



**ORDINANCE O-06-2020**

**AN ORDINANCE TO ACCEPT A 0.316 ACRE TRACT OF LAND FROM  
THE NEW ALBANY COMPANY LLC FOR THE PURPOSE OF PUBLIC  
RIGHT OF WAY**

**WHEREAS**, the tracts of land are located within and along the south side of Dublin-Granville Road to the west of West Main Street; and

**WHEREAS**, the majority of the parcel currently extends to the centerline of Dublin-Granville Road and has historically been served by way of a highway easement and the remaining land has been improved to allow for an extension of sidewalk and leisure trail to West Main Street. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

**WHEREAS**, the city engineer has reviewed the newly created lot and commented this dedication is appropriate; and

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

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

**Section 1.** The city manager is hereby authorized to accept a 0.316 acre tract of land from the New Albany Company LLC for the purpose of public right of way as described and depicted in 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Attest:**

---

Sloan T. Spalding  
Mayor

**Approved as to form:**

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Mitchell H. Banchefsky  
Law Director

---

Jennifer H. Mason  
Clerk of Council

**Legislation dates:**

Prepared: 04/24/2020

Introduced: 05/05/2020

Revised:

Adopted:

Effective:

Exhibit A – O-06-2020

**LIMITED WARRANTY DEED  
(O.R.C. 5302.07 - 5302.08)**

KNOW ALL MEN BY THESE PRESENTS that **THE NEW ALBANY COMPANY LLC**, a Delaware limited liability company (the “**Grantor**”), for good and valuable consideration paid, grants, with limited warranty covenants, to **THE CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation (the “**Grantee**”), whose tax-mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

**Property:** That certain 0.316± acre tract situated in the City of New Albany, County of Franklin and State of Ohio, and being more particularly described on Exhibit A and depicted on Exhibit A-1 (the “**Property**”), both of which are attached hereto and made a part hereof.

**Tax Parcel Number:** Portion of 222-000138-00 (0.316± acre).

**Prior Instrument Reference:** Instrument Number 201902010013153, Recorder’s Office, Franklin County, Ohio.

**THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.**

The conveyance made hereunder is subject to all covenants, conditions, easements, restrictions, reservations, and other matters of record in the Recorder’s Office, Franklin County, Ohio.

*[SIGNATURE AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE]*

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly authorized signatory to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**GRANTOR:**

**THE NEW ALBANY COMPANY LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF FRANKLIN        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, the \_\_\_\_\_ of THE NEW ALBANY COMPANY LLC, a Delaware 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: \_\_\_\_\_

This instrument prepared by  
and after recording return to:  
The New Albany Company LLC  
8000 Walton Parkway, Suite 120  
New Albany, Ohio 43054  
(614) 939-8000

Exhibit A

Legal Description of 0.316± Acre

See attached.

Exhibit A-1

[To be attached]



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

# SURVEY OF ACREAGE PARCEL

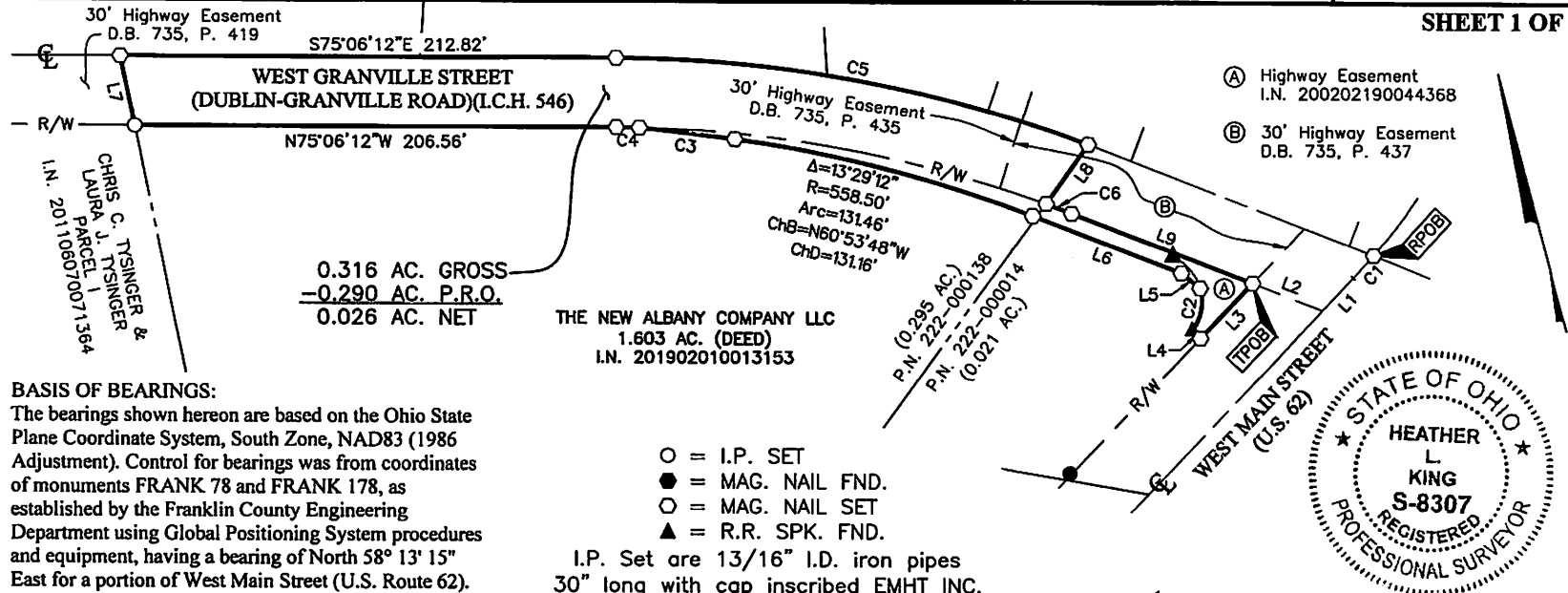
LOT 39, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: April 29, 2019

Scale: 1" = 60'

Job No: 2018-1331

SHEET 1 OF 2



## BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 78 and FRANK 178, as established by the Franklin County Engineering Department using Global Positioning System procedures and equipment, having a bearing of North 58° 13' 15" East for a portion of West Main Street (U.S. Route 62).

## SURVEY NOTE:

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

J:\20181331\DWG\04SHEETS\BOUNDARY\20181331-VS-BNDY-RWAY-01.DWG plotted by KING, HEATHER on 5/2/2019 2:20:38 PM last saved by HKING on 5/2/2019 2:19:59 PM  
Xref:



Evans, Mechwart, Hamilton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4500 Fax: 614.775.4500  
emht.com

**SURVEY OF ACREAGE PARCEL**  
**LOT 39, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16**  
**UNITED STATES MILITARY LANDS**  
**CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO**

Date:

April 29, 2019

Scale:

1" = 60'

Job No:

2018-1331

**SHEET 2 OF 2**

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	2°34'06"	287.94'	12.91'	S56°56'12"W	12.91'
C2	53°15'57"	20.50'	19.06'	N25°32'45"E	18.38'
C3	1°34'19"	1487.00'	40.80'	N68°25'34"W	40.80'
C4	1°02'17"	542.96'	9.84'	N74°35'03"W	9.84'
C5	20°34'41"	572.96'	205.78'	S64°48'52"E	204.68'
C6	1°13'34"	542.96'	11.62'	S54°45'59"E	11.62'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S58°13'15"W	19.42'
L2	N54°09'12"W	32.44'
L3	S58°13'15"W	32.45'
L4	N31°45'19"W	4.89'
L5	N36°56'21"W	10.36'
L6	N54°09'12"W	68.27'
L7	N03°05'53"E	30.65'
L8	S50°32'43"W	31.13'
L9	S54°09'12"E	83.20'

J:\20181331\DWG\0454SHEETS\BOUNDARY\20181331-VS-BNDY-RWAY-01.DWG plotted by WEBB, TEAGUE on 4/29/2019 4:06:17 PM last saved by TWBB on 4/29/2019 4:05:56 PM



**0.316 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 39, Quarter Township 4, Township 2, Range 16, United States Military Lands, being part of that 1.603 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201902010013153, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of West Granville Street (Dublin-Granville Road)(I.C.H. 546) with West Main Street (U.S. 62);

Thence with the centerline of said West Main Street, with the arc of a curve to the right, having a central angle of  $02^{\circ} 34' 06''$ , a radius of 287.94 feet, an arc length of 12.91 feet, a chord bearing of South  $56^{\circ} 56' 12''$  West and chord distance of 12.91 feet to a point of tangency;

Thence South  $58^{\circ} 13' 15''$  West, continuing with said centerline, a distance of 19.42 feet to a point;

Thence North  $54^{\circ} 09' 12''$  West, across said West Main Street, a distance of 32.44 feet to a magnetic nail set at the northeasterly corner of said 1.603 acre tract, the TRUE POINT OF BEGINNING;

Thence South  $58^{\circ} 13' 15''$  West, with the easterly line of said 1.603 acre tract, a distance of 32.45 feet to a magnetic nail set at the intersection of the westerly right-of-way line of said West Main Street with the southerly right-of-way line of said West Granville Street;

Thence across said 1.603 acre tract, the following courses and distances:

North  $31^{\circ} 45' 19''$  West, with said southerly right-of-way line, a distance of 4.89 feet to a railroad spike found;

With said southerly right-of-way line, with the arc of a curve to the left, having a central angle of  $53^{\circ} 15' 57''$ , a radius of 20.50 feet, an arc length of 19.06 feet, a chord bearing of North  $25^{\circ} 32' 45''$  East and chord distance of 18.38 feet to a magnetic nail set;

North  $36^{\circ} 56' 21''$  West, a distance of 10.36 feet to a magnetic nail set;

North  $54^{\circ} 09' 12''$  West, a distance of 68.27 feet to a magnetic nail set at a point of curvature;

with the arc of a curve to the left, having a central angle of  $13^{\circ} 29' 12''$ , a radius of 558.50 feet, an arc length of 131.46 feet, a chord bearing of North  $60^{\circ} 53' 48''$  West and chord distance of 131.16 feet to a magnetic nail set at a point on the arc of a curve;

with the arc of a curve to the left, having a central angle of  $01^{\circ} 34' 19''$ , a radius of 1487.00 feet, an arc length of 40.80 feet, a chord bearing of North  $68^{\circ} 25' 34''$  West and chord distance of 40.80 feet to a magnetic nail set at a point of compound curvature in said southerly right-of-way line;

With said southerly right-of-way line, with the arc of a curve to the left, having a central angle of  $01^{\circ} 02' 17''$ , a radius of 542.96 feet, an arc length of 9.84 feet, a chord bearing of North  $74^{\circ} 35' 03''$  West and chord distance of 9.84 feet to a magnetic nail set at a point of tangency; and

North  $75^{\circ} 06' 12''$  West, with said southerly right-of-way line, a distance of 206.56 feet to an iron pin set in the line common to said 1.603 acre tract and that tract conveyed as Parcel 1 to Chris C. Tysinger and Laura J. Tysinger by deed of record in Instrument Number 201106070071364;

0.316 ACRE

- 2 -

Thence North 03° 05' 53" East, with said common line, a distance of 30.65 feet to a magnetic nail set in the centerline of said West Granville Street;

Thence South 75° 06' 12" East, with the northerly line of said 1.603 acre tract, said centerline, a distance of 212.82 feet to a magnetic nail set at a point of curvature;

Thence with said northerly line, said centerline, with the arc of a curve to the right, having a central angle of 20° 34' 41", a radius of 572.96 feet, an arc length of 205.78 feet, a chord bearing of South 64° 48' 52" East and chord distance of 204.68 feet to a magnetic nail set;

Thence South 50° 32' 43" West, with an easterly line of said 1.603 acre tract, a distance of 31.13 feet to a magnetic nail set in said southerly right-of-way line;

Thence with the northerly line of said 1.603 acre tract, said southerly right-of-way line, with the arc of a curve to the right, having a central angle of 01° 13' 34", a radius of 542.96 feet, an arc length of 11.62 feet, a chord bearing of South 54° 45' 59" East and chord distance of 11.62 feet to a magnetic nail set at a point of tangency;

Thence South 54° 09' 12" East, with said northerly line, said southerly right-of-way line, a distance of 83.20 feet to the TRUE POINT OF BEGINNING, containing 0.316 acre, more or less, of which 0.290 acre is within the present right-of-way occupied of said West Granville Road. Of said 0.316 acre tract, 0.295 acre is part of Auditor Parcel Number 222-000138 and 0.021 acre is part of Auditor Parcel Number 222-000014.

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

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

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 78 and FRANK 178, as established by the Franklin County Engineering Department using Global Positioning System procedures and equipment, having a bearing of North 58° 13' 15" East for a portion of West Main Street (U.S. Route 62).



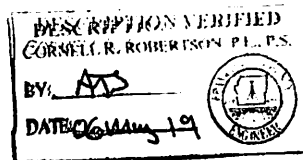
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0\_316 ac 20181331-VS-BNDY-RWAY-01.doc

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

5/3/19  
Date

Split  
0.295 ac  
out of  
(222)  
138  
+  
Split  
0.021 ac  
out of  
(222)  
14





## ORDINANCE O-07-2020

**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, THE NEW ALBANY PLAIN LOCAL SCHOOL DISTRICT, THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, AND EASTLAND FAIRFIELD CAREER & TECHNICAL SCHOOL, 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, the Career and Technology Education Centers of Licking County (C-TEC), New Albany Plain Local School District, and Eastland Fairfield Career & Technical School (EFCTS), (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 Career and Technology Education Centers of Licking County (C-TEC) in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Eastland Fairfield Career and Technical School of Franklin County in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

**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, in compliance with Section 121.22 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

**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 \_\_\_\_\_, 2020.

**Attest:**

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 01/27/2020

Introduced: 05/05/2020

Revised:

Adopted:

Effective:

**EXHIBIT A – O-07-2020**

**PARCEL MAP**

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





## **EXHIBIT B – O-07-2020**

### **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.



## RESOLUTION R-21-2020

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBER 37-11210400001 WHICH IS COMPRISED OF APPROXIMATELY 2.9 +/- ACRES**

**WHEREAS**, the city and the township share certain boundaries and therefore have a shared interest in the general area found immediately east of Beech Road and north of Innovation Campus Way, as illustrated and described in the exhibits of the attached Annexation Agreement; and

**WHEREAS**, it is anticipated that real property comprised of a real estate Parcel Number 37-11210400001, totaling approximately 2.9 +/- acres, and located at 2278 Beech Road, (Annexation Parcel), will be the subject of an annexation petition to be filed with the Licking County Commissioners soon after the Effective Date; and

**WHEREAS**, the city and the township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the city and township; and

**WHEREAS**, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the city and the township; and

**WHEREAS**, in furtherance of this relationship, the city and the township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the property to the city will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by 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.** Council hereby authorizes the city manager to enter into an annexation agreement with Jersey Township.

**Section 2.** This Agreement shall cover and be applicable only to the property which is identified in Exhibit A, attached herein. The area/boundaries of the property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties approved authorizing legislation from both the legislative authority of the township and the city. Any changes to the boundaries of the property shall require a written amendment to this Agreement.



**Section 3.** On or after the Effective Date, all or part of the property shall, upon proper petition(s) to and with the approval of the Licking County Board of Commissioners and acceptance of the annexation by the city, be annexed to and accepted by the city under the conditions set forth in the annexation agreement.

**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 197 effective March 27, 2020.

**Section 5.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Attest:**

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 04/23/2020  
Introduced: 05/05/2020  
Revised:  
Adopted:  
Effective:

**ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into as of the last date of signature below (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Jersey, Licking County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 1481 Mink Street, Pataskala, Ohio 43062.

**W I T N E S S E T H:**

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the general area found east of Beech Road, north of Innovation Campus Road East and south of Smith's Mill Loop Road, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development within the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the future annexation of the Property to the City will occur in order to ensure that such annexation is completed in accordance with the procedure that has been historically utilized by the City; and

WHEREAS, the City desires to work in good faith with the Township in order to identify certain public infrastructure improvements that the City will construct and fund in the general vicinity of the Property that will serve residents and property owners in the Township and the City.

**NOW, THEREFORE**, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. **Territory Defined:** This Agreement shall cover and be applicable only to the Property, which is presently located within the boundaries of the Township. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. **Annexation of the Property:** On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the final approval of the Licking County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits

A and B attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
  - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
  - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2020 through 2025, when compared with property tax revenue received by the Township for tax year 2019 (January 1, 2019 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total tax property revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
  - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal to the real property tax revenue the Township would have received during the previous

calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the "Fire & EMS Payment").

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property. To this end, the City and the Township acknowledge that certain improvements may need to be made by the City to Beech Road at its intersection with Innovation Campus Road.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 3 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

- A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50<sup>th</sup>) anniversary of the Effective Date (the "**Initial Term**"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.
- B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

**If to City:**

The City of New Albany  
Attn: City Manager  
99 W. Main Street  
New Albany, Ohio 43054  
Fax: (614) 855-8583

**If to Township:**

Jersey Township Board of Trustees  
Attn: \_\_\_\_\_  
1481 Mink Street  
Pataskala, Ohio 43062  
Fax: \_\_\_\_\_

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proper deposit in the United States mail or delivery by facsimile.

- C. Entire Contract. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

***[Remainder of this page intentionally blank – Signatures on following page.]***



**City of New Albany**

By: \_\_\_\_\_  
Joseph Stefanov, City Manager

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Mitchell Banchefsky,  
Law Director

**Jersey Township**

By: \_\_\_\_\_  
Ed Bright, Trustee

By: \_\_\_\_\_  
Dan Wetzel, Trustee

By: \_\_\_\_\_  
Jeff Fry, Trustee

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
[INSERT NAME AND TITLE]

**EXHIBIT A**

**Depiction of the "Property"**

# ANNEXATION OF 2.9± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

LOT 32, QUARTER TOWNSHIP 2, TOWNSHIP 15  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

19.365 Acres  
Tri-Tech Laboratories, Inc.  
I.N. 201012210026352

SOUTHERLY  
± 381.00'

Village of New Albany  
Corporation Line  
Ordinance No. 0-30-2002  
I.N. 200210280040577

Reserve "B"  
Smith's Mill Road, Smith's Mill Road North  
and Beech Road Dedication and Easements  
I.N. 201108120014948

EASTERLY  
± 355.00'

± 2.9 Acres

3.452 Acres (Original)  
John G. Lassel and  
Marcia T. Lassel  
O.R. 371, Pg. 505

WESTERLY  
± 307.00'

Reserve "C"  
Smith's Mill Road, Smith's Mill Road North  
and Beech Road Dedication and Easements  
I.N. 201108120014948

Village of New Albany  
Corporation Line  
Ordinance No. 0-33-2010  
I.N. 201011040022448

NORTHERLY  
± 45.00'

P.O.B.

NORTHERLY  
± 212.00'

0.469 Acres  
The Board of Licking County Commissioners  
I.N. 200712120091621

NORTHERLY  
± 129.00'

R/W

6.681 Acres  
Board of Commissioners  
of Licking County, Ohio  
I.N. 200510280034302

0.041 Acres  
City of New Albany  
I.N. 201510080021905

-C/L-

Original Centerline

**BEECH ROAD**

(Twp. Rd. 88)

Area to Be Annexed:



Proposed City of New Albany  
Corporation Line

Existing City of New Albany  
Corporation Line

Proposed Annexation  
of 2.9 ± acres to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio on \_\_\_\_\_, 20\_\_\_\_ under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received \_\_\_\_\_ 20\_\_\_\_ Commissioner \_\_\_\_\_  
Petition Approved \_\_\_\_\_ 20\_\_\_\_ Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ upon the duplicates of this office

Containing \_\_\_\_\_ acres.

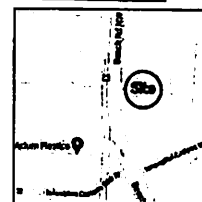
Transfer fee \_\_\_\_\_

Received for Record \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (AM-PM) and recorded \_\_\_\_\_  
\_\_\_\_\_ in plat, ordinance, petition, etc., in Instrument Number \_\_\_\_\_

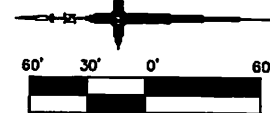
Plat Fee \_\_\_\_\_  
Ordinance, etc., Fee \_\_\_\_\_  
Licking County Recorder

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

Attest \_\_\_\_\_  
Clerk, City of New Albany



Location Map  
NTS



Scale: 1" = 60'  
February 20, 2019

*Paul T. Dinan Feb. 20, 2020*  
BY: Paul T. Dinan Date  
Professional Surveyor No. 7312

**Myers Surveying**  
2740 E. Main St., Besley, Ohio 43209-2577  
(614) 235-8677 ~ (614) 235-4559 fax  
info@myerssurveying.com

SHEET 1 OF 1

m.s.# 3-02/12/2020	1212207(S.s.c)	X -	T -
REVISIONS:			
No.	Date	Description	By



**EXHIBIT B**

**Description of the "Property"**



February 20, 2020

2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235-8677  
Telefax (614) 235-4859  
Email: info@myerssurveying.com

**+/-2.9 Acre Proposed Annexation**  
**From: Jersey Township**  
**To: City of New Albany**

Situate in the State of Ohio, County of Licking, Township of Jersey, being part of Lot 32, Quarter Township 2, Township 2, Range 15, United States Military Lands, also being part of the 3.452 Acre tract conveyed to John G. Lassel and Marcia T. Lassel in Official Record 371, Page 505, all records being of the Recorder's Office, Licking County, Ohio and being more particularly bounded and described as follows:

**BEGINNING** at the southeast corner of Beech Road, 40 feet wide and the southwest corner of Reserve "B" as delineated on Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements as recorded in Instrument Number 201108120014948, at the northeast corner of a 0.041 Acre tract conveyed to City of New Albany in Instrument Number 201510080021905 and in the north line of said 3.452 Acre tract;

Thence, Easterly, along part of the north line of said 3.452 Acre tract and along the south line of said Reserve "B", approximately 355 feet to the northeast corner of said 3.452 Acre tract, the southeast corner of said Reserve "B" and in the west line of a 19.365 Acre tract conveyed to Tri-Tech Laboratories, Inc. in Instrument Number 201012210026352;

Thence, Southerly, along the east line of said 3.452 Acre tract and along part of the west line of said 19.365 Acre tract, approximately 381 feet to the southeast corner of said 3.452 Acre tract and the northeast corner of Reserve "C" of said Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements;

Thence, Westerly, along part of the south line of said 3.452 Acre tract and the north line of said Reserve "C", approximately 307 feet to the northwest corner of said Reserve "C", the northeast corner of a 6.681 Acre tract conveyed to Board of Commissioners of Licking County, Ohio in Instrument Number 200510280034302 and the southeast corner of a 0.469 Acre tract conveyed to The Board of Licking County Commissioners in Instrument Number 200712120031621;

Thence, Northerly, across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 129 feet;

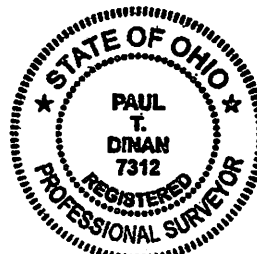
Thence, Northerly, continuing across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 212 feet to the northeast corner of said 0.469 Acre tract and the southeast corner of said 0.041 Acre tract;

Thence, Northerly, continuing across part of said 3.452 Acre tract and along the east line of said 0.041 Acre tract, approximately 45 feet to the **POINT OF BEGINNING, CONTAINING 2.9 ACRES, MORE OR LESS**. This description was prepared from record information only and is not based on a field survey. This description is for annexation purposes only.

Contiguity = 73%

Myers Surveying Company, Inc.

*Paul T. Dinan Feb. 20, 2020*  
Paul T. Dinan Professional Surveyor 7312  
PTD/ptd  
(302122020BeechRoadAnnexation)





## RESOLUTION R-22-2020

### A RESOLUTION TO AUTHORIZE A THEN AND NOW CERTIFICATE WITHIN THE GENERAL FUND

**WHEREAS**, the Ohio Revised Code §5705.41(D) and City Charter require a fiscal officer certificate to be issued for certain types of expenditures certifying funds are available and appropriated by Council; and

**WHEREAS**, in the event a fiscal officer certificate is not obtained prior to incurring an expenditure, the Ohio Revised Code §5705.41(D)(2) allows for the issuance of a "Then & Now" certificate; and

**WHEREAS**, a "Then & Now" certificate indicates that both at the time of the contract, purchase or order was made and at the time of certification, sufficient funds were available or in the process of collection and were properly appropriated and free from any previous encumbrance; and

**WHEREAS**, it is necessary to obtain council approval of each "Then & Now" certificate in excess of \$3,000; and

**WHEREAS**, it was necessary for the City to include an ad at a cost of \$3,595.00 in the *Columbus Business First* publication for which a requisition was unable to be processed for the expenditure in a timely manner due to limited resources during the COVID-19 ongoing pandemic; and

**WHEREAS**, the finance director has confirmed that \$3,595.00 was and is available in the General Fund to compensate Columbus Business First.

**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 a "Then and Now" certificate pursuant to Ohio Revised Code §5705.41(D)(2) to authorize payment in the amount of \$3,595.00 to Columbus Business First.

**Section 2.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 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 \_\_\_\_\_, 2020.

Attest:

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

\_\_\_\_\_  
Mitchell H. Banchevsky  
Law Director

**Legislation dates:**

Prepared: 04/24/2020

Introduced: 05/05/2020

Revised:

Adopted:

Effective: