



ORDINANCE O-18-2021

AN ORDINANCE TO PROVIDE FINANCING FOR INFRASTRUCTURE IMPROVEMENTS TO GANTON PARKWAY EAST & WEST, INCLUDING ROADWAY AND WATER AND WORTHINGTON ROAD SANITARY SEWER PHASES 1 AND 2 IMPROVEMENTS, AND TO AMEND CURRENT APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, Council for the City of New Albany, State of Ohio, desires to make infrastructure improvements to the New Albany International Business Park to increase pedestrian, vehicular, and utility access; and

WHEREAS, the city has encouraged the development of real property within the city, and for that purpose desires to expand a development corridor in the New Albany International Business Park generally located east and west of Beech Road, north of Morse Road, and south of Worthington Road; and

WHEREAS, council, by its Resolution R-16-2021 has authorized the city manager to advertise, bid, award and execute all contracts related to the Ganton Parkway East & West Roadway Improvement Project for the City of New Albany which included approximately \$8.7 million for roadway and water improvements; and

WHEREAS, council, by its Resolution R-21-2021 has authorized the city manager to advertise, bid, award and execute all contracts related to the Worthington Road Sanitary Sewer Phases 1 and 2 Project for the City of New Albany which included approximately \$3.2 million for sanitary sewer improvements; and

WHEREAS, the city has received commitments of financial assistance from JobsOhio through the Roadwork Development (629) Funds for \$1,000,000 and a project contribution of approximately \$700,000 for the roadway improvements; and

WHEREAS, the city has submitted an application to the Ohio Water Development Authority ("OWDA") for a Local Economic Development ("LED") draw down loan in an amount up to \$3,325,210 to fund a portion of the aforementioned Ganton Parkway East & West Water and Worthington Road Sanitary Sewer Phase 1 improvements; and

WHEREAS, council wishes to provide for funding for the infrastructure improvements with amendment to current appropriations of the city during fiscal year 2021.

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. OWDA Loan to Finance Water and Sewer Improvements. Council authorizes the city manager to enter into a Loan Agreement with OWDA for an LED loan (the "OWDA Loan") in an amount not to exceed \$3,325,210 to finance water and sewer improvements, with the terms of that Loan being substantially the same as the terms reflected in the Loan Application previously submitted to the OWDA by the City of New Albany.

Section 2. Water and Sewer Improvements Appropriation. There is hereby appropriated for the Ganton Parkway East & West Water and Worthington Road Sanitary Sewer improvements, from the city's Water and Sanitary Sewer Improvement Fund, capital classification, \$4,725,211.

Section 3. Roadway Improvements Appropriation. There is hereby appropriated for the Ganton Parkway East & West Roadway improvements, from the city's Economic Development Capital Improvement Fund, capital classification, \$7,124,790.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 5. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	04/22/2021
Introduced:	05/04/2021
Revised:	05/06/2021
Adopted:	
Effective:	



RESOLUTION R-22-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AN AMENDMENT TO THE COMMUNITY REINVESTMENT AREA CONSOLIDATED AGREEMENT WITH PJP HOLDINGS, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

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

WHEREAS, the City of New Albany has encouraged the development of real property and the acquisition of personal property to be located in the Community Reinvestment Area; and

WHEREAS, the State of Ohio Director of Development has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

WHEREAS, PJP Holdings, LLC and Vertix, LLC has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

WHEREAS, the Licking County Career & Technology Education Center (C-TEC) Board of Education has been notified in accordance with the applicable law; and

WHEREAS, the Licking Heights Local School District Board of Education waived their right to notice in accordance with their respective compensation agreements entered into with New Albany.

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

Section 1. The city manager is hereby authorized to execute the Amendment to the CRA Agreement by and between the City and the Company, in the form presently on file in the New Albany Community Development Department, which Amendment provides for a 100% CRA exemption for up to 15-years for the proposed project, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement and subsequent Amendments, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 05/07/2021

Introduced: 05/18/2021

Revised:

Adopted:

Effective:



RESOLUTION R-23-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH CIO NEW ALBANY 315, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

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

WHEREAS, the City of New Albany has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

WHEREAS, the State of Ohio Director of Development has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

WHEREAS, CIO New Albany 315, LLC has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

WHEREAS, the Licking County Career & Technology Education Center (C-TEC) Board of Education has been notified in accordance with the applicable law; and

WHEREAS, the Johnstown Monroe Local School District Board of Education waived their right to notice in accordance with their respective compensation agreements entered into with the city of New Albany.

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

Section 1. The city manager is hereby authorized to execute the CRA Agreement by and between the City and the Company, in the form presently on file in the New Albany Community Development Department, which Agreement provides for a 100% CRA exemption for up to 15-years for the proposed project, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 05/07/2021

Introduced: 05/18/2021

Revised:

Adopted:

Effective:



RESOLUTION R-24-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, AWARD BIDS AND EXECUTE A CONTRACT FOR THE 2021 CITY OF NEW ALBANY STREET IMPROVEMENT PROJECT

WHEREAS, Council of the City of New Albany, Ohio desires to proceed with general road maintenance such as asphalt overlay, crack seal, and curb replacement as needed within the city, and

WHEREAS, to take advantage of competitive bid pricing the city will also incorporate sidewalk and leisure trail improvements into the scope of work as alternate bid proposals, and

WHEREAS, funding for general road maintenance, sidewalk and leisure trail improvements was provided for in the Annual Appropriations Ordinance (Ord. O-26-2020), and

WHEREAS, the city will advertise for and award bids in accordance with the Codified Ordinances of New Albany and the Ohio Revised Code, for these improvements, and

WHEREAS, the city manager will review the proposals to certify they are in order.

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

Section 1: The city manager is hereby authorized to proceed with advertisement, acceptance and the execution of a contract for the 2021 City of New Albany Street Improvement Project.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 05/07/2021

Introduced: 05/18/2021

Revised:

Adopted:

Effective:



RESOLUTION R-25-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRAWSER CONSTRUCTION, INC. FOR THE PURCHASE AND INSTALLATION OF BITUMINOUS PRODUCTS FOR VARIOUS CITY ROADS AS SET FORTH IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM INVITATION NUMBER 101G-22 AT A PRICE NOT TO EXCEED \$245,000

WHEREAS, Council of the City of New Albany desires to proceed with general road maintenance to keep its roadway infrastructure in good condition, and

WHEREAS, utilizing the State of Ohio Cooperative Purchasing Program provides a greater benefit over material pricing and installation for bituminous microsurfacing treatment than municipal competitive bidding, and

WHEREAS, funding for general road maintenance was provided for in the Annual Appropriations Ordinance (Ord. O-26-2020), and

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

Section 1: Council hereby authorizes the city manager to enter into an agreement with Strawser Construction, Inc. for the purchase and installation of bituminous products for various city roads as set forth in the State of Ohio Cooperative Purchasing Program Number 101G-22.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 05/07/2021

Introduced: 05/18/2021

Revised:

Adopted:

Effective:



RESOLUTION R-26-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF MINK STREET

WHEREAS, Section 5535.01 of the Ohio Revised Code requires that county roads be maintained by the board of county commissioners; and

WHEREAS, Section 301.15 of the Ohio Revised Code provides that a board of county commissioners may enter into agreements with the legislative authority of any municipal corporation whereby the legislative authority of any municipal corporation undertakes, and is authorized by the board of county commissioners, to exercise any power, perform any function, or render any service, on behalf of the county or the board, that the county or the board may exercise, perform or render; and

WHEREAS, the Licking County Board of Commissioners requires municipalities to enter into a Road Maintenance Agreement when the annexation of land to the municipality causes a roadway or a section thereof to be divided between two political jurisdictions along its center line; and

WHEREAS, the pending annexation of approximately 58+/- acres of land located west of Mink Street, causes a section of Mink Street to be divided between the City of New Albany and Licking County along the center lines of the roadway; and

WHEREAS, the City of New Albany and the Licking County Board of Commissioners previously entered into a Road Maintenance Agreement in February, 2016, stipulating the maintenance responsibilities of the parties for the section of Mink Street located between Beaver and Worthington roads; and

WHEREAS, if approved, the pending annexation would expand New Albany's road maintenance responsibilities beyond the northern limits of the current agreement.

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

Section 1. The city manager is hereby authorized to enter into a Roadway Maintenance Agreement; (substantially similar in its effect as that which is attached hereto as Exhibit A) with the Licking County Board of Commissioners. Said agreement shall supersede the current agreement which was authorized by council through the adoption of Resolution R-08-2016 on February 8, 2016.

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

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

CERTIFIED AS ADOPTED this _____ day of May, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 05/08/2021
Introduced: 05/18/2021
Revised:
Adopted:
Effective:

EXHIBIT A – R-26-2021

**AGREEMENT FOR MAINTENANCE AND IMPROVEMENTS OF
MINK STREET**

THIS ROAD MAINTENANCE AGREEMENT (“Agreement”) is made and entered into on this ____ day of May, 2021, by and between the City of New Albany, Ohio, an Ohio Municipal Corporation (“New Albany” or the “City”) and the Board of Commissioners of Licking County, Ohio, a political subdivision of the State of Ohio (“Licking County” or the “County”). It shall succeed and replace the prior Mink Street Maintenance Agreement entered into in February, 2016. New Albany and Licking County are referred to individually herein as “Party” and collectively as “Parties.”

WITNESSETH

In consideration of the terms and conditions hereinafter stated, the Parties agree as follows:

SECTION 1: AUTHORITY

Section 5535.01 of the Ohio Revised Code requires that county roads be maintained by the board of county commissioners.

Section 307.15 of the Ohio Revised Code provides that a board of county commissioners may enter into agreements with the legislative authority of any municipal corporation whereby the legislative authority of any municipal corporation undertakes, and is authorized by the board of county commissioners, to exercise any power, perform any function, or render any service, on behalf of the county or the board, that the county or the board may exercise, perform, or render.

SECTION 2: PURPOSE

Mink Street is a county road located in Licking County. Pursuant to the upcoming annexation to the City of New Albany of real property located in Jersey Township, Licking County, the Parties desire to address the maintenance of certain portions of Mink Street, which upon finalization of the aforementioned annexation will be adjacent to and partially within the City’s corporate boundary. Accordingly, this Agreement shall set forth the responsibility for maintenance and improvement for a portion of Mink Street by the respective Parties for the mutual benefit of all Parties and for the convenience and welfare of the public.

SECTION 3: RESPONSIBILITY OF NEW ALBANY

NEW ALBANY shall be responsible for maintenance and improvements of the portions of the Mink Street right of way, now and as may be altered in the future, from its intersection with Jug Street to the southerly limits of the radius returns of the intersection of Worthington Road and Mink Street. The City shall provide the County the opportunity to review construction plans and provide input relative to the design of the improvements within the right of way; however, the

City shall maintain final authority over the design, construction and inspection of the improvements.

NEW ALBANY shall be responsible for the operation and maintenance of all traffic control devices and street lights that exist today or will be installed in the future within the Road Maintenance Agreement area.

NEW ALBANY shall have primary responsibility for snow removal on Mink Street between Jug Street and Worthington Road, and Licking County shall have secondary responsibility for snow removal on said section of roadway.

LICKING COUNTY shall be responsible for ditch maintenance and mowing on the east side of Mink Street, while NEW ALBANY shall be responsible for ditch maintenance and mowing on the west side of Mink Street.

LICKING COUNTY shall cooperate with the City through the support of grant applications and may, at the request of the City, provide supplemental, in-house engineering services to facilitate improvements to Mink Street.

Nothing in this Agreement shall relieve LICKING COUNTY from their responsibility for maintenance and improvements of all other portions of right-of-way of Mink Street.

Nothing in this Agreement shall be construed as to alter the reported inventory mileage of Mink Street to other agencies.

SECTION 4: ACQUISITION OF ADDITIONAL RIGHT OF WAY

The Parties shall cooperate to acquire necessary rights of way for any project undertaken pursuant to this Agreement. Each Party shall be responsible for acquiring necessary rights of way within the bounds of their respective jurisdictions unless otherwise specified in a separate agreement. As Mink Street is designated as a county road, it is understood that the Licking County Commissioners have underlying ownership of the right of way.

SECTION 5: NOTICE OF IMPROVEMENT

If the Licking County Engineer desires to perform maintenance or make an improvement to Mink Street that requires the closing of the road to traffic, he/she shall notify the New Albany Engineer of the planned action at the earliest date practicable. The plans for the maintenance project of the improvement shall provide for the maintenance of traffic as set forth by Section 5543.17 of the Ohio Revised Code.

SECTION 6: TERM

This Agreement shall become effective on the date first written above. The term shall terminate on December 31, 2031, unless the Parties mutually agree to an extension prior to that date.

SECTION 7: TERMINATION OF AGREEMENT

For the benefit of both Parties and the convenience and welfare of the public, this Agreement shall not be terminated or suspended except that when acting for good cause, either Party may unilaterally terminate or suspend this Agreement upon filing proper notice with the other Party at least one year in advance of the effective date of termination, stating the intention of the Party to suspend or terminate the Agreement for good cause. The Agreement will automatically terminate if and at such time that the portions of both roadways that are the responsibility of New Albany pursuant to this Agreement, are annexed by New Albany and are within the New Albany corporate boundary.

The Parties may mutually agree to terminate or suspend this Agreement at any time for any reason by action of both Parties.

SECTION 8: MISCELLANEOUS TERMS AND CONDITIONS

- 8.1 Entire Agreement: This Agreement, and any documents incorporated by reference herein, shall constitute the entire understanding and agreement between the Parties, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the Parties, except as provided in Section 7 of this Agreement.
- 8.2 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Licking County, Ohio.
- 8.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.
- 8.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

- 8.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.

{SIGNATURES ON THE FOLLOWING PAGE}

ATTEST:

IN EXECUTION WHEREOF, the Parties have caused this Agreement to be executed in their names by their respective duly authorized representatives on the date first written above.

CITY OF NEW ALBANY:

SIGNATURE: _____

NAME: Joseph Stefanov

TITLE: New Albany City Manager

DATE: _____

STATE OF OHIO)
COUNTY OF LICKING) ss:

APPROVED AS TO FORM:

Mitchell H. Banchefsky, Law Director

LICKING COUNTY BOARD OF COMMISSIONERS:

County Commissioner

County Commissioner

County Commissioner

STATE OF OHIO)
COUNTY OF LICKING) ss:

Licking County Prosecutor's Office