3/4" Iron Pipe Found
- ⊕ 5/8" Rebar Found
- ⊞ Monument Box Found
- ⊠ Permanent Marker
- ⊡ Dead
- (A) Area From Auditor's Office

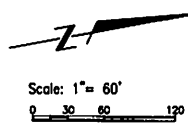


CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	81.70'	483.00'	9°41'28"	81.60'	S00°10'55"E
C2	48.54'	43.00'	84°40'36"	46.00'	S37°21'57"E
C3	136.20'	233.00'	33°56'05"	136.19'	S86°41'48"E
C4	352.44'	315.00'	64°06'19"	334.34'	N44°15'31"E
C5	435.60'	385.00'	64°49'35"	412.74'	S44°37'09"W
C6	117.82'	817.00'	6°14'54"	117.51'	S81°09'23"W
C7	150.32'	113.00'	78°12'58"	136.48'	S47°10'21"W
C8	279.52'	1236.00'	12°57'27"	276.93'	S15°32'35"W
C9	81.33'	817.00'	5°42'14"	81.30'	N82°25'43"E
C10	339.92'	1249.00'	15°35'35"	338.67'	S16°51'39"W
C11	46.75'	233.00'	11°26'50"	46.68'	N75°27'10"W
C12	35.52'	46.00'	44°14'26"	34.64'	N82°48'47"W
C13	24.99'	15.00'	95°27'41"	22.20'	S37°12'10"E
C14	29.51'	20.00'	84°32'18"	26.90'	S52°47'50"W
C15	55.50'	1034.50'	3°04'27"	55.50'	N8°45'26"E
C16	229.08'	385.00'	34°05'19"	225.70'	N59°59'17"E
C37	483.90'	350.00'	78°12'57"	448.27'	N51°48'50"E



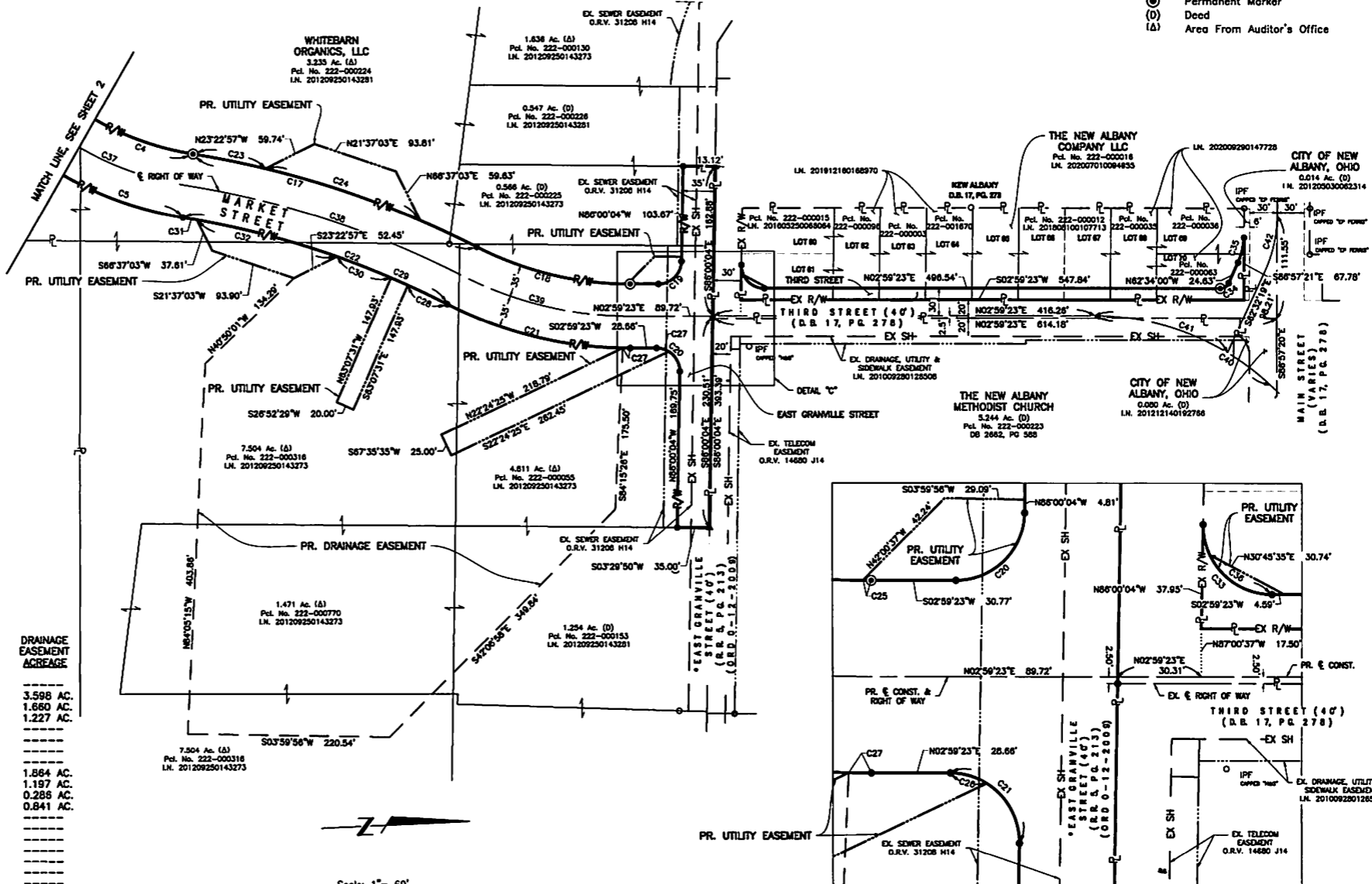
• HISTORICALLY KNOWN AS REYNOLDSBURG-NEW ALBANY ROAD, NOW KNOWN AS SOUTH HIGH STREET (ORD 0-11-2009)



CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING
C4	352.44'	315.00'	84°08'19"	S34.34' N44°15'31"E
C5	435.60'	385.00'	64°48'35"	S44°37'09"W
C17	328.58'	1035.00'	18°04'39"	N21°14'41"E
C18	173.67'	385.00'	27°17'38"	N16°38'12"E
C19	38.83'	25.00'	88°59'26"	N41°30'21"W
C20	39.71'	25.00'	91°00'34"	S48°29'39"W
C21	207.22'	435.00'	27°17'38"	S16°38'12"W
C22	304.47'	985.00'	18°04'39"	S21°14'41"W
C23	80.35'	1035.00'	4°26'53"	N14°25'48"E
C24	178.43'	1035.00'	9°52'39"	S21°38'34"W
C25	3.09'	385.00'	0°29'08"	S31°57'57"W
C26	13.93'	25.00'	31°54'55"	N18°56'50"E
C27	8.28'	435.00'	1°05'31"	N3°32'08"E
C28	47.41'	985.00'	2°48'54"	S28°52'33"W
C29	20.00'	985.00'	1°11'15"	N28°52'29"E
C30	63.65'	985.00'	3°48'47"	S24°23'27"W
C31	7.64'	985.00'	0°54'27"	N12°39'39"E
C32	158.11'	985.00'	9°23'16"	N17°48'26"E
C33	39.71'	25.00'	91°00'34"	N48°29'39"E
C34	11.44'	10.00'	65°33'22"	N29°47'19"W
C35	27.85'	79.00'	20°13'21"	N73°39'40"W
C36	28.24'	25.00'	64°42'46"	S35°20'46"W
C37	483.90'	350.00'	79°12'57"	N51°48'50"E
C38	315.51'	1000.00'	18°04'39"	N21°14'41"E
C39	190.55'	400.00'	27°17'38"	N18°38'12"E
C40	209.47'	280.00'	42°51'46"	N24°25'15"E
C41	151.82'	280.00'	31°01'30"	N18°30'08"E
C42	61.58'	144.50'	24°25'01"	S74°44'50"E

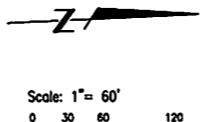
MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS

- LEGEND**
- EX R/W Existing Right-of-Way
 - EX SH Existing Highway Easement
 - R/W Proposed Right-of-Way
 - Property Line
 - Centerline of Right-of-Way
 - Iron Pin Set
 - 3/8"x3" Spike W/ 1" Diam. Head W/ 1.5" Diam. Brass Washer Stamped "E.P. FERRIS SURVEYOR 8342"
 - 3/4" Iron Pipe Found
 - ⊕ 5/8" Rebar Found
 - ⊕ Monument Box Found
 - ⊕ Permanent Marker
 - (D) Dead
 - (A) Area From Auditor's Office

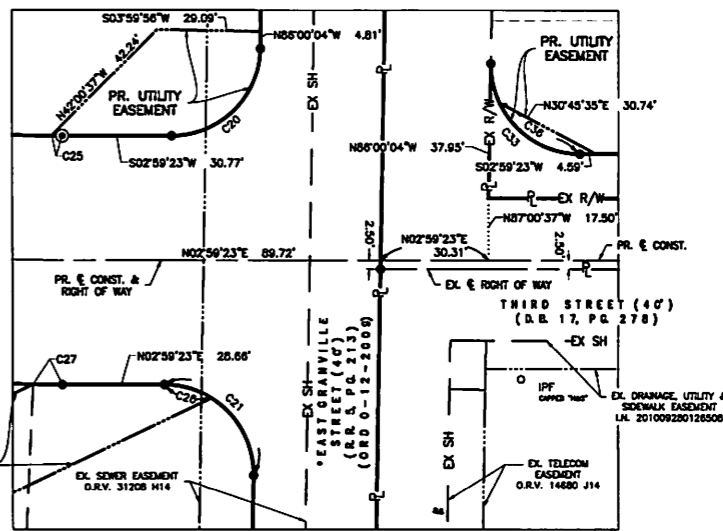


ACREAGE BREAKDOWN

PARCEL ID	R/W ACREAGE	P.R.O. R/W ACREAGE	UTILITY EASEMENT ACREAGE	DRAINAGE EASEMENT ACREAGE
222-000329	0.061 AC.			
222-000312	0.413 AC.	0.246 AC.	0.057 AC.	3.598 AC.
222-000563	0.084 AC.		0.147 AC.	1.660 AC.
222-000300	0.468 AC.		0.261 AC.	1.227 AC.
222-000572	0.496 AC.		0.075 AC.	
222-000187	0.032 AC.		0.079 AC.	
222-000224	0.566 AC.		0.164 AC.	
222-000189	0.024 AC.			
222-000316	0.135 AC.		0.139 AC.	1.864 AC.
222-000770				1.197 AC.
222-000153				0.285 AC.
222-000055	0.651 AC.	0.141 AC.	0.160 AC.	0.841 AC.
222-000225	0.070 AC.	0.040 AC.		
222-000015	0.032 AC.		0.002 AC.	
222-000098	0.014 AC.			
222-000003	0.014 AC.			
222-001870	0.014 AC.			
222-000016	0.014 AC.			
222-000012	0.029 AC.			
222-000035	0.014 AC.			
222-000063	0.037 AC.			
222-000038	0.0005 AC. (20.91 SF)			
TOTAL:	3.1885 AC.	0.427 AC.	1.084 AC.	10.673 AC.



* HISTORICALLY KNOWN AS WORTHINGTON ROAD, GRANVILLE AND WORTHINGTON ROAD AND DUBLIN-GRANVILLE ROAD, NOW KNOWN AS EAST GRANVILLE STREET (ORD 0-12-2009)



Detail "C"
1" = 20'



ORDINANCE O-59-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, KAY C. CURRENS, OF THE PROPERTY LOCATED AT 3412 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Kay C. Currens, for the property located at 3412 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M56-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M56-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M56-T2).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Twenty-four Thousand Sixty-two Dollars (\$24,062.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the 30-day referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	03/24/2023
Revised:	03/28/2023
Introduced:	04/04/2023
Adopted:	
Effective:	

EXHIBIT A

**PARCEL M56-WD
0.537 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 1 and 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 10.00 acre tract conveyed to Kay C. Currens by deeds of record in Instrument Numbers 201406020009864 and 201902110002583 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a stone found at the common corner of Lots 1, 2, 9, and 10 of said Middle Division of the Marsh Section, the common corner of that 130.590 acre tract conveyed to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 and that 28.35 acre tract conveyed to Julian Farms LLC by deed of record in Instrument Number 201206040012209, in the easterly line of said 10.00 acre tract;

Thence South 03° 47' 32" West, with the line common to said 10.00 and 28.35 acre tracts and the line common to said Lots 9 and 10, a distance of 48.47 feet to the common corner of said 10.00 acre tract and that 5.50 acre tract conveyed to Thomas W. Dauer and Dianne S. Dauer by deed of record in Instrument Number 200808190018862;

Thence North 86° 29' 48" West, with the line common to said 10.00 and 5.50 acre tracts, a distance of 833.49 feet to an iron pin set, being the TRUE POINT OF BEGINNING;

Thence North 86° 29' 48" West, partially across Mink Street (C.R. 41, width varies) and continuing with said common line, (passing a 3/4 inch bent iron pipe found at a distance of 61.92 feet) a total distance of 88.49 feet to a magnetic nail set in the centerline of said Mink Street, the easterly line of that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, and at the common corner of said 10.00 and 5.50 acre tracts;

Thence North 22° 36' 00" East, with the centerline of said Mink Street, the westerly line of said 10.00 acre tracts, the easterly lines of said 35.745 acre tract, that 0.539 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205100011767, and that 1.049 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, a distance of 553.27 feet to a magnetic nail set at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 86° 29' 51" East, across said Mink Street, with the line common to said 10.00 and 3.000 acre tracts, a distance of 31.86 feet to an iron pin set in the easterly right-of-way line of said Mink Street;

Thence across said 10.00 acre tract, the following courses and distances:

EXHIBIT A

PARCEL M56-WD

0.537 ACRE

-2-

South 23° 09' 08" West, with said right-of-way line, a distance of 10.57 feet to an iron pin set;

South 22° 36' 00" West, continuing with said right-of-way line, a distance of 253.84 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 24° 29' 49", a radius of 506.00 feet, an arc length of 216.34 feet, a chord bearing of South 10° 21' 05" West and chord distance of 214.70 feet to an iron pin set at a point of reverse curvature; and

With the arc of a curve to the right, having a central angle of 33° 48' 22", a radius of 105.00 feet, an arc length of 61.95 feet, a chord bearing of South 15° 00' 22" West and chord distance of 61.06 feet to the TRUE POINT OF BEGINNING, containing 0.537 acre, more or less, all of which is within Auditor's Parcel Number 037-112146-00.000, 0.381 acre is within the present roadway occupied by said Mink Street NW.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 22° 36' 00" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



JMM:zj
M56-WD_0_537 ac 20220233-VS-BNDY.docx

Josh M. M.

Joshua M. Meyer
Professional Surveyor No. 8485

10-17-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>PS</i>	
DATE: <i>10/25/22</i>	

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M56-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 03711214600.000

Prior Instrument Reference: Instrument #201902110002583 Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M56-T1
0.015 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 10.00 acre tract conveyed to Kay C. Currens by deed of record in Instrument Number 201902110002583 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41, width varies), at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 22° 36' 00" West, with the centerline of said Mink Street NW, a distance of 214.06 feet to a point;

Thence across said 10.00 acre tract, the following courses and distances:

South 67° 24' 00" East, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

North 22° 36' 00" East, with said easterly right-of-way line, a distance of 20.00 feet to a point;

South 67° 24' 00" East, a distance of 6.01 feet to a point;

North 48° 22' 05" East, a distance of 15.36 feet to a point;

South 40° 41' 02" East, a distance of 19.33 feet to a point;

South 48° 22' 05" West, a distance of 27.91 feet to a point; and

North 67° 24' 00" West, a distance of 17.82 feet to the TRUE POINT OF BEGINNING, containing 0.015 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

19 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:amp
M56-T1_0_015 ac 20220233-VS-ESMT-TEMP.docx

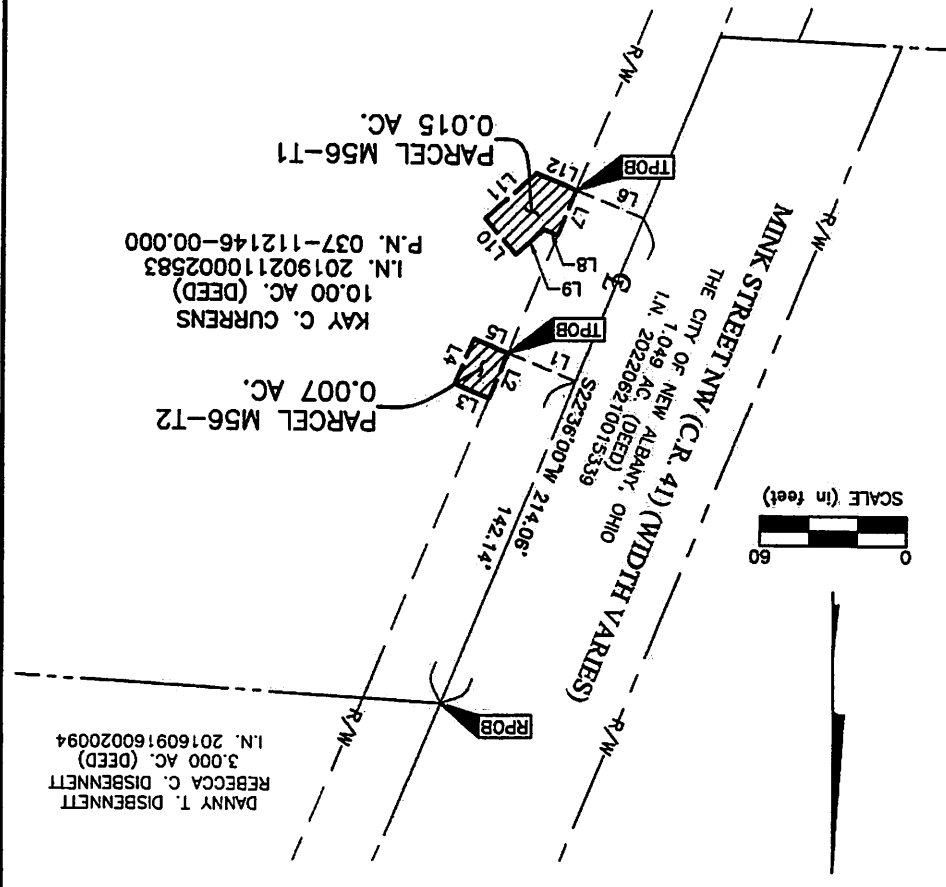


A:\2022\2023\DWG\ASSETS\ASSETS\M56-1_2022\2023-05-ESMT-TEMP.DWG plotted by PHILPOTT, ANDREW on 10/19/2022 8:23:26 AM last saved by APH:POTT on 10/19/2022 8:23:00 AM

LINE	BEARING	DISTANCE
L1	S67°24'00"E	30.00'
L2	N22°36'00"E	20.00'
L3	S67°24'00"E	15.00'
L4	S22°36'00"W	20.00'
L5	N67°24'00"W	15.00'
L6	S67°24'00"E	30.00'
L7	N22°36'00"E	20.00'
L8	S67°24'00"E	6.01'
L9	N48°22'05"E	15.36'
L10	S40°41'02"E	19.33'
L11	S48°22'05"W	27.91'
L12	N67°24'00"W	17.82'



By Matthew A. Kirk
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date 10/19/22



EMHT
 Evans, MacIntyre, Harrison & Tross, Inc.
 Engineers - Surveyors - Planners - Architects
 1500 New Albany Road, Columbus, OH 43204
 Phone: 614.775.4500 Fax: 614.775.4500
 emht.com

Date: October 19, 2022
 Scale: 1" = 60'
 Job No: 2022-0233
 Sheet No: 1 of 1

TEMPORARY EASEMENT
 LOT 1, MIDDLE DIVISION OF THE MARSH SECTION,
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M56-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 03711214600.000

Prior Instrument Reference: Instrument #201902110002583 Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M56-T2
0.007 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 10.00 acre tract conveyed to Kay C. Currens by deed of record in Instrument Number 201902110002583 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41, width varies), at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 22° 36' 00" West, with the centerline of said Mink Street NW, a distance of 142.14 feet to a point;

Thence across said 10.00 acre tract, the following courses and distances:

South 67° 24' 00" East, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

North 22° 36' 00" East, with said easterly right-of-way line, a distance of 20.00 feet to a point;

South 67° 24' 00" East, a distance of 15.00 feet to a point;

South 22° 36' 00" West, a distance of 20.00 feet to a point; and

North 67° 24' 00" West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING, containing 0.007 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

19 Oct 22

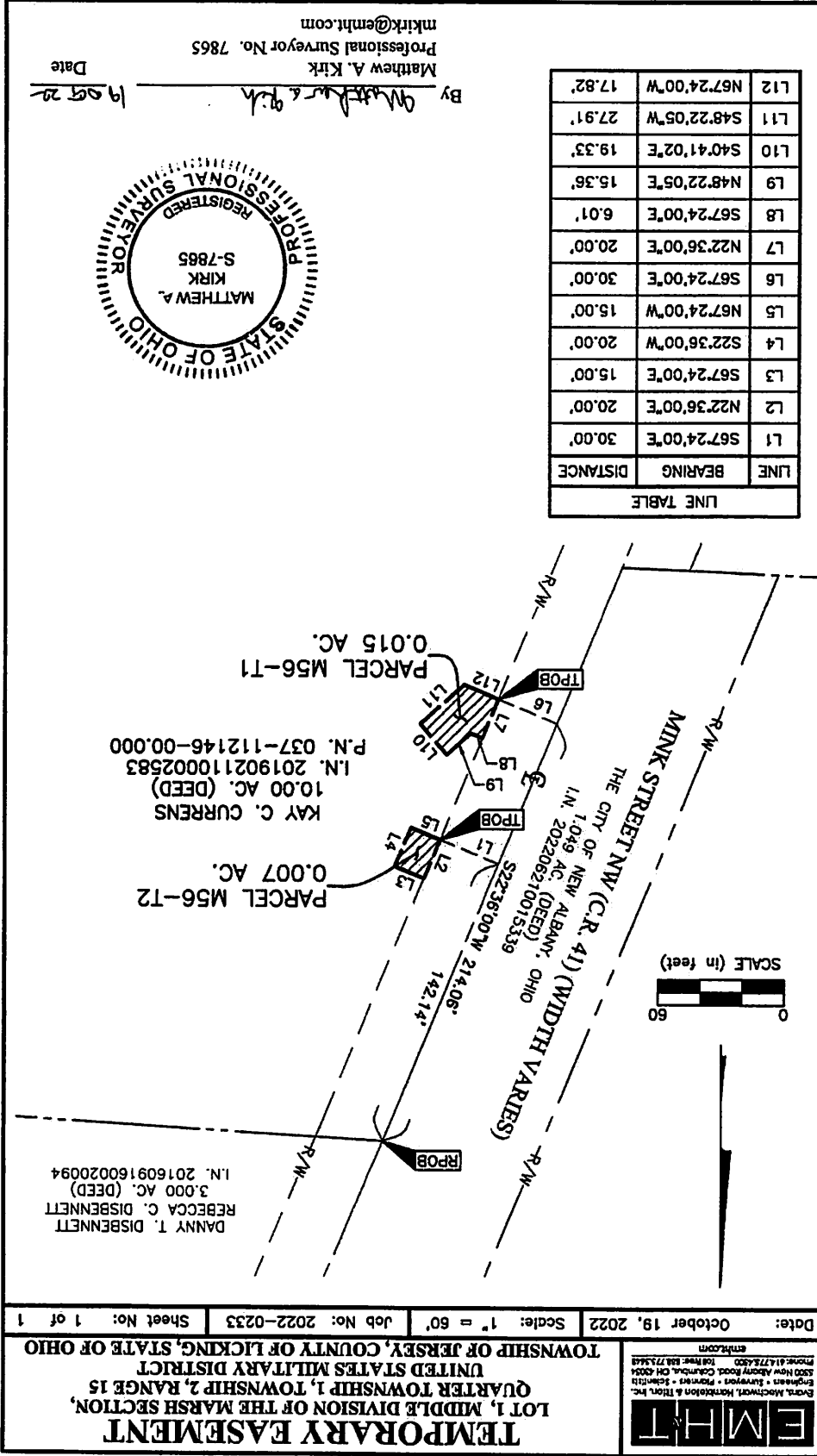
Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:anp
M56-T2_0_007 ac 20220233-VS-ESMT-TEMP.docx



A:\2022\2023\DWG\ASSEMBLY\ASSEMBLY\M56-1_20220233-15-ESRT-TRAC.DWG plotted by PHILIPOTT, ANDREW on 10/19/2022 8:22:28 AM last saved by PHILIPOTT on 10/19/2022 8:25:00 AM



EMHT
Dana Mackinnon, Harrison & Tilton, Inc.
Engineers - Surveyors - Planners - Scientists
5500 New Albany Road, Columbus, OH 43234
Phone: 614.775.4300 Fax: 614.775.4340 emht.com

Date: October 19, 2022
Scale: 1" = 60'
Job No: 2022-0233
Sheet No: 1 of 1

TEMPORARY EASEMENT
LOT 1, MIDDLE DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



ORDINANCE O-60-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, BRANDEN KERN, OF THE PROPERTY LOCATED AT 2710 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-11-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Branden Kern, for the property located at 2710 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M72-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M72-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at One Thousand Five Hundred Seventy-seven Dollars (\$1,577.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and

that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

Introduced: 04/04/2023

Revised:

Adopted:

Effective:

EXHIBIT A

**PARCEL M72-WD
0.140 ACRE**

**ALL RIGHTS, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the westerly line of said 4.016 acre tract, the northeasterly corner of that 5 acre tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page 295 and Deed Book 826, Page 989, the southeasterly corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, with the common line of said 4.016 and 2 acre tracts, a distance of 15.39 feet to a magnetic nail set at the westerly common corner of said 4.016 acre tract and that 3 acre tract conveyed to Dustin A. Barkhurst and Lindsay Barkhurst by deed of record in Instrument Number 201810170021818;

Thence South 86° 00' 27" East, with the line common to said 4.016 and 3 acre tracts, and across the right of way of said Mink Street NW, (passing a 3/4 inch Solid Iron Pin found at a distance of 21.89 feet) a total distance of 31.39 feet to an iron pin set;

Thence South 21° 06' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 25.07 feet to an iron point set;

Thence South 22° 48' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 1.45 feet to an iron point set;

Thence continuing across said 4.016 acre tract, the following courses and distances:

South 67° 11' 37" East, a distance of 2.00 feet to an iron pin set;

South 22° 48' 23" West, a distance of 134.91 feet to an iron pin set; and

North 67° 11' 37" West, a distance of 2.00 feet to an iron pin set in said easterly right of way line;

Thence South 22° 48' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 33.55 feet to an iron point set in the common line of said 4.016 acre tract and that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539;

EXHIBIT A

**PARCEL M72-WD
0.140 ACRE**

-2-

Thence North 85° 41' 37" West, with the line common to said 4.016 and 6 acre tracts, and across the right of way of said Mink Street NW, (passing a 5/8 inch Iron Rebar found at a distance of 4.92 feet) a total distance of 31.63 feet to a magnetic nail set in the centerline of said Mink Street NW, at a common corner of said 4.016 acre and 6 acre tracts in the easterly line of said 5 acre tract;

Thence North 22° 48' 23" East, with the centerline of said Mink Street NW, with the common line of said 4.016 acre tract and said 5 acre tract, a distance of 179.50 feet to the POINT OF BEGINNING, containing 0.140 acre, more or less, all of which is within Auditors Parcel Number 037-112602-00.000, and 0.134 acre of which is in the present roadway occupied.

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 shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 21° 06' 23" East, is designated the "basis of bearing" for this description.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-17-2023

Date

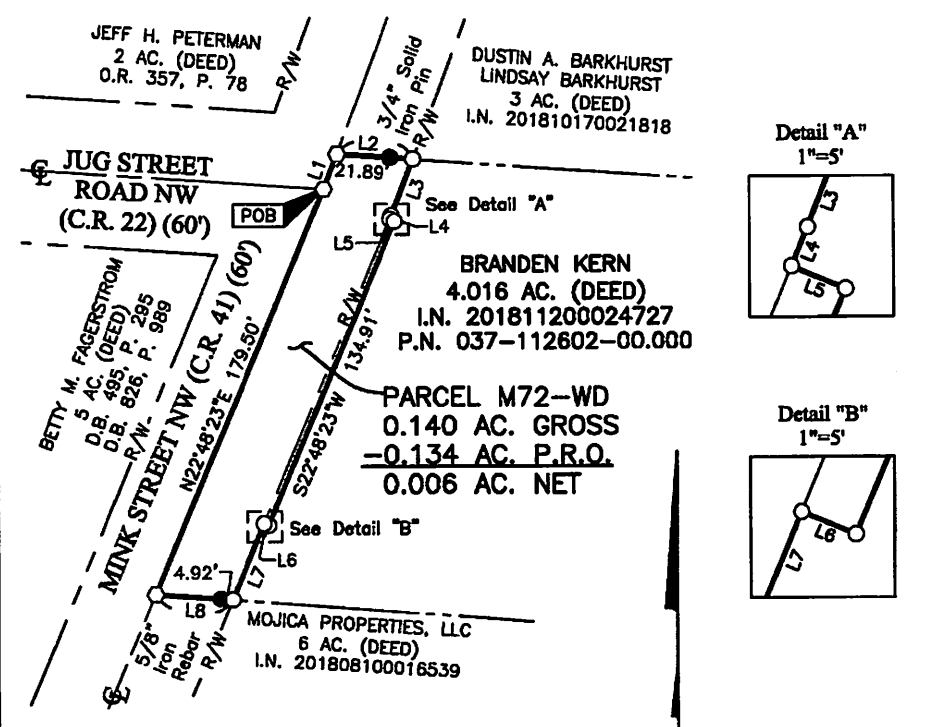
JMM:jo
M72-WD 0_140 ac 20220233-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE: 1/18/23	



SURVEY OF ACREAGE PARCEL
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: January 17, 2023 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



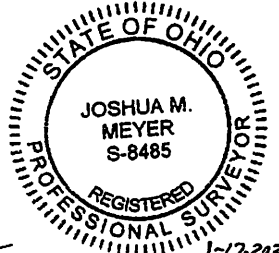
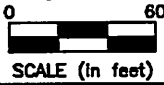
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 21° 06' 23" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N21°06'23"E	15.39'
L2	S86°00'27"E	31.39'
L3	S21°06'23"W	25.07'
L4	S22°48'23"W	1.45'
L5	S67°11'37"E	2.00'
L6	N67°11'37"W	2.00'
L7	S22°48'23"W	33.55'
L8	N85°41'37"W	31.63'

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



By *J.M. Meyer* Date: 1-17-2023
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-17-2023 10:58:11 AM J:\Projects\2022\2022-0233\2022-0233-15-0001.dwg plotted by MEYER, JOSHUA on 1/17/2023 3:31:15 PM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M72-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112602-00.000

Prior Instrument Reference: 201811200024727 Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M72-T
0.005 ACRE**

TEMPORARY EASEMENT

A temporary easement for grading and driveway re-construction, upon and over the described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet), at the southwesterly corner of said 4.016 acre tract, the northwesterly corner of that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539;

Thence South 85° 41' 37" East, across the right of way of said Mink Street NW, with the line common to said 4.016 and 6 acre tracts, a distance of 31.63 feet to a point in the easterly right of way line thereof, being the TRUE POINT OF BEGINNING;

Thence across said 4.016 acre tract, the following courses and distances:

North 22° 48' 23" East, with the said easterly right of way line, a distance of 29.39 feet to a point;

South 67° 11' 37" East, a distance of 8.00 feet to a point; and

South 22° 48' 23" West, a distance of 26.71 feet to a point in the line common to said 4.016 and 6 acre tracts;

Thence North 85° 41' 37" West, with said common line, a distance of 8.44 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

3 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jo
M72-T 0_005 ac 20220233-VS-ESMT-TEMP.docx





Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: January 3, 2023
 Scale: 1" = 60'
 Job No: 20220233
 Sheet No: 1 of 1

JUG STREET ROAD NW
 (C.R. 22) (60')

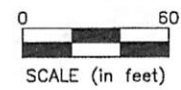
MINK STREET NW
 (C.R. 41) (60')

BRANDEN KERN
 4.016 AC. (DEED)
 I.N. 201811200024727
 P.N. 037-112602-00.000

M72-T
 0.005 AC.

MOJICA PROPERTIES, LLC
 6 AC. (DEED)
 I.N. 201808100016539

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°41'37"E	31.63'
L2	N22°48'23"E	29.39'
L3	S67°11'37"E	8.00'
L4	S22°48'23"W	26.71'
L5	N85°41'37"W	8.44'



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

3 JAN 23
 Date

Ordinance O-60-2023 EXHIBIT 2



ORDINANCE O-61-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, ROBERT T. VUCICH AND SHERYL L. VUCICH, OF THE PROPERTY LOCATED AT 12600 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Robert T. Vucich and Sheryl L. Vucich, for the property located at 12600 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G38-WD).

Section 2. That Council hereby fixes the value of all the interests appropriated at Twenty-three Thousand Six Hundred Twenty-seven Dollars (\$23,627.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action

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

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

Introduced: 04/04/2023

Revised:

Adopted:

Effective:



EXHIBIT A

**PARCEL G38-WD
0.178 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being out of that 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 86° 21' 26" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 824.42 feet to a magnetic nail set at the southeasterly corner of said 5.616 acre tract, the southwesterly corner of that 5.632 acre tract conveyed to Victor R. DeCenzo and Tina L. DeCenzo by deed of record in Official Record 157, Page 189, in the northerly line of said 47.245 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 21' 26" West, with the southerly line of said 5.616 acre tract, said centerline, said common Township line, said northerly line, a distance of 258.00 feet to a magnetic nail set at the southwesterly corner of said 5.616 acre tract, the southeasterly corner of that 6.674 acre tract conveyed to Denise L. Bauer by deed of record in Instrument Number 201907150014022;

Thence North 02° 53' 47" East, across said Green Chapel Road NW, with the line common to said 5.616 and 6.674 acre tracts (passing a 5/8 inch iron rebar found at a distance of 20.01 feet), a total distance of 30.00 feet to an iron pin set;

Thence South 86° 21' 26" East, across said 5.616 acre tract, a distance of 258.01 feet to an iron pin set in the line common to said 5.616 and 5.637 acre tracts;

Thence South 02° 54' 25" West, with said common line, across said Green Chapel Road NW, a distance of 30.00 feet to the TRUE POINT OF BEGINNING, containing 0.178 acre, more or less, all of which is within Auditor's Parcel Number 052-173490-00.001 and 0.073 acre of which is within the present roadway occupied.

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

EXHIBIT A

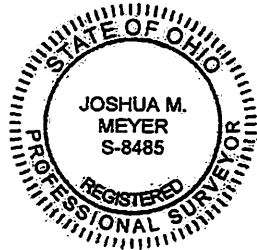
**PARCEL G38-WD
0.178 ACRE**

-2-

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

12-9-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

DMM:djf
G38-WD_0_178 ac 20220307-VS-ENDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>1/9/2022</i>

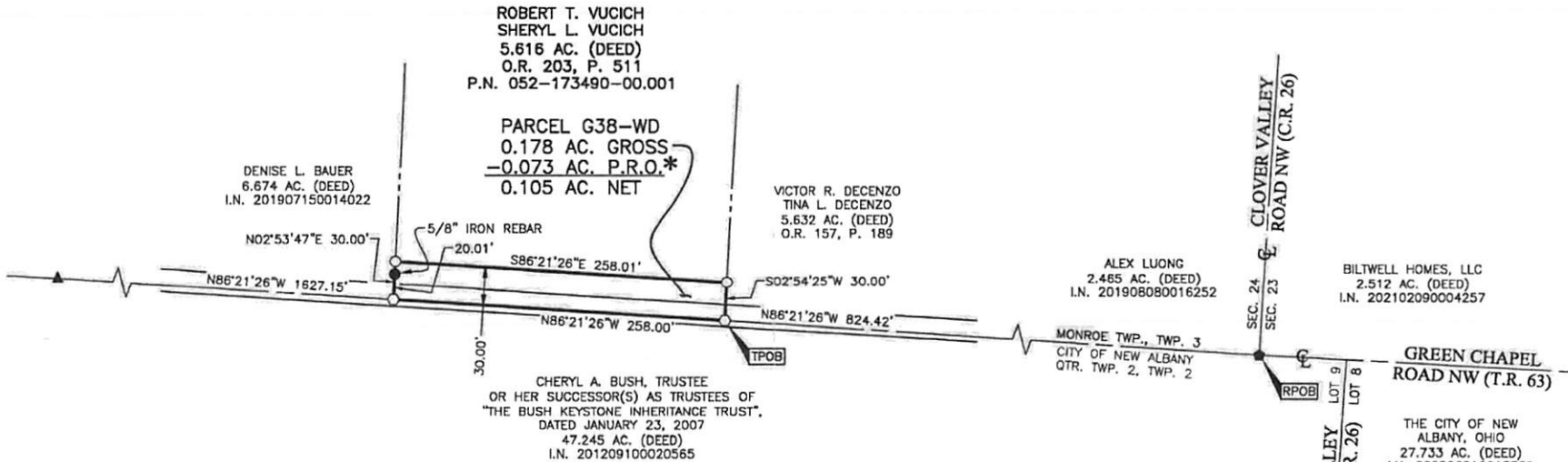


Evans, Mechwart, Hambleton & Titus, Inc.
 Engineers - Surveyors - Planners - Scientists
 5000 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Fax: 614.775.3648
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	December 9, 2022
Scale:	1" = 80'
Job No:	2022-0307
Sheet No:	1 of 1



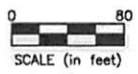
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

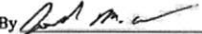
*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



By 
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com
 Date: 12-9-2022

Ordinance O-61-2023 EXHIBIT 1



ORDINANCE O-62-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, VICTOR R. DECENZO AND TINA L. DECENZO, OF THE PROPERTY LOCATED AT 12550 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Victor R. DeCenzo and Tina L. DeCenzo, for the property located at 12550 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G39-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G39-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at Fifteen Thousand Eight Hundred Eighty-seven Dollars (\$15,887.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

Introduced: 04/04/2023

Revised:

Adopted:

Effective:

EXHIBIT A

**PARCEL G39-WD
0.141 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being out of that 5.632 acre tract conveyed to Victor R. DeCenzo and Tina L. DeCenzo by deed of record in Official Record 157, Page 189 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southeasterly corner of said 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 86° 21' 26" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 566.29 feet to a magnetic nail set at the southeasterly corner of said 5.632 acre tract, the southwesterly corner of said 2.465 acre tract, in the northerly line of said 47.245 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 21' 26" West, with the southerly line of said 5.632 acre tract, said centerline, said common Township line, said northerly line, a distance of 258.13 feet to a magnetic nail set at the southwesterly corner of said 5.632 acre tract, the southeasterly corner of that 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511;

Thence North 02° 54' 25" East, across said Green Chapel Road NW, with the line common to said 5.632 and 5.616 acre tracts, a distance of 30.00 feet to an iron pin set;

Thence South 83° 35' 11" East, across said 5.632 acre tract, a distance of 258.59 feet to an iron pin set in the line common to said 5.632 and 2.465 acre tracts;

Thence South 02° 54' 35" West, with said common line, across said Green Chapel Road NW, a distance of 17.50 feet to the TRUE POINT OF BEGINNING, containing 0.141 acre, more or less, all of which is within Auditor's Parcel Number 052-173490-00.005 and 0.075 acre of which is within the present roadway occupied.

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.

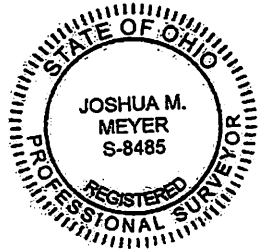
EXHIBIT A

**PARCEL G39-WD
0.141 ACRE**

-2-

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

12-9-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
G39-WD_0_141 ac 20220307-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>1/9/22</i>

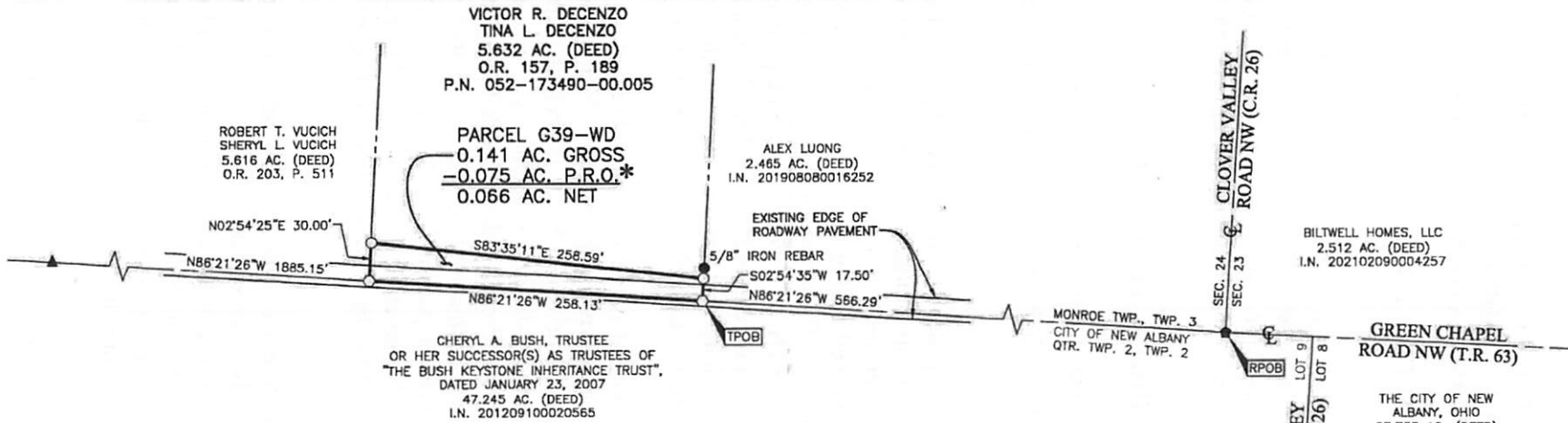


Evans, Mechwart, Hambleton & Thon, Inc.
 Engineers - Surveyors - Planners - Scientists
 5800 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4522 Fax: 614.775.3548
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	December 9, 2022
Scale:	1" = 80'
Job No:	2022-0307
Sheet No:	1 of 1



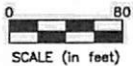
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



By Joshua M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

12-9-2022
 Date

Ordinance O-62-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G39-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173490-00.005

Prior Instrument Reference: Volume 203, Page 511, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G39-T
0.023 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being on, over and across that 5.632 acre tract conveyed to Victor R. Decenzo and Tina L. Decenzo by deed of record in Official Record 157, Page 189 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning for reference, in the centerline of said Green Chapel Road NW (T.R. 63), the line common to said Township 3 and Township 2 of said Range 15, the southerly common corner to said 5.632 acre tract and that 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511, in the northerly line of that 47.245 acre tract conveyed to Cheryl A Bush, Trustee or her Successor(s) as Trustees of "The Bush Keystone Inheritance Trust", Dated January 23, 2007, by deed of record in Instrument Number 201209100020565;

Thence North 02° 54' 25" East, with the line common to said 5.632 and 5.616 acre tracts, a distance of 26.06 feet to a point;

Thence South 87° 05' 35" East, across said 5.632 acre tract, a distance of 64.40 feet to the TRUE POINT OF BEGINNING;

Thence continuing across said 5.632 acre tract, the following courses and distances;

North 06° 24' 49" East, a distance of 20.00 feet to a point;

South 83° 35' 11" East, a distance of 50.00 feet to a point;

South 06° 24' 49" West, a distance of 20.00 feet to a point; and

North 83° 35' 11" West, a distance of 50.00 feet to the TRUE POINT OF BEGINNING, containing 0.023 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

1/19/23
Date

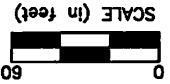
HLK:smh
G39-T_0_023 ac 20220307-VS-ESMT-TEMP.docx



EVANS, MACHWANT, HAMILTON & THOR, INC.
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.776.4500 Fax: 602.773.5648
 emht.com

TEMPORARY EASEMENT
 SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

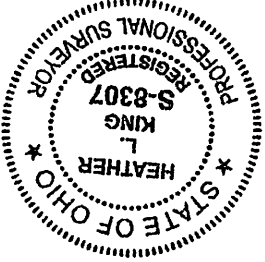
Date: January 9, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1



LINE TABLE

LINE	BEARING	DISTANCE
L1	N02°54'25"E	26.08'
L2	S87°05'35"E	64.40'
L3	N06°24'49"E	20.00'
L4	S83°35'11"E	50.00'
L5	S06°24'49"W	20.00'
L6	N83°35'11"W	50.00'

Monroe Township 3
 Section 24, Township 3
 City of New Albany, Ohio
 Quarter Township 2, Township 2

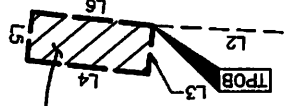


By Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

Date 1/19/23

VICTOR R. DECENZO
 TINA L. DECENZO
 5.632 AC. (DEED)
 O.R. 157, P. 189
 P.N. 052-173490-00.005

PARCEL G39-1
 0.023 AC.



ROBERT T. VUCICH
 SHERYL L. VUCICH
 5.616 AC. (DEED)
 O.R. 203, P. 511

CHERYL A. BUSH, TRUSTEE
 OR HER SUCCESSOR(S) AS
 TRUSTEES OF
 THE BUSH KEYSTONE
 INHERITANCE TRUST,
 DATED JANUARY 23, 2007
 47.245 AC. (DEED)
 I.N. 201209100020565

GREEN CHAPEL ROAD NW(T.R. 63)

ALEX LUONG
 2.465 AC. (DEED)
 I.N. 201908080016252

2:\2022\01\DWG\ASHEETS\ASSEMBLY\036-1_2022\07-05-ESMT-TEMP.DWG plotted by DEBRA THREDA on 1/12/2023 8:45:45 AM last saved by THREDA on 1/12/2023 8:45:31 AM



ORDINANCE O-63-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, ADAM FRANZ AND BETH A. FRANZ, OF THE PROPERTY LOCATED AT 11934 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Adam Franz and Beth A. Franz, for the property located 11934 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G49-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G49-T).
- C. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G49-S).

Section 2. That Council hereby fixes the value of all the interests appropriated at Three Thousand Six Hundred One Dollars (\$3,601.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	
Effective:	

EXHIBIT A

**PARCEL G49-WD
0.041 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2 and the northerly line of said 27.733 acre tract, a distance of 360.12 feet to a magnetic nail set at the southeasterly corner of said Franz tract, the southwesterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205, the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, with said centerline, said common Township line, the line common to said Franz and 27.733 acre tracts (passing a magnetic nail found at a distance of 44.59 feet), a total distance of 180.00 feet to a magnetic nail set at the southwesterly corner of said Franz tract, the southeasterly corner of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152;

Thence North 02° 58' 52" East, across said Green Chapel Road NW and with the line common to said Franz and 5.638 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 87° 01' 59" East, across said Franz tract, a distance of 180.00 feet to an iron pin set in the line common to said Franz and Ford tracts;

Thence South 02° 58' 52" West, with said common line and across said Green Chapel Road NW, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.005 and all of which is within the present road occupied.

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

EXHIBIT A

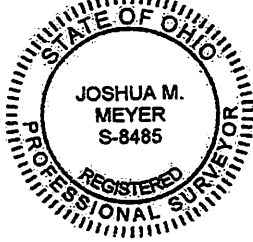
**PARCEL G49-WD
0.041 ACRE**

-2-

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-3-2023

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
G49-WD_0_041 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>1/9/2022</i>

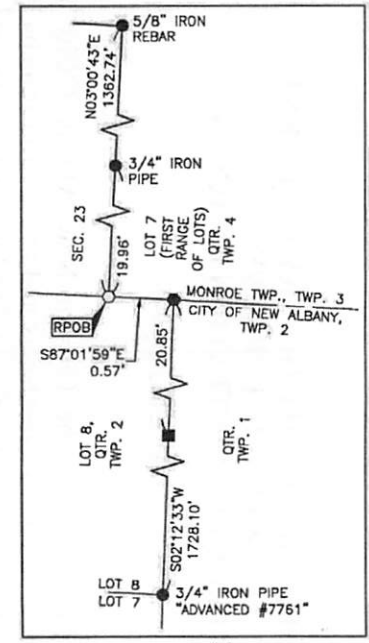
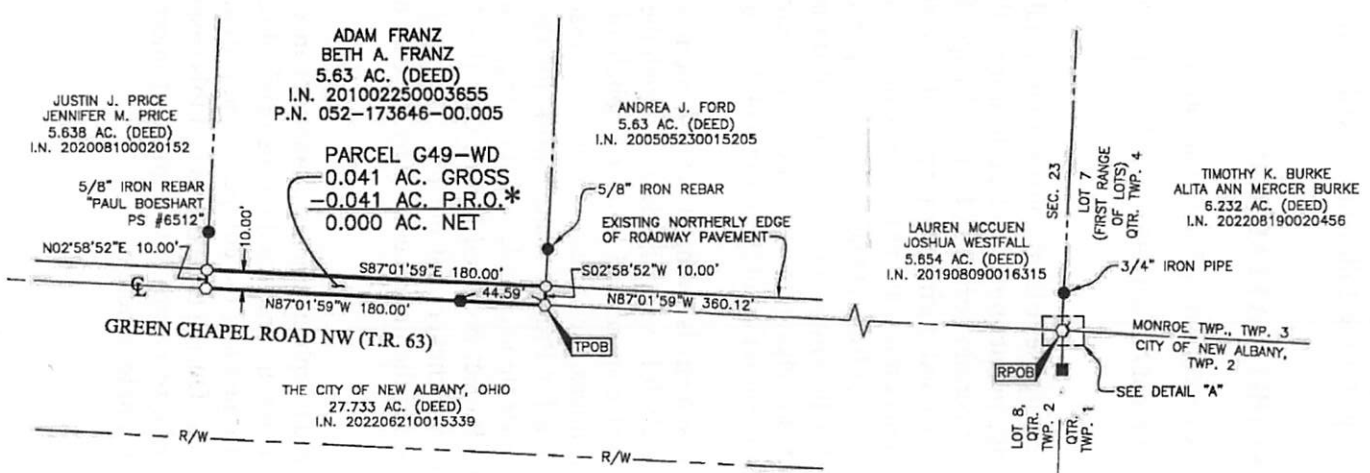


Evans, Mechwart, Hamilton & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5800 New Albany Road, Columbus, OH 43064
 Phone: 614.773.4500 Toll Free: 888.775.3648
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 3, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1

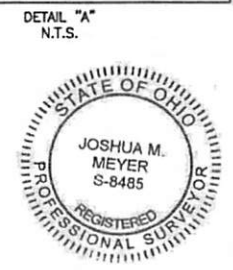
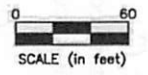


*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Fence Post Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *J.M.M.*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-3-2023
 Date

Ordinance O-63-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G49-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173646-00.005

Prior Instrument Reference: Instrument No. 201002250003655, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G49-T
0.026 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over, and across that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the southwesterly corner of said 5.63 acre tract, the southeasterly corner of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said 5.63 and 5.638 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 58' 52" East, with said common line, a distance of 10.00 feet to a point;

Thence across said 5.63 acre tract, the following courses and distances:

South 87° 01' 59" East, a distance of 113.99 feet to a point;

South 02° 58' 01" West, a distance of 10.00 feet to a point; and

North 87° 01' 59" West, a distance of 113.99 feet to the TRUE POINT OF BEGINNING, containing 0.026 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Joshua M. Meyer
Professional Surveyor No. 8485

1-26-2023

Date

JMM:djf
G49-T_0_026 ac 10220507-VS-ESMT-TEMP.docx



Evans, Mechwart, Hambleton & Thon, Inc.
 Engineers - Surveyors - Planners - Scientists
 5800 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

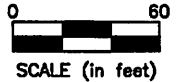
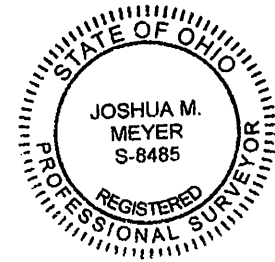
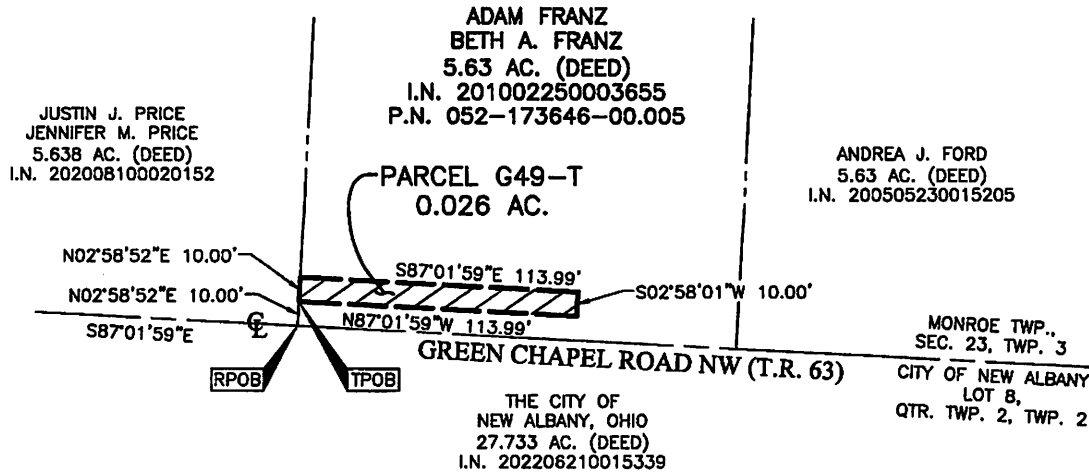
TEMPORARY EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: January 26, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1



By Joshua M. Meyer 1-26-2023
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com
 Date

Ordinance O-63-2023 EXHIBIT 2

J:\2022\0307\DWG\04SHEETS\EASEMENTS\G49-T_20220307-VS-ESM1-TEMP.DWG plotted by FERGUSON, DAVID on 1/26/2023 2:59:59 PM last saved by DFERGUSON on 1/26/2023 2:59:58 PM

EASEMENT

PARCEL G49-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-173646-00.005

Prior Instrument Reference: Instrument Number 201002250003655 Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G49-S
0.015 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over, and across that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the southeasterly corner of said Franz tract, the southwesterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said Franz and Ford tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

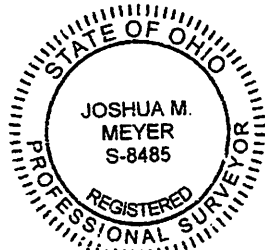
Thence across said Franz tract, the following courses and distances:

North 87° 01' 59" West, a distance of 66.01 feet to a point;

North 02° 58' 01" East, a distance of 10.00 feet to a point; and

South 87° 01' 59" East, a distance of 66.01 feet to a point in said common line;

Thence South 02° 58' 52" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.015 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-26-2023

Date

JMM:djf
G49-S_0_015 ac 20220307-VS-ESMT-DRAN.docx

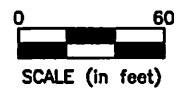
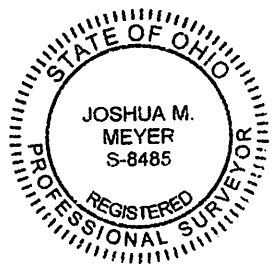
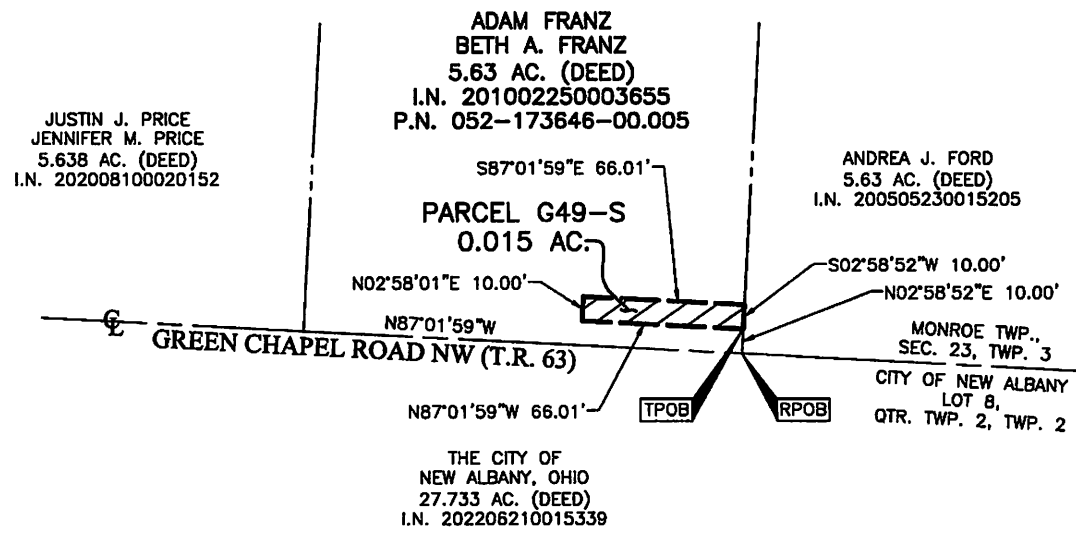


Evans, Mochwart, Hazleton & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 26, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



By Joshua M. Meyer 1-26-2023
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com
 Date

Ordinance O-63-2023 EXHIBIT 3

J:\20220307\DWG\04SHEETS\EASEMENTS\040-S_20220307-VS-ESMT-DRAWL.DWG plotted by FERUGSON, DAVID on 1/26/2023 3:00:19 PM last saved by DFERUGSON on 1/26/2023 3:00:18 PM



ORDINANCE O-64-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, ANDREA J. FORD, OF THE PROPERTY LOCATED AT 11850 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Andrea J. Ford, for the property located at 11850 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G50-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G50-T).
- C. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G50-S).

Section 2. That Council hereby fixes the value of all the interests appropriated at Two Thousand One Hundred Eighty-four Dollars (\$2,184.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

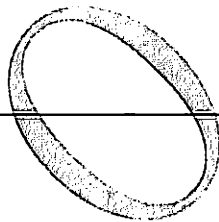
Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director



Legislation dates:

Prepared: 03/24/2023
Introduced: 04/04/2023
Revised:
Adopted:
Effective:

EXHIBIT A

**PARCEL G50-WD
0.041 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2, the southerly line of said 5.654 acre tract, the northerly line of said 27.733 acre tract, a distance of 180.12 feet to a magnetic nail set at the southeasterly corner of said Ford tract, the southwesterly corner of said 5.654 acre tract, the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, with said centerline, said common Township line, the line common to said Ford and 27.733 acre tracts, a distance of 180.00 feet to a magnetic nail set at the southwesterly corner of said Ford tract, the southeasterly corner of that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655;

Thence North 02° 58' 52" East, across said Green Chapel Road NW and with the line common to said Ford and Franz tracts, a distance of 10.00 feet to an iron pin set;

Thence South 87° 01' 59" East, across said Ford tract, a distance of 180.00 feet to an iron pin set in the line common to said Ford and 5.654 acre tracts;

Thence South 02° 58' 52" West, with said common line and across said Green Chapel Road NW, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.006 and all of which is within the present road occupied.

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

EXHIBIT A

**PARCEL G50-WD
0.041 ACRE**

-2-

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-3-2023

Date

JMM:djf
G50-WD_0_041 ac 20220307-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: BS	
DATE: 1/9/2023	

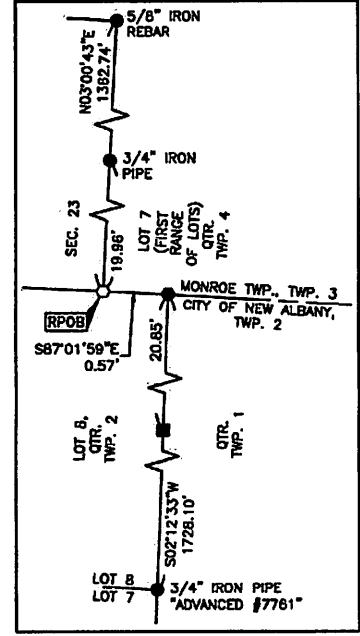
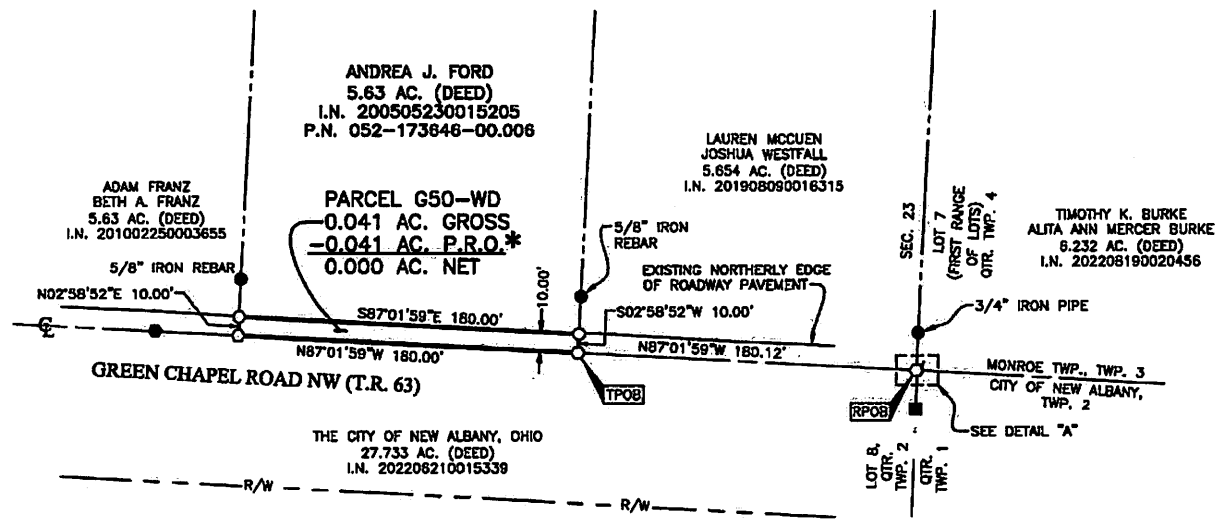


Evans, Meriwether, Hamilton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5800 New Albany Road, Columbus, OH 43264
 Phone: 614.773.4200 Toll Free: 888.773.3648
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 3, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



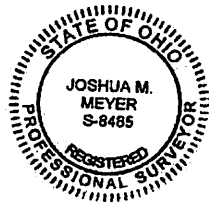
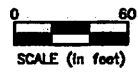
DETAIL "A"
N.T.S.

*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Fence Post Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *J.M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-3-2023
 Date

Ordinance O-64-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G50-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173646-00.006

Prior Instrument Reference: Instrument No. 200505230015205, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G50-T
0.036 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over, and across that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to Township 3 and Township 2 of said Range 15, the common corner of said 5.63 acre tract and that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 2022060210015339;

Thence North 02° 58' 52" East, with the line common to said 5.63 and 5.654 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 5.63 acre tract, the following courses and distances:

North 87° 01' 59" West, a distance of 157.29 feet to a point;

North 02° 58' 01" East, a distance of 10.00 feet to a point;

South 87° 01' 59" East, a distance of 117.40 feet to a point; and

South 86° 49' 42" East, a distance of 39.90 feet to a point in the line common to said 5.63 and 5.654 acre tracts;

Thence South 02° 58' 52" West, with said common line, a distance of 9.86 feet to the TRUE POINT OF BEGINNING, containing 0.036 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

13 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK.md
G50-T_0_036 ac 20220307-VS-ESMT-TEMP.docx





Evans, Mechwart, Hamblaton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

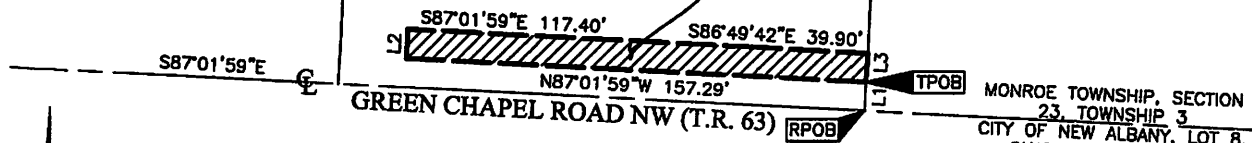
Date: January 13, 2023
 Scale: 1" = 50'
 Job No: 2022-0307
 Sheet No: 1 of 1

ADAM FRANZ
 BETH A. FRANZ
 5.63 AC. (DEED)
 I.N. 201002250003655

ANDREA J. FORD
 5.63 AC. (DEED)
 I.N. 200505230015205
 P.N. 052-173646-00.006

LAUREN MCCUEN
 JOSHUA WESTFALL
 5.654 AC. (DEED)
 I.N. 201908090016315

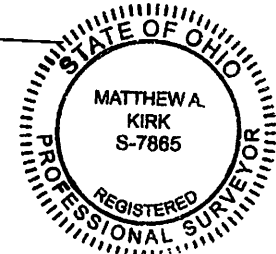
PARCEL G50-T
 0.036 AC.



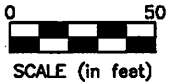
GREEN CHAPEL ROAD NW (T.R. 63)

MONROE TOWNSHIP, SECTION 23, TOWNSHIP 3
 CITY OF NEW ALBANY, LOT B,
 QUARTER TOWNSHIP 2,
 TOWNSHIP 2

THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202206210015339



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°58'52\"E	10.00'
L2	N02°58'01\"E	10.00'
L3	S02°58'52\"W	9.86'



By Matthew A. Kirk 13 JAN 23
 Matthew A. Kirk Date
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-64-2023 EXHIBIT 2

EASEMENT

PARCEL G50-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-173646-00.006

Prior Instrument Reference: Instrument Number 200505230015205, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G50-S
0.005 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over, and across that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the common corner of said 5.63 acre tract and that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 2022060210015339;

Thence North 02° 58' 52" East, with the line common to said Ford tract and said Franz tract, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 58' 52" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said Ford tract, the following courses and distances:

South 87° 01' 59" East, a distance of 22.70 feet to a point;

South 02° 58' 01" West, a distance of 10.00 feet to a point; and

North 87° 01' 59" West, a distance of 22.71 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

13 Jul 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

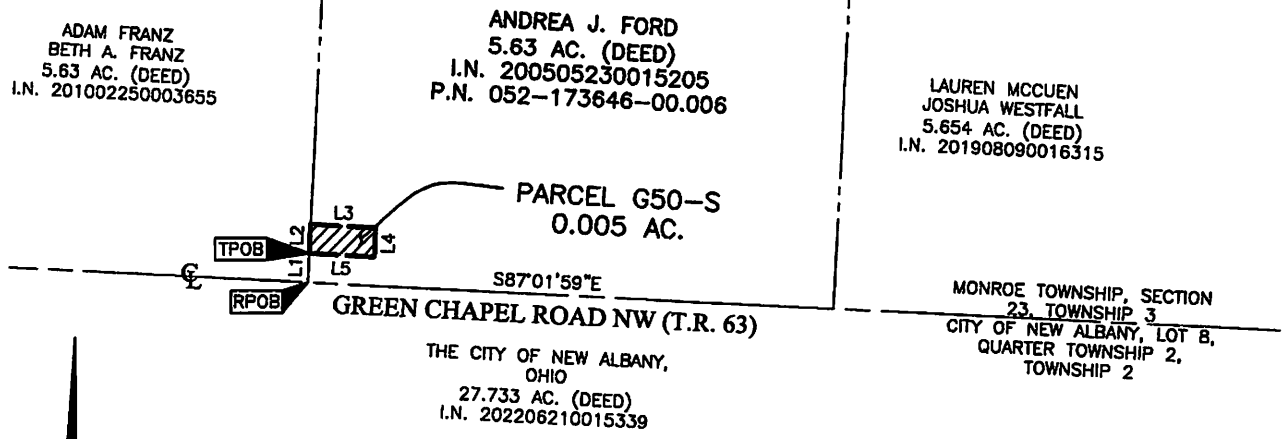
HLK:md
G50-S_0_005 ac 20220307-VS-ESMT-DRAN.docx



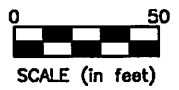
EMHT
 Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.776.4500 Toll Free: 888.776.3648
 emht.com

EASEMENT
SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: January 13, 2023
 Scale: 1" = 50'
 Job No: 2022-0307
 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°58'52"E	10.00'
L2	N02°58'52"E	10.00'
L3	S87°01'59"E	22.70'
L4	S02°58'01"W	10.00'
L5	N87°01'59"W	22.71'



By Matthew A. Kirk Date 13 JAN 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-64-2023 EXHIBIT 3

J:\2022\0307\DWG\04\SHEETS\EASEMENTS\G50-S_20220307-VS-ESMT-DRAWING0 plotted by KIRK, MATTHEW on 1/19/2023 10:56:35 AM last saved by TOROMA on 1/19/2023 8:31:22 AM



ORDINANCE O-65-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, STEPHANIE R. TRATHEN AND BRANDON J. TRATHEN, OF THE PROPERTY LOCATED AT 11730 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Stephanie R. Trathen and Brandon J. Trathen, for the property located at 11730 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G53-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G53-T).
- C. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G53-S).

Section 2. That Council hereby fixes the value of all the interests appropriated at Five Thousand Eight Hundred Ninety-six Dollars (\$5,896.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

Introduced: 04/04/2023

Revised:

Adopted:

Effective:

EXHIBIT A

**PARCEL G53-WD
0.060 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2 and the line common to said 6.232 and 27.733 acre tracts, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 261.26 feet to a railroad spike found at the southwesterly corner of said 6.790 acre tract, the southeasterly corner of said 6.232 acre tract, the TRUE POINT OF BEGINNING;

Thence North 03° 01' 03" East, across said Green Chapel Road NW and with the line common to said 6.790 and 6.232 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 6.790 acre tract, a distance of 259.88 feet to an iron pin set in the easterly line of said 6.790 acre tract, the westerly line of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473;

Thence South 03° 01' 03" West, with the line common to said 6.790 and 3.004 acre tracts and across said Green Chapel Road NW, a distance of 10.00 feet to a railroad spike found at the southerly common corner thereof, in said centerline, said common Township line and said northerly line;

Thence North 86° 44' 16" West, with said centerline, said common Township line and the line common to said 6.790 and 27.733 acre tracts, a distance of 259.88 feet to the TRUE POINT

EXHIBIT A

**PARCEL G53-WD
0.060 ACRE**

-2-

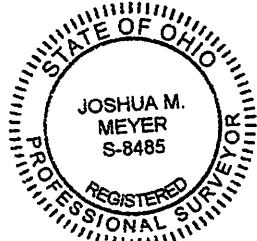
OF BEGINNING, containing 0.060 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-00.002 and 0.052 acre of which is within the present road occupied.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



JMM:djf
G53-WD_0_060 ac 20220307-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-6-2023

Joshua M. Meyer
Professional Surveyor No. 8485

Date

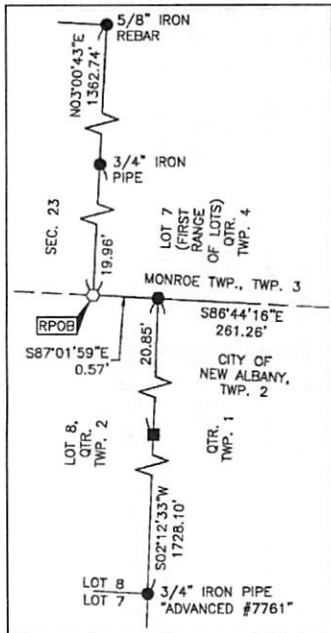
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>BS</i>	
DATE: <i>1/10/23</i>	



SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

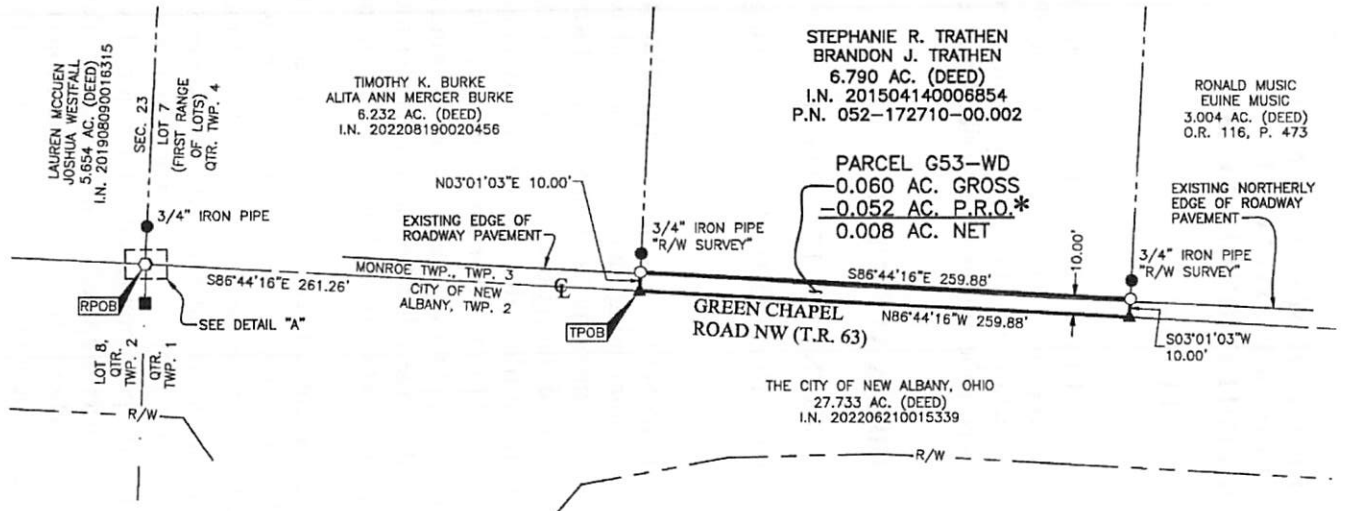
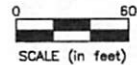
Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"
N.T.S.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



*** ROAD RIGHT OF WAY NOTES:**
The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By *JM*
Joshua M. Meyer
Professional Surveyor No. 8485
jmeyer@emht.com

1-6-2023
Date



Ordinance O-65-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G53-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-00.002

Prior Instrument Reference: Instrument No. 201504140006854, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G53-T
0.086 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, at the southwesterly corner of said 6.790 acre tract, the southeasterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 03° 01' 03" East, with the line common to said 6.790 and 6.232 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 03° 01' 03" East, with the line common to said 6.790 and 6.232 acre tracts, a distance of 10.00 feet to a point;

Thence across said 6.790 acre tract, the following courses and distances:

South 86° 44' 16" East, a distance of 199.88 feet to a point;

North 03° 15' 44" East, a distance of 25.00 feet to a point;

South 86° 44' 16" East, a distance of 50.00 feet to a point;

South 03° 15' 44" West, a distance of 25.00 feet to a point;

South 03° 01' 03" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 249.88 feet to the TRUE POINT OF BEGINNING, containing 0.086 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Matthew A. Kirk

Matthew A. Kirk
Professional Surveyor No. 7865

10 JAN 23

Date

HLK:djf
G53-T_0_086 ac 20230110 NNSIESM11 TEMP.docx

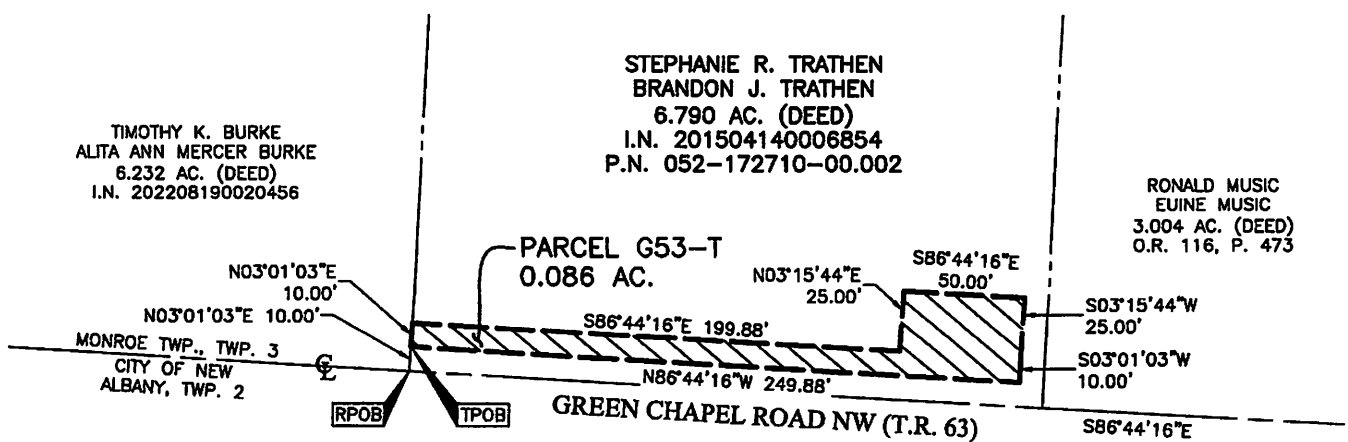


Evans, Mechwart, Hambleton & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 10, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1

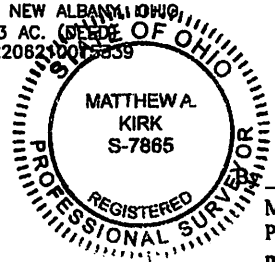


TIMOTHY K. BURKE
 ALTA ANN MERCER BURKE
 6.232 AC. (DEED)
 I.N. 202208190020456

STEPHANIE R. TRATHEN
 BRANDON J. TRATHEN
 6.790 AC. (DEED)
 I.N. 201504140006854
 P.N. 052-172710-00.002

RONALD MUSIC
 EUINE MUSIC
 3.004 AC. (DEED)
 O.R. 116, P. 473

THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202206210015559



Matthew A. Kirk
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 10 JAN 23
 Date



Ordinance O-65-2023 EXHIBIT 2

\\20220307\DRAW\04SHEETS\EASEMENTS\G53-T_20220307-VS-ESMT-TMP.DWG plotted by DOROMA, THERESA on 1/19/2023 8:02:20 AM last saved by TDOROMA on 1/19/2023 8:02:07 AM

EASEMENT

PARCEL G53-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-00.002

Prior Instrument Reference: Instrument Number 201504140006854, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G53-S
0.002 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 6.790 acre tract, the southwesterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339,

Thence North 03° 01' 03" East, with the line common to said 6.790 and 3.004 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 6.790 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 10.00 feet to a point;

North 03° 01' 03" East, a distance of 10.00 feet to a point; and

South 86° 44' 16" East, a distance of 10.00 feet to a point in said common line;

Thence South 03° 01' 03" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

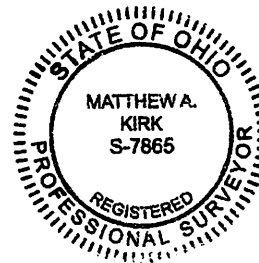
Matthew A Kirk

10 Jan 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G53-S_0_002 ac 20220307-VS-ESMT-DRAN.docx





Evans, Mechwart, Hambleton & Tibon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3448
 emht.com

EASEMENT

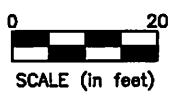
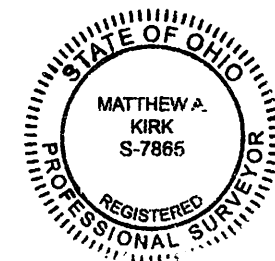
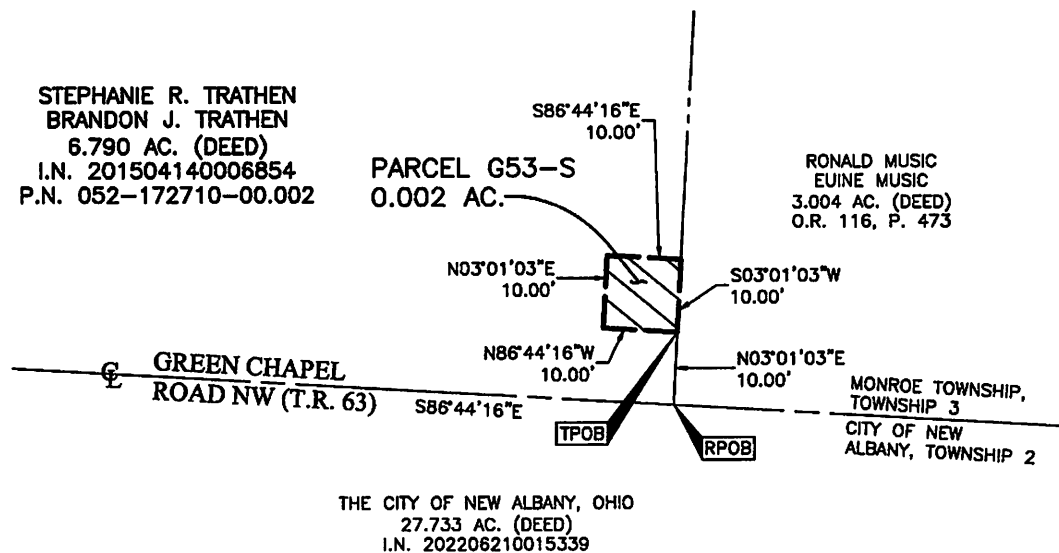
LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 10, 2023
Scale:	1" = 20'
Job No:	2022-0307
Sheet No:	1 of 1

STEPHANIE R. TRATHEN
 BRANDON J. TRATHEN
 6.790 AC. (DEED)
 I.N. 201504140006854
 P.N. 052-172710-00.002

PARCEL G53-S
 0.002 AC.

RONALD MUSIC
 EUINE MUSIC
 3.004 AC. (DEED)
 O.R. 116, P. 473



By Matthew A. Kirk Date 10 JAN 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-65-2023 EXHIBIT 3



ORDINANCE O-66-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, RONALD MUSIC AND EUINE MUSIC, OF THE PROPERTY LOCATED AT 11718 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Ronald Music and Euine Music, for the property located 11718 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G54A-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G54A-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at One Thousand Eight Hundred Ninety-one Dollars (\$1,891.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/24/2023

Introduced: 04/04/2023

Revised:

Adopted:

Effective:

EXHIBIT A

**PARCEL G54B-WD
0.062 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 636.72 feet to a magnetic nail set at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, across said Green Chapel Road NW and with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 7.00 acre tract, a distance of 269.96 feet to an iron pin set in the easterly line of said 7.00 acre tract, the westerly line of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223;

Thence South 02° 46' 43" West, across said Green Chapel Road NW and with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof, in said centerline, said common Township line and said northerly line;

Thence North 86° 44' 16" West, with the southerly line of said 7.00 acre tract, said centerline, said common Township line and said northerly line, a distance of 270.00 feet to the

EXHIBIT A

**PARCEL G54B-WD
0.062 ACRE**

-2-

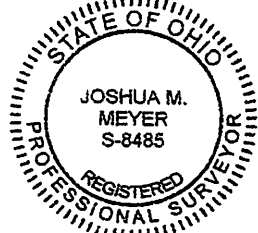
TRUE POINT OF BEGINNING, containing 0.062 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-02.000 and 0.058 acre of which is within the present road occupied.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-6-2023

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
G54B-WD_0_062 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>BS</i>	
DATE: <i>1/10/23</i>	

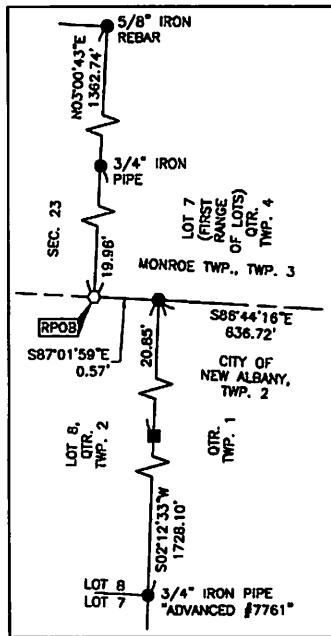


Deves, Machwart, Hamblen & Tison, Inc.
 Engineers - Surveyors - Planners - Architects
 5820 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4500 Fax: 614.778.4500
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

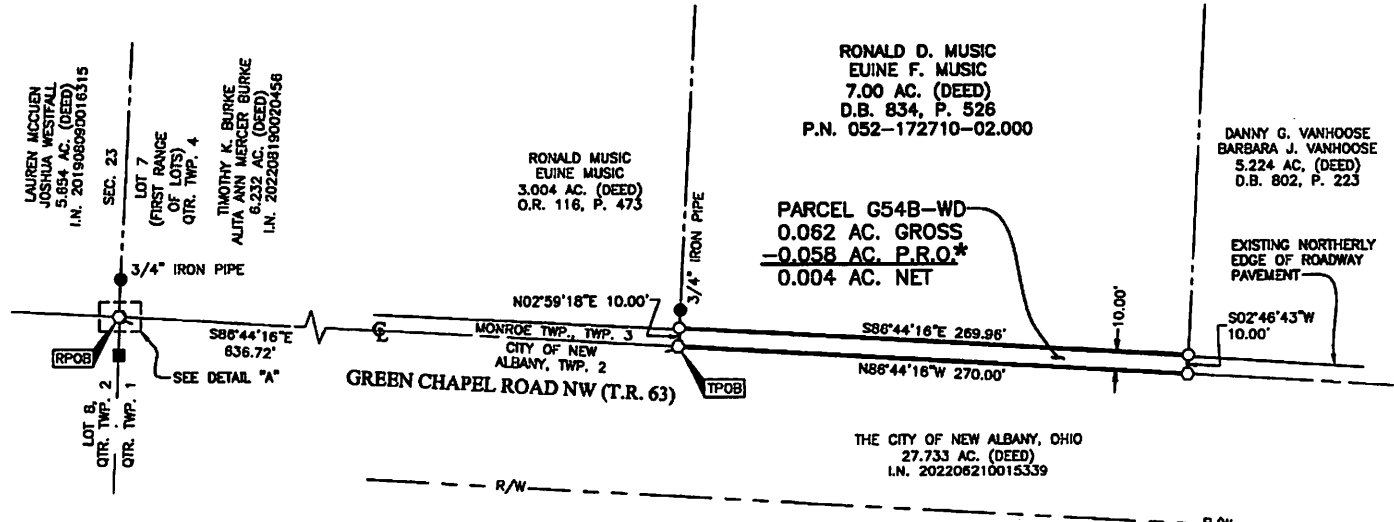
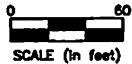
Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"
N.T.S.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



RONALD D. MUSIC
 EUINE F. MUSIC
 7.00 AC. (DEED)
 D.B. 834, P. 526
 P.N. 052-172710-02.000

PARCEL G54B-WD
 0.062 AC. GROSS
 -0.058 AC. P.R.O.*
 0.004 AC. NET

DANNY G. VANHOOSE
 BARBARA J. VANHOOSE
 5.224 AC. (DEED)
 D.B. 802, P. 223

RONALD MUSIC
 EUINE MUSIC
 3.004 AC. (DEED)
 O.R. 116, P. 473

TIMOTHY K. BURKE
 ALTA ANN MERCER BURKE
 6.232 AC. (DEED)
 I.N. 202208190020458

LAUREN MCCUEN
 JOSHUA WESTFALL
 5.854 AC. (DEED)
 I.N. 201806090016315

THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202206210015339

*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:

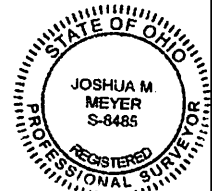
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By 
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-6-2023
 Date



Ordinance O-66-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G54B-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G54B-T1
0.031 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 59' 18" East, with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

South 86° 44' 16" East, a distance of 135.85 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 135.80 feet to the TRUE POINT OF BEGINNING, containing 0.031 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-T1_0_031 ac 20220307-VS-ESMT-TEMP.docx



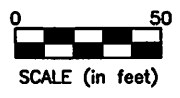
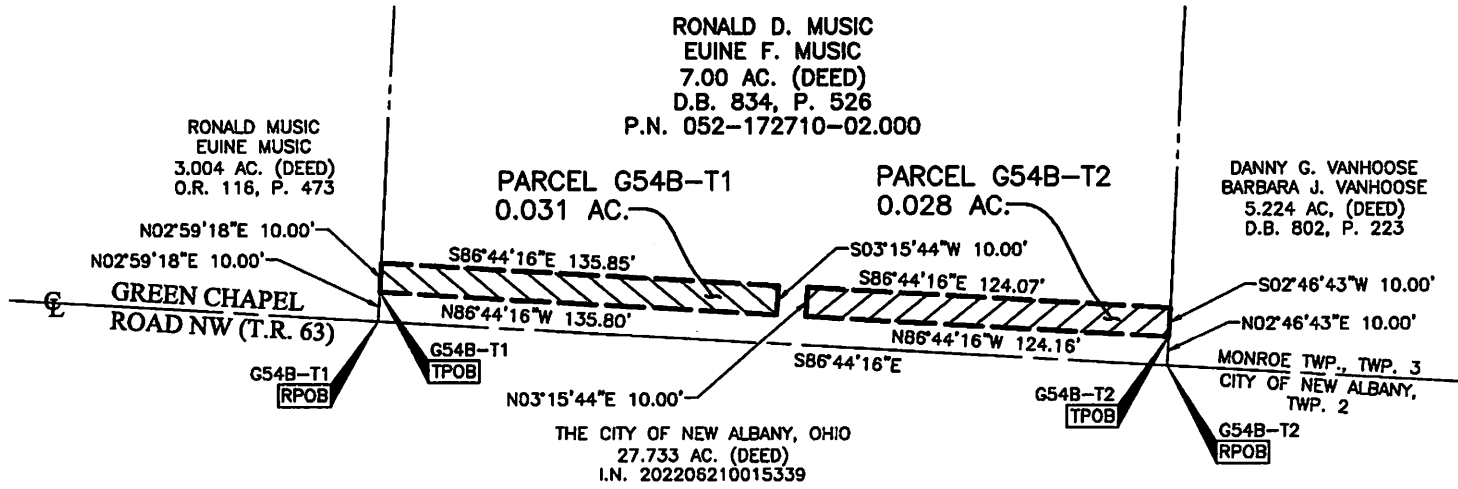


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENTS

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 Jan 23
 Matthew A. Kirk Date
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 2

A:\2022\307\DWG\04\SHEETS\EASEMENTS\G54B-T1 & T2_20220307-V3-ESMT-TEMP.DWG plotted by DIROMA, THERESA on 1/19/2023 7:36:46 AM last saved by DIROMA on 1/19/2023 7:36:13 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G54B-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G54B-T2
0.028 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre tract, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 46' 43" East, with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 7.00 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 124.16 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point; and

South 86° 44' 16" East, a distance of 124.07 feet to a point in said common line;

Thence South 02° 46' 43" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.028 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 Jan 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-T2_0_028 ac 20220307-VS-ESMT-TEMP.docx



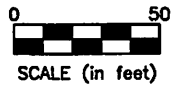
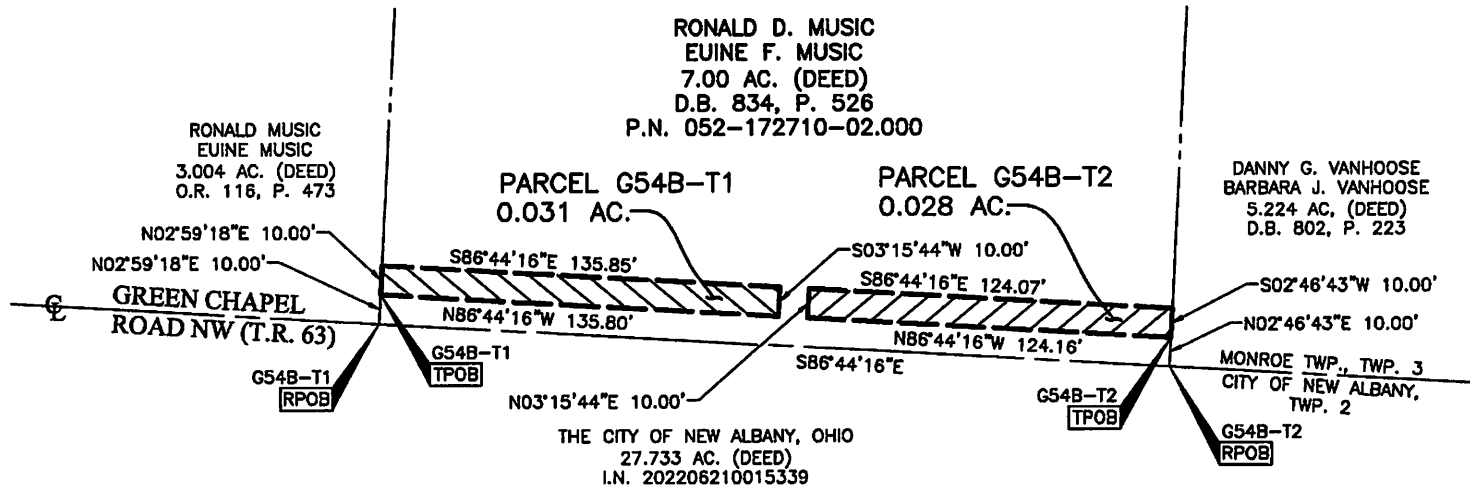


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENTS

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk Date 11 Jan 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 3

J:\20220307\DWG\04SHEETS\EASEMENTS\G54B-T1 & T2_20220307-VS-ESMT-TEMP.DWG plotted by DIORNA, THERESA on 1/19/2023 7:38:48 AM last saved by DIORNA on 1/19/2023 7:32:13 AM

EASEMENT

PARCEL G54B-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County, Ohio
Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G54B-S
0.002 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre lot, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 86° 44' 16" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 124.24 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

North 03° 15' 44" East, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

North 86° 44' 16" West, a distance of 10.00 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 10.00 feet to a point; and

South 03° 15' 44" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-S_0_002 ac 20220307-VS-ESMT-DRAN.docx



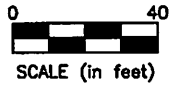
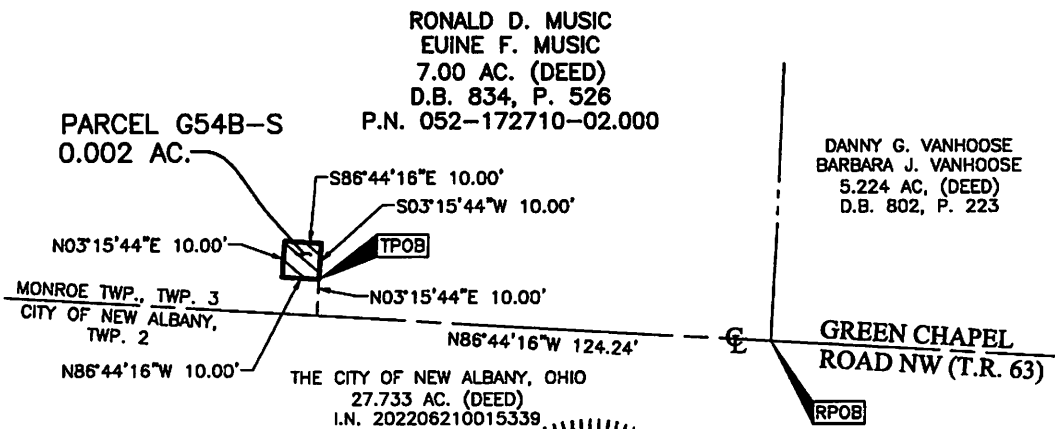


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 40'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23
 Matthew A. Kirk Date
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 4



ORDINANCE O-67-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, RONALD D. MUSIC AND EUINE F. MUSIC, OF THE PROPERTY LOCATED AT 11718 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Ronald D. Music and Euine F. Music, for the property located 11718 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G54B-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G54B-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G54B-T2).
- D. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel G54B-S).

Section 2. That Council hereby fixes the value of all the interests appropriated at Three Thousand Seven Hundred Eighty-one Dollars (\$3,781.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent

of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	
Effective:	

EXHIBIT A

**PARCEL G54B-WD
0.062 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 636.72 feet to a magnetic nail set at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, across said Green Chapel Road NW and with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 7.00 acre tract, a distance of 269.96 feet to an iron pin set in the easterly line of said 7.00 acre tract, the westerly line of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223;

Thence South 02° 46' 43" West, across said Green Chapel Road NW and with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof, in said centerline, said common Township line and said northerly line;

Thence North 86° 44' 16" West, with the southerly line of said 7.00 acre tract, said centerline, said common Township line and said northerly line, a distance of 270.00 feet to the

EXHIBIT A

**PARCEL G54B-WD
0.062 ACRE**

-2-

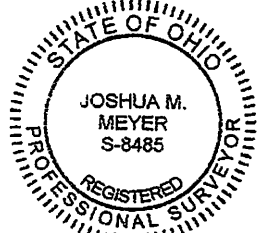
TRUE POINT OF BEGINNING, containing 0.062 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-02.000 and 0.058 acre of which is within the present road occupied.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-6-2023

Date

JMM:djf
G54B-WD_0_062 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 1/10/23	

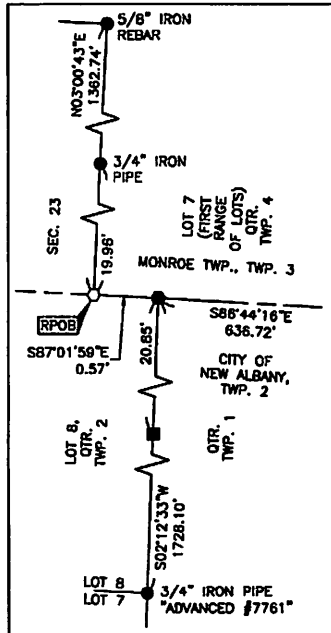


Evans, Mechwart, Hombler & Tice, Inc.
 Engineers • Surveyors • Planners • Scientists
 652 New Albany Road, Columbus, OH 43264
 Phone: 614.773.4320 Fax: 614.773.2648
 emht.com

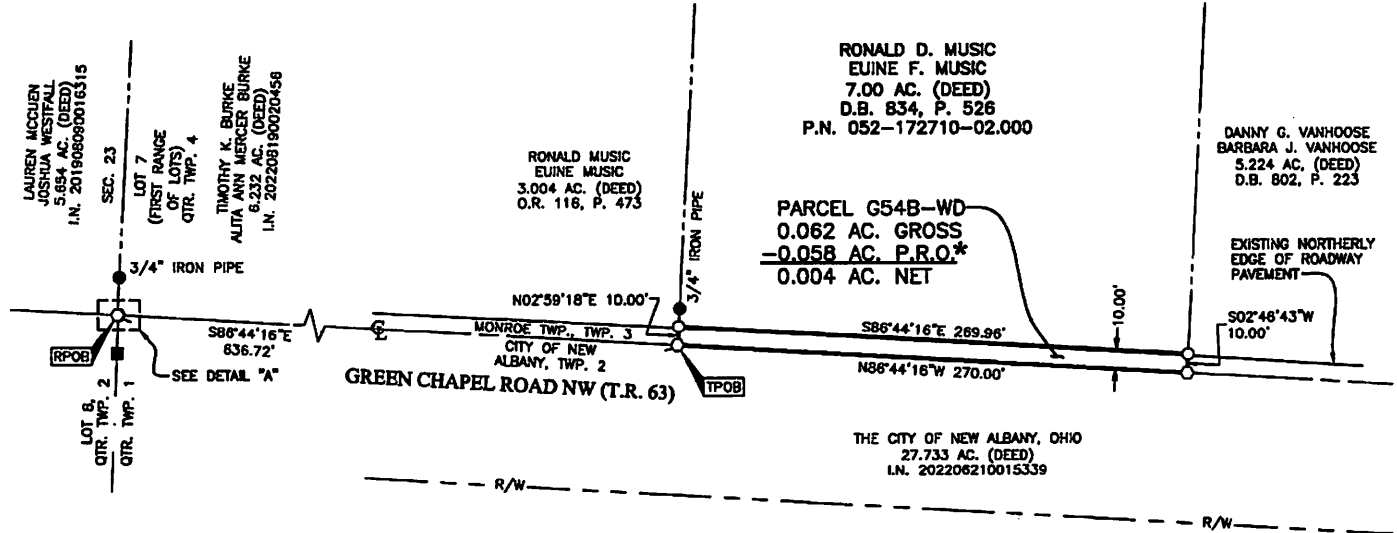
SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"
 N.T.S.



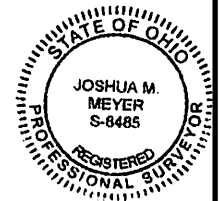
*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-6-2023
 Date



- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Fence Post Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" L.D. iron pipes
 30" long with cap inscribed EMHT INC.

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G54B-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G54B-T1
0.031 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 59' 18" East, with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

South 86° 44' 16" East, a distance of 135.85 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 135.80 feet to the TRUE POINT OF BEGINNING, containing 0.031 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-T1_0_031 ac 20220307-VS-ESMT-TEMP.docx



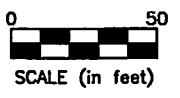
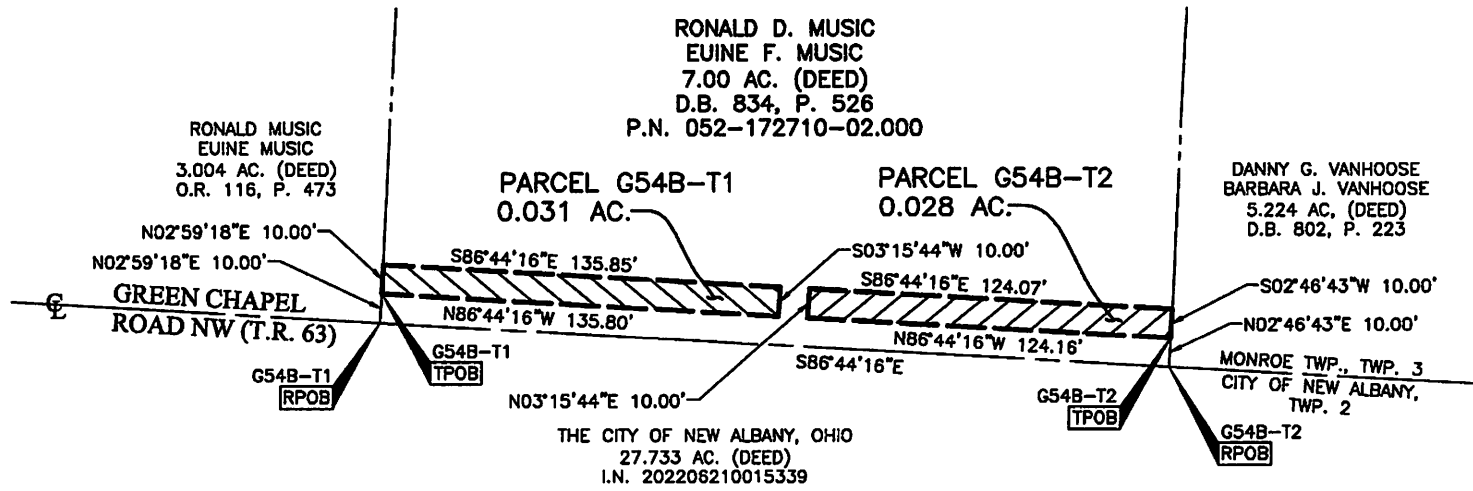


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 855.775.3448
 emht.com

TEMPORARY EASEMENTS

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date

Ordinance O-67-2023 EXHIBIT 2

J:\2022\307\DWG\04SHEETS\EASEMENTS\G54B-T1 & T2_20220307-VS-ESMT-TEMP.DWG plotted by DIROMA, THERESA on 1/19/2023 7:36:48 AM last saved by DIROMA on 1/19/2023 7:36:13 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G54B-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G54B-T2
0.028 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre tract, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 46' 43" East, with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 7.00 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 124.16 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point; and

South 86° 44' 16" East, a distance of 124.07 feet to a point in said common line;

Thence South 02° 46' 43" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.028 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 Jan 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-T2_0_028 ac 20220307-VS-ESMT-TEMP.docx



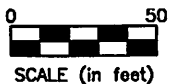
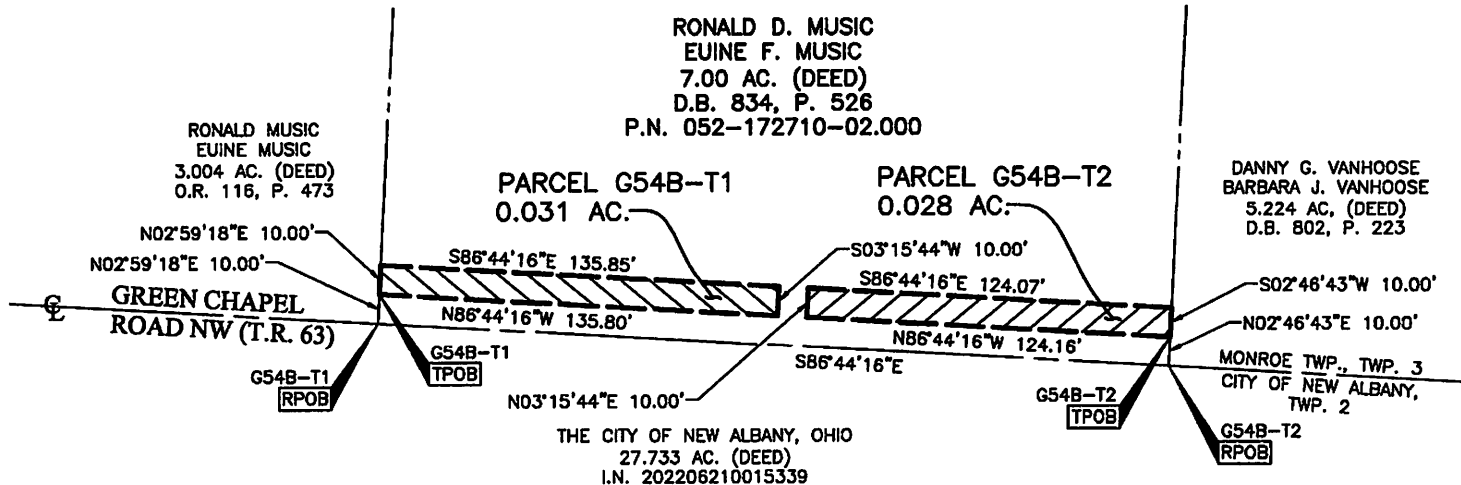


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date

Ordinance O-67-2023 EXHIBIT 3

EASEMENT

PARCEL G54B-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-02.000

**Prior Instrument Reference: Deed Book 834, Page 526, Licking County, Ohio
Recorder’s Office**

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G54B-S
0.002 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre lot, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 86° 44' 16" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 124.24 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

North 03° 15' 44" East, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

North 86° 44' 16" West, a distance of 10.00 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 10.00 feet to a point; and

South 03° 15' 44" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:djf
G54B-S_0_002 ac 20220307-VS-ESMT-DRAN.docx



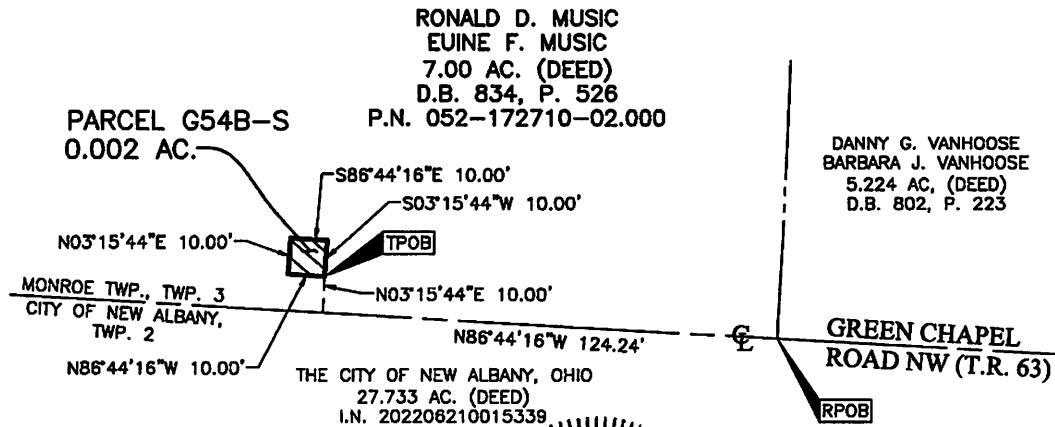


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 40'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23
 Matthew A. Kirk Date
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-67-2023 EXHIBIT 4



ORDINANCE O-68-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, DANNY G. VANHOOSE AND BARBARA J. VANHOOSE, OF THE PROPERTY LOCATED AT 11662 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Danny G. Vanhoose and Barbara J. Vanhoose, for the property located at 11662 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G55-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G55-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel G55-T2).
- D. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G55-S).

Section 2. That Council hereby fixes the value of all the interests appropriated at Four Thousand Five Hundred Sixty-nine Dollars (\$4,569.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent

of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

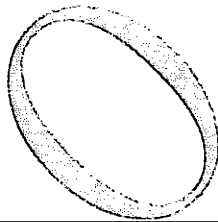
CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	
Effective:	

EXHIBIT A

**PARCEL G55-WD
0.046 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 906.72 feet to a magnetic nail set at the southwesterly corner of said 5.224 acre tract, the southeasterly corner of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526, in the northerly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence North 02° 46' 43" East, across said Green Chapel Road NW and with the line common to said 5.224 and 7.00 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 5.224 acre tract, a distance of 200.00 feet to an iron pin set in the easterly line of said 5.224 acre tract, the westerly line of that 50.0 acre tract conveyed as First Parcel to James S. Miser and Angela W. Miser by deed of record in Deed Book 770, Page 611;

Thence South 02° 46' 43" West, across said Green Chapel Road NW, with the line common to said 5.224 and 50.0 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof in said centerline, said common Township line and the northerly line of said 27.733 acre tract;

Thence North 86° 44' 16" West, with said centerline, said common Township line and said northerly line, a distance of 200.00 feet to the TRUE POINT OF BEGINNING, containing

EXHIBIT A

**PARCEL G55-WD
0.046 ACRE**

-2-

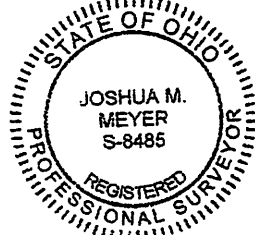
0.046 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-01.000 and 0.040 acre of which is within the present road occupied.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-6-2023

Date

JMM:djt
G55-WD_0_046 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>BS</i>	
DATE: <i>1/10/22</i>	

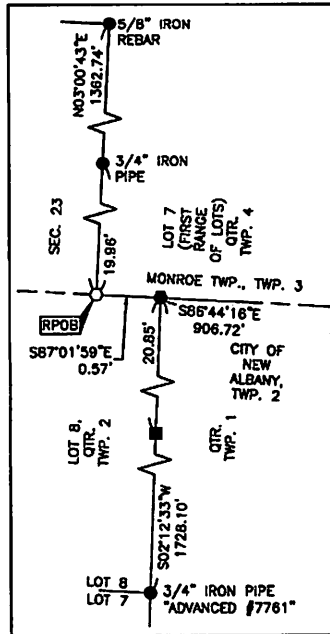


Evans, MacCrawford, Hombler & Tibbo, Inc.
 Engineers • Surveyors • Planners • Scientists
 2000 New Albany Road, Columbus, OH 43264
 Phone: 614.775.4300 Fax: 614.775.2646
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

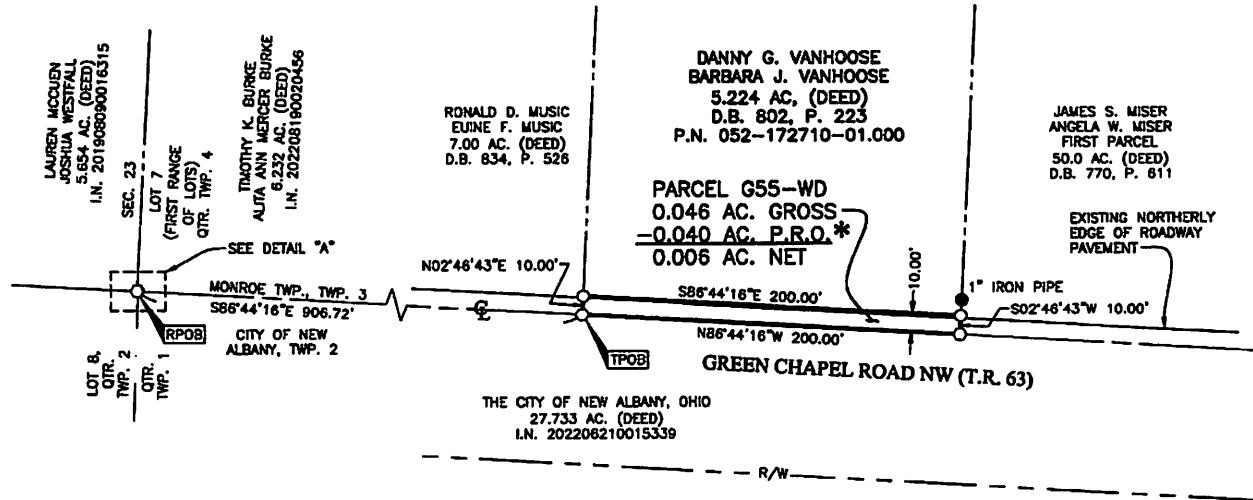
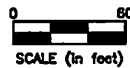
Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"
N.T.S.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



*** ROAD RIGHT OF WAY NOTES:**

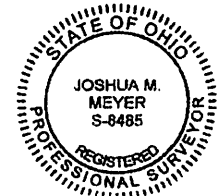
The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



By *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-6-2023
 Date

Ordinance O-68-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G55-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-01.000

Prior Instrument Reference: Deed Book 802, p. 223, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G55-T1
0.005 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 5.224 acre tract, the southeasterly corner of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2 of said Range 15;

Thence North 02° 46' 43" East, with the line common to said 5.224 and 7.00 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

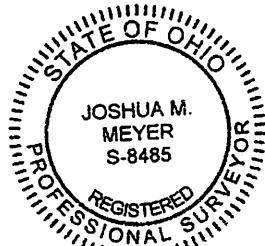
Thence North 02° 46' 43" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said 5.224 acre tract, the following courses and distances:

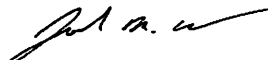
South 86° 44' 16" East, a distance of 21.48 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 21.39 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.


Joshua M. Meyer
Professional Surveyor No. 8485

1-20-2023

Date

JMM:smh
G55-T1_0_005 ac 20220307-VS-ESMT-TEMP.docx



Evans, Mechworl, Hambleton & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 6300 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4300 Fax: 600.775.3442
 emht.com

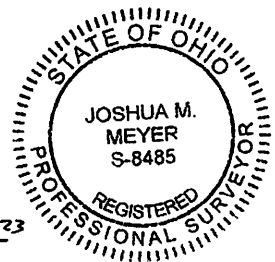
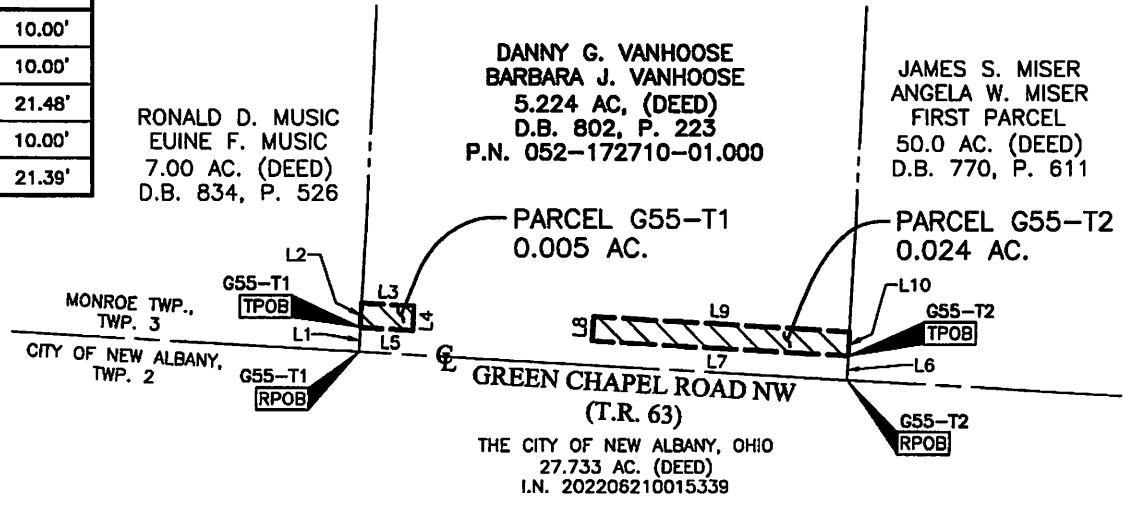
TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date: January 20, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°46'43"E	10.00'
L2	N02°46'43"E	10.00'
L3	S86°44'16"E	21.48'
L4	S03°15'44"W	10.00'
L5	N86°44'16"W	21.39'

LINE TABLE		
LINE	BEARING	DISTANCE
L6	N02°46'43"E	10.00'
L7	N86°44'16"W	105.11'
L8	N03°15'44"E	10.00'
L9	S86°44'16"E	105.03'
L10	S02°46'43"W	10.00'



By Joshua M. Meyer 1-20-2023 Date
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@cmht.com

Ordinance O-68-2023 EXHIBIT 2

J:\2022\307\DWG\04SHEETS\EASEMENTS\G55-T1 & T2_20220307-45-EMT-TEMP.DWG plotted by MEYER, JOSH on 1/20/2023 @11:52 PM last saved by JMEYER on 1/20/2023 @11:11 PM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G55-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-172710-01.000

Prior Instrument Reference: Deed Book 802, p. 223, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G55-T2
0.024 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 5.224 acre tract, the southwesterly corner of that 50.0 acre tract conveyed as First Parcel to James S. Miser and Angela W. Miser by deed of record in Deed Book 770, Page 611, and the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2 of said Range 15;

Thence North 02° 46' 43" East, with the line common to said 5.224 and 50.0 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

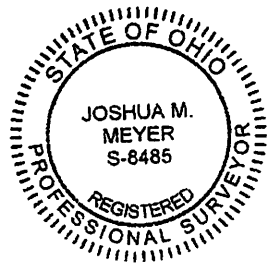
Thence across said 5.224 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 105.11 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 105.03 feet to a point; and

South 02° 46' 43" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.024 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-20-2023

Date

JMM:smb
G55-T2_0_024 ac 20220307-VS-ESMT-TEMP.docx



Evans, Mochwort, Hambleton & Titton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.773.4300 Toll Free: 888.773.3448
 emht.com

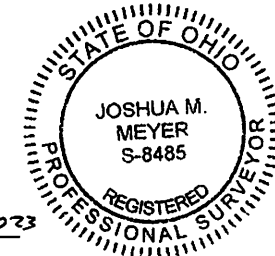
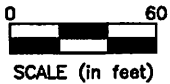
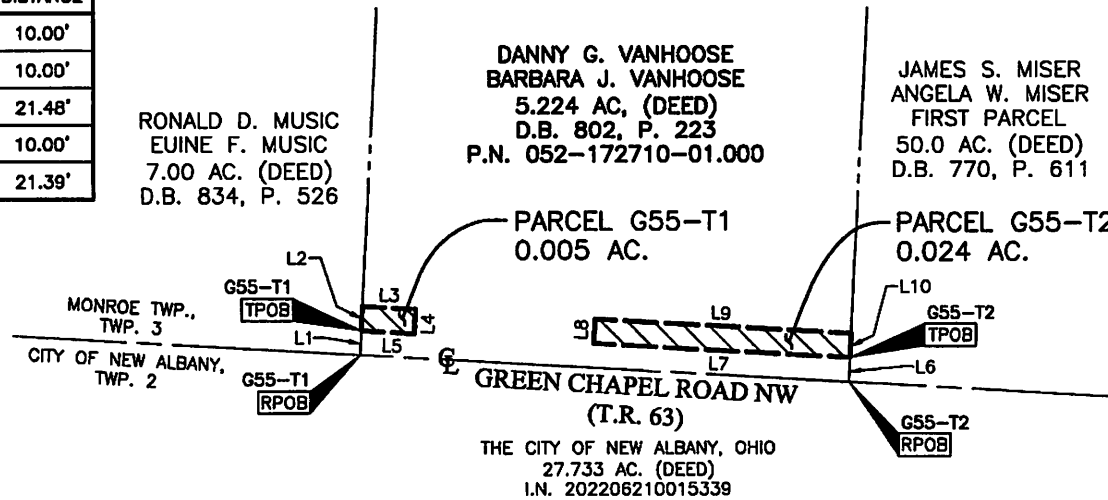
TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date: January 20, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°46'43"E	10.00'
L2	N02°46'43"E	10.00'
L3	S86°44'16"E	21.48'
L4	S03°15'44"W	10.00'
L5	N86°44'16"W	21.39'

LINE TABLE		
LINE	BEARING	DISTANCE
L6	N02°46'43"E	10.00'
L7	N86°44'16"W	105.11'
L8	N03°15'44"E	10.00'
L9	S86°44'16"E	105.03'
L10	S02°46'43"W	10.00'



By Joshua M. Meyer 1-20-2023 Date
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

Ordinance O-68-2023 EXHIBIT 3

EASEMENT

PARCEL G55-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-01.000

**Prior Instrument Reference: Deed Book 802, Page 223, Licking County, Ohio
Recorder’s Office**

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G55-S
0.017 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 5.224 acre tract, the southeasterly corner of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2 of said Range 15;

Thence South 86° 44' 16" East, with said centerline and the line common to said 5.224 and 27.733 acre tracts, a distance of 21.31 feet to a point;

Thence across said 5.224 acre tract, the following courses and distances:

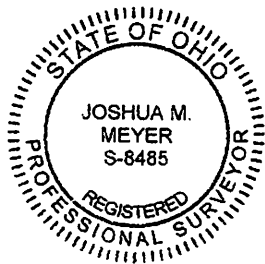
North 03° 15' 44" East, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 73.49 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 73.49 feet to the TRUE POINT OF BEGINNING, containing 0.017 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-20-2023

Date

JMM:smh
G55-S_0_017 ac 20220307-VS-ESMT-DRAN.docx

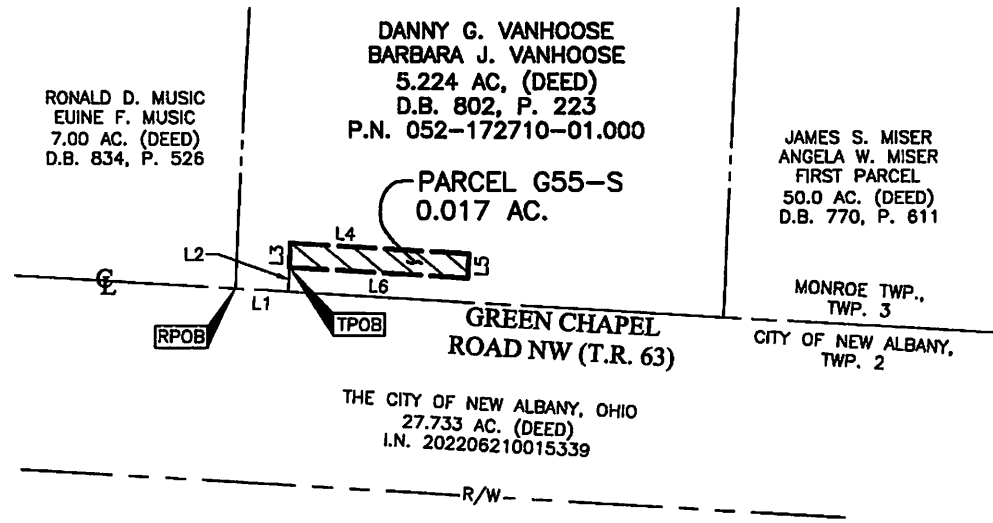


Evans, Mechwart, Hambleton & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

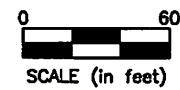
EASEMENT

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date: January 20, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

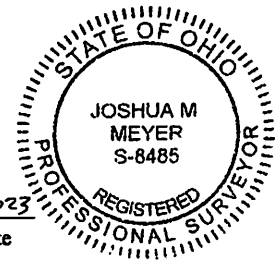


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°44'16"E	21.31'
L2	N03°15'44"E	10.00'
L3	N03°15'44"E	10.00'
L4	S86°44'16"E	73.49'
L5	S03°15'44"W	10.00'
L6	N86°44'16"W	73.49'



By *J. M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-20-2023
 Date



Ordinance O-68-2023 EXHIBIT 4

J:\2022\0307\DWG\04SHEETS\EASEMENTS\G55-R_20220307-V8-ESMT-DRAW.DWG plotted by MEYER, JOSH on 1/20/2023 8:10:26 PM last saved by JMEYER on 1/20/2023 6:06:22 PM



ORDINANCE O-69-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREEN CHAPEL PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 4438 MINK STREET NW IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Green Chapel Properties, LLC, for the property located at 4438 Mink Street NW, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M40-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M40-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	
Effective:	

EXHIBIT A

**PARCEL M40-WD
0.140 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Green Chapel Road NW (County Road 63) and Mink Street NW (County Road 41) (width varies), the southwesterly corner of that 2.853 acre tract conveyed to Shelli Wriesel AKA Shelli S. Wriesel by deed of record in Instrument Number 201910020021346, the northwesterly corner of that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805, the northeasterly corner of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the southeasterly corner of that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, a common corner of Lot 7 (First Range of Lots) and Lot 7 (Second Range of Lots), in the line common to said Township 2 and Township 3 of said Range 15;

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

South 19° 07' 08" West, a distance of 241.20 feet to a magnetic nail set;

South 23° 42' 08" West, a distance of 300.00 feet to a magnetic nail set;

South 23° 24' 08" West, a distance of 199.45 feet to a magnetic nail set; and

South 24° 28' 38" West, a distance of 621.18 feet to the northwesterly corner of said 88.622 acre tract, the southwesterly corner of said 73.71 acre tract, in the easterly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence South 86° 11' 43" East, with the line common to said 88.622 and 73.71 acre tracts and crossing said Mink Street NW (passing a 5/8 inch iron rebar capped "J&H #7900" found at a distance of 31.31 feet), a total distance of 32.06 feet to an iron pin set in the easterly right-of-way line thereof;

Thence South 24° 28' 38" West, across said 88.622 acre tract, with said easterly right-of-way line, a distance of 203.48 feet to an iron pin set in the line common to said 88.622 acre tract and that 4.648 acre tract conveyed to Nicole Lauren Verbeck and Jeremy Lee Osterhout by deed of record in Instrument Number 201108030014236;

Thence North 86° 39' 59" West, with said common line and crossing said Mink Street NW (passing a 5/8 inch bent iron rebar found 0.60 feet northerly at a distance of 2.55 feet), a total distance of 32.17 feet to a magnetic nail set in said centerline at a common corner of said 88.622 and 4.648 acre tracts, in the easterly line of said 27.733 acre tract;

EXHIBIT A

**PARCEL M40-WD
0.140 ACRE**

-2-

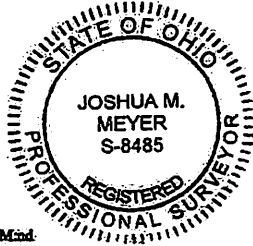
Thence North 24° 28' 38" East, with said centerline, the line common to said 88.622 and 27.733 acre tracts, a distance of 203.77 feet to the TRUE POINT OF BEGINNING, containing 0.140 acre, more or less all of which is within the present road occupied.

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24°28'38" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



JMM:nd
M40-WD_0_140 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.


Joshua M. Meyer
Professional Surveyor No. 8485

11-15-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/17/22

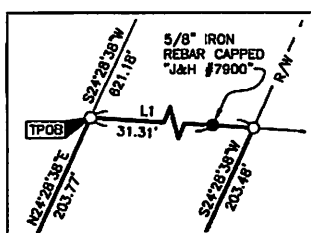
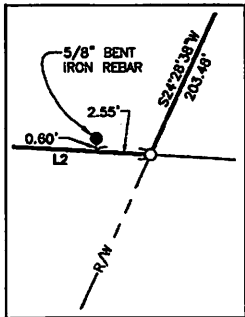


Evans, Macdonald, Henshaw & Wilson, Inc.
 Engineers • Surveyors • Planners • Scientists
 6000 New Albany Road, Columbus, OH 43244
 Phone: 614.778.4300 Fax: 614.778.4346
 emht.com

SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

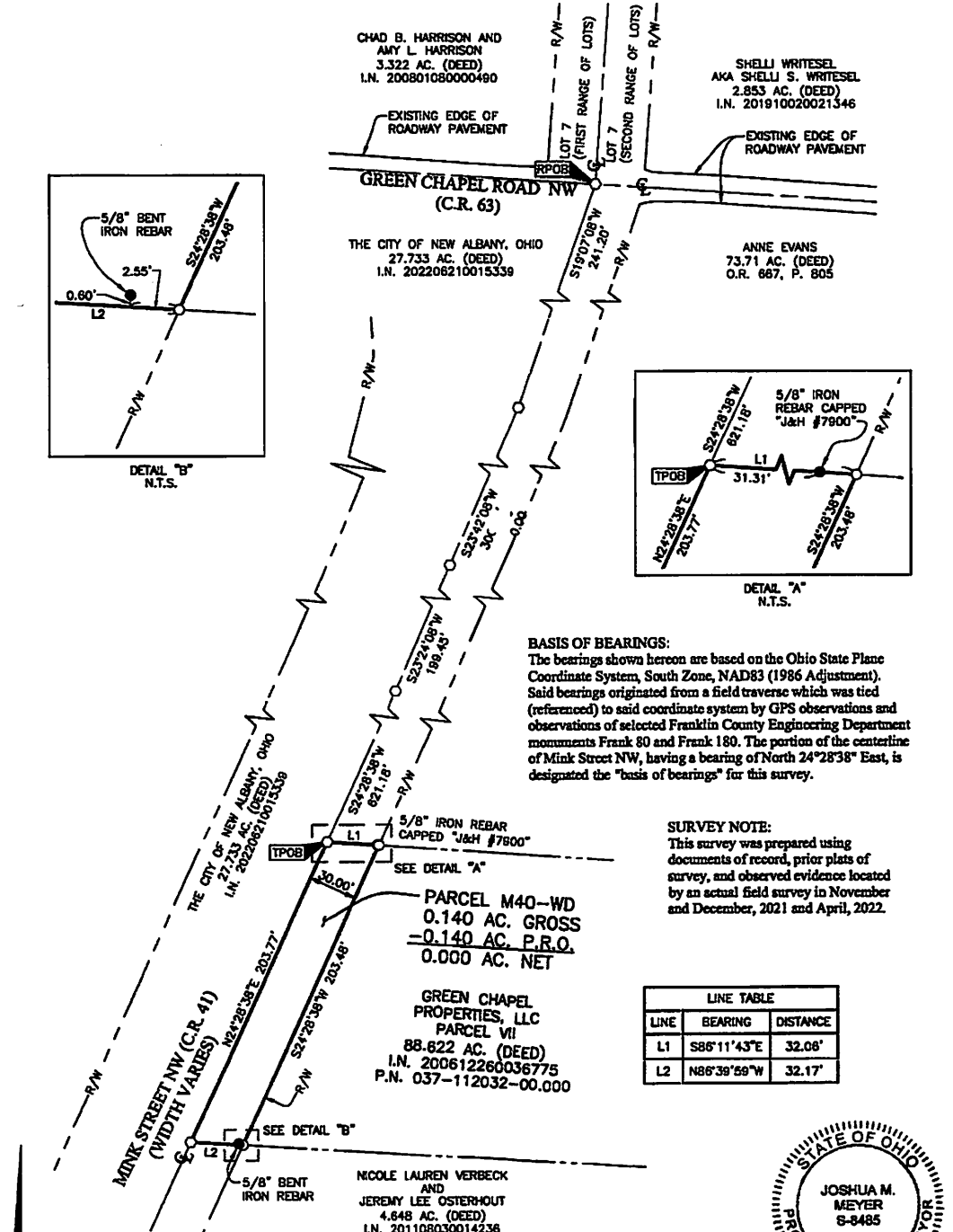
Date: November 15, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24°28'38" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°11'43"E	32.08'
L2	N86°39'59"W	32.17'



○ Iron Pin Set
 ● Iron Pin Found
 ○ Magnetic Nail Set
 I.P. Set are 13/16" LD. iron pipes
 30" long with cap inscribed EMHT INC.
 SCALE (1 in set)

By *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmyer@emht.com

11-15-2022
 Date



Mink Street and Green Chapel/ M40-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M40-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112032-00.000

Prior Instrument Reference: Instrument No. 200612260036775, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M40-T
0.014 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 88.622 acre tract, that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, in the centerline of Mink Street NW (County Road 41) (width varies);

Thence South 86° 11' 43" East, with the line common to said 88.622 and 73.71 acre tracts, a distance of 32.06 feet to the TRUE POINT OF BEGINNING;

Thence South 86° 11' 43" East, continuing with said common line, a distance of 6.41 feet to a point;

Thence across said 88.622 acre tract, the following courses and distances:

South 24° 28' 38" West, a distance of 38.22 feet to a point;

South 65° 31' 22" East, a distance of 4.00 feet to a point;

South 24° 28' 38" West, a distance of 23.00 feet to a point;

North 65° 31' 22" West, a distance of 7.00 feet to a point;

South 24° 28' 38" West, a distance of 57.47 feet to a point;

North 65° 31' 22" West, a distance of 3.00 feet to a point in the easterly right-of-way line of said Mink Street NW; and

North 24° 28' 38" East, with said easterly right-of-way line, a distance of 116.42 feet to the TRUE POINT OF BEGINNING, containing 0.014 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

12/8/22
Date

HLK:nd
M40-T_0_014 ac 20220233-VS-ESMT-TEMP.docx

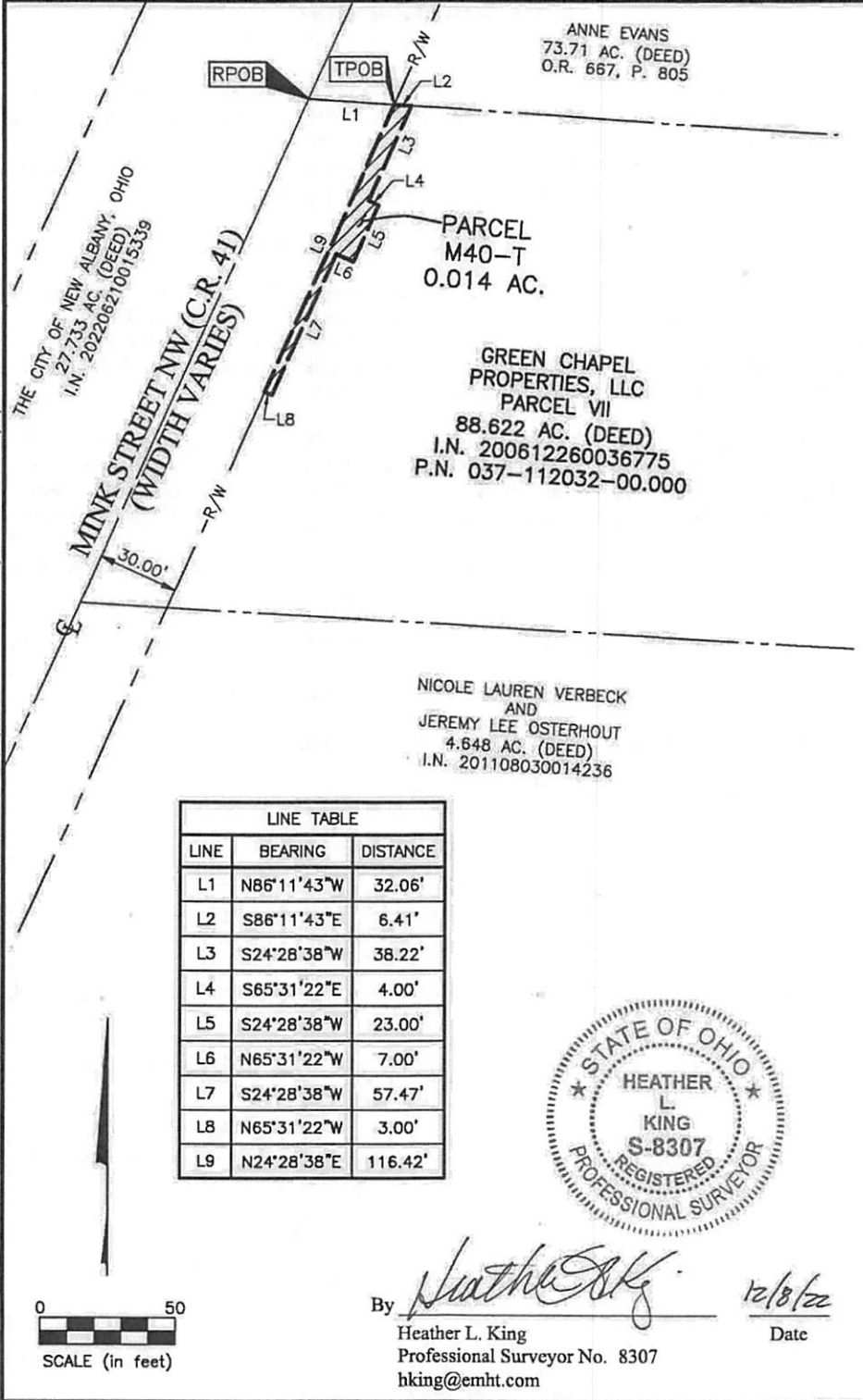


Evans, Mechtwart, Hombler & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 3600 New Albany Road, Columbus, OH 43224
 Phone: 614.775.4322 Fax: 614.775.3648
 emht.com

TEMPORARY EASEMENT

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 JERSEY TOWNSHIP, COUNTY OF LICKING, STATE OF OHIO

Date: November 28, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



J:\2022\0233\DWG\04\SECTIONS\EASEMENTS\M40-T_20220233-05-EMT-TEMP.DWG plotted by DISTELHORST, NICOLE on 11/28/2022 7:37:03 AM last saved by DISTELHORST, NICOLE on 11/11/2022 10:05:58 AM

NICOLE LAUREN VERBECK
 AND
 JEREMY LEE OSTERHOUT
 4.648 AC. (DEED)
 I.N. 201108030014236

GREEN CHAPEL
 PROPERTIES, LLC
 PARCEL VII
 88.622 AC. (DEED)
 I.N. 200612260036775
 P.N. 037-112032-00.000



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°11'43"W	32.06'
L2	S86°11'43"E	6.41'
L3	S24°28'38"W	38.22'
L4	S65°31'22"E	4.00'
L5	S24°28'38"W	23.00'
L6	N65°31'22"W	7.00'
L7	S24°28'38"W	57.47'
L8	N65°31'22"W	3.00'
L9	N24°28'38"E	116.42'



By *Heather L. King* Date *12/8/22*
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com



ORDINANCE O-70-2023

AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “*TIF Statutes*”) authorize this Council to declare the improvement to certain parcels of real property located within the City of New Albany, Ohio (the “*City*”) to be a public purpose and exempt from taxation, require the owner of those parcels to make service payments in lieu of taxes, provide for the distribution of the applicable portion of those service payments to the Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County (C-TEC), (each, a “*School District*”), establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each, as now or hereafter configured on the tax list and duplicate of real and public utility property, a “*Parcel*”, and collectively, the “*Parcels*”) are located in the City, and this Council has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to each Parcel to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an “*Owner*,” and collectively, the “*Owners*”) to make annual Service Payments (as defined in Section 2 of this Ordinance); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that the School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to designate the public infrastructure improvements described in Exhibit B attached hereto (the "*Public Infrastructure Improvements*") as public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, the Parcels; and

WHEREAS, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements (each, a "*TIF Agreement*"), which will more fully provide for the collection of Service Payments; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County (C-TEC) in accordance with, and within the time periods prescribed by, Sections 5709.40 and 5709.83 of the Ohio Revised Code and in furtherance of the commitment made by the City in the Compensation Agreements entered into between the Board of Education of the Johnstown-Monroe Local School District, and the City;

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

Section 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*", as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Licking County, Ohio (the "*County Treasurer*") on or before the final dates for payment of

real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Service Payments*”), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Property Tax Rollback Payments*”), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

Section 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Oak Grove II Public Tax Increment Equivalent Fund (the “*Fund*”). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement to each Parcel and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City’s General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

Section 4. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is hereby requested and directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

- (i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the “*Authority*”) to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

Section 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public

infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 6. Tax Increment Financing Agreement. The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the City Manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this Ordinance, shall be evidenced conclusively by the City Manager's execution thereof.

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. Filings with Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

Section 9. Tax Incentive Review Council. This council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 10. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 11. Effective Date. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Legislation dates:

Prepared: 04/07/2023

Introduced: 04/18/2023

Revised:

Adopted:

Effective:

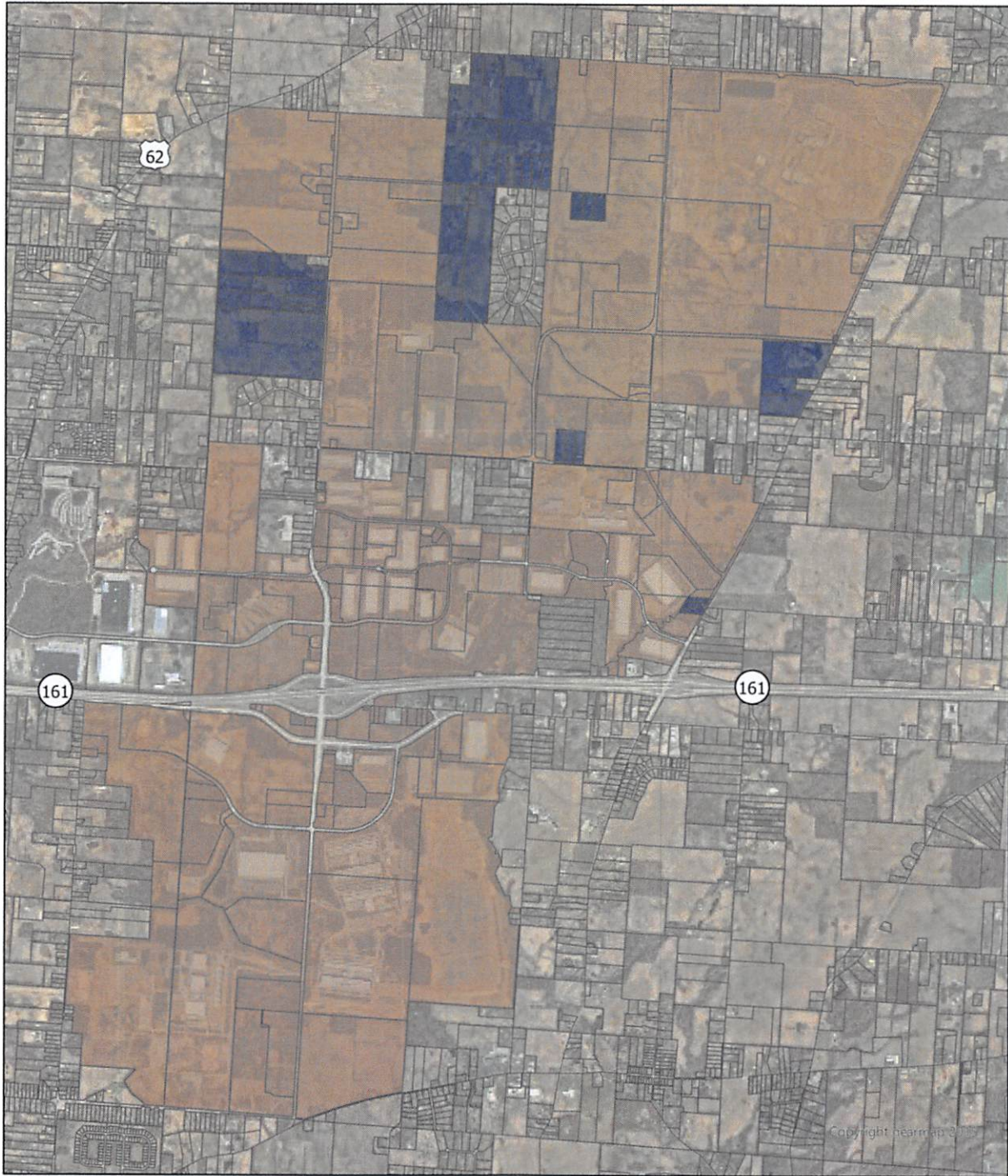
Benjamin S. Albrecht
Law Director

PROPOSAL

EXHIBIT A – O-70-2023

PARCEL MAP

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



Oak Grove II TIF

Northeast Business Park District

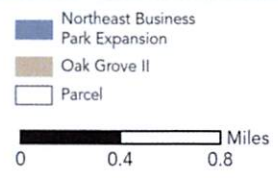


EXHIBIT B – O-70-2023

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of the following improvements that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), along with any other improvements subsequently designated by Village Council:

- public roads and highways (including street realignments);
- water and sewer lines;
- leisure trails and connections;
- parks and public facilities;
- environmental remediation projects;
- stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety and welfare;
- gas, electric and communications services facilities, including fiber optics;
- land acquisition, including acquisition in aid of industry, commerce, distribution, or research;
- demolition, including demolition on private property when determined to be necessary for economic development purposes;
- landscaping and signage, including brick retaining walls at roadway intersections; including in each case, design and other related costs (including traffic studies); any rights-of-way or real estate acquisition; curbs and gutters, medians, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation); traffic signs and signalization (including overhead street signage); street lighting and signs; burial of utility lines (including fiber optics); erosion and sediment control measures; grading, drainage and other related work; survey work, soil engineering, inspection fees and construction staking; and all other costs and improvements necessary and appurtenant thereto.



ORDINANCE O-71-2023

AN ORDINANCE TO ACCEPT A 7.512 ACRE CONSERVATION EASEMENT AS REQUESTED BY THE NEW ALBANY COMPANY, LLC

WHEREAS, The New Albany Company, LLC is obtaining permits from the Ohio EPA that require the protection of certain watercourses in 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 7.512 acres; and

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

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

Section 1. The city manager is hereby authorized to accept the conservation easement totaling 7.512 acres as described and depicted on 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 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.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 04/07/2023

Introduced: 04/18/2023

Revised:

Adopted:

Effective:

PROPOSED

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 **MBJ HOLDINGS, LLC**, a Delaware limited liability company having its address at 8000 Walton Parkway, Suite 120, New Albany, Ohio 43054 ("MBJ"), **COI NEW ALBANY TECH PARK LAND, LLC**, an Ohio limited liability company, having its address at 950 Goodale Blvd., Suite 100, Columbus, Ohio 43212 ("COI", and collectively with MBJ, the "Grantors"), 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, MBJ is the sole owner in fee simple of certain real property known as Licking County Auditor's Parcel Numbers _____ and being more particularly described in Instrument Numbers _____, which are of record with the Office of the Recorder of Licking County, Ohio (the "MBJ Property"); and

WHEREAS, COI is the sole owner in fee simple of certain real property known as Licking County Auditor's Parcel Number _____ and being more particularly described in Instrument Number _____, which is of record with the Office of the Recorder of Licking County, Ohio (the "COI Property", and collectively with the MBJ Property, the "Property"); and

WHEREAS, Grantors desire 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"); and

WHEREAS, this Agreement and the Conservation Easement (as such term is defined below) created hereby is contemplated to satisfy the requirements of permits (whether one or more, the "Permits") to be issued in the future to MBJ by the Ohio Environmental Protection Agency ("Ohio EPA") and by the U.S. Army Corps of Engineers ("USACE").

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:** Grantors hereby grant and convey 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, Grantors covenant with and for the benefit of Grantee, on behalf of Grantors (which term shall include its successors in title to the Property), 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:** Grantee has determined that 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.

4. **Prohibited Actions:** Subject to existing easements and encumbrances of record which affect the Conservation Easement Area and except as otherwise permitted herein, any activity on or use of the Conservation Easement Area that is inconsistent with the purposes of the Conservation Easement is strictly prohibited without the prior written consent of the Grantee and the Ohio EPA and the USACE. For the avoidance of doubt, the enhancement and restoration of Blacklick Creek (as hereinafter defined) shall in no event be considered inconsistent with the purposes of the Conservation Easement. By way of example, and not of limitation, the following activities and uses are prohibited within the Conservation Easement Area, except as otherwise permitted or required by the Permits:

- a. **Commercial Activities:** Commercial development or industrial activity;
- b. **Construction:** The placement or construction of any man-made modifications such as buildings, structures, fences, roads and parking lots;
- c. **Cutting Vegetation:** Any cutting of trees, ground cover or vegetation, or destroying by any means of herbicides or pesticides, other than the removal or control of invasive and noxious species;

- d. **Land Surface Alteration:** The removal of soil, sand, gravel, rock, minerals or other materials, or doing any act that would alter the topography of the Conservation Easement Area;
- e. **Dumping:** The placement of waste, garbage and unsightly or offensive materials;
- f. **Water Courses:** Dredging, straightening, filling, channeling, impeding, diverting, or otherwise altering any natural water courses, streams and adjacent riparian buffers located within the Conservation Easement Area;
- g. **Utilities:** The installation of new transmission lines for electric power, communications, water, sewer, natural gas, or petroleum products. For the avoidance of doubt, any structures or utilities existing as of the date of this Agreement are permitted to remain in the Conservation Easement Area; and
- h. **Other Activities:** Each and every other activity or construction project which endangers the natural, scenic, biological, or ecological integrity of the Conservation Easement Area.

5. **Rights of Grantee:** Grantors confer 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 reasonable prior notice is provided to Grantors and appropriate consideration is given to the reasonable security or safety requirements of Grantors, or their tenants, contractors, employees or licensees. 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 Grantors' (including Grantors' tenants, contractors, employees, agents, and licensees) use and quiet enjoyment of the Property. Except as expressly set forth in Section 7 of this Agreement, 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 or shall 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 of Grantors (including its successors and assigns) which is 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 Grantors, which approval 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 Grantors.

6. **Rights of MBJ:** MBJ hereby reserves to itself, and COI confers upon MBJ, the following rights to enhance and/or restore the conservation values of the Conservation Easement Area:

- a. **Right to Enter:** MBJ has the right to enter upon the Conservation Easement Area to complete restoration and enhancement activities (and as necessary in the future, maintenance and monitoring activities), provided that such entry shall occur after reasonable prior notice is provided to Grantors and appropriate consideration is given to the reasonable security or safety requirements of Grantors, or their tenants, contractors, employees or licensees. To the extent reasonably possible, entry shall be made from a public right-of-way. MBJ may not enter upon the Property (other than the Conservation Easement Area) or unreasonably interfere with Grantors' (including Grantors' tenants, contractors, employees, agents, and licensees) use and quiet enjoyment of the Property.
- b. **Limited Encroachment:** MBJ shall be permitted to encroach onto the Conservation Easement Area for the limited purpose of enhancing and restoring (and as necessary in the future, monitoring and maintaining) the stream, including the stream channel, stream banks and associated riparian buffer (collectively, "Blacklick Creek") that exists within the Conservation Easement Area. Construction activities and removal of vegetation within the Conservation Easement Area shall be permitted in

association with such limited encroachment. Such limited encroachment shall be conducted in accordance with the Permits and shall protect, restore and maintain the Conservation Values of the Conservation Easement Area.

- c. **Signs:** MBJ 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 Grantors, which approval shall not be unreasonably conditioned, delayed or withheld. MBJ reserves the right to post or clearly mark the boundaries of the Conservation Easement Area at locations that are mutually agreed upon with Grantors.

7. **Permitted Uses:** Each Grantor reserves to itself, to its successors and assigns, with respect to the Conservation Easement Area, all rights accruing from its ownership of the applicable portion 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, and including the approval and limited encroachment rights provided hereunder. Without limiting the generality of the foregoing, the following rights are expressly reserved or permitted, notwithstanding any other provisions of this Agreement:

- a. **Right to Convey:** Each Grantor shall retain 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:** Each Grantor shall retain the right to unimpeded access to the Conservation Easement Area.
- c. **Use of Property:** 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. Each 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.
- d. **Limited Encroachments:** Each Grantor shall be permitted to encroach onto the Conservation Easement Area for the purpose of constructing (and, as necessary in the future, maintaining and replacing) storm water drainage piping, culverts, features and/or outfalls (collectively, the "Drainage Crossing") with respect to the areas described and depicted on

Exhibit C, attached hereto and incorporated herein by this reference. Grantor shall restore (i) all pre-construction contours and (ii) all vegetation within the Conservation Easement that has been damaged or removed during construction of the Drainage Crossing, as follows:

- (1) Disturbed areas shall be seeded with the permanent, native seed mix specified in the plans approved by the OEPA or the USACE, as applicable, in connection with the Permits;
- (2) Trees and shrubs shall be replaced on a one-for-one basis; and
- (3) Trees and shrubs shall be chosen from the plant list specified in the plans approved by the OEPA or the USACE, as applicable, in connection with the Permits.

e. **Recreational Features:** Subject to and in accordance with the Permits and provided Grantee has received the approval of OEPA and USACE, if applicable, within the Conservation Easement Area, Grantee shall have the right to construct (and, as necessary in the future, maintain and replace) and allow the general public use of the following:

- (1) Pedestrian and bicycle trails of not more than eight feet (8') in width consisting of pervious surfaces, including but not limited to mowed grass, hardwood mulch, or permeable pavement, together with no more than two feet (2') of mowed grass edges on either side. Any such trails shall be located more than twenty-five feet (25') from any natural water course or stream within the Conservation Easement Area; and
- (2) Benches or other similar seating structures that are located along the trails contemplated in Section 7.e.(1) above, provided that any such benches or similar seating structures are installed on a pervious surface and are located more than twenty-five feet (25') from any natural water course or stream within the Conservation Easement Area.

8. **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 Grantors' Control:** Grantee may not bring an action against Grantors and Grantors shall have no liability for modifications to the Conservation Easement Area that result from causes beyond Grantors' control. Examples include, without limitation, unintentional fires, flooding, 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. Grantors 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 Grantee 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 Grantors to enforce this Agreement, and if the court determines that the litigation was without reasonable cause or in bad faith, then Grantee shall reimburse Grantors for all reasonable costs and attorneys' fees incurred in defending the action.
- f. **Grantors' Absence:** If Grantee determines that the terms of the Conservation Easement or the Agreement is, or is reasonably expected to be, violated, then Grantee will make a good faith effort to notify Grantors. If, through reasonable efforts, Grantors 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 Grantors.

- 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.

9. **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. Except to the extent caused by the gross negligence of Grantee, 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.

10. **Remediation:** If, at any time, there occurs, or has occurred, a release caused by the owner of the Conservation Easement Area, but subject to Section 8.b. hereof, 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.

11. **Cessation of Existence:** If Grantee shall cease to be authorized to acquire and hold conservation easements, then, with the prior consent of the owner of the Conservation Easement Area, the Ohio EPA and the USACE, this Agreement shall become vested in another qualified entity that is eligible to acquire and hold a conservation easement under Ohio law and such vesting shall be deemed an assignment pursuant and subject to Section 14 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.

12. **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.

13. **Recordation:** MBJ 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.

14. **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, the Ohio EPA and the USACE, 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.

15. **Liberal Construction:** This Agreement shall be liberally construed in favor of maintaining the conservation values of the Conservation Easement Area. The section headings and subheadings identified herein are for reference purposes only and shall not be used to interpret the meaning of any provision hereof.

16. **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, or expedited prepaid delivery service, to that party at the address shown at the outset of this Agreement, or with respect to any successors or assigns of Grantors, 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, (ii) three days after depositing the properly addressed notice with the U.S. Postal Service, or (iii) one day after depositing the properly addressed notice with an expedited prepaid delivery service.

17. **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.

18. **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.

19. **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 and the owner of the Conservation Easement Area shall only be liable for acts or failures to comply with this Agreement which occur during its period of ownership. Liability for acts or

failures to comply with this Agreement which occur prior to transfer shall survive any such transfer.

20. **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.

21. **“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.

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

23. **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.

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

IN WITNESS WHEREOF, MBJ has caused the execution of this Agreement to be effective as of the Effective Date.

MBJ HOLDINGS, LLC,
a Delaware limited liability company

By: _____

Print Name: _____

Date: _____

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by _____, the _____ of **MBJ HOLDINGS, LLC**, a Delaware limited liability company, on behalf of the limited liability company. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

Notary Public

IN WITNESS WHEREOF, COI has caused the execution of this Agreement to be effective as of the Effective Date.

COI:

COI NEW ALBANY TECH PARK LAND, LLC, an Ohio limited liability company

By: _____

Print Name: _____

Title: _____

STATE OF MISSOURI)
COUNTY OF JACKSON) SS:

The foregoing instrument was acknowledged before me on this ____ day of _____, 2023 by David M. Harrison, the Manager of COI New Albany Tech Park Land, LLC, an Ohio limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

NOTARY PUBLIC

My Commission Expires: _____

IN WITNESS WHEREOF, Grantee has caused the execution of this Agreement 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 FRANKLIN) SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by _____, the _____ of **The City of New Albany, Ohio**, an Ohio municipal corporation, on behalf of said municipal corporation. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

Notary Public

Approved as to Form:

Benjamin Albrecht, City Law Director

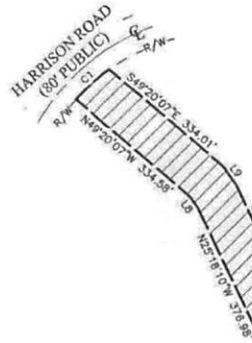
This instrument prepared by:
The New Albany Company LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
(614) 939-8000



CONSERVATION EASEMENT

LOT 13, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: October 25, 2022
Scale: 1" = 200'
Job No: 20220484
Sheet No: 1 of 1



- (A) MBI HOLDINGS, LLC
2.499 AC. (DEED)
I.N. 202205180012410
P.N. 095-111732-00.002
- (B) MBI HOLDINGS, LLC
2.502 AC. (DEED)
I.N. 202205130012058
P.N. 095-111732-00.007

LINE	BEARING	DISTANCE
L1	N03°25'05"E	115.24'
L2	N86°34'55"W	30.00'
L3	N57°17'33"W	103.87'
L4	S67°58'23"W	9.19'
L5	S50°06'28"W	112.44'
L6	S63°07'04"W	115.73'
L7	S85°33'13"W	88.38'
L8	N35°39'18"W	30.19'
L9	S35°39'18"E	51.25'
L10	N85°33'13"E	57.66'
L11	N63°07'04"E	84.40'
L12	N50°06'28"E	116.75'
L13	N67°58'23"E	45.65'
L14	S57°17'33"E	75.79'
L15	S03°25'05"W	114.66'

CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	12°34'44"	460.00'	100.99'	N47°49'30"E	100.79'

MBI HOLDINGS, LLC
128.851 AC. (DEED)
I.N. 202210100024492
P.N. 095-111732-00.000



By: Matthew A. Kirk 24 OCT 22
Matthew A. Kirk
Professional Surveyor No. 7885
mkirk@emht.com

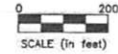


Exhibit A
Depiction of Conservation Easement Area

Exhibit B
Legal Description of Conservation Easement Area

CONSERVATION EASEMENT
7.512 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 13, Quarter Township 2, Township 2, Range 15, United States Military District, being on, over and across those tracts conveyed to MBJ Holdings, LLC by deeds of record in Instrument Numbers 202210100024492, 202205180012410, and 202205130012058 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, in the centerline of Clover Valley Road (County Road 26) at the common corner of Lots 3, 4, 13 and 14;

Thence North 03° 25' 05" East, with said centerline, a distance of 115.24 feet to a point;

Thence North 86° 34' 55" West, crossing said Clover Valley Road, a distance of 30.00 feet to a point in the westerly right of way line of said Clover Valley Road, the TRUE POINT OF BEGINNING for this description;

Thence crossing said MBJ Holdings, LLC tracts the following courses and distances:

North 57° 17' 33" West, a distance of 103.87 feet to a point;

North 88° 35' 23" West, a distance of 142.38 feet to a point;

South 67° 58' 23" West, a distance of 9.19 feet to a point;

South 50° 06' 28" West, a distance of 112.44 feet to a point;

South 63° 07' 04" West, a distance of 115.73 feet to a point;

South 85° 33' 13" West, a distance of 88.38 feet to a point;

North 82° 01' 21" West, a distance of 165.18 feet to a point;

North 62° 26' 55" West, a distance of 216.83 feet to a point;

North 59° 52' 02" West, a distance of 1089.45 feet to a point;

North 45° 02' 27" West, a distance of 526.05 feet to a point;

North 25° 18' 10" West, a distance of 376.98 feet to a point;

North 35° 39' 18" West, a distance of 30.19 feet to a point; and

North 49° 20' 07" West, a distance of 334.58 feet to a point in the southerly right of way line of Harrison Road;

Thence with said southerly right of way line and with the arc of a curve to the right, having a central angle of 12° 34' 44", a radius of 460.00 feet, an arc length of 100.99 feet, a chord bearing of North 47° 49' 30" East and chord distance of 100.79 feet to a point;

Thence crossing said MBJ Holdings, LLC tracts the following courses and distances:

South 49° 20' 07" East, a distance of 334.01 feet to a point;

South 35° 39' 18" East, a distance of 51.25 feet to a point;

South 25° 18' 10" East, a distance of 368.65 feet to a point;

**CONSERVATION EASEMENT
7.512 ACRES**

-2-

South 45° 02' 27" East, a distance of 495.64 feet to a point;
South 59° 52' 02" East, a distance of 1074.18 feet to a point;
South 62° 26' 55" East, a distance of 197.32 feet to a point;
South 82° 01' 21" East, a distance of 137.05 feet to a point;
North 85° 33' 13" East, a distance of 57.66 feet to a point;
North 63° 07' 04" East, a distance of 84.49 feet to a point;
North 50° 06' 28" East, a distance of 116.75 feet to a point;
North 67° 58' 23" East, a distance of 45.65 feet to a point;
South 88° 35' 23" East, a distance of 191.13 feet to a point; and
South 57° 17' 33" East, a distance of 75.79 feet to a point in the westerly right of way line of said Clover Valley Road;
Thence South 03° 25' 05" West, with said westerly right of way line, a distance of 114.66 feet to the TRUE POINT OF BEGINNING, containing 7.512 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

26 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jo
7_512 ac 20220484-VS-ESMT-MISC-01.docx



Exhibit C
Legal Description and Depiction of Drainage Crossing

PERMITTED DRAINAGE AREA
0.035 ACRE

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 13, Quarter Township 2, Township 2, Range 15, United States Military District, being on, over and across that 128.851 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202210100024492 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of that 5.001 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202205310013418, the northwesterly corner of that 2.502 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202205130012058;

Thence crossing said 128.851 acre tract the following courses and distances:

North 82° 42' 06" West, a distance of 721.42 feet to the TRUE POINT OF BEGINNING for this description;

South 41° 38' 12" West, a distance of 51.03 feet to a point;

North 59° 52' 02" West, a distance of 30.62 feet to a point;

North 41° 38' 12" East, a distance of 51.03 feet to a point; and

South 59° 52' 02" East, a distance of 30.62 feet to the TRUE POINT OF BEGINNING, containing 0.035 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

13 Dec 22
Date

MAK:jo
0_035 ac 20220484-VS-ESMT-DRAN-01.docx



**PERMITTED DRAINAGE AREA
0.034 ACRE**

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 13, Quarter Township 2, Township 2, Range 15, United States Military District, being on, over and across that 128.851 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202210100024492 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of that 2.469 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207050015413, the northwesterly corner of that 2.489 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206070014182;

Thence crossing said 128.851 acre tract the following courses and distances:

North 89° 40' 03" West, a distance of 1614.14 feet to the TRUE POINT OF BEGINNING for this description;

South 65° 49' 40" West, a distance of 50.01 feet to a point;

North 25° 18' 10" West, a distance of 30.01 feet to a point;

North 65° 49' 40" East, a distance of 50.01 feet to a point; and

South 25° 18' 10" East, a distance of 30.01 feet to the TRUE POINT OF BEGINNING, containing 0.034 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

Matthew A. Kirk
Professional Surveyor No. 7865

13 DEC 22

Date

MAK:jo
0_034 ac 20220494-VS-ESMT-DRAN-01.docx



**PERMITTED DRAINAGE AREA
0.035 ACRE**

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 13, Quarter Township 2, Township 2, Range 15, United States Military District, being on, over and across that 128.851 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202210100024492 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of that 2.515 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206020013708, the northwesterly corner of that 2.469 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205160012208;

Thence crossing said 128.851 acre tract the following courses and distances:

North 87° 39' 34" West, a distance of 1985.20 feet to the TRUE POINT OF BEGINNING for this description;

South 53° 59' 24" West, a distance of 51.38 feet to a point;

North 49° 20' 07" West, a distance of 30.83 feet to a point;

North 53° 59' 24" East, a distance of 51.38 feet to a point; and

South 49° 20' 07" East, a distance of 30.83 feet to the TRUE POINT OF BEGINNING, containing 0.035 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

13 DEC 22

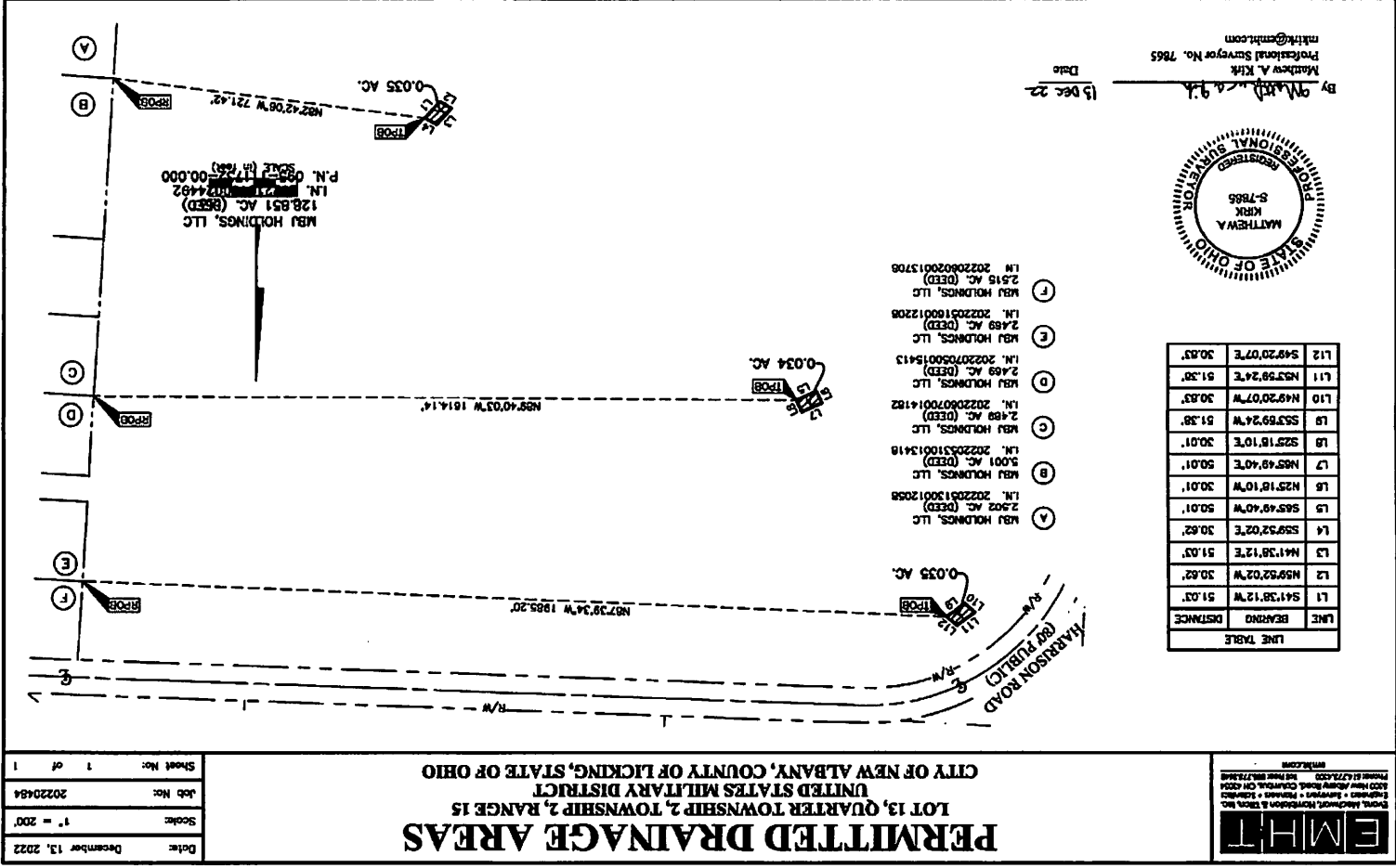
Matthew A. Kirk

Date

Professional Surveyor No. 7865

MAK:jo
0_035 ac 20220484-VS-ESMT-DRAN-01a.docx





Supplier SHK ATVA/LA Sp61 / 20220484-VS-ESMT-DRM-01



ORDINANCE O-72-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, JUSTIN J. PRICE AND JENNIFER M. PRICE, OF THE PROPERTY LOCATED AT 11980 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the "Project"), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Justin J. Price and Jennifer M. Price, for the property located at 11980 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G48-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G48-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at One Thousand Eight Hundred Forty-six Dollars (\$1,846.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	04/07/2023
Introduced:	04/18/2023
Revised:	
Adopted:	
Effective:	

EXHIBIT A

**PARCEL G48-WD
0.041 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2 and the northerly line of said 27.733 acre tract, a distance of 540.12 feet to a magnetic nail set at the southeasterly corner of said 5.638 acre tract, the southwesterly corner of that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, with said centerline, said common Township line, the line common to said 5.638 and 27.733 acre tracts, a distance of 180.00 feet to a magnetic nail found at the southwesterly corner of said 5.638 acre tract, the southeasterly corner of that 5.64 acre tract conveyed to Orrin R. Thornton and Patricia A. Moore-Thornton by deed of record in Instrument Number 200608080023058;

Thence North 02° 58' 52" East, across said Green Chapel Road NW and with the line common to said 5.638 and 5.64 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 87° 01' 59" East, across said 5.638 acre tract, a distance of 180.00 feet to an iron pin set in the line common to said 5.638 and 5.63 acre tracts;

Thence South 02° 58' 52" West, with said common line and across said Green Chapel Road NW, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.004 and all of which is within the present road occupied.

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

EXHIBIT A

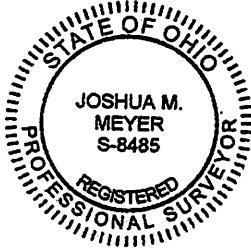
**PARCEL G48-WD
0.041 ACRE**

-2-

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-11-2023

Date

JMM:djf
G48-WD_0_041 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 1/12/22	



Evans, Mechwart, Hamilton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 8000 New Albany Road, Columbus, OH 43234
 Phone: 614.778.6300 Fax: 614.778.6304
 emht.com

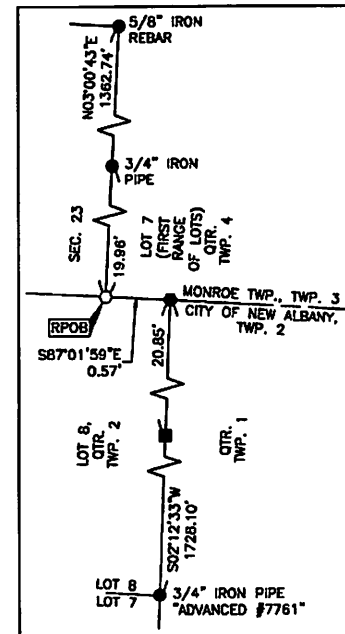
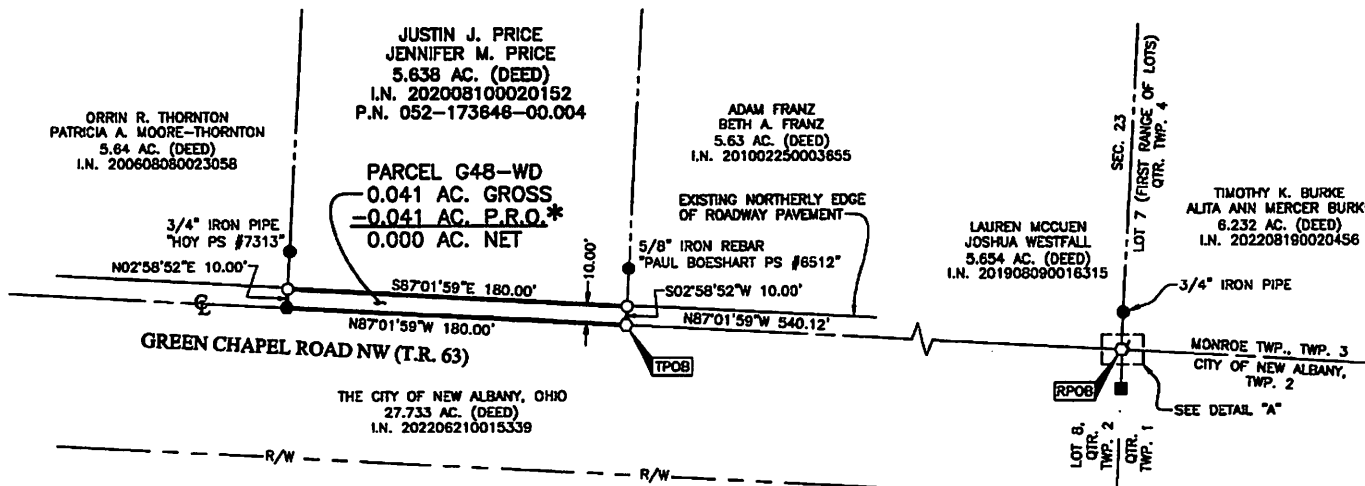
SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"
N.T.S.

*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:

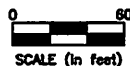
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

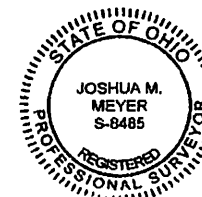
- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



By *J. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-11-2023
 Date



Ordinance O-72-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G48-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173646-00.004

Prior Instrument Reference: 202008100020152, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G48-T
0.041 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the corner common to said 5.638 acre tract and that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, and in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said 5.638 and 5.63 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, across said 5.638 acre tract, a distance of 180.00 feet to a point in the line common to said 5.638 acre tract and that 5.64 acre tract conveyed to Orrin R. Thornton and Patricia A. Moore-Thornton by deed of record in Instrument Number 200608080023058;

Thence North 02° 58' 52" East, with said common line, a distance of 10.00 feet to a point;

Thence South 87° 01' 59" East, across said 5.638 acre tract, a distance of 180.00 feet to a point in the line common to said 5.638 and 5.63 acre tracts;

Thence South 02° 58' 52" West, with the said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:nd
G48-T_0_041 ac 20220307-VS-ESMT-TEMP.docx





Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

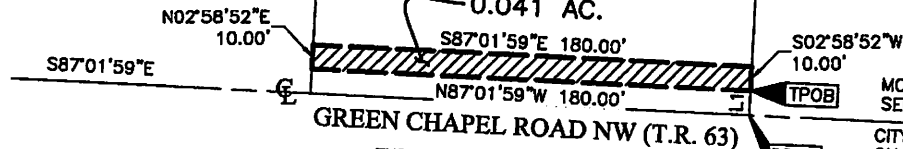
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: January 11, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

ORRIN R. THORNTON
 PATRICIA A. MOORE-THORNTON
 5.64 AC. (DEED)
 I.N. 200608080023058

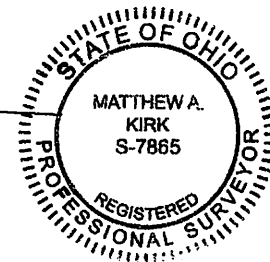
JUSTIN J. PRICE
 JENNIFER M. PRICE
 5.638 AC. (DEED)
 I.N. 202008100020152
 P.N. 052-173646-00.004
 PARCEL G48-T
 0.041 AC.

ADAM FRANZ
 BETH A. FRANZ
 5.63 AC. (DEED)
 I.N. 201002250003655

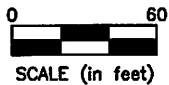


GREEN CHAPEL ROAD NW (T.R. 63)
 THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202206210015339

MONROE TOWNSHIP,
 SECTION 23, TOWNSHIP 3
 CITY OF NEW ALBANY, LOT 8,
 QUARTER TOWNSHIP 2,
 TOWNSHIP 2



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°58'52"E	10.00'



By Matthew A. Kirk Date 11 JAN 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-72-2023 EXHIBIT 2

EXHIBIT A

**PARCEL G48-WD
0.041 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2 and the northerly line of said 27.733 acre tract, a distance of 540.12 feet to a magnetic nail set at the southeasterly corner of said 5.638 acre tract, the southwesterly corner of that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, with said centerline, said common Township line, the line common to said 5.638 and 27.733 acre tracts, a distance of 180.00 feet to a magnetic nail found at the southwesterly corner of said 5.638 acre tract, the southeasterly corner of that 5.64 acre tract conveyed to Orrin R. Thornton and Patricia A. Moore-Thornton by deed of record in Instrument Number 200608080023058;

Thence North 02° 58' 52" East, across said Green Chapel Road NW and with the line common to said 5.638 and 5.64 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 87° 01' 59" East, across said 5.638 acre tract, a distance of 180.00 feet to an iron pin set in the line common to said 5.638 and 5.63 acre tracts;

Thence South 02° 58' 52" West, with said common line and across said Green Chapel Road NW, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.004 and all of which is within the present road occupied.

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

EXHIBIT A

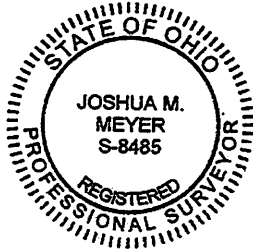
**PARCEL G48-WD
0.041 ACRE**

-2-

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 shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

1-11-2023

Date

JMM:djf
G48-WD_0_041 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 1/12/22	



Evans, Mochwort, Hamilton & Wilson, Inc.
 Engineers • Surveyors • Planners • Scientists
 6320 New Albany Road, Columbus, OH 43264
 Phone: 614.778.4500 Fax: 614.778.2446
 emht.com

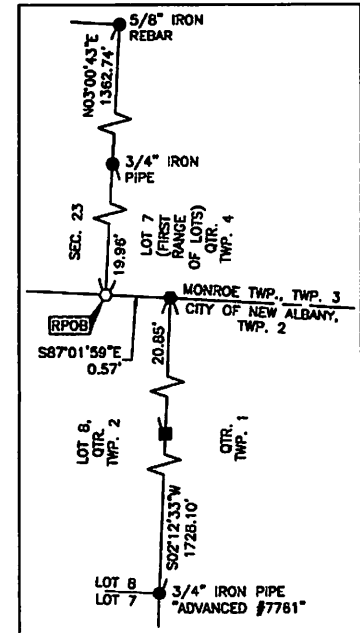
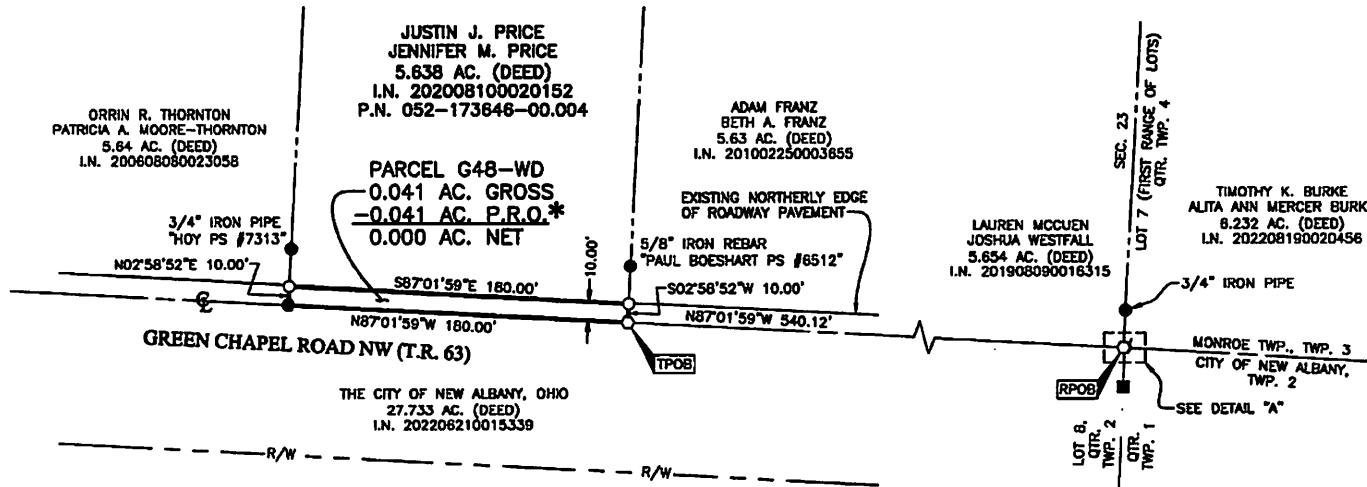
SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

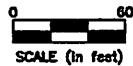
Date:	January 11, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



Ordinance O-72-2023 EXHIBIT 1

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



*** ROAD RIGHT OF WAY NOTES:**


The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:

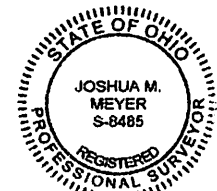
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By 
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

1-11-2023
 Date



**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G48-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173646-00.004

Prior Instrument Reference: 202008100020152, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G48-T
0.041 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the corner common to said 5.638 acre tract and that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, and in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said 5.638 and 5.63 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, across said 5.638 acre tract, a distance of 180.00 feet to a point in the line common to said 5.638 acre tract and that 5.64 acre tract conveyed to Orrin R. Thornton and Patricia A. Moore-Thornton by deed of record in Instrument Number 200608080023058;

Thence North 02° 58' 52" East, with said common line, a distance of 10.00 feet to a point;

Thence South 87° 01' 59" East, across said 5.638 acre tract, a distance of 180.00 feet to a point in the line common to said 5.638 and 5.63 acre tracts;

Thence South 02° 58' 52" West, with the said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

11 JAN 23

Matthew A. Kirk
Professional Surveyor No. 7865

Date

HLK:nd
G48-T_0_041 ac 20220307-VS-ESMT-TEMP.docx





Evans, Mochwari, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.3648
 emht.com

TEMPORARY EASEMENT

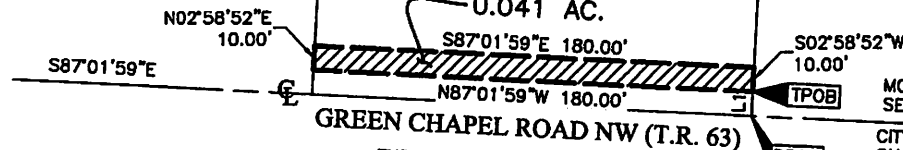
SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: January 11, 2023
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

ORRIN R. THORNTON
 PATRICIA A. MOORE-THORNTON
 5.64 AC. (DEED)
 I.N. 200608080023058

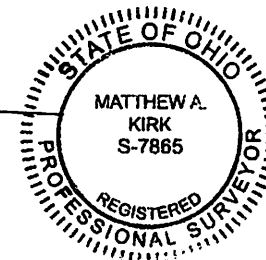
JUSTIN J. PRICE
 JENNIFER M. PRICE
 5.638 AC. (DEED)
 I.N. 202008100020152
 P.N. 052-173646-00.004
 PARCEL G48-T
 0.041 AC.

ADAM FRANZ
 BETH A. FRANZ
 5.63 AC. (DEED)
 I.N. 201002250003655

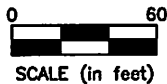


GREEN CHAPEL ROAD NW (T.R. 63)
 THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202206210015339

MONROE TOWNSHIP,
 SECTION 23, TOWNSHIP 3
 CITY OF NEW ALBANY, LOT B,
 QUARTER TOWNSHIP 2,
 TOWNSHIP 2



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°58'52"E	10.00'



By Matthew A. Kirk Date 11 Jan 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-72-2023 EXHIBIT 2



ORDINANCE O-73-2023

AN ORDINANCE TO APPROPRIATE AN EASEMENT FROM THE OWNERS, R. PATRICK JACKSON AND BARBARA D. JACKSON, OF THE PROPERTY LOCATED AT 4780 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-11-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following easement from its owners, R. Patrick Jackson and Barbara D. Jackson, for the property located at 4780 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 1 (Project Parcel M34-1).

Section 2. That Council hereby fixes the value of all the interests appropriated at Three Hundred Dollars (\$300), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	04/07/2023
Introduced:	04/18/2023
Revised:	
Adopted:	
Effective:	

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M34-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173874-00.004

Prior Instrument Reference: Volume 738, Page 735 Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M34-T
0.004 ACRE**

TEMPORARY EASEMENT

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 5.388 acre tract conveyed to R. Patrick Jackson and Barbara D. Jackson by deed of record in Official Record 738, Page 735 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 5.388 acre tract and that 2.594 acre tract conveyed to Gary A. Dickson and Pamela H. Dickson by deed of record in Official Record 757, Page 654, in the common line of Lot 7 (First Range of Lots) and Lot 7 (Second Range of Lots) and in the centerline of Mink Street NW (County Road 41) (60 feet);

Thence South 85° 49' 57" East, leaving the centerline of said Mink Street NW and with the common line of said 5.388 and 2.594 acre tracts, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW;

Thence South 04° 06' 18" West, across said 5.388 acre tract with said easterly right-of-way line, a distance of 17.44 feet to the TRUE POINT OF BEGINNING;

Thence across said 5.388 acre tract, the following courses and distances:

South 85° 53' 42" East, a distance of 8.00 feet to a point;

South 04° 06' 18" West, a distance of 22.79 feet to a point;

North 85° 53' 42" West, a distance of 8.00 feet to a point in said easterly right-of-way line; and

North 04° 06' 18" East, with said easterly right-of-way line, a distance of 22.79 feet to the TRUE POINT OF BEGINNING, containing 0.004 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

11/22/22
Date

HLK:xmh
M34-T_0_004 ac 20220233-VS-ESMT-TEMP.docx



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3646

emht.com

TEMPORARY EASEMENT

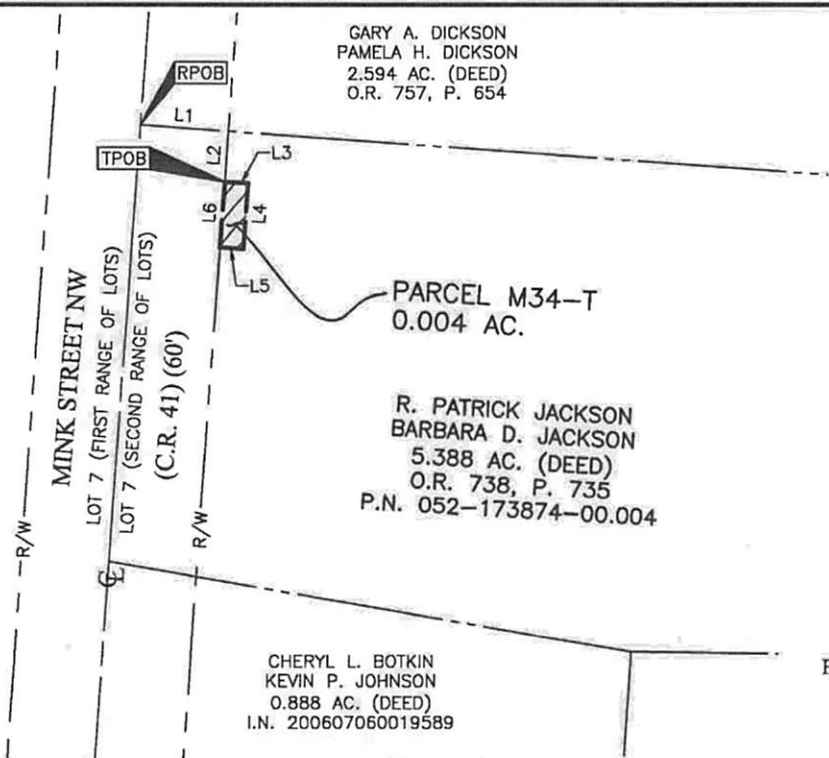
**LOT 7 (SECOND RANGE OF LOTS) QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date: November 9, 2022

Scale: 1" = 50'

Job No: 2022-0233

Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°49'57"E	30.00'
L2	S04°06'18"W	17.44'
L3	S85°53'42"E	8.00'
L4	S04°06'18"W	22.79'
L5	N85°53'42"W	8.00'
L6	N04°06'18"E	22.79'



By *Heather L. King* Date 11/22/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

Ordinance O-73-2023 EXHIBIT 1



ORDINANCE O-74-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, DEEPALI TUKAYE AND KIRAN RAJNEESH, OF THE PROPERTY LOCATED AT 11673 JUG STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Deepali Tukaye and Kiran Rajneesh, for the property located at 11673 Jug Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M67-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M67-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Twenty-two Thousand Nine Hundred Forty-nine Dollars (\$22,949.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 04/07/2023

Introduced: 04/18/2023

Revised:

Adopted:

Effective:

EXHIBIT A

**PARCEL M67-WD
0.316 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 2.004 acre tract conveyed to Deepali Tukaye and Kiran Rajneesh by deed of record in Instrument Number 202208030019089 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set in the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the line common to said Lot 14, and Lot 15 of the Middle Division of the Marsh Section and at a corner common to that 4.999 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Instrument Number 200805160011477 and that 1 acre tract conveyed to Thomas O. Bell and Winnona E. Bell by deed of record in Deed Book 756, Page 71;

Thence South 86° 32' 27" East, with the centerline of said Jug Street Road NW, with the common line of said Lots 14 and 15 and with the line common to said 4.999 and 1 acre tracts, a distance of 201.95 feet to a magnetic nail set at a common corner of said 2.004 and 1 acre tracts, being the TRUE POINT OF BEGINNING;

Thence South 86° 32' 27" East, with the centerline of said Jug Street Road NW, with the common line of said Lots 14 and 15 and with the northerly line of said 2.004 acre tract and with the southerly lines of said 4.999 acre tract and that 2.145 acre tract conveyed to Amy Gramke by deed of record in Instrument Number 201910110022231, a distance of 367.35 feet to a railroad spike found at the corner common of said 2.004 acre tract and that 0.998 acre tract conveyed to RCCL Investments, LLC by deed of record in Instrument Number 202205020010803;

Thence South 03° 57' 55" West, with the line common to said 2.004 and 0.998 acre tract, and across the right of way of said Jug Street Road NW, (passing a bent 5/8" Iron Rebar at a distance of 24.69 feet) a total distance of 30.00 feet to an iron pin set;

Thence across said 2.004 acre tract, the following courses and distances:

North 86° 32' 27" West, a distance of 200.61 feet to an iron pin set at a point on the arc or a curve;

With the arc of a curve to the left, having a central angle of 04° 02' 01", a radius of 470.00 feet, an arc length of 33.09 feet, a chord bearing of South 85° 31' 49" West and chord distance of 33.08 feet to an iron pin set at a point of tangency;

South 83° 30' 48" West, a distance of 100.10 feet to an iron pin set a point of curvature;
and

EXHIBIT A

**PARCEL M67-WD
0.316 ACRE**

-2-

With the arc of a curve to the right, having a central angle of 05° 48' 56", a radius of 530.00 feet, an arc length of 53.80 feet, a chord bearing of South 86° 25' 17" West and chord distance of 53.77 feet to an iron pin set in the line common to said 2.004 and 1 acre tracts;

Thence North 20° 48' 25" East, with the common line of said 2.004 and 1 acre tracts, (passing a 3/4 inch iron pipe found at a distance of 27.88 feet) a total distance of 61.23 feet to the TRUE POINT OF BEGINNING, containing 0.316 acre, more or less, all of which is within Auditors Parcel Number 037-112302-00.000 and of which 0.256 acre is in the present roadway occupied.

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 shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Jug Street Road NW, having a bearing of South 86° 32' 27" East, is designated the "basis of bearing" for this description.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in November and December 2021 and April 2022.



JMM:td
M67-WD 0_316 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-18-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>10/25/22</i>

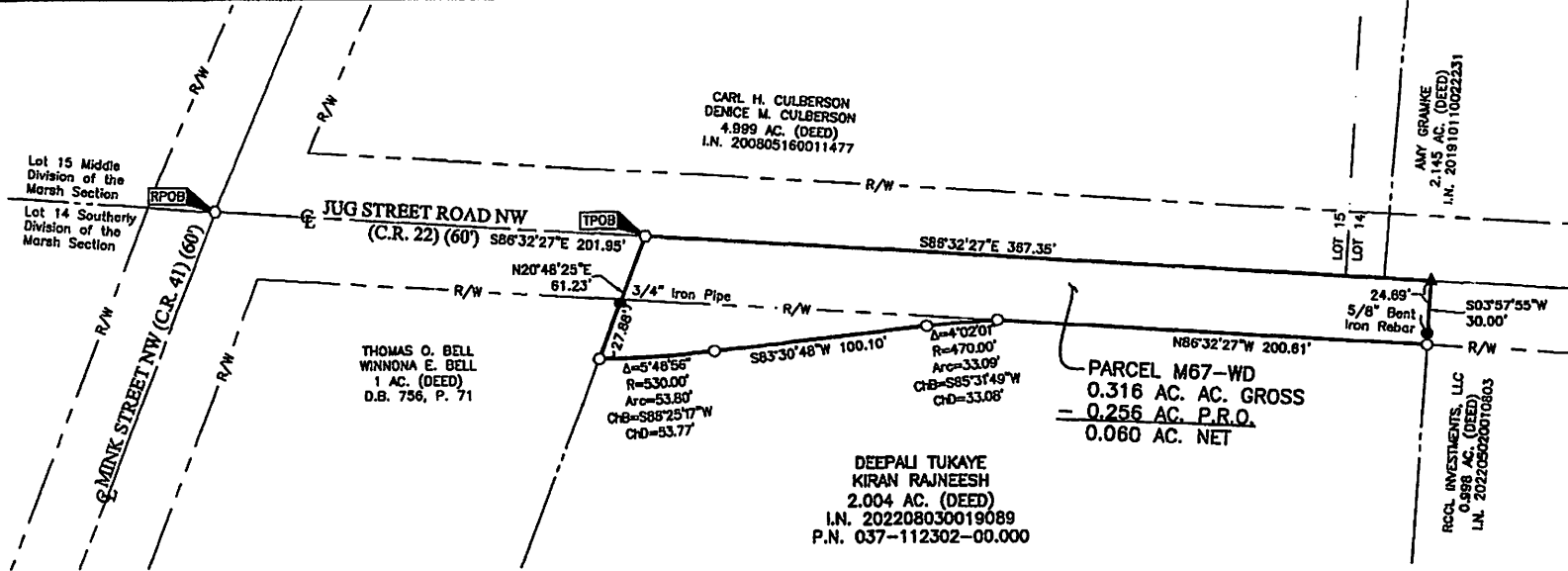


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 8800 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4300 Fax: 614.778.4349
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date:	October 18, 2022
Scale:	1" = 50'
Job No:	2022-0233
Sheet No:	1 of 1



Ordinance O-74-2023 EXHIBIT 1

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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

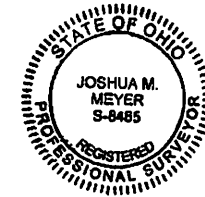


BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Jug Street Road NW, having a bearing of South 86°32'27" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



By Joshua M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

10-18-2022
 Date

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M67-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112302-00.000

Prior Instrument Reference: 202208030019089 Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M67-T
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 2.004 acre tract conveyed to Deepali Tukaye and Kiran Rajneesh by deed of record in Instrument Number 202208030019089 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Jug Street Road NW (County Road 22) (60 feet), in the line common to said Lot 14 and Lot 15 of the Middle Division of the Marsh Section, at a corner common to said 2.004 acre tract and that 1 acre tract conveyed to Thomas O. Bell and Winnona E. Bell by deed of record in Deed Book 756, Page 71;

Thence South 20° 48' 25" West, with the line common to said 2.004 and 1 acre tracts, a distance of 61.23 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.004 acre tract, the following courses and distances:

With the arc of a curve to the left, having a central angle of 03° 48' 50", a radius of 530.00 feet, an arc length of 35.28 feet, a chord bearing of North 87° 25' 20" East and chord distance of 35.27 feet to a point; and

South 77° 48' 05" West, a distance of 38.61 feet to a point in the common line of said 2.004 and 1 acre tracts;

Thence North 20° 48' 25" East, with said common line, a distance of 7.03 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

19 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:td
M67-T 0_002 ac 20220233-VS-ESMT-TEMP.docx



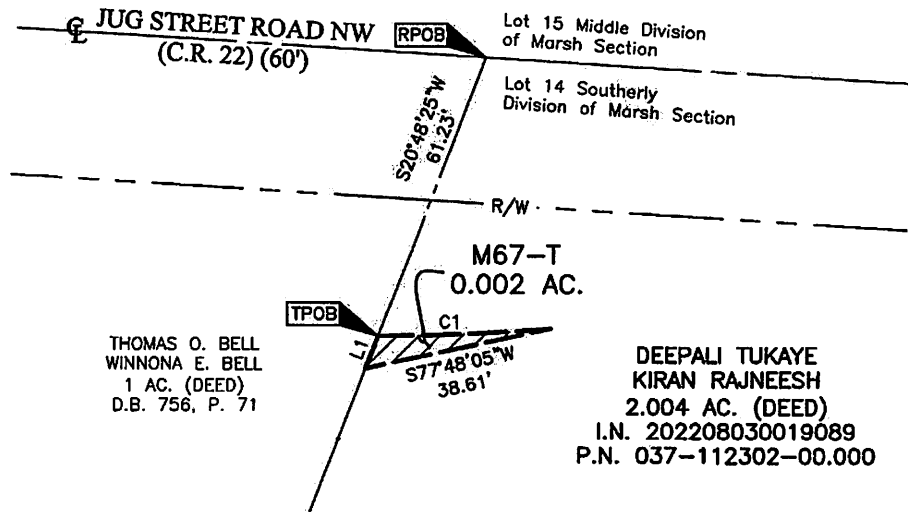


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT

LOT 14, SOUTHERLY DIVISION OF MARSH SECTION, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022
 Scale: 1" = 30'
 Job No: 2022-0233
 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N20°48'25"E	7.03'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	3°48'50"	530.00'	35.28'	N87°25'20"E	35.27'

By Matthew A. Kirk 10/19/2022
 Matthew A. Kirk Date
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-74-2023 EXHIBIT 2

J:\2022\2023\DWG\04\SHEETS\EASEMENTS\M67-T_20220233-VS-ESMT-TEMP.DWG plotted by DUDOMA, THERESA on 10/19/2022 8:07:37 AM last saved by TDROMA on 10/19/2022 8:07:23 AM