



ORDINANCE O-82-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 62.6+/- 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 April 11, 2023, and

WHEREAS, the foregoing Resolution #0329-23 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on May 1, 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 62.6+/- 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 62.6 +/- 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 121.22 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:	06/23/2023
Introduced:	07/05/2023
Revised:	
Adopted:	
Effective:	

Benjamin Albrecht
Law Director

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

I certify that copies of Ordinance **O-82-2023** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

ANNEXATION
PLAN & DESCRIPTION
ACCEPTANCE
COMMISSIONER ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By CR Date 03/28/2023

RECEIVED
APR 11 2023
Franklin County Planning Department
Franklin County, OH

AAJX-17-23
PROPOSED ANNEXATION
62.6± ACRES

RECEIVED

MAR 28 2023

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

FROM: PLAIN TOWNSHIP

Exhibit A - O-82-2023

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, lying in Section 16, Township 2, Range 15, United States Military Lands, being all of that 15 acre tract conveyed as Parcel I, that 7.7 acre tract conveyed as Parcel II and that 39.937 acre tract conveyed as Parcels III & IV to MBJ Holdings LLC by deed of record in Instrument Number 202303170025796, and all of that 0.500 acre tract conveyed to Stephen J. Majchrowski by deed of record in Instrument Number 200302250054863, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the centerline of Babbitt Road, at the northwesterly corner of said 15 acre tract, the southwesterly corner of that 5 acre tract conveyed to Julianna Dilullo by deed of record in Instrument Number 201106230078708;

Thence easterly, with the northerly line of said 15 acre tract, the southerly line of said 5 acre tract and that 13.107 acre tract conveyed to Julianna Dilullo by deed of record in Instrument Number 201106230078708, a distance of approximately 1353 feet to a point in the westerly line of that 177.497 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201808070105494, being in the existing City of New Albany corporation line as established by Ordinance Number O-27-2015, of record Instrument Number 201510300154555;

Thence southerly, with the easterly line of said 15 and 7.7 acre tracts, a westerly line of said 177.497 acre tract, and said existing corporation line, a distance of approximately 733 feet to a point in the northerly line of said 39.937 acre tract;

Thence easterly, with the northerly line of said 39.937 acre tract, a southerly line of said 177.497 acre tract, and said existing corporation line, a distance of approximately 628 feet to a point;

Thence southerly, with the easterly line of said 39.937 acre tract, a westerly line of said 177.937 acre tract and that 18.334 acre tract conveyed to AEP Ohio Transmission Company, Inc., by deed of record in Instrument Number 201904190045307, and said existing corporation line, a distance of approximately 1019 feet to a point at a southeasterly corner of said 39.937 acre tract, the northeasterly corner of that 29.898 acre tract conveyed to Grace W. Doran by deed of record in Instrument Number 200104180081300;

Thence westerly, with a southerly line of said 39.937 acre tract, the northerly line of said 29.898 acre tract, a distance of approximately 1227 feet to a point at a southwesterly corner of said 39.937 acre tract, the southeasterly corner of that 5.005 acre tract conveyed to Ronald L. Farber and Cynthia K. Farber by deed of record in Official Record 20684A16;

Thence northerly, with a westerly line of aid 39.937 acre tract, the easterly line of said 5.005 acre tract, a distance of approximately 354 feet to a point;

Thence westerly, with a southerly line of said 39.937 acre tract, the northerly line of said 5.005 acre tract and that 1.331 acre tract conveyed to Alice R. Farber by deed of record in Instrument Number 200104120076595, a distance of approximately 780 feet to a point in the centerline of said Babbitt Road;

Thence northerly, with the centerline of said Babbitt Road, the westerly line of said 39.937 acre tract, a distance of approximately 172 feet to a point at the southwesterly corner of that 0.201 acre tract conveyed to Franklin County Commissioners by deed of record in Official Record 10186105;

Thence with the line common to said 39.937 and 0.201 acre tracts, the following courses and distances:

Easterly, a distance of approximately 35 feet to a point;

Northerly, a distance of approximately 250 feet to a point; and

Westerly, a distance of approximately 35 feet to a point in the centerline of said Babbitt Road;

62.6± ACRES

-2-

Thence northerly, with the centerline of said Babbitt Road, the westerly line of said 39.937 acre tract, a distance of 966 feet to the POINT OF BEGINNING, containing 62.6 acres, more or less.

Total perimeter of annexation area is 7551 feet, of which 2379 feet is contiguous with the City of New Albany by Ordinance Number O-27-2015, giving 31.5% perimeter contiguity.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 3/27/23
Heather L. King
Professional Surveyor No. 8485

HLK: td
62_6 ac 200230247-VS-EXHB-ANNX-01

**PROPOSED ANNEXATION OF 62.6 ± ACRES
PLAIN TOWNSHIP TO
THE CITY OF NEW ALBANY**
LOTS 4 & 5, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO



AREA TO BE ANNEXED:
FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY
PROPERTY OF NEW ALBANY (P.N. 220-000190)
EXISTING CITY OF NEW ALBANY CORPORATION FILE

Compliance Note:
This annexation complies with the provisions of Article XVIII, Section 1 of the Ohio Constitution, which requires that any annexation of territory to a city or village be approved by a majority of the qualified electors of the territory to be annexed.

RECEIVED
MAY 13 2023
City of New Albany
Planning Commission
Franklin County, Ohio

RECEIVED
MAY 13 2023
City of New Albany
Planning Commission

STATE OF OHIO
PLANNING COMMISSION
Franklin County, Ohio
Professional Seal of the State of Ohio, APR 2023

EMHT	Date: April 22, 2023
Franklin County, Ohio	Time: 11:00 AM
Professional Seal of the State of Ohio, APR 2023	Project: 2023-000190
Project: 2023-000190	Sheet: 1 of 1





ORDINANCE O-83-2023

AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR HORIZON COURT, AS REQUESTED BY LINCOLN PROPERTY COMPANY

WHEREAS, in accordance with New Albany Ordinance 77-91; and pursuant to written certification by the city engineer that the improvements and appurtenances thereto for Horizon Court, have been completed to the standards set by Codified Ordinance 1187; and

WHEREAS, a 2-year maintenance bond in the amount of \$365,034, and engineering inspection fee deposit in the amount of \$5,380, and a 5-year settlement bond of \$130,516 will be provided by the applicant prior to the second reading.

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 improvements and appurtenances thereto for are hereby accepted.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	06/20/2023
Introduced:	07/05/2023
Revised:	
Adopted:	
Effective:	

RESERVED



ORDINANCE O-84-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 63.5 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION AT CENTRAL COLLEGE ROAD AND JUG STREET ROAD FOR AN AREA TO BE KNOWN AS THE "COURTYARDS AT HAINES CREEK ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY EC NEW VISION OHIO LLC, C/O AARON L. UNDERHILL, ESQ.

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

WHEREAS, the Rocky Fork-Blacklick Accord, 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 EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq., the Rocky Fork-Blacklick Accord and Planning Commission have reviewed the proposed ordinance amendment and recommended its approval.

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, state of Ohio, that:

Section 1. Council hereby amends the zoning ordinance map of the city of New Albany to change the zoning classification of the following described site:

- A. A 63.5 ± acre area of land generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd for an area to be known as the "Courtyards at Haines Creek Zoning District" from its current zoning of Agricultural District (AG) to Infill-Planned Unit Development (I-PUD).
- B. The zoning district's zoning text and preliminary development plan are hereby attached and marked Exhibit A.

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

in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/23/2023

Introduced: 07/05/2023

Revised:

Adopted:

Effective:

Exhibit A - O-84-2023

THE COURTYARDS OF HAINES CREEK

INFILL PLANNED UNIT DEVELOPMENT DISTRICT

(I-PUD)
New Albany, Ohio

PRELIMINARY DEVELOPMENT PLAN
June 22, 2023
Council Submittal



EPCON[®]
Communities

Joel Rhoades
500 Stonehenge Parkway Suite 100
Dublin, Ohio 43017

LEGAL COUNSEL:

Aaron Underhill
Underhill Hodge
8000 Walton Parkway - Suite 260
New Albany, Ohio 43054

ENGINEER

PLANNER AND LANDSCAPE ARCHITECT:

EMHT
Patricia Brown/Linda Menerey
5500 New Albany Road
Columbus, Ohio 43054

THE COURTYARDS AT HAINES CREEK

Table of Contents

2023-05-25

SECTION I SUBMITTAL MATERIALS

- Executed Application and Affidavit
- Surrounding Property Owners Labels
- Legal Description
- Parkland Letter
- School Impact Statement
- Environmental Compliance Letter
- Utility Feasibility Memo
- Zoning Text
- Architectural Elevations (P Series and Lane Homes)
- Farmhouse Color Palette

SECTION II PRELIMINARY DEVELOPMENT PLAN

- Cover
- Vicinity Map
- Illustrative Site Plan
- Existing Conditions Plan
- Site Plan
- Open Space and Pedestrian Connectivity Plan
- Typical Community Amenities Plan
- Home Landscape Concepts
- Street Cross Sections (Illustrative)
- Street Cross Sections
- Representative Architecture- Courtyard Homes
- Representative Architecture- Lane Homes
- Community Open Space and Pedestrian Connectivity Plan

Permit # _____
 Board _____
 Mtg. Date _____



Community Development Planning Application

Project Information	Site Address <u>0, 8390 and 8306 Central College Road, New Albany, OH 43054</u> Parcel Numbers <u>222-005156, 222-005157, 222-005158 and 222-005159</u> Acres <u>63.5 +/-</u> # of lots created _____																																																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Choose Application Type</th> <th colspan="4" style="text-align: center;">Circle all Details that Apply</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Appeal</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Certificate of Appropriateness</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Conditional Use</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Development Plan</td> <td style="border: 1px solid black; padding: 2px;">Preliminary</td> <td>Final</td> <td>Comprehensive</td> <td>Amendment</td> </tr> <tr> <td><input type="checkbox"/> Plat</td> <td>Preliminary</td> <td>Final</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Changes</td> <td>Combination</td> <td>Split</td> <td>Adjustment</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Minor Commercial Subdivision</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Vacation</td> <td>Easement</td> <td></td> <td>Street</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Extension Request</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Zoning</td> <td style="border: 1px solid black; padding: 2px;">Amendment (rezoning)</td> <td></td> <td>Text Modification</td> <td></td> </tr> </tbody> </table> <p>Description of Request: <u>Request to rezone 63.5 +/- acres from AG, Agricultural to I-PUD, Infill Planned Unit Development to allow for the development of an empty-nester community.</u></p>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input checked="" type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input checked="" type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification
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Contacts	Property Owner's Name: <u>Homewood Corp., Attn: Bill Moorhead</u> Address: <u>2700 East Dublin-Granville Road</u> City, State, Zip: <u>Columbus, OH 43231</u> Phone number: _____ Fax: _____ Email: <u>Bill@trinity-homes.com</u>																																																											
	Applicant's Name: <u>EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq.</u> Address: <u>Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260</u> City, State, Zip: <u>New Albany, OH 43054</u> Phone number: <u>614.335.9320</u> Fax: <u>614.335.93 29</u> Email: <u>aaron@uhlfirm.com</u>																																																											
Signature	<p>Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.</p>																																																											
	<table style="width: 100%;"> <tr> <td style="width: 30%;">Signature of Owner</td> <td style="width: 30%;">By: </td> <td style="width: 40%;">Date: <u>01/10/23</u></td> </tr> <tr> <td>Signature of Applicant</td> <td>By: </td> <td>Date: <u>1/11/23</u></td> </tr> </table> <p style="font-size: small; text-align: center;">Aaron L. Underhill, Attorney for Applicant</p>	Signature of Owner	By:	Date: <u>01/10/23</u>	Signature of Applicant	By:	Date: <u>1/11/23</u>																																																					
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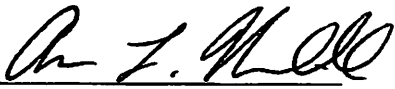
AFFIDAVIT OF FACTS

I, Aaron L. Underhill, in my capacity as attorney for the applicant listed on the zoning application pertaining to 63.5+/- acres known as Franklin County Parcel Numbers 222-005156, 222-005157, 222-005158 and 222-005159, being first duly sworn, do hereby state and depose the following:

That accompanying this affidavit is a list of all property owners located within two hundred (200) feet of the parcel(s) that are the subject of the application and their addresses as appearing on the Franklin County Auditor's current tax list; and

That said list is based solely on the records of the Office of the Auditor of Franklin County, Ohio, as provided on its website on or about the date of this affidavit.

Further Affiant sayeth not.

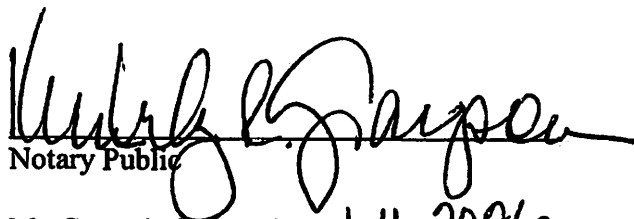
By: 
Aaron L. Underhill
Attorney, Underhill & Hodge LLC

STATE OF OHIO
COUNTY OF FRANKLIN SS.

The foregoing instrument was acknowledged before me on the 11th day of January 2023, by Aaron L. Underhill, who acknowledged the foregoing signature to be his voluntary act and deed.



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
01-11-2028


Notary Public
My Commission Expires: 1-11-2028

APPLICANT:

EC New Vision Ohio LLC
500 Stonehenge Parkway
Dublin, OH 43017

Linda Menerey
C/o EMHT INC
5500 New Albany Road
Columbus, OH 43054

PROPERTY OWNER:

Homewood Corp.
2700 East Dublin-Granville Road
Columbus, OH 43231

ATTORNEY:

Aaron L. Underhill
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, OH 43054

SURROUNDING PROPERTY OWNERS:

Douglas and Shawnmarie Lambert
8425 Clouse Road
New Albany, OH 43054

John and Suah Hwang
5360 Aldie Mill Drive
New Albany, OH 43054

Michael Hairston
8383 Central College Road
New Albany, OH 43054

8400 Central College Road Propco
LLC
213 Briarwood Drive
Somers, NY 10589

John Saveson, Tr.
8370 Clouse Road
New Albany, Ohio 43054

David Jones
8337 Clouse Road
New Albany, Ohio 43054

Catherine Saveson and Richard Otten
8370 Clouse Road
New Albany, Ohio 43054

Christine and Douglas Reader
8263 Clouse Road
New Albany, Ohio 43054

Ronald and Tamara Davies
8200 Central College Road
New Albany, Ohio 43054

Paul and Lisa Mason
8293 Central College Road
New Albany, Ohio 43054

Randell and Stacy Conley
8275 Central College Road
New Albany, Ohio 43054

Jonathan and Precious Singo
8237 Central College Road
New Albany, Ohio 43054

Jamie Walker and Lisa Tsen
8221 Central College Road
New Albany, Ohio 43054

Whitney Pagani
8257 Central College Road
New Albany, Ohio 43054

Richard and Debbie Ulery
10929 York Road
Etna, Ohio 43105

Jean Smythe, Tr.
8411 Central College Road
New Albany, Ohio 43054

Paul and Christine Stamm
8433 Central College Road
New Albany, Ohio 43054

Dean and Peggy Corwin
8397 Central College Road
New Albany, Ohio 43054

Albert and Diana McRoberts
14624 Jug Street
Johnstown, Ohio 43031

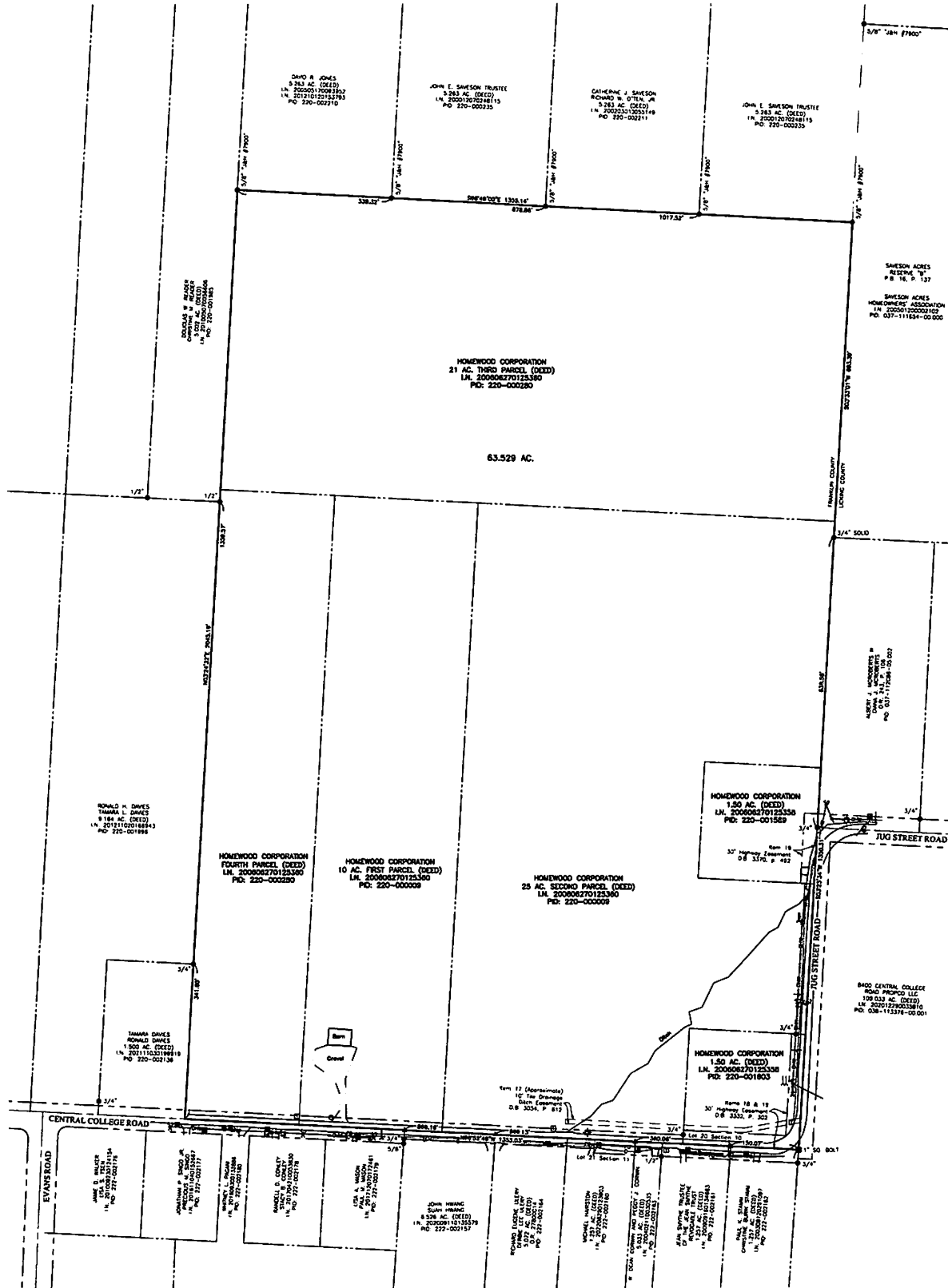
Saveson Acres Homeowners
Association
Ron Barrett
91 Fitzwilliam Lane
Johnstown, Ohio 43031

ALTA/NSPS LAND TITLE SURVEY

SECTION 10, TOWNSHIP 2, RANGE 16

UNITED STATES MILITARY DISTRICT

CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

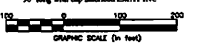


SYMBOL LEGEND

○ Iron Pin Set	— Sign
● Iron Pin Found	— Guy Wire & Anchor
⊙ Survey Found	— Utility Pole
⊙ E.L. Nail Found	⊙ Telephone Manhole
⊙ Measurement Found	⊙ Telephone Pedestal Box
⊙ Magnetic Nail Set	⊙ Telephone Pole
⊙ Magnetic Nail Found	⊙ Telephone Marker Post
⊙ Railroad Spike Found	⊙ Fiber Optic Pkg Box
17.56' and 13.61' I.D. iron pipe	⊙ Mail Box
30' long with cap inscribed EMHT INC	⊙ Electric Meter

LINE LEGEND

—	Underground Conduit
—	Underground Fiber Optic
—	Overhead Wire



EMHT		Date	October 10, 2022
		Scale	1" = 100'
<small>Survey, Measurement, Intersections & Title, Inc. 2800 New Albany Road, Columbus, OH 43221 Phone: 614-772-8100 Fax: 614-772-8101</small>		Job No	2022-0455
		Sheet	2 of 2
DATE	DATE	REVISION	



Underhill & Hodge LLC
ATTORNEYS & COUNSELORS AT LAW

Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9321
F: 614.335.9329
aaron@uhlfirm.com

March 16, 2023

Chris Christian
Planner II
City of New Albany
99 W. Main Street
New Albany, Ohio 43054

RE: Parkland and Open Space – Courtyards at Haines Creek Zoning District

Dear Chris:

EC New Vision Ohio LLC (“Epcon”) is in contract to purchase 63.5+/- acres of real property located to the north of and adjacent to Central College Road and to west of and adjacent to the Franklin County-Licking County boundary line in the City of New Albany. Simultaneously with this letter, Epcon has submitted a rezoning application to the City of New Albany which seeks the approval of a residential community consisting of 151 homes which will be age-restricted in accordance with applicable federal law. The required open space and parkland for the community, if approved as submitted, is as follows:

Open space: 20% of gross acreage x 63.5 total acres = 12.7 acres

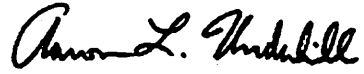
Parkland: 2,400 square feet per unit x 151 units = 362,400 square feet; 362,400 square feet divided by 43,560 square feet per acre = 8.31 acres

Identification of the final locations and sizes of parkland and open space within this new community will be determined as part of one or more final development plans based on the phasing of the project. The applicant proposes that, should it decide to develop the subdivision in more than one phase and therefore submit more than one final development plan for review and approval, each phase of the project will be evaluated independently for compliance with the parkland and open space requirements of the Codified Ordinances based on the number of units and the amount of acreage contained within the particular final development plan for that phase.

To the extent that a particular phase of development is deficient in terms of providing the Code-required amount of dedicated parkland or open space, the applicant will pay a fee-in-lieu to the City in an amount equal to product of (a) the number of acres by which the phase is deficient in its provision of parkland and/or open space and (b) \$42,000.00, which is the City’s accepted average per-acre value for acquiring land in the Rocky Fork Metro Park area.

Epcon is cognizant of the fact that payments in lieu of the provision of on-site parkland and open space must be approved in accordance with relevant City procedures. However, we wanted to acknowledge the need to address this issue as we move forward through the zoning process.

Sincerely,

A handwritten signature in black ink that reads "Aaron L. Underhill". The signature is written in a cursive style with a large initial 'A'.

Aaron L. Underhill



Underhill & Hodge LLC
ATTORNEYS & COUNSELORS AT LAW

Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9321
F: 614.335.9329
aaron@uhlawfirm.com

March 16, 2023

Chris Christian
Planner II
City of New Albany
99 W. Main Street
New Albany, Ohio 43054

RE: School Impact of Proposed Age-Restricted Residential Development (Courtyards at Haines Creek I-PUD)

Dear Chris:

EC New Vision Ohio LLC (“Epcon”) is in contract to purchase 63.5+/- acres of real property located to the north of and adjacent to Central College Road and to west of and adjacent to the Franklin County-Licking County boundary line in the City of New Albany. Epcon has submitted a rezoning application to the City which seeks the approval of an I-PUD, Infill Planned Unit Development zoning classification to allow for the development of a residential community consisting of 151 homes which will be 90% age-restricted in accordance with applicable federal law. The proposed community will be similar to the Courtyards at New Albany neighborhood that Epcon developed on State Route 605. The purpose of this letter is to highlight how this project will be financially beneficial to the New Albany-Plain Local School District (NAPLSD).

Age Restriction

The pending rezoning application includes a commitment by Epcon to subject the 63.5+/- acres of single-family residential uses to age restrictions in accordance with the “Housing for Older Persons Exemption” (codified at 42 U.S.C. § 3607) (the “HOPA Exemption”) of The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) (the “Act”). The Act and the HOPA Exemption provide in part that, in order for a residential development to meet legal requirements to be age-restricted, at least 80 percent of the units in the development must have at least one occupant who is 55 years of age or older. Epcon proposes to exceed this minimum threshold with this proposal.

School children from New Development

The school impact statement for the age-restricted Courtyards at New Albany and for the age-restricted Nottingham Trace subdivision to the north of that site assumed that 0.05 students per unit would be generated from the units that were age-restricted. The housing product in the current proposal is substantially similar to the Courtyards at New Albany and therefore the same student-per-home ratio should apply here. So, for purposes of this school impact analysis, the 0.05 students per unit will apply to 90% of the homes. While the remaining 10% of the units will not be age-restricted, they will include homes that are of the same designs and styles as the age-restricted units. Therefore, they are likely to generate more students, but not many. Just as was assumed in the Nottingham Trace subdivision’s school impact statement, this letter assumes that 0.15 students per unit will be generated from the 10% of the units which are not age restricted.

Based on these assumptions, the proposed community is projected to generate 9 students:

$$0.9 \times 151 \text{ units} \times 0.05 \text{ students} = 6.8 \text{ students}$$

$$\frac{0.1 \times 151 \text{ units} \times 0.15 \text{ students} = 2.2 \text{ students}}{9 \text{ students}}$$

On the other hand, the present zoning of the property is AG, Agricultural, allowing 1 housing unit per 5 acres. Therefore, the property would accommodate 12 traditional single-family homes right now (63.5 acres / 5 acres per unit = 12.7 units). Single-family homes are expected to generate 0.8 students per unit. Under the current AG zoning, the property would produce 10 schoolchildren (12 homes x 0.8 students per home = 9.6 students). The proposed development is projected to generate one less student than would the current zoning classification of the property, and the value that will be created for the school district with this proposal provides a far more beneficial result for the district.

The annual cost to educate a student in the NAPLSD is \$12,311.¹ Of this amount, 85.7% is locally funded and the remainder (14.3%) is funded by the State of Ohio.² Therefore, there is an annual local cost to educate one student in the NAPLSD of \$10,550. Using this number as a baseline, the costs to educate the students that would reside in Epcon's development is anticipated to be \$94,950 (9 students x \$10,550 local cost to educate one student = \$94,950). Development under the current AG zoning of the property would bring a cost to educate students of \$105,500 (10 students x \$10,550 local cost to educate one student = \$105,500).

School District Revenue from New Development

The average value of the homes to be constructed in this development is projected to be \$575,000. At this price, each unit will have an assessed value of \$201,250 (0.35 x \$575,000 value = \$201,250). The 2022 effective residential millage rate (the most recent available) for the taxing district in which this property is located (Franklin County #222) is 83.096 mills. The school district currently collects 58.39% of this millage. Therefore, the annual real property taxes collected by the school district before rollbacks for each home in the new neighborhood will equal \$9,764 (\$201,250 Assessed Value x 0.083096 millage rate x 0.5839 = \$9,764). This number is reduced by the 2.5% owner-occupied property tax rollback, leaving \$9,520 available to the schools from each home. As a result, in total at full buildout this community of 151 homes will generate \$1,437,520 annually in school district revenue (151 homes x \$9,520 school taxes per home = \$1,437,520 total school taxes).

On the other hand, under the existing AG zoning 12 traditional single-family homes that could be constructed on the subject property today would be worth an estimated \$1,000,000 each. This would yield an assessed value per home of \$350,000 (0.35 x \$1,000,000 value = \$350,000). Applying the effective millage rate, each homeowner would be required to pay \$28,356 in annual taxes after applying the owner-occupied tax rollback, of which \$16,557 would be paid to the NAPLSD. Across 12 homes, this would provide \$198,684 of total annual taxes to the school district.

NAPLSD Fiscal Impact

The fiscal impact to the NAPLSD from the proposed development of the property by Epcon is substantial. The excess revenue to the school district after educating the relatively small number of students that may

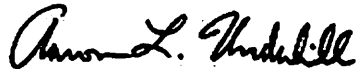
¹ <https://www.napls.us/Page/1696>

² <https://www.napls.us/Page/1694>

reside in the community is \$1,342,570 (\$1,437,520 school tax revenue - \$94,950 cost to educate students = \$1,342,570 surplus). This is enough surplus revenue to cover the costs of educating 127 students living elsewhere in the district. The current AG zoning of the property would generate a surplus of only \$93,184 (\$198,684 school tax revenue - \$105,500 cost to educate students = \$93,184 surplus). So the net positive benefit to the NAPLSD from the development of the property in accordance with the requested I-PUD zoning is \$1,249,386.

We look forward to more dialogue on this application and its benefits as we move through the City's review process.

Sincerely,

A handwritten signature in black ink that reads "Aaron L. Underhill". The signature is written in a cursive style with a large initial 'A'.

Aaron L. Underhill



January 11, 2023

Mr. Steve Mayer
City of New Albany
Development Department
99 West Main Street
New Albany, OH 43054

Subject: Courtyards at Haines Creek – Environmental Compliance

Dear Mr. Mayer,

This letter serves to inform the City of New Albany of environmental conditions associated with the Courtyards at Haines Creek project, located north of Central College Road and west of Jug Street, in the City of New Albany, Franklin County, Ohio. The property is approximately 63 acres in size and consists of agricultural fields with several woodlots.

The subject property was inspected by the Environmental Department of EMH&T in September, 2022. The northern one-third of the site consisted of an agricultural field that was in the process of drain tile repair by the owner. This field will be delineated for Waters of the U.S. in August, 2023. The southern two-thirds of the property was delineated and surveyed and contains a jurisdictional stream, jurisdictional wetlands, and isolated wetlands. The delineation report has not yet been coordinated with the U.S. Army Corps of Engineers (USACE).

The development concept will require a Nationwide Permit from the USACE and an Isolated Wetlands Permit from Ohio EPA. EMH&T is planning to prepare these permit applications for EC Vision Ohio LLC and will provide copies to the City of New Albany upon receipt.

If you have any questions regarding this information or require additional documentation, please do not hesitate to contact me at (614) 775-4515.

Sincerely,

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Robert F. Milligan
Director of Environmental Services
Principal

Cc: Sydney Berry, EMH&T
Aaron Underhill, Underhill & Hodge LLC



Engineers, Surveyors, Planners, Scientists

Utility Feasibility Summary The Courtyards at Haines Creek

City of New Albany

1/16/23

The following is a summary of the proposed utilities:

Sanitary Sewer

The proposed development will utilize a system of underground sanitary sewers located outside the right-of-way and within easements. The proposed sanitary sewer system will connect to the 42" sanitary sewer (CC-19011) currently under construction and located along Central College Road. The entire site acreage of approximately 63.5 acres is tributary to this sanitary sewer. The proposed sanitary sewers will be designed to City of Columbus, New Albany and Ohio EPA standards.

Water

The proposed development will utilize a system of underground water mains located within the right of way and outside of the proposed face of curb. The proposed water mains will connect to a 20" water main currently being designed and located along the frontage of the property. Water main sizing and locations throughout the development will be finalized during final engineering.

Storm Water

Storm water management will be provided utilizing two proposed onsite retention basins located at the north and south ends of the site. The basins will be designed to meet the water quality and detention requirements of New Albany and the Ohio EPA. A storm sewer system will be constructed to collect and outlet storm water from the proposed development to the basins. The storm water facilities will outlet to the existing streams/wetlands located on the property. The proposed storm water system will be designed to meet the necessary requirements of New Albany and the Ohio EPA.

Private Utilities

Electric service in the area is provided by AEP. The gas provider for the area is Columbia Gas of Ohio. Telephone, cable and fiber optic service to the area is provided by a combination of AT&T and Charter Communications.

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COURTYARDS AT HAINES CREEK ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) ZONING TEXT

June 22, 2023

I Introduction: The Courtyards at Haines Creek Zoning District will facilitate the development of an age-restricted residential community. The vast majority of this zoning district will consist of housing that is age restricted in accordance with the “Housing for Older Persons Exemption” (codified at 42 U.S.C. § 3607) (the “HOPA Exemption”) of The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) (the “Act”). The Act and the HOPA Exemption provide in part that, in order for a residential development to meet the requirements to be age-restricted, at least 80 percent of the units in the development must have at least one occupant who is 55 years of age or older. The applicant, Epcon Communities, commits to exceed the minimum percentage of age-restricted units by increasing it to 90% of the units. Furthermore, the applicant shall prohibit any permanent residents within the 90% age-restricted units who are under the age of 21 to the extent permitted by law.

The local housing market in New Albany continues to demand expanded residential opportunities for members of the community who desire to continue to live in the City but seek to transition to smaller homes after their children have grown and moved away. The product being provided on this property will serve this need and will provide universal lawn maintenance, a private amenities center to serve the community, and homes that are specifically designed to serve the distinct needs and desires of an older resident.

II. Permitted Uses: Permitted uses in this zoning district shall be as follows:

- A. Single-family detached residences, subject to the age restriction requirements which are detailed in Section IV below;
- B. Publicly or privately-owned parks and open spaces;
- C. One private amenities center/clubhouse, which may include a fitness center, gathering spaces, outdoor pool, and/or other recreational and social facilities, amenities, and improvements serving only the residents living in this zoning district; and
- D. Residential model homes. A temporary sales office shall be permitted to be operated until the first model home is open for use. The temporary sales office shall consist of a temporary structure used by the homebuilder or developer to display home styles and lot availability in the subdivision to promote the sale of new housing units. The model homes and temporary sales office may be staffed and furnished. Model homes and temporary sales offices shall be subject to the review and approval of the Planning Commission in accordance with Section 1133.04(d) of the Codified Ordinances of the City of New Albany. Notwithstanding anything to the contrary in the City’s Codified Ordinances, upon approval of a final plat by the City the developer may commence construction of model homes and/or the private amenities

center/clubhouse. Construction of model homes and/or the private amenities center/clubhouse may occur in advance of, or in conjunction with, installation of public infrastructure for the subdivision.

III. **Development Standards:** Homes shall comply with the design guidelines of the development standards in this text. Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. If there is a conflict between the development standards contained in the Codified Ordinances and this text, the standards contained in this text shall govern.

IV. **Age Restriction:** Homes within this zoning district shall be age restricted in accordance with the Act and the HOPA Exemption so that 90% of the homes shall be required to have at least one occupant that is age 55 or older. Should the Act and/or the HOPA Exemption be amended at any time following the effective date of this zoning text so that it becomes illegal to market and operate this zoning district in accordance with the immediately preceding sentence, then this zoning district shall be permitted to be developed and operated in accordance with the amended law. The applicant further agrees that the community shall not permit permanent residents within the 90% age-restricted units who are under the age of 21 to the extent permitted by law.

Prior to being issued a temporary or permanent certificate of occupancy for the first home in each phase of construction in this zoning district, the applicant/developer shall deliver written and legally binding documentation to the City to provide confirmation that the phase legally complies with the Act and the HOPA Exemption. The issuance of a zoning compliance permit, building permit, or any other permit required to be issued by the City for the development of this zoning district shall not constitute a representation or warranty by the City or any of its administrative or elected officials that the development project does, in fact, comply with the requirements of the Act and/or the HOPA Exemption. Compliance with the Act and the HOPA Exemption shall be the sole responsibility of the property owner(s), the applicant/developer of the property, and the HOA (as such term is defined in the next paragraph). Failure to comply with the Act and/or the HOPA Exemption shall constitute a zoning violation that is enforceable by the City.

Also, prior to the issuance of the first building permit for construction of a home in this zoning district, the applicant/developer shall provide evidence to the City that it has recorded, with the Office of the Recorder of Franklin County, Ohio and against all portions of the zoning district, a written restriction (a "**Recorded Restriction**") requiring that the property may only be developed and operated in accordance with the Act and the HOPA Exemption as described in the immediately preceding paragraph. The Recorded Restriction shall provide the City with the legal right, as a third-party beneficiary thereunder, to compel the applicant/developer and all other future owners of any portion of real property that is the subject of the final plat to adhere to the requirements of the Act and the HOPA Exemption. Prior to recording the Recorded Restriction, the applicant/developer shall deliver a draft copy of the Recorded Restriction to the City's Law Director for reasonable review and confirmation (which shall not be unreasonably withheld or delayed) that the instrument does, in fact, require the real property which is the subject thereof to adhere to the requirements of the Act and the HOPA Exemption.

V. **Homeowners' Association:** Prior to selling the first home that is built in this zoning district, the applicant/developer shall create a forced and funded homeowners' association (an "HOA") that shall apply to all property owners in this zoning district. The written instruments that create the HOA shall be recorded if required by applicable law and shall require each homeowner in the zoning district to pay an assessment charge to the HOA for the purpose of funding the HOA's operations and obligations. The HOA shall be responsible for maintaining the private amenities center/clubhouse and associated improvements, maintaining entry signs and entry features, providing lawn maintenance on each individual lot, and maintaining open space and/or parkland as determined in an approved final development plan. "Lawn maintenance" shall include, at a minimum, regular mowing of lawns, fertilization and weed treatment, landscape trimming and landscape bed edging, and other maintenance as determined by the HOA. Maintenance of the exterior facades and roofs of homes shall be the responsibility of each individual homeowner.

In addition to the foregoing, once the last home in this zoning district has been sold by the applicant/developer to a third-party purchaser, the HOA shall be responsible for undertaking all actions which are necessary in order for the community to comply with the requirements of the Act and HOPA Exemption as contemplated in this zoning test. Such obligations shall include, but shall not be limited to, (i) the publishing of and adherence to policies and procedures that demonstrate the intent to operate homes in the zoning district as "55 or older" housing; and (ii) compliance with the Department of Housing and Urban Development's (HUD's) regulatory requirements for age verification of residents. No later than thirty (30) days after filing reports and any other required information with HUD or other regulatory authorities as required by the Act, the HOPA Exemption, and applicable federal administrative regulations, the applicant/developer (until such time as the last home in this zoning district is sold to a third party) or the HOA (after such time as the last home in this zoning district is sold to a third party) shall file copies of the same with the City for its records.

VI. **Density, Lot and Setback Commitments:**

A. **Number of Units:** There shall be a maximum of 151 units in this zoning district. In addition, one private amenities center/clubhouse shall be permitted with ancillary recreational uses.

B. **Unit Types:** Single-family units shall be permitted on all lots. Units may be front-loaded or rear-loaded. Rear-loaded units shall be accessed from a public "lane" and shall be referred to herein as "Lane Units."

C. **Minimum Square Footage:** A maximum of 25% of the single-family homes may be a minimum of 1,400 square feet of living area. All other single-family homes shall have a minimum of 1,600 square feet of living area. Square footage of living area for any home shall be exclusive of garages, basements, and porches.

D. **Minimum Lot Widths:** There shall be a minimum lot width of 52 feet at the building line.

E. **Minimum Lot Depths:** The minimum lot depth shall be 115 feet.

F. Minimum Setbacks:

1. Central College and Jug Street: There shall be a minimum building and pavement setback of 100 feet as measured from the edge of the right of way of Central College Road/Jug Street, except that homes and other improvements on Lots 71 and 72 shall be permitted within this setback.
2. Front Yards: The minimum front yard setback shall be 20 feet from the edge of right-of-way for each home except for the Lane Homes facing Street 9 (such term being defined in Section VI), which shall have a minimum front yard setback of 15 feet.
3. Side Yards: The minimum side yard setback shall be 5 feet between the lot line and structures for all homes.
4. Rear Yards: The minimum rear yard setbacks shall be as follows:
 - a. On lots with rear boundary lines which also serve as the eastern and western perimeter boundary of this zoning district the minimum rear yard setback shall be 50 feet.
 - b. On all lots other than those which are described in the immediately preceding subsections b. and c., the minimum rear yard setback shall be 15 feet.

G. Tree Preservation Zones: "Tree Preservation Zones" shall apply (1) for a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street in Reserve A, in areas to the south of the intersection of Jug Street and a new public street connecting it to the new subdivision, (2) within the northwest corner of the zoning district, and (3) covering the tree line along the north property line of Reserve C, all as generally shown on the Preliminary Development Plan. Within these areas, only the construction of roads, paths/trails/sidewalks, underground utility lines and underground storm water management infrastructure shall be permitted. Healthy mature trees and understory vegetation shall be preserved within these areas unless they conflict with the installation of permitted utility or storm water infrastructure. Trees and understory vegetation within the tree preservation zone plan may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property. When trees are removed from the Tree Preservation Zones due to utility installation, reasonable efforts shall be made to plant new trees in areas within or outside of (but near to) the Tree Preservation Zone in order to provide buffering from adjacent parcels outside of this zoning district. The number, species, and locations of new trees shall be reviewed by the Planning Commission as part of a final development plan and confirmed with a landscape plan provided with final engineering. Trees shall not be required to be planted in easements and/or locations that may harm the health of preserved trees or unreasonably encroach into the rear yards of lots.

H. **Buffering – Western and Eastern Perimeter Boundaries:** Along with the landscaping plan that is filed as part of a final development plan, the applicant shall submit a report from a certified arborist to detail the conditions of existing trees within the minimum required rear yard setbacks on lots of homes that back to the western perimeter boundary line of the zoning district and along that portion of the eastern perimeter boundary of the zoning district that serve as the rear lot lines for homes on Lots 62 through 72 as numbered on the preliminary development plan. The report also shall detail the anticipated need to remove trees within these areas in order to accommodate development, preserve the health of trees, and/or to ensure the safety of residents of homes that are to be constructed on those lots. The landscape plan shall identify which trees will be preserved based on the report and shall provide for the planting of replacement trees, landscaping, and/or other improvements to provide additional buffering between new homes and adjacent property to the west which is outside of this zoning district, and shall provide that understory located within 30 feet of the western perimeter boundary line of the zoning district shall remain, provided that removal of understory associated with permitted removal of trees or understory that is of a noxious or invasive species shall be allowed. New trees and landscaping may be planted on an adjacent parcel to achieve the buffering objective if permission is obtained from the owner of such parcel. The applicant shall share the arborist's report with the adjacent property owners and/or their authorized representatives on or before the date when the final development plan is filed with the City, and shall meet with the property owners (if they are willing) prior to the Planning Commission's hearing on the final development plan. Removal of trees within the areas which are subject to the arborist's report shall be subject to staff approval.

I. **Encroachments – Front Yards:** Stoops, steps, and covered porches shall be permitted to encroach a maximum of 5 feet within the front yard setback line. They shall not be permitted to encroach within rights-of-way or easements.

J. **Encroachments – Side Yards:** Paver patios and concrete patios with associated elements such as, but not necessarily limited to, landscaping, water features, trellises, fireplaces, fire pits, counters, grilling areas, and other related or similar outdoor amenities shall be permitted to encroach into the minimum side yard on a lot with a residential unit that contains a side courtyard, provided that when two side yards are adjacent to one another, only one of them shall be permitted to have a side courtyard. Such courtyards may encroach past the shared lot line. Reciprocal easements burdening and benefiting each lot in this scenario shall be recorded to define the use and maintenance rights of the respective owners.

Where the courtyard condition is present and is not screened from the view of a public right-of-way by a structure or existing trees, a decorative fence, in locations to be approved as part of a final development plan, shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. Decorative fencing shall be permitted to the rear of a home, along with any other permitted fencing per the Codified Ordinances. A combination of landscaping and fencing also may be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. Where the courtyard condition is adjacent to open space a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of 4 feet.

K. **Encroachments (Easements):** Encroachments shall not be allowed in storm or drainage easements in side or rear yards.

L. **Street Frontage:** All lots shall have frontage on and shall have vehicular access to and from a public street or public Lane (such term being defined in Section VI.F). The primary front façade of each home generally shall be located parallel to the public right-of-way on which its lot fronts or, on a lot fronting on a curved right-of-way, generally parallel to the chord of the right-of-way. Notwithstanding the foregoing, City staff shall have the discretion to allow for a deviation from this requirement on irregularly-shaped lots in order to allow individual home placement to more accurately meet the intent of the neighborhood’s design as contemplated by this text and the approved preliminary development plan and final development plan(s) for this zoning district. On corner lots, the street on which the front facade of a home is required to be located shall be identified in and approved as part of a final development plan that includes that lot.

VII. **Access, Loading, Parking, Pedestrian, and Traffic-Related Commitments:**

A. **Off-Street Parking:** All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage. Lane homes shall include a driveway that is a minimum of 18 feet in length and shall have a width sufficient to park two cars.

B. **On-Street Parking:** On-street parking shall be permitted on the side of public streets that do not contain fire hydrants in accordance with the City’s Codified Ordinances.

C. **Central College Road and Jug Street ROW:** Prior to the issuance of the first building permit for any structure to be built in this zoning district, the applicant/developer shall dedicate right-of-way to the City for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street.

D. **Access Points:** The primary access points to the site will be from Central College Road and Jug Street in the general locations shown on the approved preliminary development plan and with final locations as approved as part of a final development plan. Right-of-way shall be dedicated for the future extension of two streets to the western boundary line of this zoning district, both as more specifically detailed in Section IV.E, as generally shown on the preliminary development plan, and as specifically approved as part of a final development plan.

E. **Internal street and alley widths and rights-of-way:** Internal vehicular routes within this zoning district shall consist of public streets and public Lanes. For purposes of this text, a “Lane” shall be defined to mean “a public lane providing vehicular access to and from garages located on the rears of residential units.”

1. **Lanes:** The right-of-way for Lanes shall be a minimum of 20 feet with a minimum of 16 feet of pavement.

2. **Streets:** The right-of-way for internal streets within the development shall be 50 feet in width with the exception of the North-South Street that is to extend from Central College Road to the northern portion of the zoning district. The "North-South Street" shall have a right-of-way of 60 feet in width. Pavement for all internal streets shall be 26 feet in width, measured from face to face of curbs. Public streets located in the northwestern and southwestern portions of the zoning district may be extended to the western property line by a party other than the developer at some future date, as shown on the preliminary development plan. In recognition that these street extensions may never be necessary (or will be necessary only with the redevelopment of property located to the west), the developer of this zoning district shall be required to construct the extension for a distance of 10 feet from its westernmost intersection internally within the zoning district. Signage shall be installed at the end of the 10-foot stubs which indicate that these streets may be extended in the future as a through street. The design of such signage shall be subject to staff approval. Disclosure of the likelihood of the future street extension shall be included as part of the land sale contract for the lots located immediately adjacent to the right-of-way for the extensions.

F. **Public Sidewalks:** A public sidewalk shall be located within the right-of-way on each street other than the North-South Street (south of the intersection with Streets 5 and 8), the south side of Street 2 and the north side of Street 8 in the general locations shown in the preliminary development plan and with final locations as approved in a final development plan. Sidewalks shall be 5 feet in width and shall be constructed of concrete. Sidewalks shall not be required within rights-of-way of Lanes.

G. **Leisure Paths:** Asphalt leisure trails with a width of 8 feet shall be constructed by the applicant/developer in the following locations in this zoning district: (i) Along the north side of Central College and west side of Jug Street rights of way, (ii) along both sides of the North-South Street north to the intersection with Streets 5 and 8 and (iii) along the north side of Street 8.

H. **Additional Pedestrian Connectivity:** The applicant/developer will work with staff on the feasibility, location and material of a path with a minimum width of 8 feet to be constructed along the south side of the pond in Reserve A except that the path may be reduced to a minimum width of 5 feet in areas restricted by site conditions (trees, grading, etc.) Details shall be presented for review with a final development plan and finalized at time of final engineering. Additional leisure trails or paths may be presented for review with a final development plan.

VIII. **Buffering, Landscaping, Open Space and Screening Commitments:**

A. **Parkland and Open Space:** Parkland shall be dedicated to the City from locations as specifically approved as part of a final development plan. Where the side lot line of a residential lot abuts parkland or open space, a demarcation between them shall be provided consisting of fencing, landscaping, and/or other elements with a final design that is approved as part of a final development plan. Ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan. To the extent that parkland and/or open space requirements of the City's Codified Ordinances cannot be provided within this zoning district, the developer shall be

required to provide for an equivalent contribution toward the City's parkland and open space amenities through the purchase and dedication to the City or Franklin County Metro Parks of undeveloped land located elsewhere in the New Albany Plain Local School District, or alternatively by making an equivalent monetary contribution to the City for the purpose of funding other parkland development, leisure path, and/or other recreational programs or plans. The form and amount of such contribution shall be approved as part of a final development plan for this zoning district.

B. Amenity Area: The private community clubhouse shall be located as generally shown on the preliminary development plan. This parcel shall be owned and maintained by applicant (or its affiliated entities) or the HOA. The final size and configuration of this parcel and the design of the clubhouse shall be identified in an approved final development plan.

C. Street Trees: Street trees shall be required on both sides of internal public streets, except that this requirement shall not apply to Lanes or to the sides of streets which abut parks, open space or reserve areas (the planting requirements, if any, for these areas shall be approved as part of the relevant final development plan). Trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the proposed North-South Street at an average distance of 24 feet on center. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof or 1 tree per 24 feet or fraction thereof, as applicable. Notwithstanding the foregoing, tree spacing on public streets may deviate from this spacing requirement if necessary or appropriate to provide a desirable streetscape, or to avoid interfering with other required improvements. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on a final development plan for review and approval. Trees will be preserved within the Tree Preservation Zone along Central College Road and Jug Street as generally shown in the preliminary development plan. The applicant will coordinate with staff on a plan that incorporates the use of existing trees and credits them toward street tree requirements along these roads.

D. Lot Trees: In addition to street trees, each lot shall provide a minimum of 1 deciduous tree in the front yard.

E. Exemption to Section 1187.15(c)(6): Due to the nature of this zoning district as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.

F. Landscaping: Except as otherwise provided in other sections of this text, the minimum landscaping size at installation shall be 2 inches caliper for deciduous shade and ornamental trees and 6 feet high for evergreen trees for the open spaces, amenity area, and parkland. Artificial turf shall be permitted to be utilized within the fenced pool area of the amenity building, the bocce court and the fenced side and rear courtyards on individual lots.

G. Perimeters: The landscaping plan that is provided with the final development plan shall, in addition to other required items, indicate whether or not trees presently exist on this property along the northern, western and eastern boundary lines. The landscaping plan shall identify locations where grading, utility crossings and associated easements will occur that necessitate the removal of trees from within the Tree Preservation Zone or within the required setback from the boundary lines of the zoning district. Within the area between the northern perimeter boundary line of this zoning district and extending southward to the upper limit of a drainage swale that will be installed within the large open space/reserve area in the northern portion of the site (such location to be determined at the time of final engineering), the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north.

IX. Architectural Standards – Homes:

A. Design Intent: The design of this neighborhood borrows from the tradition of the summer retreat camps popular in the 1900s. Examples include the Oak Bluffs Meeting Camp on Martha’s Vineyard and Lakeside Ohio. These camps were a collection of small cottages around a central meeting house and green. In the proposed neighborhood an architectural aesthetic is employed which is consistent with the character of New Albany architecture, specifically referencing the “Rectangular Form Houses” which are described on Pages 10 and 11 of the City’s Design Guidelines and Requirements as they exist on the date of this text. The homes in this community will be simple in their forms, generally rectangular in shape.

B. Maximum building height: All homes shall be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation. Maximum building height shall be 35 feet.

C. Exterior Materials:

1. Appearance: The residences in this community will serve a very specific market, which demands efficiently designed homes with components that serve the particular needs of an age-restricted community. To this end, this community will not be required to strictly adhere to the City’s Design Guidelines and Requirements (DGRs) and its Codified Ordinances. Instead, the intent is to meet the spirit and purpose of the DGRs and the Codified Ordinances by replicating the architectural styles of the DGRs while allowing for deviations to accommodate home designs that serve the active adult segment of the home buying market. Home designs are intended to use elements of traditional American architectural themes and shall be designed in accordance with the architectural character of the homes which are depicted in the architectural elevations and/or renderings that have been filed with the preliminary development plan application. In addition, more detailed architectural elevations and/or renderings shall be submitted for approval by the Planning Commission as part of a final development plan application. The Planning Commission shall not have approval rights over each specific home to be constructed in this zoning district, but instead shall approve a

baseline set of architectural requirements and guidelines from which each home design will be based.

2. **Wall finish materials:** Brick, brick veneer, and cementitious/composite siding or equivalent shall be permitted as exterior façade materials. Vinyl siding shall be prohibited. Cementitious/composite siding or equivalent on a home shall have colors as generally noted in the architectural drawings provided with the preliminary development plan and as approved in one or more final development plans. Exterior wall finish materials must be used to complete massing elements. Each exterior façade of a home shall utilize one primary material, and that material shall be used on all elevations of that home. Exposed concrete foundation walls shall be prohibited and, unless otherwise approved as part of a final development plan, shall be covered by (a) brick or brick veneer or (b) an extension of the primary building façade material to the surrounding grade.

3. **Four-sided architecture:** Four-sided architecture shall be required on all homes, meaning that there shall be a consistent use of materials and design elements on all sides of the structure. Blank facades shall be prohibited on all units except on the side façade of a structure that is oriented toward a side courtyard serving a home on an adjacent lot. Side facades facing a courtyard may (but shall not be required) to include transom windows. The term “four-sided architecture” shall mean:

a. The same materials and details used on front elevations of homes shall be carried through to and utilized on all other elevations of the home in a manner that creates continuity and balance among all facades;

b. The side and rear elevations of each home shall display a high level of architectural quality and interest. Side elevations oriented towards another home’s side courtyard shall not be required to install architectural elements, such as windows, that will impede on the privacy of the courtyard. Other architectural detailing and elements must be continued on the courtyard-oriented elevation. The Base Elevations and Bonus Elevations for each home type as identified in the architectural drawings that accompany this text shall be deemed to meet the requirements of this subsection.

c. Any side or rear elevation of a home that faces a public street on a corner lot and any side elevation of a home that is adjacent to open space or parkland shall include two or more windows trimmed in a color that distinguishes the trim from the color of the façade’s siding (except that houses with a primary façade color that is white shall be permitted to have white trim). In addition, such elevations shall include at least one of the design elements from the following list:

1. Cornices above windows;

2. Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs);
3. Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters;
4. Doors;
5. Bay windows or bay elements; and
6. Chimney; or
7. Decorative louvers.

d. When the side elevation of a home is found in a location other than one that is oriented toward a side courtyard or as described in subsection 3(c) above, that elevation shall be articulated with a minimum of at least one design element from the following list. In addition to any required side home element(s), any rear elevation that is visible from a public right-of-way, open space, or parkland shall be articulated with a minimum of at least two of the design elements from the same list:

1. Doors;
2. Porches;
3. Two or more windows (bay windows count as a window);
4. Bay windows or bay elements;
5. Chimney;
6. Decorative louvers;
7. Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs); or
8. Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters.

e. Single Style: Homes shall not be designed in a manner that mixes elements from different architectural styles.

f. Brick: When brick is used, traditional detailing is required, such as, but not limited to, traditional bonds, water table caps, sills, jack arches, segmental arches and soldier courses.

g. Roofs: The main house mass shall have pitched roofs which shall be required to have a minimum 6:12 rise over run or greater. Minor gables, dormers, and porch pediments are permitted to have minimum pitches of 4:12 rise over run. Roof pitches with rise over run of less than 6:12 are permitted on

minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted only for porches, but must integrate strong cornice lines. Roofs may be of natural slate wood shake or wood shingle, an architectural grade fiberglass asphalt shingle, or may be standing seam. Metal standing seam shall be permitted as a roof material only on porches. Solar panels shall be permitted to be installed on south-facing roofs on the rears of homes.

h. Windows: Windows shall be of traditional themes. Simulated or true divided lite windows shall be required. Double-hung windows shall be required, provided that fixed panel accent windows and casement style windows may be used where appropriate. Windows shall be vinyl-clad. Trim detail and cornices shall be highly encouraged where architecturally appropriate above windows on the front facades of every home, on side elevations facing the public street on corner lots, and on side elevations facing parkland or open space. Trim detail along all windows shall be light in color.

i. Shutters: Shutters shall be highly encouraged to be used on the front facades of homes in window locations which are architecturally appropriate. Required locations for shutters shall be identified for each home type in the final development plan. Shutters shall be dark in color, with the palette of permitted colors to be approved as part of the final development plan. Where used on any façade of a home (and regardless of whether they are open or appear to be closed), shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs). Shutters must be painted and may be solid paneled (raised paneled) or louvered.

j. Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide of historic colors, which shall be provided for review and approval as part of the first final development plan and be based on historical color palette for this zoning district.

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

l. Skylights: Skylights in the roof shall be permitted, provided they are not visible from the street directly in front of the home.

m. Chimneys: Exposed exterior chimneys, when incorporated into a home design, shall be brick or brick veneer. Chimneys with wood, siding, or stucco shall be prohibited.

n. Entrances: The front entrances to each home shall be a minimum of six inches (6") and range up to twenty-four (24") inches above the finished grade of the lot on which the home is located.

o. Other elements: Cupolas, lanterns, belvederes and/or window bays shall be permitted, provided that they are consistent with the architectural theme of the home.

p. Architectural Details: Additional architectural details including roof plans; garage door design/colors; dormer details; entablature; and shutter specifications; columns, cornice and pediment details; window specifications; louver details, brick mould profile shall be provided at the final development plan for review by the Planning Commission.

q. Front Porches: Each home shall include a front porch. For purposes of this text, a "front porch" shall be defined as "a covered but unscreened area that is at least 90 square feet in size and adjacent to the home's front door."

r. Screened Porches: Screened porches are encouraged on the rear or sides of homes but shall not be permitted on the front. Detailing shall be traditional wood in appearance with a break in screening at rail height. All screened porch trim shall be painted or stained. Roof lines of screened porches shall conform to the architectural style of the home and blend into the massing of the home.

X. Lighting:

A. Each home shall provide coach lights on the garage. Coach light locations shall be consistent from house to house. All coach lights shall have a photocell light sensor. Light fixtures shall be the same or substantially similar across all lots/homes. Coach lights shall have an opaque top.

B. Uplighting of the exterior of a home shall be prohibited.

C. Security lighting, when used, shall be of a motion sensor type.

D. Light poles, if provided within parking lot areas near the private amenities center/clubhouse shall not exceed 18 feet in height, 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.

E. Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout the zoning district.

F. Lighting of entry features and any additional proposed lighting shall be provided and approved at time of final development plan. Ground mounted lighting shall be shielded and landscaped.

G. Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout this zoning district.

H. Except as otherwise expressly provided in this text, lighting shall be provided in accordance with the City's Codified Ordinances.

XI. Garage Standards:

A. Garages:

1. Garages shall be attached and may front on a public street. Each home shall provide a 2-car garage.

2. Individual bay doors or double wide garage doors that have the appearance of individual bay doors when closed shall be required. All garage doors shall contain decorative features and shall be of a color and style that is consistent with architecture of the home. The exterior color palates for each home shall be selected and designed in a manner which de-emphasizes the location and placement of the garage door. Garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home.

3. Garages may be front-loaded or rear-loaded. Each garage shall be set back a minimum of 2 feet, 8 inches from the front façade of the home. The "front façade of a home" shall be considered to be the single plane of a home's front façade or the forward-most plane of a front porch that is located closest to the front property line of the lot.

4. Garage doors (Vehicular): All garage doors shall be solid paneled but may have windows provided that the interior of the garage cannot be viewed at a height of 6 feet when standing in the middle of the public street found in front of the garage. No glazing shall be permitted on garage doors unless they are consistent with the architectural theme.

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

B. Driveways: The appearance of driveways shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, and asphalt with controlled edges. Concrete driveways are prohibited. The driveway may extend up to 1 foot to the outside of both sides of the garage. All driveway aprons (curb-cuts) shall be constructed to accommodate a maximum sixteen-foot-wide driveway at the right-of-way line. All driveways shall have a maximum grade of 8%.

XII. Architectural and Development Standards – Amenities Center/Clubhouse:

- A. Maximum building height: The maximum height of the private amenities center/clubhouse shall be 35 feet as measured from finished grade at the front door to the ridge on the roof.
- B. Appearance: The amenities center/private clubhouse shall be 1 ½ stories in appearance or two stories in height. The architectural design and appearance of this structure shall be complimentary to and consistent with the homes in this zoning district.
- C. Parking: A parking lot may be provided near the private amenities center/clubhouse to provide for the parking needs of residents and other visitors of the residents in the community. The location of the parking lot and the number of spaces to be provided shall be determined at the time of approval of a final development plan for this zoning district.

XIII. Miscellaneous Standards:

- A. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entries into the zoning district from Central College Road and Jug Street shall be permitted with designs that are approved by the Planning Commission as part of a final development plan for this zoning district. Entry feature signage may be provided at the entry into the zoning district along its northern perimeter at any time after the North-South Street extends northward past the northern perimeter boundary line of this zoning district. Other signage may be used subject to approval by the City of New Albany Planning Commission.
- B. Swimming Pools/Spas: Swimming pools shall be prohibited in this zoning district except on the exterior of the private amenities clubhouse. When installed, spas shall be located in the side yard within courtyards and shall be completely enclosed by a minimum of 48-inch high fencing and screened from adjoining properties. No minimum setback shall be required for spas located in courtyards.
- C. Storage:
 - 1. Storage Sheds: Storage sheds shall be prohibited.
 - 2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.
 - 3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

D. Centralized Mailbox Units: Location, design, and landscaping for grouped mailbox units shall be included in an application for a final development plan for review and approval by the Planning Commission.

E. House Numbering: Each residence shall be required to install house numbers in a common location

F. Garbage Cans: All garbage cans and other waste containers shall be kept in garages or within approved screened areas. Pedestrian garbage receptacles may be located on the exterior of the amenities center/private clubhouse, provided that they are placed within or covered by an enclosure made of materials and with colors that are complimentary to the building.

G. Utilities: All new utility lines and wiring shall be placed underground. Utility easement locations and widths shall be determined in the final development plan for this zoning district.

H. Fencing shall be prohibited along the eastern perimeter boundary line in the northeast corner of the zoning district that is adjacent to the large open space/reserve area.

I. Phasing: This zoning district may be developed in one or more phases. Each phase of development shall require the review and approval of a final development plan.

J. The existing barn in the southern portion of the zoning district may be removed.

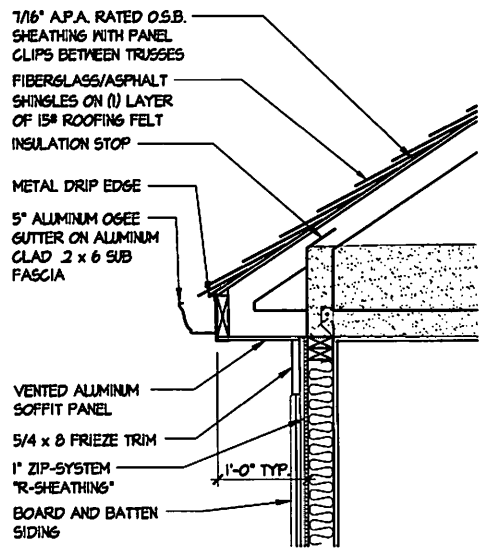
XIV. Variances and Appeals:

A. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

B. Variance and Appeals Process: The procedures and requirements of Chapter 1113, Appeal and Variances, of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. Requests for variances shall be heard by the Planning Commission.

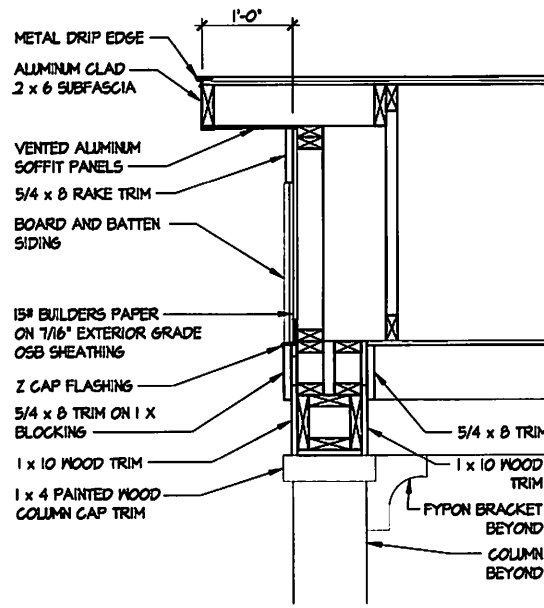
COURTYARDS AT HAINES CREEK
TYPICAL UNIT DETAILS

NOTE:
 SEE EXTERIOR ELEVATIONS
 FOR EXACT CONFIGURATION
 - DRAWINGS SHOW TYPICAL
 DETAILS ONLY



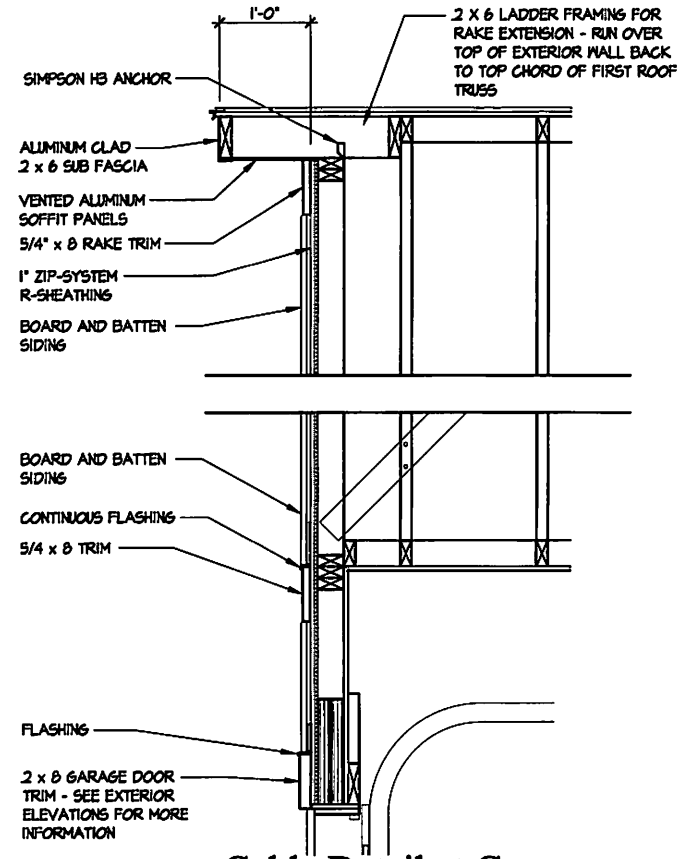
Frieze Detail

Scale: 3/4" = 1'-0"



Gable Detail at Porch

Scale: 3/4" = 1'-0"



Gable Detail at Garage

Scale: 3/4" = 1'-0"

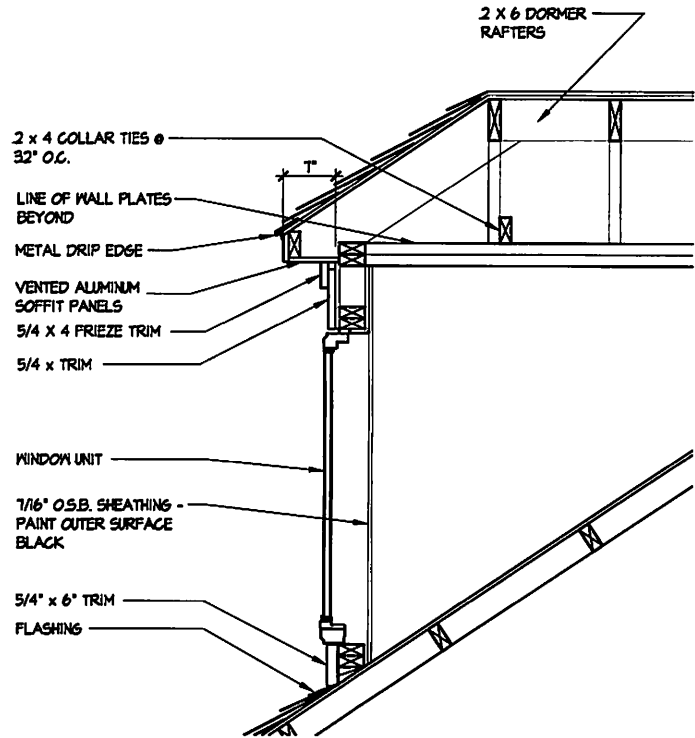
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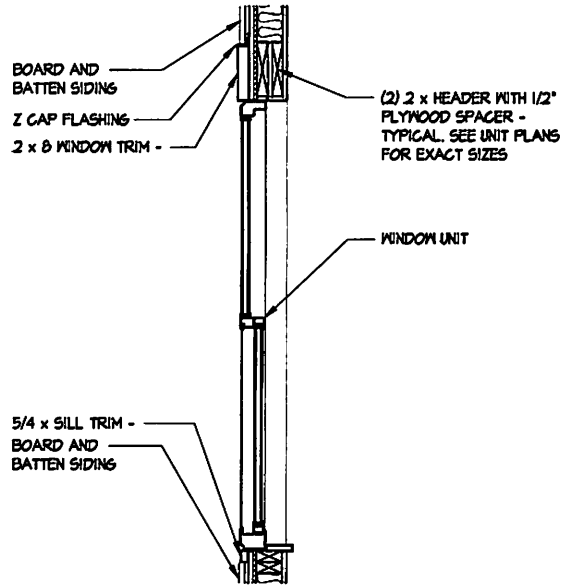
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COURTYARDS AT HAINES CREEK
TYPICAL UNIT DETAILS

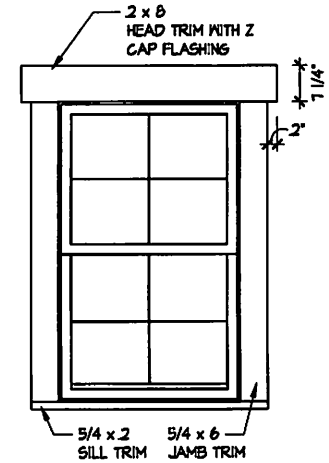


Faux Dormer Detail
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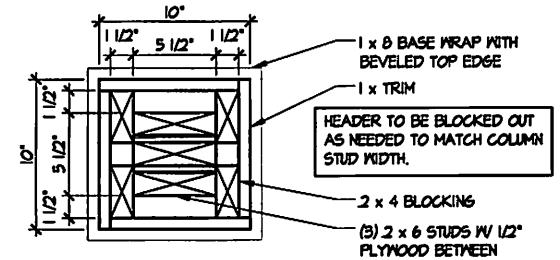
NOTE:
 SEE EXTERIOR ELEVATIONS
 FOR EXACT CONFIGURATION
 - DRAWINGS SHOWN TYPICAL
 DETAILS ONLY



Window Trim Detail
 Scale: 3/4" = 1'-0"



Window Detail
 Scale: 1/2" = 1'-0"



Column Detail
 Scale: 1-1/2" = 1'-0"

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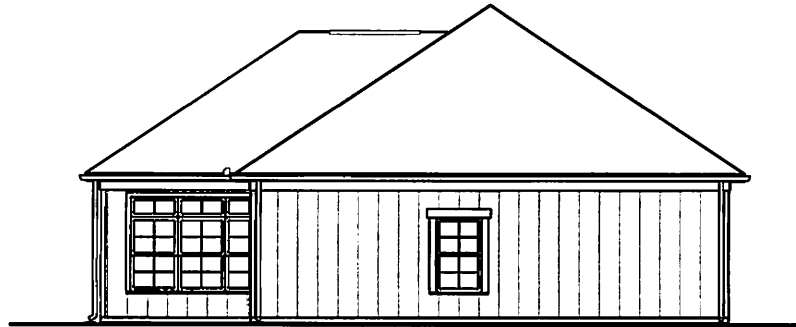
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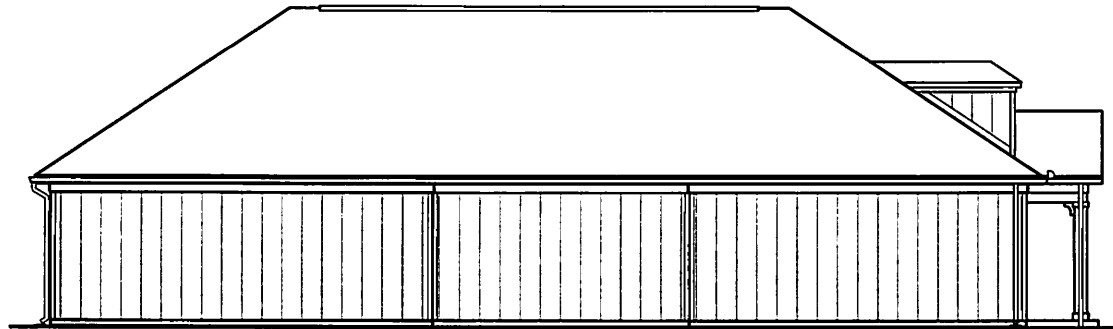
COURTYARDS AT HAINES CREEK

UNIT D-1 - PALAZZO



Base - Elevation A

Scale: 1/8" = 1'-0" REAR



Base - Elevation A

Scale: 1/8" = 1'-0" LEFT SIDE

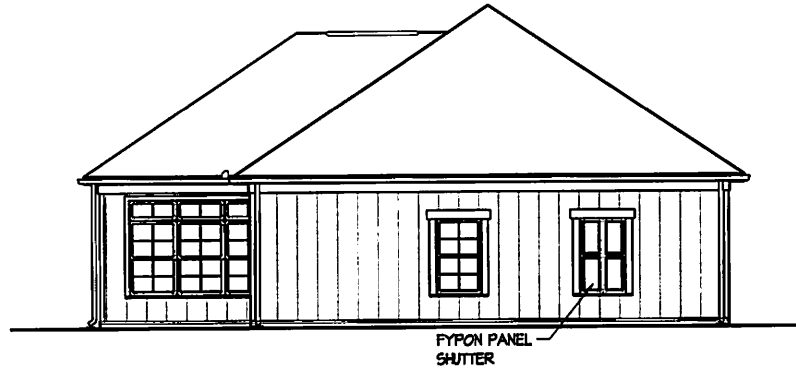
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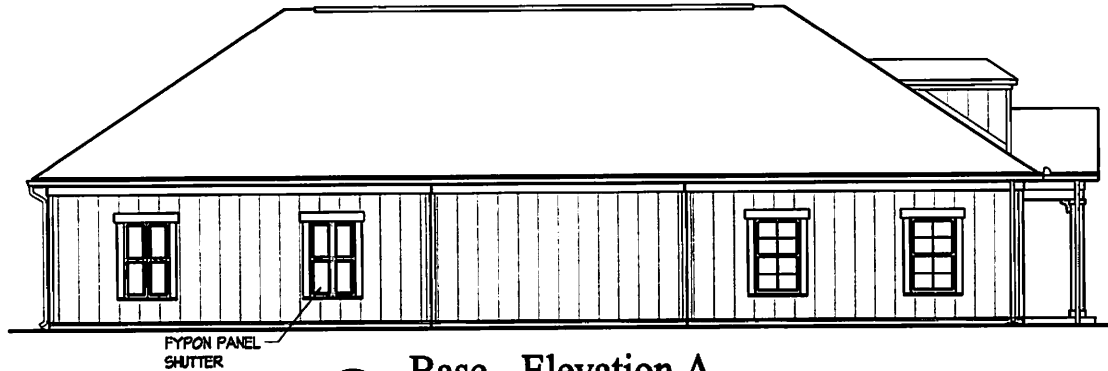
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COURTYARDS AT HAINES CREEK
UNIT D-1 - PALAZZO



○ **Base - Elevation A**

Scale: 1/8" = 1'-0" ENHANCED REAR



○ **Base - Elevation A**

Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

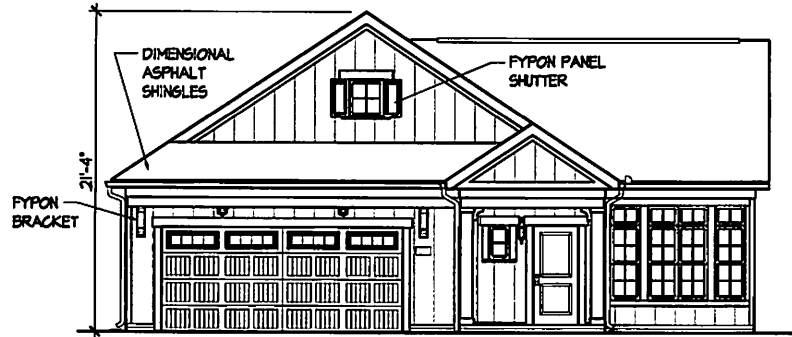
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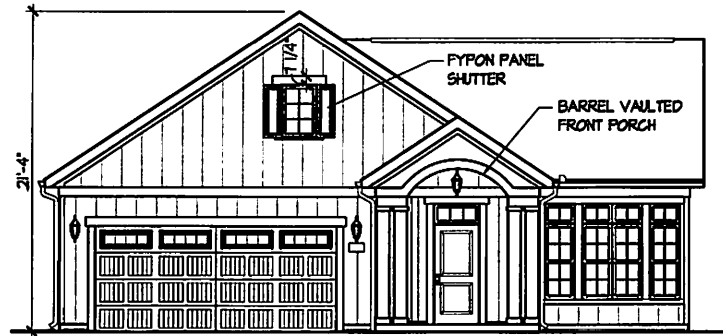
COURTYARDS AT HAINES CREEK
UNIT D-1 - PALAZZO



○ **Base - Elevation B**
 Scale: 1/8" = 1'-0" FRONT



○ **Base - Elevation C**
 Scale: 1/8" = 1'-0" FRONT



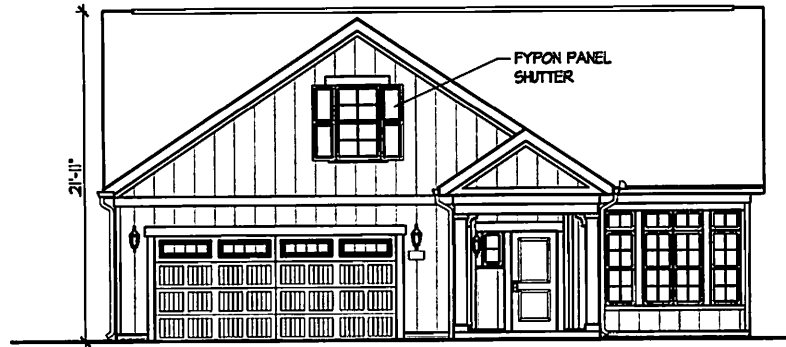
○ **Base - Elevation D**
 Scale: 1/8" = 1'-0" FRONT (c) 2018 IP86, LLC, All Rights Reserved

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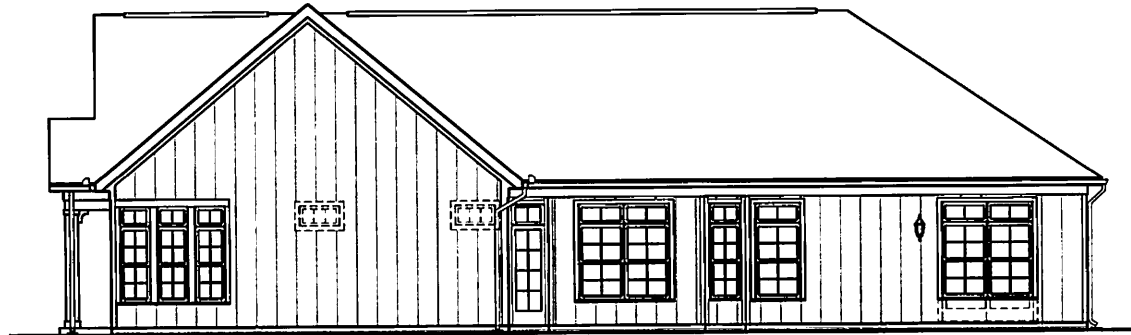
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COURTYARDS AT HAINES CREEK
UNIT D-1 - PALAZZO



○ Bonus - Elevation A
Scale: 1/8" = 1'-0" FRONT



○ Bonus - Elevation A
Scale: 1/8" = 1'-0" RIGHT SIDE

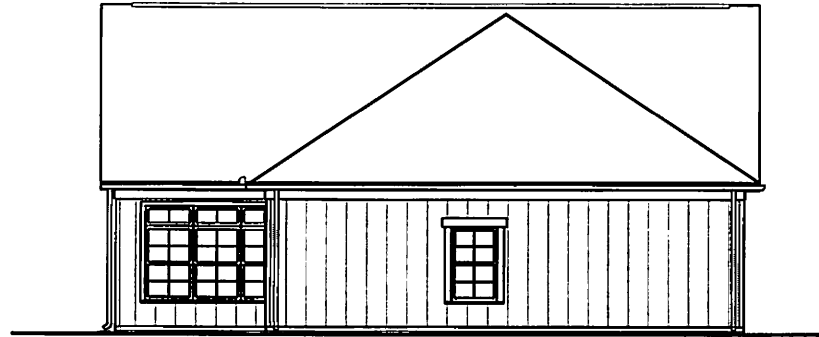
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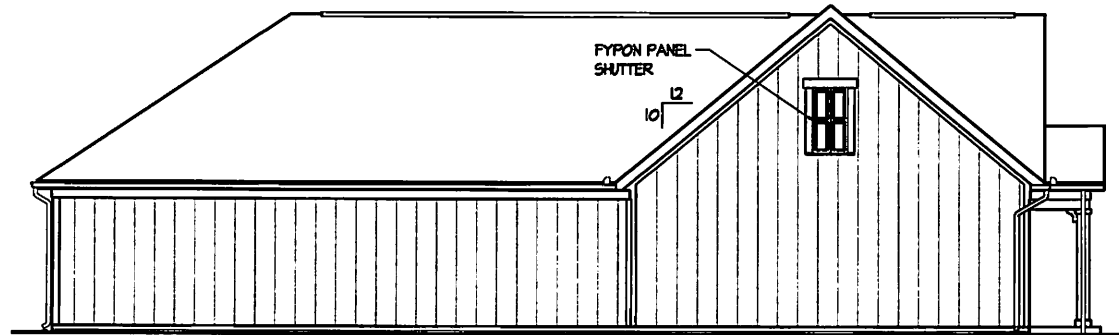
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COURTYARDS AT HAINES CREEK
UNIT D-1 - PALAZZO



○ Bonus - Elevation A
Scale: 1/8" = 1'-0" REAR



○ Bonus - Elevation A
Scale: 1/8" = 1'-0" LEFT SIDE

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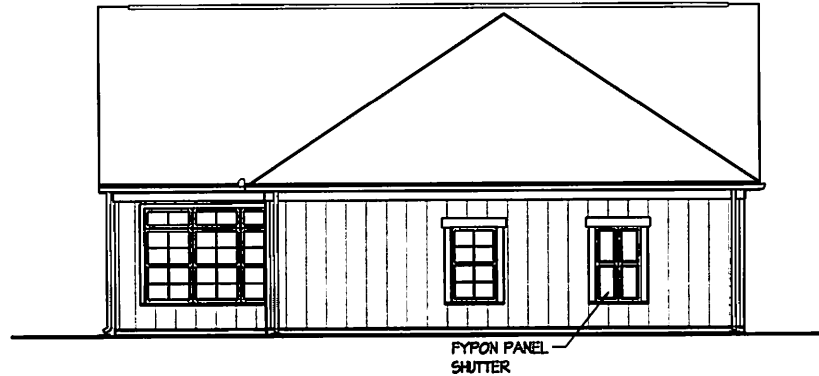
DEAN A. WENZ

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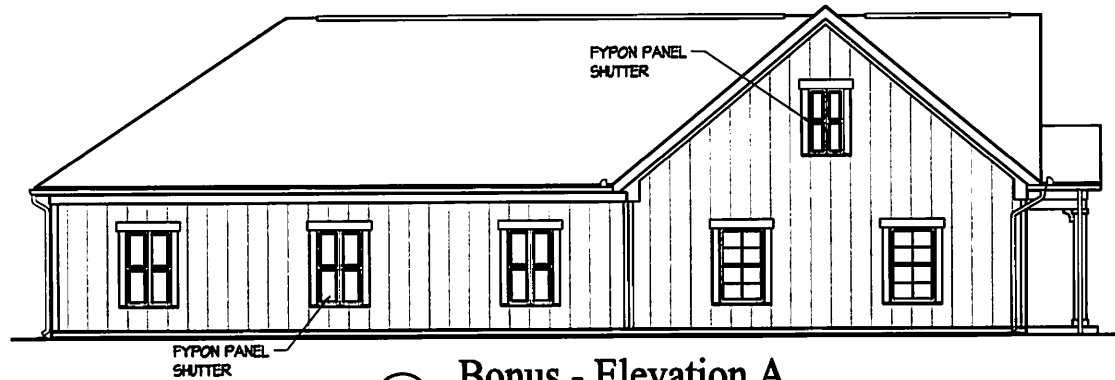
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COURTYARDS AT HAINES CREEK

UNIT D-1 - PALAZZO



○ **Bonus - Elevation A**
Scale: 1/8" = 1'-0" ENHANCED REAR



○ **Bonus - Elevation A**
Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

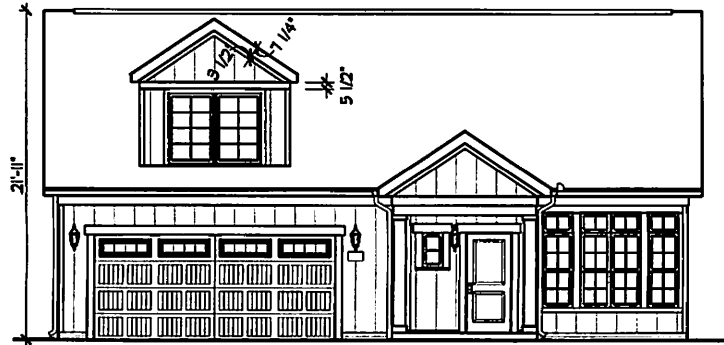
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COURTYARDS AT HAINES CREEK
UNIT D-1 - PALAZZO



Bonus - Elevation B

Scale: 1/8" = 1'-0" FRONT

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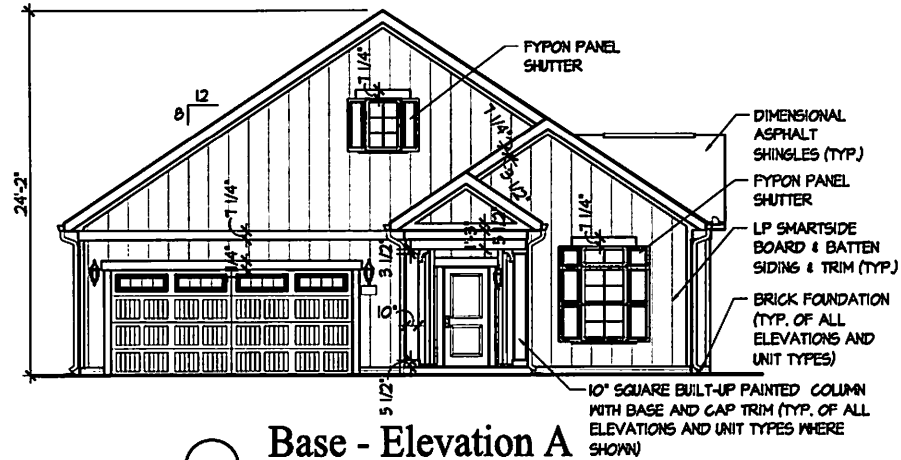
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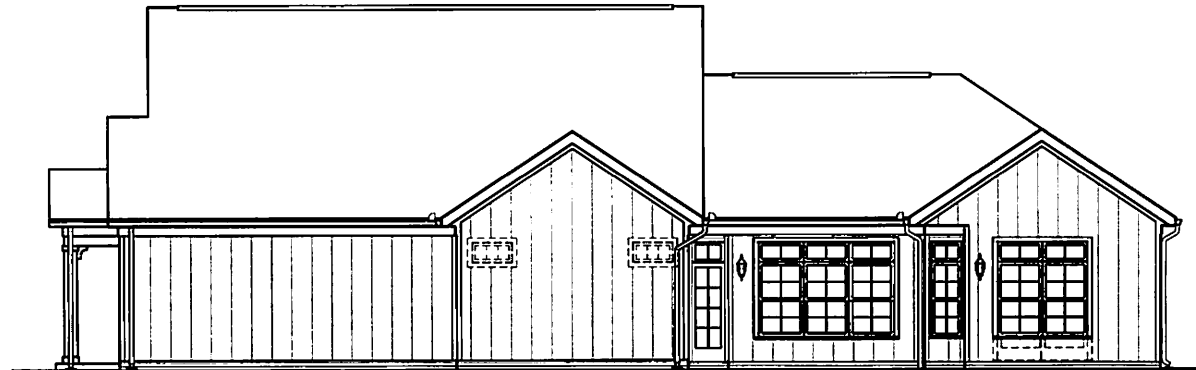
COURTYARDS AT HAINES CREEK

UNIT D-2 - PORTICO



Base - Elevation A

Scale: 1/8" = 1'-0" FRONT



Base - Elevation A

Scale: 1/8" = 1'-0" RIGHT SIDE

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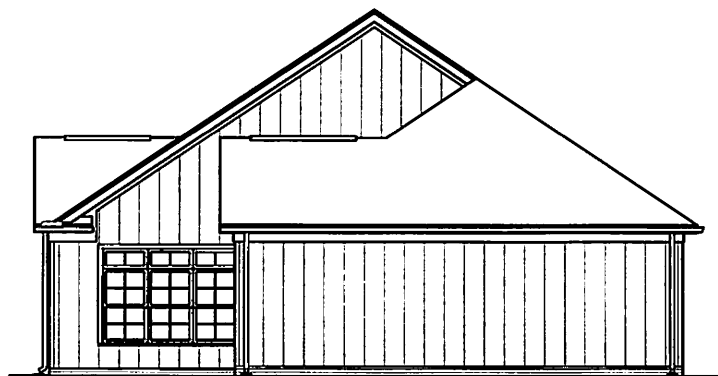
DEAN A. WENZ

ARCHITECTS

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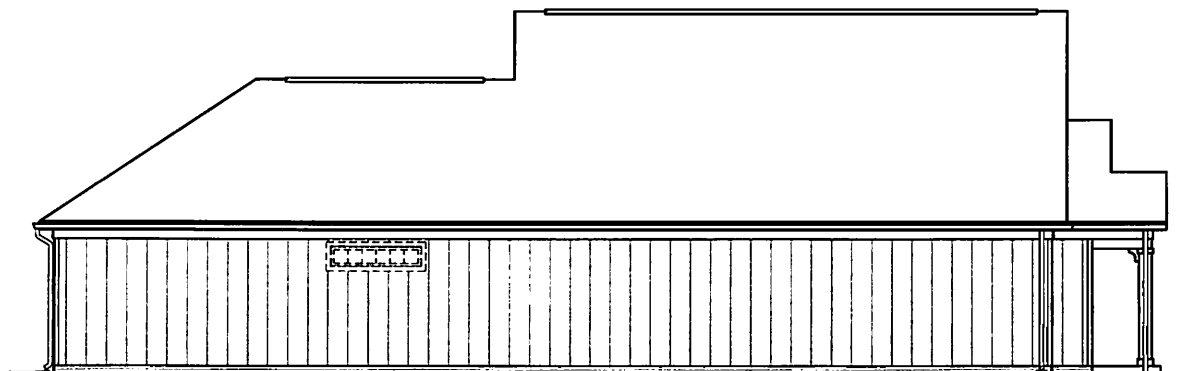
COURTYARDS AT HAINES CREEK

UNIT D-2 - PORTICO



Base - Elevation A

Scale: 1/8" = 1'-0" REAR



Base - Elevation A

Scale: 1/8" = 1'-0" LEFT SIDE

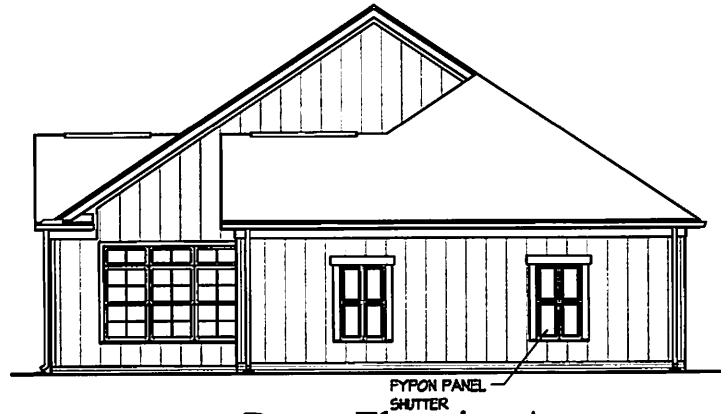
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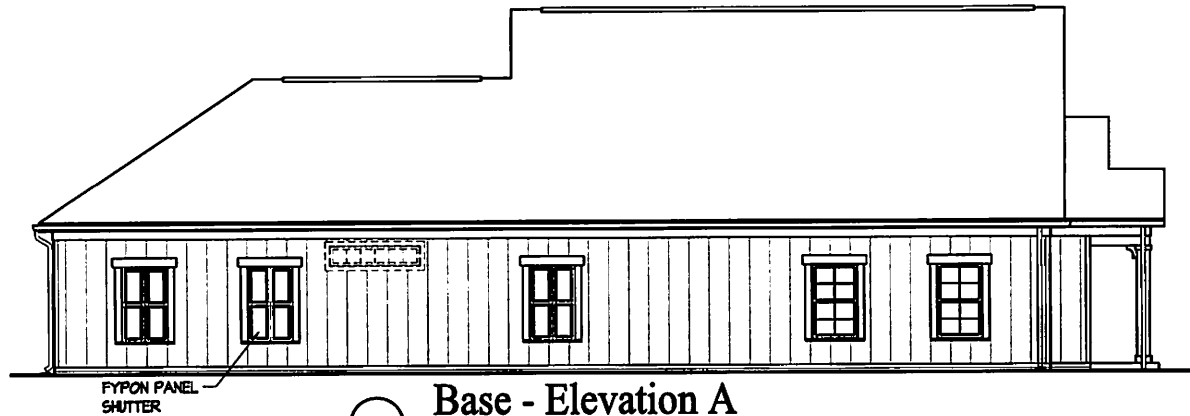
2463 East Main Street Berley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

COURTYARDS AT HAINES CREEK
UNIT D-2 - PORTICO



○ **Base - Elevation A**

Scale: 1/8" = 1'-0" ENHANCED REAR



○ **Base - Elevation A**

Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

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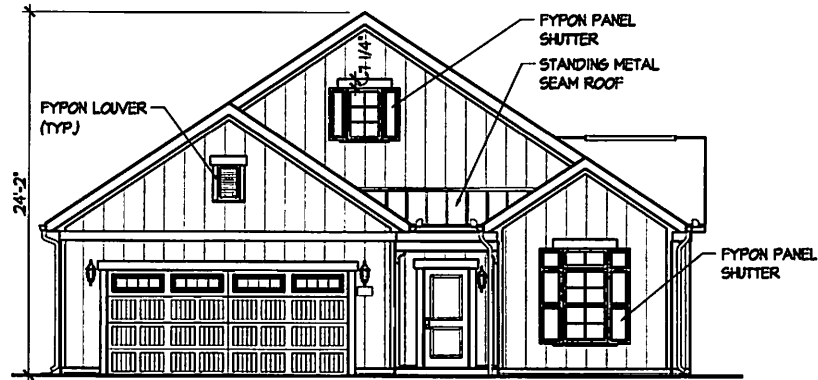
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COURTYARDS AT HAINES CREEK

UNIT D-2 - PORTICO



Base - Elevation B

Scale: 1/8" = 1'-0" FRONT



Base - Elevation C

Scale: 1/8" = 1'-0" FRONT



Base - Elevation D

Scale: 1/8" = 1'-0" FRONT

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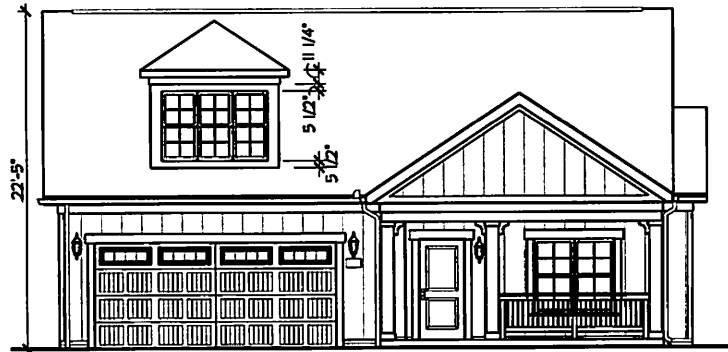
DEAN A. WENZ

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2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

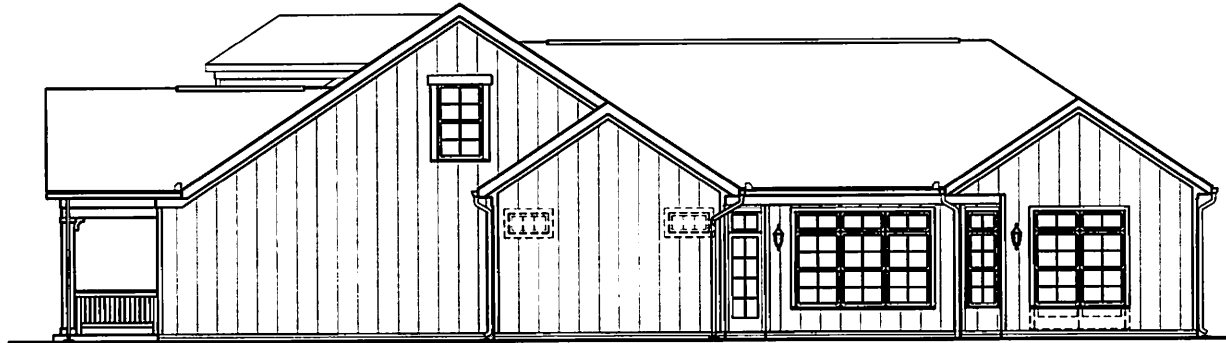
COURTYARDS AT HAINES CREEK

UNIT D-2 - PORTICO



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" FRONT



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" RIGHT SIDE

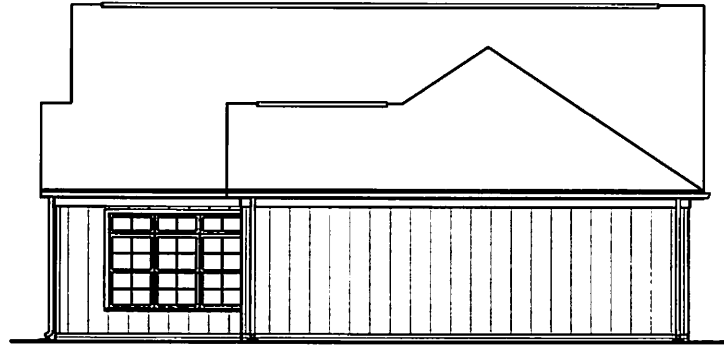
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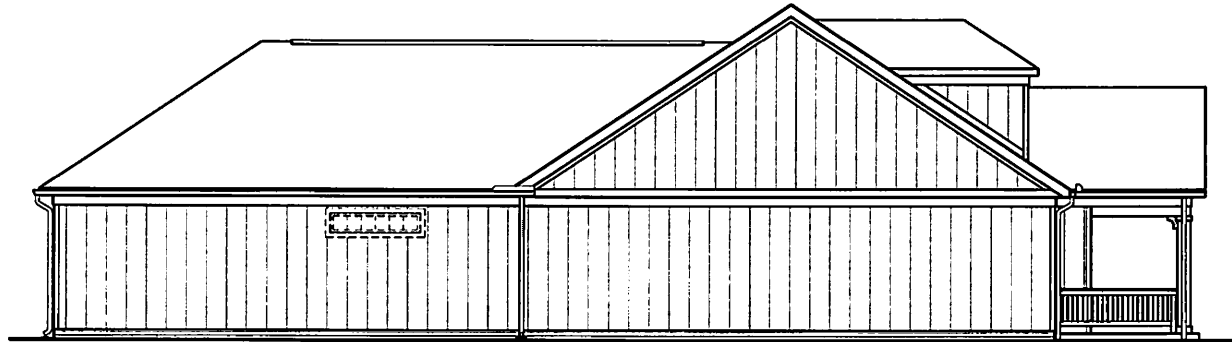
2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

COURTYARDS AT HAINES CREEK
UNIT D-2 - PORTICO



Bonus - Elevation A

Scale: 1/8" = 1'-0" REAR



Bonus - Elevation A

Scale: 1/8" = 1'-0" LEFT SIDE

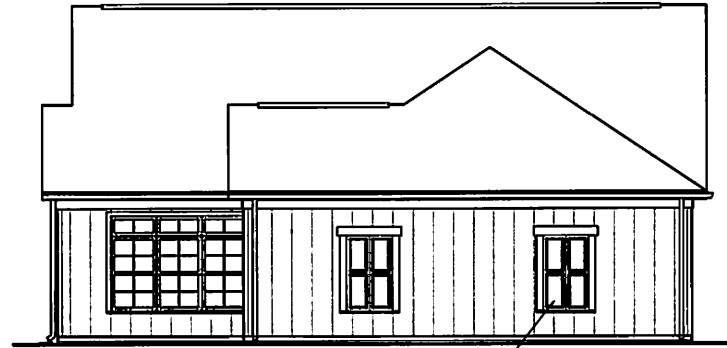
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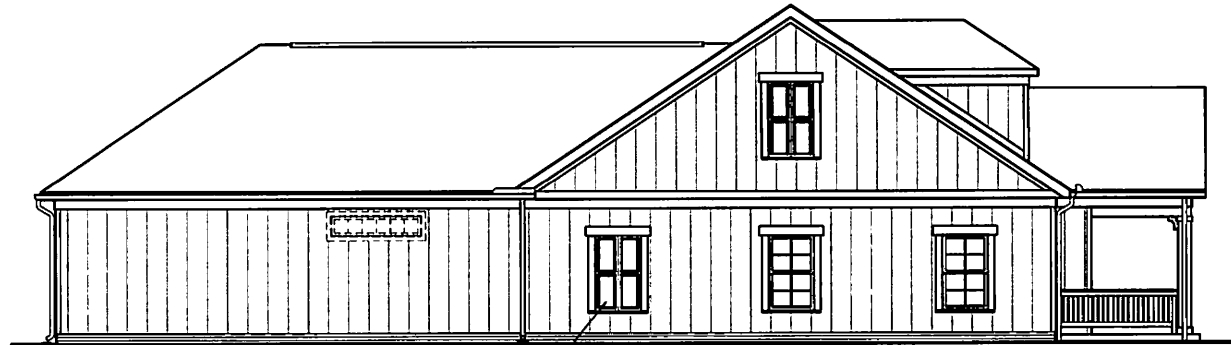
2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

COURTYARDS AT HAINES CREEK
UNIT D-2 - PORTICO



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" ENHANCED REAR



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

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COURTYARDS AT HAINES CREEK
UNIT D-2 - PORTICO



○ **Bonus - Elevation B**
Scale: 1/8" = 1'-0"

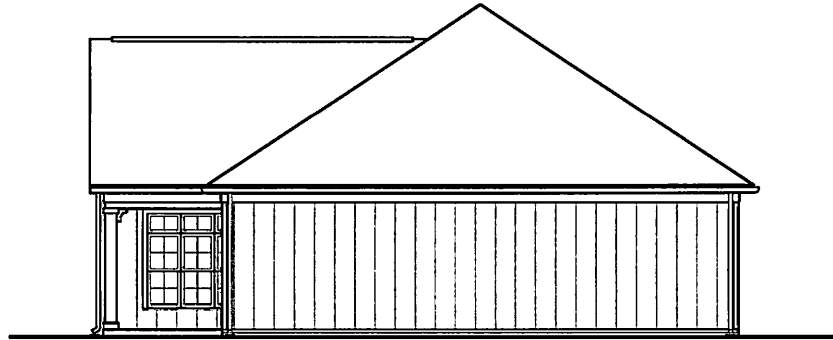
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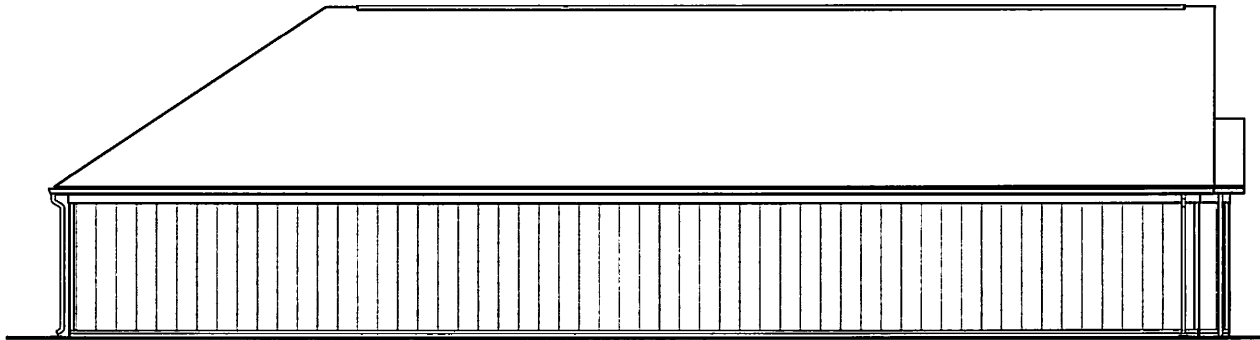
2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

COURTYARDS AT HAINES CREEK
UNIT D-3 - PROMENADE



Base - Elevation A

Scale: 1/8" = 1'-0" REAR



Base - Elevation A

Scale: 1/8" = 1'-0" LEFT SIDE

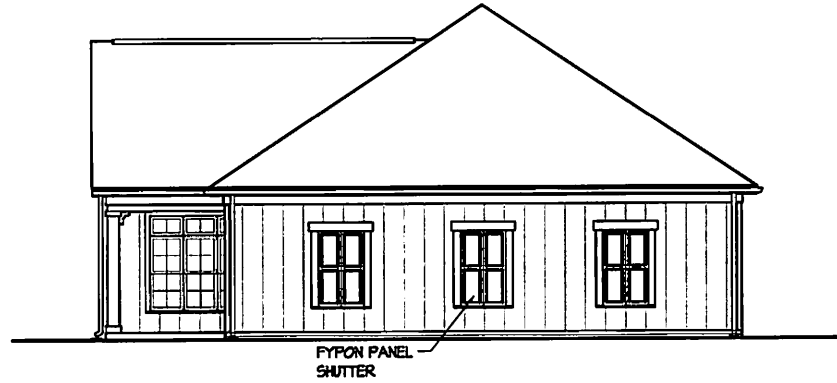
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COURTYARDS AT HAINES CREEK
UNIT D-3 - PROMENADE



○ **Base - Elevation A**
Scale: 1/8" = 1'-0" ENHANCED REAR



○ **Base - Elevation A**
Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

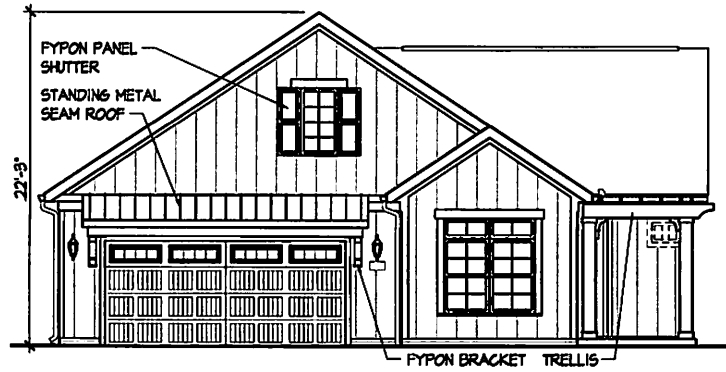
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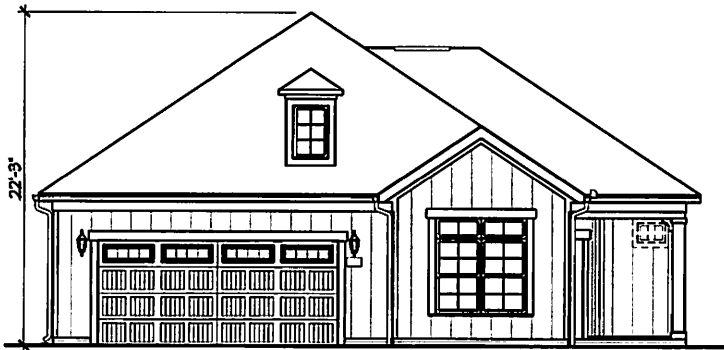
2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 www.wenz-architects.com

COURTYARDS AT HAINES CREEK
UNIT D-3 - PROMENADE



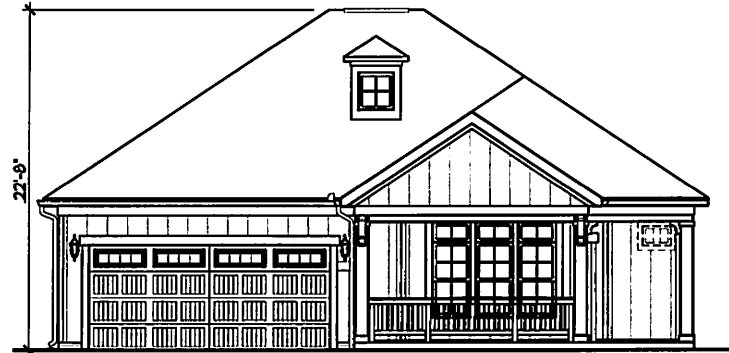
Base - Elevation B

Scale: 1/8" = 1'-0"



Base - Elevation C

Scale: 1/8" = 1'-0"



Base - Elevation D

Scale: 1/8" = 1'-0"

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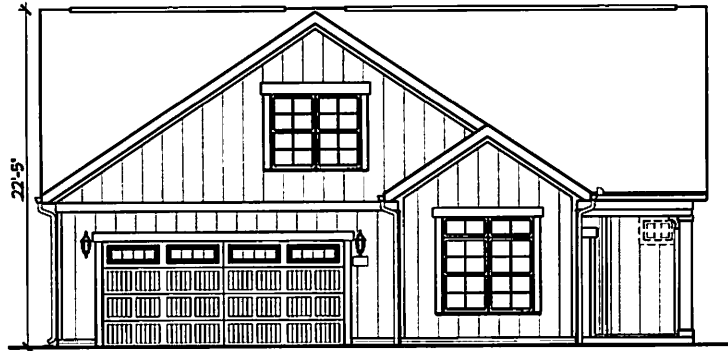
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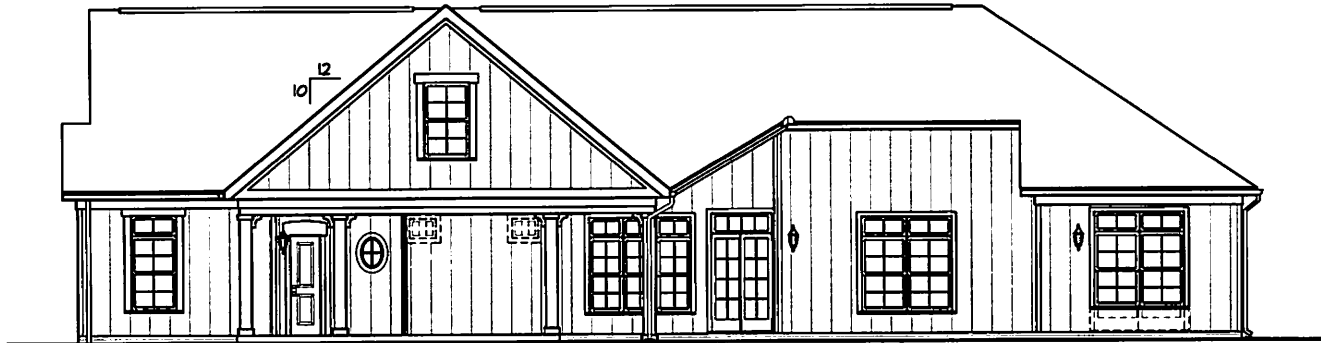
COURTYARDS AT HAINES CREEK

UNIT D-3 - PROMENADE



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" FRONT



○ Bonus - Elevation A

Scale: 1/8" = 1'-0" RIGHT SIDE

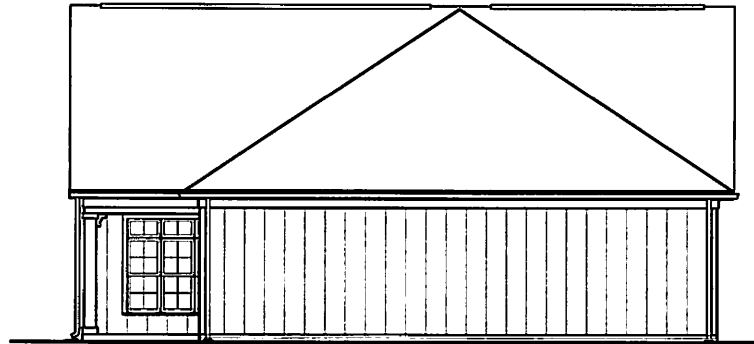
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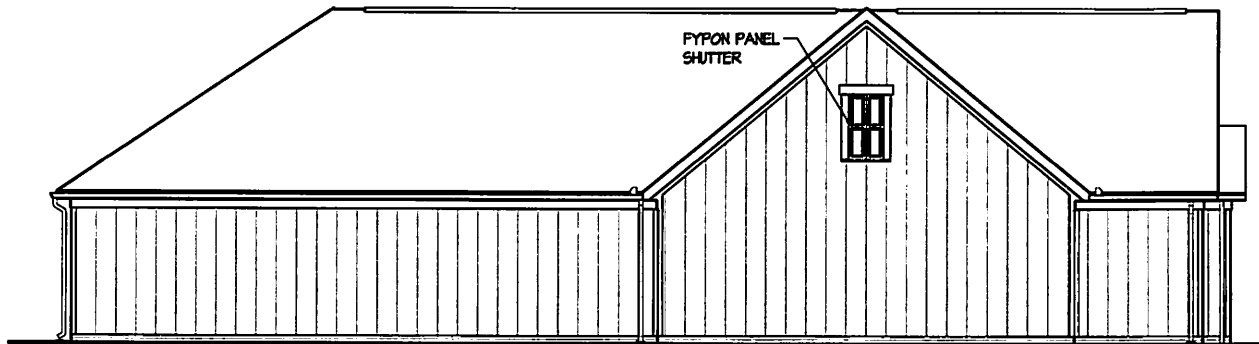
ARCHITECTS

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COURTYARDS AT HAINES CREEK
UNIT D-3 - PROMENADE



○ **Bonus - Elevation A**
Scale: 1/8" = 1'-0" REAR



○ **Bonus - Elevation A**
Scale: 1/8" = 1'-0" LEFT SIDE

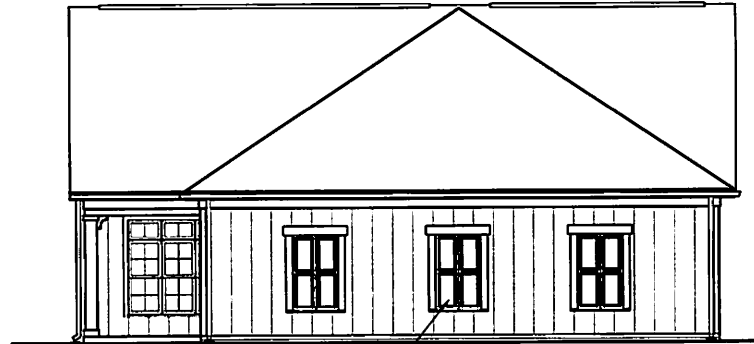
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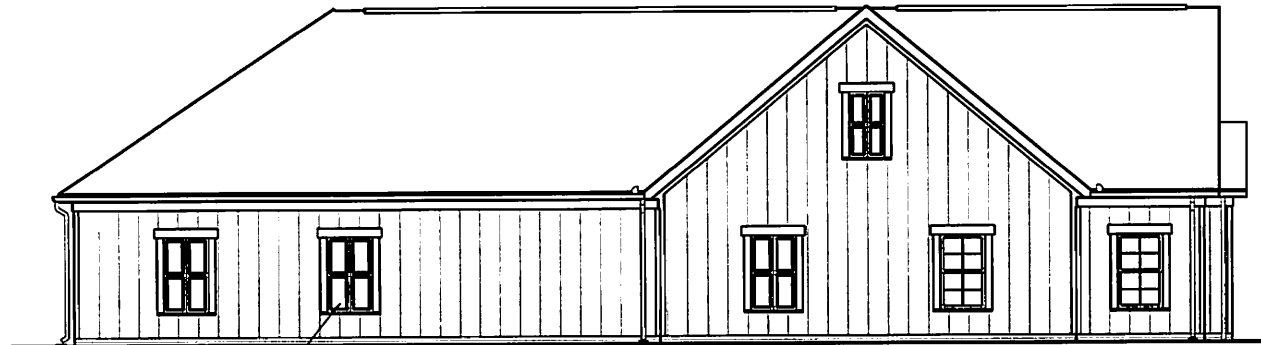
COURTYARDS AT HAINES CREEK
UNIT D-3 - PROMENADE



FYPON PANEL
SHUTTER

Bonus - Elevation A

Scale: 1/8" = 1'-0" ENHANCED REAR



FYPON PANEL
SHUTTER

Bonus - Elevation A

Scale: 1/8" = 1'-0" ENHANCED LEFT SIDE

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COURTYARDS AT HAINES CREEK

UNIT D-3 - PROMENADE



○ Bonus - Elevation B
Scale: 1/8" = 1'-0"

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1 FRONT ELEV
 A-200 1/4" = 1'-0" @ 22' x 34'



2 BACK ELEV
 A-200 1/4" = 1'-0" @ 22' x 34'

Courtyards at Haines Creek
 Lane Homes

ISSUE	DESCRIPTION	DATE
01	BUILDER SET	01/10/23

PROJECT
 PLAN: Bedford
 ELEV: Bonus Elevation A
 LOT

LOT ADDRESS

DRAWING TITLE
FRONT / BACK ELEVATION

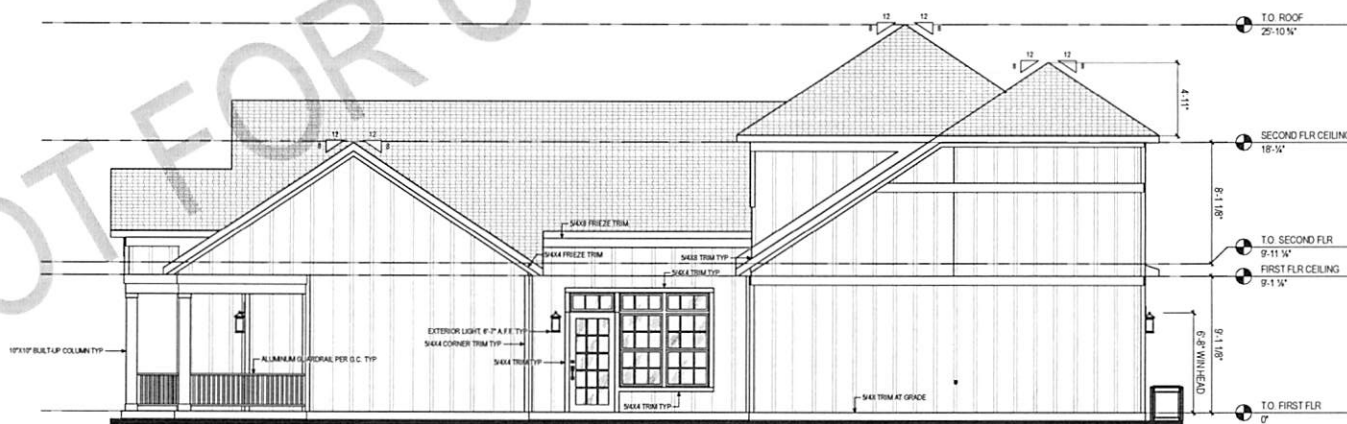
SHEET NUMBER
A-200

NOT FOR CONSTRUCTION

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1 LEFT ELEV
A-201 1/4" = 1'-0" @ 22' x 34"



2 RIGHT ELEV
A-201 1/4" = 1'-0" @ 22' x 34"

Courtyards at Haines Creek
Lane Homes

ISSUE	DESCRIPTION	DATE
01	BUILDER SET	4/11/2023

PROJECT
PLAN Bedford
ELEV Bonus Elevation A - Enhanced Side
LOT

LOT ADDRESS

DRAWING TITLE
**LEFT / RIGHT
ELEVATION**

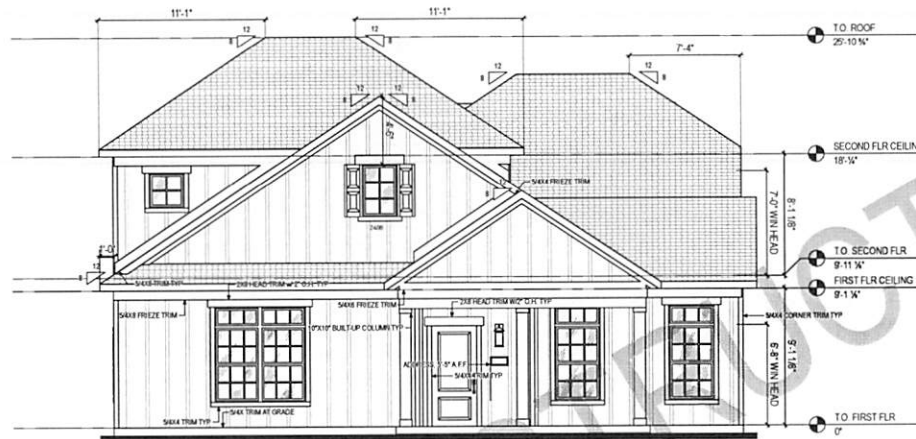
DATE 10/2023
A-201

NOT FOR CONSTRUCTION



EPCON
COMMUNITIES
Epcon Columbus
500 Stonehenge Pkwy
Dublin, OH 43017

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1 FRONT ELEV
A-200 1/4" = 1'-0" @ 22' x 34'



2 BACK ELEV
A-200 1/4" = 1'-0" @ 22' x 34'

Courtyards at Haines Creek
Lane Homes

ISSUE	DESCRIPTION	DATE
01	BUILDER SET	4/10/2023

PROJECT
PLAN: Bedford
ELEV: Bonus Elevation B
LOT:

LOT ADDRESS:

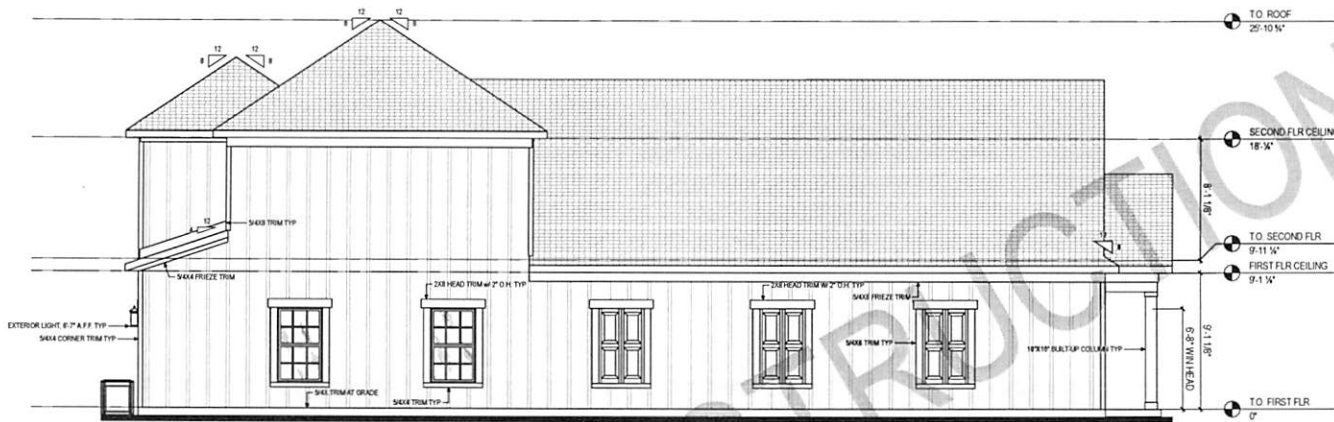
DRAWING TITLE
**FRONT / BACK
ELEVATION**

SHEET NAME
A-200

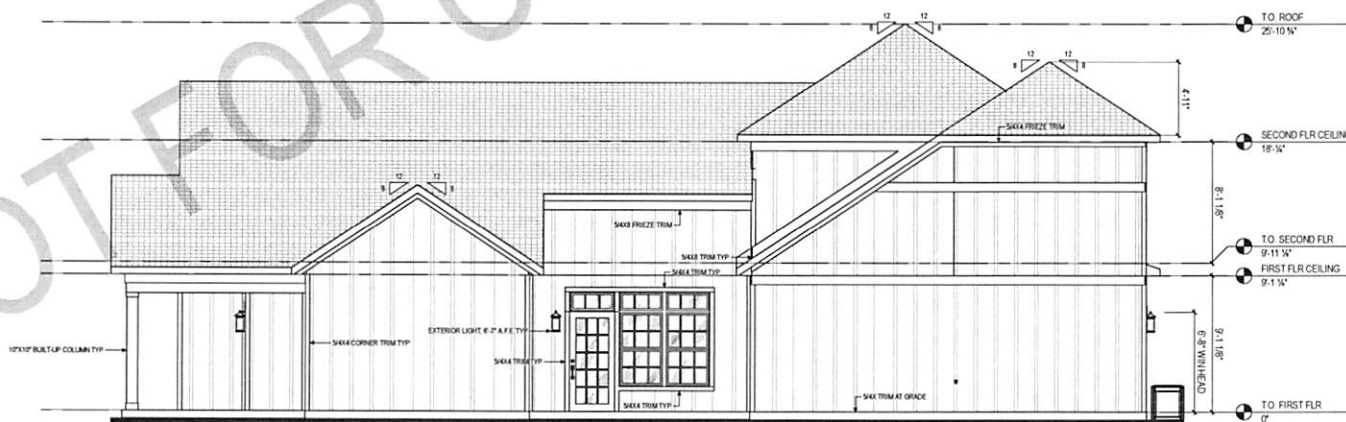
NOT FOR CONSTRUCTION

8/20/24 2:46:02 PM

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1 LEFT ELEV
A-201 1/4" = 1'-0" @ 22' x 34'



2 RIGHT ELEV
A-201 1/4" = 1'-0" @ 22' x 34'

Courtyards at Haines Creek
Lane Homes

ISSUE	DESCRIPTION	DATE
01	BUILDER SET	04/10/2023

PLAN Bedford
ELEV Bonus Elevation B - Enhanced Side
LOT

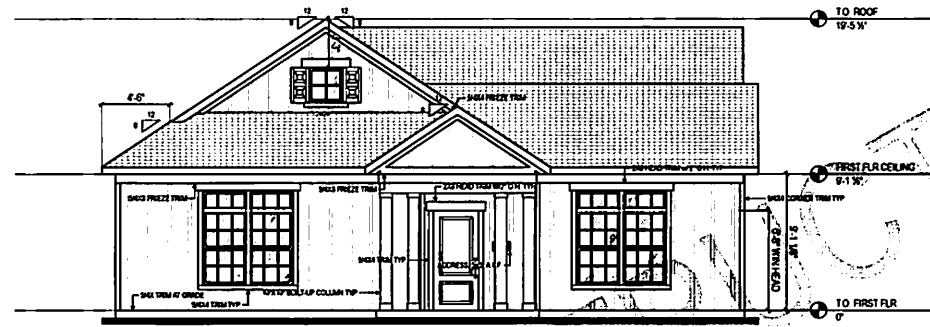
LOT ADDRESS

LEFT / RIGHT
ELEVATION

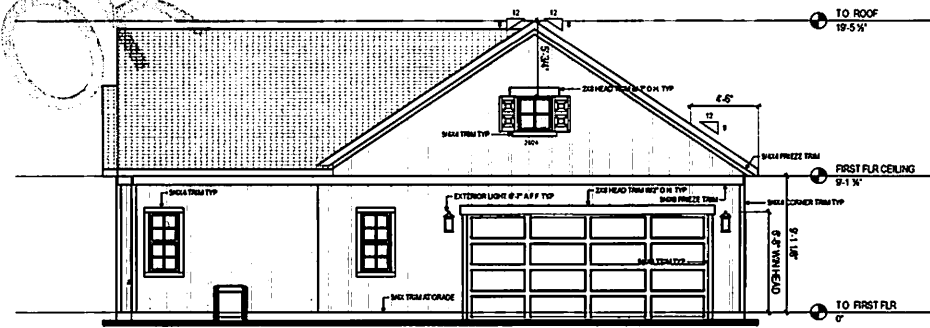
A-201

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1 FRONT ELEV
A-200
1/4" = 1'-0" @ 22" x 34"



2 BACK ELEV
A-200
1/4" = 1'-0" @ 22" x 34"

Courtyards at Haines Creek
Lane Homes

ISSUE	DESCRIPTION	DATE
#1	BUILDER SET	07/10/22

PROJECT
PLAN Bedford
ELEV Ranch Elevation A
LOT

LOT ADDRESS

FRONT / BACK
ELEVATION

A-200

NOT FOR CONSTRUCTION



ORDINANCE O-85-2023

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, in December 2022, the 2023 Annual Budget Program and the related permanent appropriations were adopted by council; and

WHEREAS, it is necessary to adjust the 2023 appropriations to ensure compliance with budgetary requirements and reflect proposed and actual spending.

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. City Council hereby authorizes an appropriation of the unappropriated balance of the following funds:

Fund	Department	Category	Increase/ (Decrease)
101 - General	Community Development	Operating and Contractual Services	\$ 54,600
101 - General	Administrative Services	Operating and Contractual Services	73,500
101 - General	Land & Building Maintenance	Operating and Contractual Services	41,000
101 - General	Finance	Operating and Contractual Services	20,000
254 - Oak Grove II TIF	General Administration	Operating and Contractual Services	1,000,000
258 - Windsor TIF	N/A	Capital	400,000
272 - Local Fiscal Recovery (ARPA)	General Administration	Operating and Contractual Services	11,206,073
272 - Local Fiscal Recovery (ARPA)	N/A	Capital	90,052,757
401 - Capital Improvement	N/A	Capital	1,206,000
403 - Bonded Improvement	N/A	Capital	17,000
404 - Park Improvement	N/A	Capital	120,000
405 - Water and Sanitary Sewer Improvement	N/A	Capital	75,000
410 - Infrastructure Replacement Fund	General Administration	Operating and Contractual Services	16,000
422 - Economic Development Capital	N/A	Capital	(59,047,000)
		Total Appropriation Amendments	\$ 45,234,930

Section 2. City Council hereby authorizes Budget Transfers as follows:

Fund	Department	Category	Increase/ (Decrease)
403 - Bonded Improvement	N/A	Capital	\$ 45,000,000
405 - Water and Sanitary Sewer Improvement	N/A	Capital	(15,000)
405 - Water and Sanitary Sewer Improvement	Land & Building Maintenance	Operating and Contractual Services	15,000
422 - Economic Development Capital	N/A	Capital	(45,000,000)
Net Change related to Transfers			-

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(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:

Benjamin Albrecht
Law Director

Legislation dates:

Prepared: 06/26/2023
Introduced: 07/05/2023
Revised: 07/10/2023
Adopted:
Effective:



ORDINANCE O-86-2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE NECESSARY AMENDMENTS TO CITY CODE SECTIONS 187.03, 187.04, 187.07, AND 187.08 REGARDING THE ESTABLISHMENT OF SPECIAL FUNDS; TO ADOPT AN INTERNAL CONTROL POLICY FOR THE MANDATORY DRUG FINE FUND REQUIRED BY OHIO REVISED CODE SECTION 2925.03(F)(2); AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of New Albany, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, city code Sections 187.03, 187.04, 187.07, and 187.08 all establish various prescribed funds required by the Ohio Revised Code; and

WHEREAS, various updates to code references and procedures surrounding the creation of such funds have been enacted under the Ohio Revised Code; and

WHEREAS, specifically, as currently enacted, city code section 187.08 authorizes creation of a Mandatory Drug Fine Fund into which shall be deposited proceeds imposed by the Franklin County Municipal Court to be allocated only to the city police department for certain prescribed purposes; and

WHEREAS, Ohio Revised Code Section 2925.03(F)(2) now requires law enforcement agencies to adopt a written internal control policy that addresses the police department's use and disposition of all fine moneys so received in the Mandatory Drug Fine Fund; and

WHEREAS, the city wishes to adopt these updates to the appropriate city code sections, as well as promulgate and adopt a written internal control policy for the Mandatory Drug Fine Fund, in order to maintain consistency and compliance with the Ohio Revised Code and to modernize the city code.

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: Council hereby amends sections 187.03 (Indigent Drivers Alcohol Treatment Fund), 187.04 (Alcohol Education Fund), 187.07 (Law Enforcement Fund), and 187.08 (Mandatory Drug Fine Fund) to read as set forth and marked on Exhibit A, a copy of which is attached hereto and made a part hereof.

Section 2: Pursuant to Ohio Revised Code Section 2925.03(F)(2), and as related to the city's Mandatory Drug Fine Fund set forth in city code Section 187.08, council hereby approves and adopts the New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund as set forth in Exhibit B, a copy of which is attached hereto and made a part hereof.

Section 3: Except as amended herein, all provisions of the City of New Albany Code of Ordinances shall continue to remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 5. 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 council 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 11. Pursuant to Article VI, Section 6.07(B) of the City of 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: 06/27/2023
Introduced: 07/18/2023
Revised:
Adopted:
Effective:

Exhibit A – O-86-2023

187.03 INDIGENT DRIVERS ALCOHOL TREATMENT FUND.

In accordance with ORC 4511.191, there is hereby created the Indigent Drivers Alcohol Treatment Fund. All funds designated to the City pursuant to ORC 4511.~~19199(A)~~ shall be deposited into the Indigent Drivers Alcohol Treatment Fund and disbursed in accordance with ORC 4511.~~19199(A)~~.

187.04 ALCOHOL ENFORCEMENT AND EDUCATION FUND.

In accordance with ORC 4511.19, there is hereby created the Alcohol Enforcement and Education Fund. All funds designated pursuant to ORC 4511.~~1999(A)~~ shall be deposited into the Alcohol Enforcement and Education Fund and disbursed in accordance with ORC 4511.~~1999(A)~~.

187.07 LAW ENFORCEMENT TRUST FUND.

- (a) In accordance with Ohio Revised Code Chapter 2981, there is hereby created the Law Enforcement Trust Fund into which shall be deposited cash or proceeds from the sale of vehicles and other property seized under the ~~Contraband Seizure Forfeiture Act~~Ohio's criminal asset forfeiture laws codified in Ohio Revised Code Chapter 2981.
- (b) ~~Proceeds distributed to the Law Enforcement Trust Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of protracted or complex investigations; to provide reasonable technical training and expertise; to provide matching funds to obtain Federal grants to aid law enforcement; or for such other purposes as recommended by the Chief of Police.~~
- (c) ~~Under authority of ORC 2901.01(J) and (M)~~In accordance with Ohio Revised Code Chapter 2981, the ~~Mayor or Administrator~~Director of Finance is hereby authorized and designated to accept cash, vehicles and other contraband property from the common pleas courts of the State of Ohio ~~in accordance with the Contraband Seizure Forfeiture Act, ORC 2933.43~~, and to place the proceeds therefrom into the Law Enforcement Trust Fund as provided herein.
- (d) ~~The Administrator shall further cause all All~~ vehicles and property to be tagged to the Police Department after forfeiture under the provisions of Ohio Revised Code Chapter 2981 shall be used solely for law enforcement purposes, or sold and the proceeds from the sale deposited into the Law Enforcement Trust Fund.
- ~~(e) The Fund shall not be used to meet the operating costs of the Municipality that are unrelated to law enforcement.~~

187.08 MANDATORY DRUG FINE FUND.

- (a) In accordance with ORC 2925.03(F), there is hereby created the Mandatory Drug Fine Fund into which shall be deposited proceeds from drug-related offense fines imposed by the courts overseeing offenses committed in the City of New Albany. Franklin County Municipal Court.
- (b) Proceeds distributed to the Mandatory Drug Fine Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of complex cases; costs of training and providing technical expertise; application toward Federal matching funds; special equipment; or for such other purposes as recommended by the Chief of Police.
- ~~(c) Moneys deposited into the Fund may not be used for operating costs of the Municipality if those costs are not related to law enforcement.~~

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- (c) The Chief of Police is hereby authorized and designated to accept drug fines from the Franklin County Municipal Court and the Licking County Municipal Court and cause the fines to be deposited into the Mandatory Drug Fine Fund.
- (d) As required by ORC 2925.03(F)(2), the City has adopted a written internal control policy that specifically addresses the Mandatory Drug Fine Fund.

New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund

Policy Statement

This policy is adopted to comply with the statutory requirements of Section 2925.03(F)(2) and to comply with the requirements of the Auditor of the State of Ohio. Specifically, this policy establishes the New Albany Police Department's written internal control policy regulating the receipt and expenditures of proceeds from court-ordered mandatory drug fines.

General Procedures

1. Upon order of the appropriate court holding jurisdiction over qualifying drug-related offenses committed in the City of New Albany, Ohio, money and/or the monetary proceeds of mandated fines issued to the City shall be deposited into the New Albany Mandatory Drug Fine Fund by the Director of Finance or designee.
2. Each such deposit into the Mandatory Drug Fine Fund shall be properly recorded by the Director of Finance or designee using standard accounting principles and source documents to ensure proper future reference and/or audit compliance regarding the source of those funds. All supporting documentation will be incorporated into the Finance Department's fiscal and/or audit records in conjunction with monitoring receipts and expenditures of the Mandatory Drug Fine Fund.

Receipts

In addition to the above general procedures, upon the receipt of any funds issued pursuant to Sections 2925.03(F)(1) or 2925.03(F)(2) of the Ohio Revised Code, the Finance Department, in coordination with the Police Department, shall fully document the following:

- a. The date the funds were received; and
- b. The amount of such funds.

Expenditures

1. Upon the expenditure of any funds from the Mandatory Drug Fine Fund, the Police Department shall fully document the specific amount expended on each general type of expenditure.
2. The record of such expenditures shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
3. In accordance with Section 2925.03(F) of the Ohio Revised Code and Section 187.08 of the New Albany City Code, the monies from the Mandatory Drug Fine Fund shall be used exclusively for the purpose of subsidizing the New Albany Police Department's enforcement efforts that pertain to drug offenses, including but not limited to, paying the costs of complex cases, costs of training and providing technical expertise, application toward federal matching funds, special equipment, or for such other purposes as recommended by the Chief of Police.

4. The Finance Department shall be responsible for the maintenance of all financial records related to the Mandatory Drug Fine Fund.



RESOLUTION R-31-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH RINCHEM COMPANY, 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, No. R-15-2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, and No. R-18-2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, and No. R-21-2023 adopted April 18, 2023 (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area" "Innovation Campus Way Extension" "Beech Road South", "Babbitt Road", "Central College Road Area", "Jug Street North", "Jug Street South", "Innovation District East", "Innovation District East Expansion", and "Mink Street and Green Chapel Road Expansion", "Beech Road and US 62 District" and "Northeast Business Park District", respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the Director of Development of the State of Ohio 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, the Rinchem Company, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application") to be forwarded to the Ohio Department of Development with a copy of the final, executed CRA Agreement; and

WHEREAS, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Agreement Application and has recommended the same to City Council

on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Area and improve the economic climate of the City; and

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

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

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

Section 1. Community Reinvestment Area Agreement. The Community Reinvestment Area Agreement for the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council, which provides for a 100% CRA exemption for up to 15-years for the proposed Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute the Community Reinvestment Area Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that Community Reinvestment Area Agreement.

Section 2. Expansion of the Oak Grove II Economic Opportunity Zone. This Council hereby authorizes the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to take all action necessary, including but not limited to the preparation, execution and approval of all agreements and instruments, any other actions as may be appropriate to expand the Oak Grove II Economic Opportunity Zone in a manner consistent with the expansion of the Oak Grove II Community Reinvestment Area, all as contemplated by this Council in its Resolution No. R-18-2022 adopted May 3, 2022.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or 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 Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution

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

Section 5. Effective Date. Pursuant to Article 6.07 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:	07/07/2023
Introduced:	07/18/2023
Revised:	
Adopted:	
Effective:	



RESOLUTION R-32-2023

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIMITED NOTICE TO PROCEED AGREEMENT WITH MESSER CONSTRUCTION FOR PHASE TWO OF THE TAYLOR FARM PARK PROJECT

WHEREAS, WHEREAS, the City of New Albany is currently developing a destination park called Taylor Farm Park as outlined in the New Albany Parks Framework Plan with the first phase of the park under construction and the second phase scheduled to begin later this year; and

WHEREAS, the second phase of the park includes the completion of the boardwalk system, community gardens, restroom facilities, wildlife habitats, and a playground area; and

WHEREAS, the Council approved R-45-2022 that authorized an amendment to the Construction Manager at Risk (CMR) contract with Messer Construction to include phase 2 of the Taylor Farm Park project, and

WHEREAS, the R-45-2022 specifies that a Guaranteed Maximum Price (GMP) will be established for Taylor Farm Park Phase 2 and city council will be presented with additional legislation authorizing the city manager to enter into a Guaranteed Maximum Price Amendment to the contract; and

WHEREAS, the project has been bid and the parties are working toward a GMP Amendment to present to city council in the next couple of months; and

WHEREAS, in order to meet a schedule that would allow the community gardens to open at the beginning of the 2024 gardening season, the CMR would like to mobilize prior to the execution of the GMP Amendment; and

WHEREAS, this Limited Notice to Proceed (LNTP) in a not to exceed amount of \$487,988 will allow the CMR to proceed with a portion of the work, and

WHEREAS, this Limited Notice to Proceed (LNTP) is only intended to facilitate mobilization and will not negatively impact city council's ability to determine the final scope and cost of the project; and

WHEREAS, the CMR construction delivery method is exempt from traditional competitive bidding requirements under Section 123.32 of the New Albany Codified Ordinances.

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 Limited Notice to Proceed Agreement not to exceed \$487,988 with Messer Construction for phase two of Taylor Farm Park.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 07/07/2023

Introduced: 07/18/2023

Revised:

Adopted:

Effective: