



## ORDINANCE O-24-2024

**AN ORDINANCE AMENDING SECTION 1105.02(mmm) AND SECTION 1127.02(j) OF THE CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY TO DEFINE AND PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF RECREATIONAL MARIJUANA IN ANY ZONING DISTRICT WITHIN THE CITY AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Issue 2, the Marijuana Legalization Initiative, approved on November 7, 2023 and in effect on December 7, 2023, permits the use of marijuana for recreational purposes; and

**WHEREAS**, the legislation includes the adoption of Ohio Revised Code §3780, which authorizes municipal corporations to adopt an ordinance prohibiting cultivators, processors, or retail dispensaries within their respective municipal corporations; and

**WHEREAS**, council previously adopted Ordinance O-19-2017 that defines medical marijuana, and implements a prohibition on medical marijuana cultivators, dispensaries, and processors; and

**WHEREAS**, council has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing, or retail dispensing of marijuana for recreational purposes in any form within the city; and

**WHEREAS**, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the city, and for the further reason that this ordinance is required to be immediately effective upon passage to timely establish New Albany's legal status before retail recreational marijuana sales begin.

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

**Section 1.** Section 1105.02(mmm) of the Codified Ordinances of the city be amended to read as follows:

"~~Medical~~-marijuana" means recreational or medical marijuana, as defined in ORC 3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical or recreational purpose. In accordance with Chapter 1127 of the Codified Ordinances, the cultivation, processing and dispensing of recreational or medical marijuana shall not be permitted in any zoning district within the city.

**Section 2.** Section 1127.02(j) of the Codified Ordinances of the city be amended to read as follows:

The commercial cultivation, processing and dispensing of recreational or medical marijuana, as defined in Section 1105.02 (~~mmmmjjj~~), shall not be permitted in any zoning district within the city.

**Section 3.** For the reasons stated herein, council hereby declares an emergency and waives the second reading and otherwise applicable 30-day referendum period.

**Section 4.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 5.** Pursuant to Article 6.07(a) of the New Albany Charter, this ordinance shall become effective immediately upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/22/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:



**ORDINANCE O-25-2024**

**AN ORDINANCE TO AMEND CHAPTER 137 "SUSTAINABILITY ADVISORY BOARD" SECTIONS 137.02, 137.04, AND 137.06 OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, the Sustainability Advisory Board was established on June 21, 2021 by Ordinance O-19-2021 and amended on March 5, 2024 by Ordinance O-05-2024; and

**WHEREAS**, council wishes to amend Chapter 137 "Sustainability Advisory Board" of the Codified Ordinances of the City of New Albany to clarify the Sustainability Advisory Boards purpose, powers, duties, and to update the absences language to point to the general policy as reflected in city code section 159.02 regarding boards.

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

**Section 1:** That a portion of Codified Ordinance Chapter 137 "Sustainability Advisory Board" shall be amended as set forth and redlined on the attached Exhibit A.

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

Approved as to form:

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Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/23/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:

PROPOSED

## **CHAPTER 137 SUSTAINABILITY ADVISORY BOARD**

### **137.01 SUSTAINABILITY ADVISORY BOARD ESTABLISHED; MEMBERSHIP, TERM AND VACANCY.**

- (a) There is hereby created and established a Sustainability Advisory Board to be composed of nine (9) members. Seven (7) of the members shall be voting members which shall be appointed by Council. One (1) of the seven (7) voting members may be a teacher/administrator at New Albany-Plain Local Schools. Said teacher/administrator member does not have to be a resident living in the New Albany corporation limits. The eighth member shall be a Council member appointed by Council. This Council member shall be a non-voting member of the Board. The ninth member shall be a student who is a New Albany resident that is appointed by the New Albany Plain Local School Board on an annual basis before the beginning of each school year. The school district appointed member shall be a non-voting member of the Board.

Seven (7) Advisory Board members shall be appointed for three-year terms, with the exception of those initially appointed, whose terms shall be staggered as follows:

|   |               |
|---|---------------|
| One year term commencing from date of appointment and ending on 6/30/22   | Three members |
| Two year term commencing from date of appointment and ending on 6/30/23   | Two members   |
| Three year term commencing from date of appointment and ending on 6/30/24 | Two members   |

- (b) In the event of a vacancy on the Sustainability Advisory Board, Council shall appoint a replacement to fill the un-expired term.
- (c) Four (4) voting members shall constitute a quorum.

### **137.02 PURPOSE OF THE SUSTAINABILITY ADVISORY BOARD.**

- (a) The purpose of the Sustainability Advisory Board is to assist the City of New Albany in defining and achieving its sustainability goals and to empower the community to live in a way that assures a high quality of life for current and future generations.

The Board shall not become an advocacy forum for any one environmental group or organization. The Board's role shall be that of facilitator for all environmental groups and organizations, in order to assist Council and Administration in efforts to create ~~policies and~~ programs that support sustainability.

### **137.03 COMPENSATION.**

Members of the Sustainability Advisory Board shall serve without compensation.

### **137.04 MEETINGS; REPORTING; ABSENCES.**

- (a) The Sustainability Advisory Board shall meet not less than once each month, or as needed. Minutes of all meetings shall be kept. The City Manager shall assign a department and staff to facilitate the Board's activities.
- (b) ~~Absences shall be addressed as set forth in New Albany Codified Ordinances section 159.02. Any member of the Board who has been absent from four (4) consecutive regular meetings during any twelve-month period, whether excused or not, is removed from membership.~~



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### **137.05 ADVISORY CAPACITY ONLY.**

The Sustainability Advisory Board shall act solely in an advisory capacity, making recommendations to Council and the City Manager.

### **137.06 POWERS AND DUTIES.**

To achieve the stated purpose, the Sustainability Advisory Board shall have the following powers and duties:

- (a) Provide advice and recommendations to City Council for advancing the city's sustainability goals and effective implementation of the city's strategic plan.
- (b) As directed by City Council, Promote and communicate the principles of sustainability broadly among the community and stakeholders.
- (c) Advise and assist Council and the City Manager in efforts to make City operations more sustainable.
- (d) Provide liaison to Council by attendance at a Council meeting as required by Council or deemed appropriate by the chairman or the chairman's designate, who shall report on Board activities.
- (e) Undertake such other assignments or studies on sustainability issues as may be requested by the Council and/or the City Manager.

### **137.07 DEPARTMENTAL ASSISTANCE.**

The Sustainability Advisory Board may call upon the City Manager, and, through the City Manager, any department of the Municipality to render such assistance to the Board as may reasonably be required.



## ORDINANCE O-26-2024

### AN ORDINANCE TO AMEND CHAPTER 159 "RULES OF PROCEDURE FOR BOARDS AND COMMISSIONS" SECTION 159.02(d) OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

**WHEREAS**, Chapter 159 of the Codified Ordinances of the City of New Albany sets forth the rules of procedure for boards and commissions established by the New Albany City Council and Chapter 159 was most recently amended by council on January 17, 2023 by Ordinance O-07-2023; and

**WHEREAS**, the New Albany City Council now finds it advisable to revise Chapter 159 "Rules of Procedure for Boards and Commissions" to update the policy on absences and provide council some discretion in this matter.

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

**Section 1:** That Codified Ordinance Chapter 159 "Rules of Procedure for Boards and Commissions" Section 159.02(d) be amended as follows.

- (d) Attendance of Members. Attendance is defined as in-person presence during the hearing and consideration of applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period shall be considered ~~a grounds for the~~ forfeiture of the membership to the commission/board. The forfeiture would occur unless the commission/board member's absence is "excused," as determined in the sole discretion of City Council, due to an illness, injury, or other emergency circumstance of the member, or an immediate family member, regardless of the reason for the absences. Upon the occurrence of the absence that creates the grounds for forfeiture, the applicable department designee and/or a council member will~~would~~ then notify the clerk of council who will so that they can inform the full council that action concerning the appointment is required.~~a new appointment needs to be made.~~

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

action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/23/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:





## ORDINANCE O-27-2024

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 11.44 +/- ACRES OF LAND LOCATED AT 7800 WALTON PARKWAY FOR AN AREA KNOWN AS THE "7800 WALTON PARKWAY ZONING DISTRICT" (FORMALLY KNOWN AS "COMMERCIAL VEHICLE GROUP ZONING DISTRICT") FROM ITS CURRENT ZONING OF LIMITED OFFICE CAMPUS DISTRICT (L-OCD) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY CITY OF NEW ALBANY**

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

**WHEREAS**, the Rocky Fork-Blacklick Accord, New Albany Planning Commission, and City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by the City of New Albany, the Rock Fork-Blacklick Accord, and New Albany Planning Commission have reviewed the proposed ordinance amendment and recommended its approval.

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

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

- A. A 11.44 ± acre area of land located at 7800 Walton Parkway for an area known as "7800 Walton Parkway Zoning District" (formally known as "Commercial Vehicle Group Zoning District") from its current zoning of Limited Office Campus District (L-OCD) to Limited General Employment (L-GE).
- B. The zoning district's zoning text and site 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 121.22 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 07/16/2024 |
| Introduced:               | 08/06/2024 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |

## Exhibit A - O-27-2024

### 7800 WALTON PARKWAY GENERAL EMPLOYMENT DISTRICT LIMITATION TEXT

February 29, 2024

**INTRODUCTION:** This site consists of 11.4± acres and is located northwest of and adjacent to the intersection of Walton Parkway and State Route 605/New Albany-Condit Road. The design intent for this development is to balance the developer's desire to create a high-tech corporate headquarters campus with the community's goal of preserving the natural and rural characteristics of the area. The limitations in this text seek to ensure this result by meeting and exceeding the high development standards of the Village.

#### I. PERMITTED AND CONDITIONAL USES

1. The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses.
2. The following uses from these code sections shall be **prohibited**:
  - a. Industrial product sales (See Section 1153.03(a)(1))
  - b. Industrial service (See Section 1153.03(a)(2))
  - c. Industrial Manufacturing and Assembly (See Section 1153.03(a)(3))
  - d. Warehouse and distribution (See Section 1153.03(a)(5))
  - e. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this subarea
  - f. Vehicle services (See Section 1153.03(b)(4))
  - g. Radio/television broadcast facility (See Section 1153.03(c)(1))
  - h. Off-Premises Signs (See Section 1153.03(c)(2))
  - i. Sexually-oriented businesses (See Section 1153.03(c)(3))
  - j. Car fleet and truck fleet parking (See Section 1153.03(c)(5))
3. Manufacturing and production as set forth in Section 1153.02 and described in Section 1153.03 of the Codified Ordinances shall be permitted, provided that such uses are clean and non-hazardous.

#### II. DEVELOPMENT STANDARDS

##### A. Setback, Height, and Lot Coverage

1. Building and pavement setbacks shall be as follows:
  - a. Along State Route 605/New Albany-Condit Road, the minimum pavement setback shall be fifty-five (55) feet from the

right-of-way and the minimum building setback shall be seventy-five (75) feet from the right-of-way.

b. The minimum building and pavement setback shall be fifty-five (55) feet from the centerline along Walton Parkway.

c. A Preservation zone shall be established for a distance of eighty (80) feet from the northern boundary of the development as shown on the submitted development plan (Exhibit A). Utilities, pedestrian paths, accessory structures associated with landscaping may be placed within this zone if necessary.

2. The maximum height for any principal building or structure shall be forty-five (45) feet plus mechanical equipment and/or architectural features, as measured and permitted per the Zoning Ordinance.
3. The maximum allowable lot coverage shall be seventy percent (70%).

**B. Access, Loading, Parking and Traffic Related Commitments**

1. There shall be one (1) curbcut on State Route 605/New Albany-Condit Road and two (2) curbcuts on Walton Parkway as indicated on the development plan. The curbcuts shall be located subject to staff approval.
2. The developer shall dedicate sufficient right-of-way to the Village along the west side of State Route 605/New Albany-Condit Road to ensure that there is forty (40) feet of right-of-way as measured from the centerline of that roadway.
3. Sidewalks shall be constructed in a manner that provides interconnectivity between parking areas and buildings and between parking areas themselves. When open space is found between buildings, pedestrian connections shall be provided. Paths shall be located and constructed so as to promote the use of non-automotive transportation within the development. Covered areas for bicycle parking shall be provided within a reasonable distance of all buildings.
4. No left turn lane into the development site from State Route 605/New Albany-Condit Road shall be required to be paid for or installed by the owner of the subject site at the time of the initial development of the property in accordance with plans approved by the Village. The owner agrees, upon the request of the Village, to perform and pay for a left turn warrant analysis based on the standards contained in the then-current ODOT manual should any one of the following three conditions occur:

- a. The parking lot located behind the easternmost building on the site is connected to another parking lot found elsewhere on the site so as to allow for vehicular access between such areas; or
- b. The number of parking spaces located to the rear of the easternmost building on the site exceeds the number of parking spaces provided on the limited overlay development plan that is approved by Village Council in the rezoning of the property; or
- c. The primary use of the easternmost building changes from the research and development uses currently contemplated therein by this limitation text.

In the event that the left turn warrant analysis indicates the need for a left turn lane to be provided along State Route 605/New Albany-Condit Road following the occurrence of one of the above events, the owner shall be required to fund and (if necessary) construct that improvement or agree to a mutually acceptable alternative solution with the Village (for example, restricted turn movements) within a mutually acceptable time after such determination is made.

C. Architectural

1. Building additions shall be complementary in materials and design to existing structures.
2. Primary building materials may be brick, stone, glass, metal panels, and/or architectural pre-cast concrete. Flat roofs shall be permitted. Prefabricated metal buildings are prohibited.

D. Preservation, Buffering, Landscaping, Open Space and/or Screening

1. A Preservation zone shall extend for a minimum of eighty (80) feet from the northern boundary of the development in the no build/no disturb zone as shown on the submitted development plan. This area shall be maintained in a natural state with minimal disturbance. Tree removal shall occur only if trees are dead or diseased. Clearing of understory should occur only as a method of removing noxious plant material such as poison ivy, or other aggressive growing plant material in keeping with good forestry management practices.
2. Paths shall be permitted within the eighty (80) foot preservation zone.



3. Landscaping that is rural in nature shall be provided within the required setbacks along State Route 605/New Albany Condit Road and shall strive to preserve or enhance the natural aesthetic character along this roadway.
4. Existing street trees along Walton Parkway shall be preserved unless removal is warranted for the purpose of constructing entry drives into the site. Street trees shall be provided along State Route 605/New Albany-Condit Road and shall be spaced (or clustered at the same rate) a minimum of thirty (30) feet on center.
5. The required amount of interior landscaping within parking areas shall be a minimum of eight percent (8%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up the large expanses of pavement and to provide landscaped walking paths between parking lots and buildings and is subject to staff approval.
6. An eight (8) foot wide asphalt leisure trail shall be constructed along State Route 605/New Albany-Condit Road and maintained along Walton Parkway (already exists).
7. Walks and paths shall be constructed elsewhere on the site in accordance with the specifications of the Zoning Ordinance and shall be a minimum of five (5) feet wide.
8. Interior site plantings: At installation, the minimum size of deciduous shade and ornamental trees shall be two (2) inches in caliper. Evergreen trees shall be a minimum of six (6) feet in height at installation.
9. The design and planting layout of all landscaping must be reviewed and approved by the Village Landscape Architect.

**E. Mechanical Equipment, Service Areas, and Lighting**

1. Mechanical equipment, whether located on the ground or a rooftop, shall be totally screened from all public roads and /or adjacent properties at ground level with landscaping or materials that are consistent with the building. If screened by landscaping, one hundred percent (100%) opacity must be achieved.
2. All service areas including loading docks, exterior storage of materials, supplies, equipment or products shall be screened at ground level from all public roads and/or adjacent properties with earth mounding, walls or landscaping. Trash dumpsters shall be completely enclosed and screened from all public roads and/or adjacent properties and shall be equipped with a gate to provide total opacity.

3. All wiring for lighting within the development shall be located underground. Any security lighting that is provided shall be of a motion sensor type.

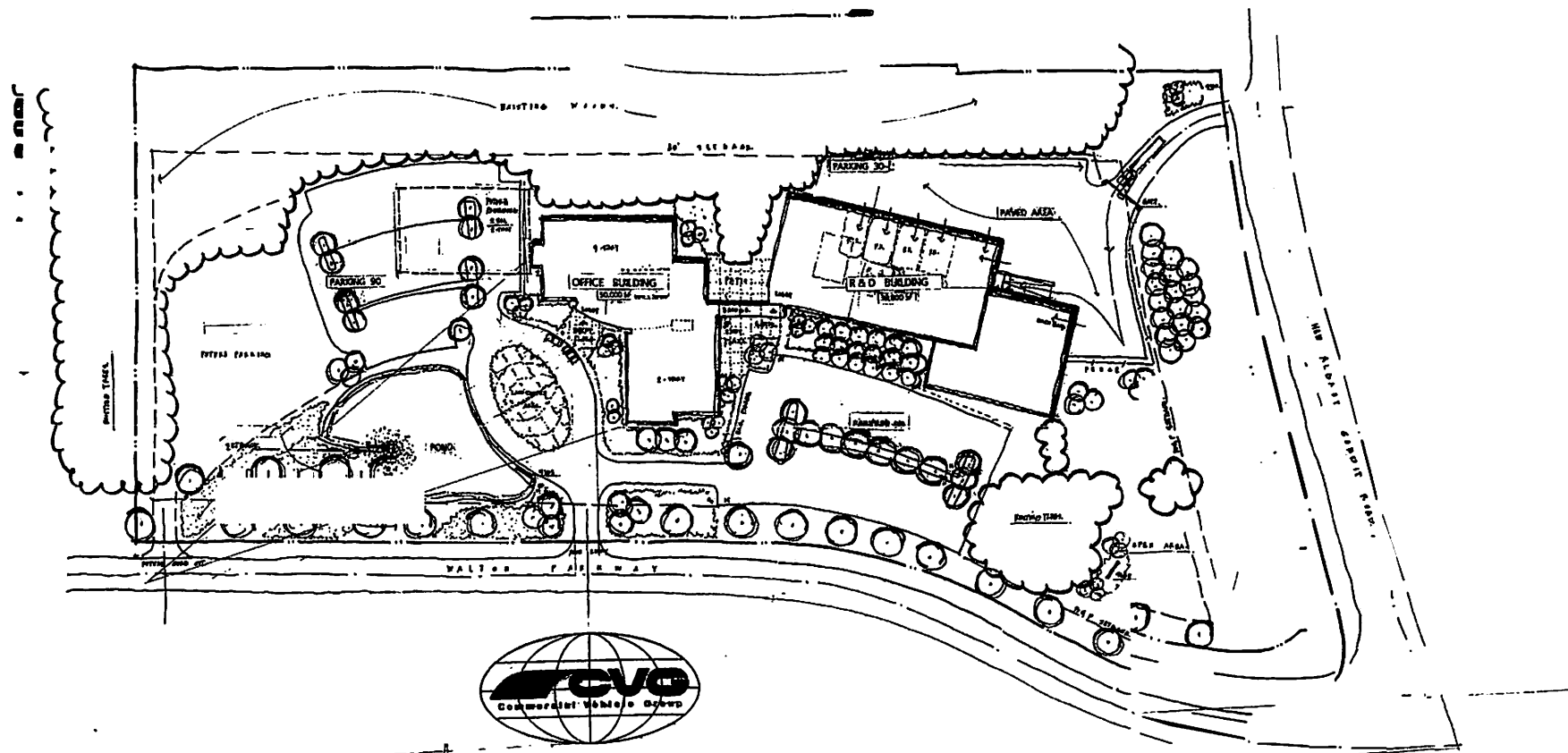
F. Parking

Per Code, parking shall be provided at the rate of one (1) space per two hundred fifty (250) square feet of office uses. Required parking for research and development uses is not addressed by Code, but Section 1167.05(f) gives the Planning Commission discretion to determine the appropriate number of parking spaces in such an instance. The required number of parking spaces shall be one (1) space per four thousand (4,000) square feet for research and development uses. Planning Commission's recommendation of approval of this text shall also constitute approval of the required parking ratio for research and development uses.

G. Plan Review

1. The site shall be developed in accordance with the submitted site plan. The site plan may be adjusted moderately to reflect engineering, topographical, or other site data available at the time that development and engineering plans are completed. Any adjustment to the plan shall be reviewed and may be approved by the Village of New Albany Development Staff or appropriate designee upon submission of the appropriate data.
2. Future expansions of the buildings on this site are anticipated and are permitted as of right, provided that prior to undertaking any expansion the applicant shall appear before the Planning Commission for a review of the expansion plans to determine adherence to applicable regulations.

# 2006 Site Plan



Corporate Headquarters Facility  
New Albany, Ohio

Schematic Site Plan  
1" = 50'-0"



DAIMLER

RECEIVED  
JUL 2 2006

BY: .....



## ORDINANCE O-28-2024

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE APPROXIMATELY 108.1+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF STATE ROUTE 161, EAST OF US-62, NORTH OF EAST DUBLIN GRANVILLE ROAD, AND WEST OF KITZMILLER ROAD, FROM COMPREHENSIVE PLANNED UNIT DEVELOPMENT (C-PUD) TO COMPREHENSIVE PLANNED UNIT DEVELOPMENT (C-PUD) FOR AN AREA TO BE KNOWN AS THE "GANTON C-PUD ZONING DISTRICT" AS REQUESTED BY THE NEW ALBANY COMPANY LLC, C/O AARON UNDERHILL, ESQ.**

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

**WHEREAS**, the Architectural Review Board, Planning Commission, and New Albany City Council on separate occasions have held public hearings and received public input concerning the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by the New Albany Company LLC c/o Aaron Underhill, Esq., the New Albany Architectural Review Board and Planning Commission 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. An approximately 108.1+/- acre site within Franklin County, located south of State Route 161, east of US-62, north of East Dublin Granville Road, and west of Kitzmiller Road from its current zoning of Comprehensive Planned Unit Development (C-PUD) to Comprehensive Planned Unit Development (C-PUD).
- B. The zoning district's text and boundary map are hereby attached and marked Exhibit A.

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/26/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:



**GANTON C-PUD ZONING DISTRICT**

**COMPREHENSIVE PLANNED UNIT DEVELOPMENT (C-PUD) TEXT**

**July 24, 2024**

**I. INTRODUCTION:** The Ganton C-PUD Zoning District (hereinafter, the “Zoning District”) consists of 108.1+/- acres of real property located to the south and southwest of and adjacent to State Route 161, to the north of and adjacent to East Dublin-Granville Road, generally to the east of Johnstown Road/U.S. Route 62, and to the west of and partially adjacent to Kitzmiller Road. For over two and one-half decades, the subject property has been zoned in the 1998 NACO PUD, containing all of Subarea 3D and a portion of Subarea 3E of that planned district. Both of those subareas allow for CF, Community Facilities District uses under the Codified Ordinances. Subarea 3D also allows for the development of up to 294 detached single-family homes on lots with a minimum of 80 feet in width, and Subarea 3E allows for uses which are permitted in the C-2, General Business (Commercial) District under the Codified Ordinances, such as (but not limited to) retail stores, banks, and restaurants.

This rezoning serves several purposes:

A. First and foremost, it limits the scope of permitted Communities Facilities uses to those relating to hospitals and health care, and provides specific development standards for those uses.

B. Second, it allows for the development and operation of medical and professional office uses.

C. Third, it provides the opportunity to cluster homes in a limited portion of this Zoning District and allows for both detached and attached units.

D. Fourth, it facilitates the provision of meaningful and active green spaces, with a commitment of providing minimum of 15 acres of parkland which may include athletic fields serving the New Albany Plain Local School District and/or the public park system.

E. And finally, it facilitates the extension of Ganton Parkway through this Zoning District from its current terminus to the east and southeast so that it will connect to Thiessen Drive and U.S. Route 62. For purposes of this text, the term “Ganton Parkway” shall mean “an extension of the existing public street known as Ganton Parkway through this Zoning District so that it connects to Thiessen Drive and therefore provides a connection to U.S. Route 62, with a final location to be approved as part of a final plat.” It is anticipated that the existing intersection of Kitzmiller Road and East Dublin-Granville Road will be realigned in conjunction with the

construction of Ganton Parkway as generally illustrated in plans that accompany this text and as will be more particularly set forth in an approved final plat.

The amount of acreage contained within this Zoning District, when combined with the spectrum of anticipated uses, makes the C-PUD zoning classification appropriate for this site. Rather than utilizing the Urban Center Code Overlay District under the Codified Ordinances, which would provide for the review and approval of development plans only by the City's Architectural Review Board ("ARB"), this rezoning will provide for a multi-step review process under Codified Ordinances Chapter 1159 that includes not only the ARB, but also the Planning Commission and City Council. This is appropriate given the location of the property and the mix of uses and development that are proposed..

## **II. GENERAL DEVELOPMENT STANDARDS, ORGANIZATION OF THE DISTRICT, AND REVIEW PROCEDURES:**

A. Regulatory Framework: Unless otherwise specified in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this subarea. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding permitted uses, proposed densities, site configurations, traffic, circulation, landscaping, and architecture. These component standards ensure consistency and quality throughout the development.

B. Subareas: This Zoning District shall consist of three subareas, specifically:

i. Subarea 1, which shall consist of 27.2+/- acres having frontage on State Route 161 to the north/northeast and on Ganton Parkway on the south/southeast.

ii. Subarea 2, which shall consist of 15.9+/- acres located to the east/southeast of and adjacent to Subarea 1 and also having frontage on both State Route 161 to the north/northeast and on Ganton Parkway to the south.

iii. Subarea 3, which shall consist of 65.0+/- acres located to the south of and adjacent to Ganton Parkway and to the north of an adjacent to East-Dublin-Granville Road.

Notwithstanding the foregoing, the design, specifications, and final location of Ganton Parkway are subject to a platting process which may not be completed prior to the time when the approval of the Comprehensive Plan becomes legally effective. The acreages and boundaries of each of the subareas shall be deemed to be modified automatically based on the final design, specifications, and location of Ganton Parkway as set forth in a final plat for Ganton Parkway which is recorded with the Office of the Recorder of Franklin County. The automatic

modifications shall result in the southern boundaries of each of Subarea 1 and Subarea 2 and the northern boundary line of Subarea 3 being the centerline of Ganton Parkway. No final development plan application shall be approved in this Zoning District until such time as the final plat for Ganton Parkway has been approved by City Council.

C. Plan Review Procedures: This text and any plans filed along with it at the rezoning stage shall be considered to be the “Comprehensive Plan” that is required to be reviewed and approved in a C-PUD as provided in Chapter 1159 of the Codified Ordinances. Subsequent preliminary development plans and final development plans shall be submitted for review and approval by relevant boards, commissions, and City Council in accordance with Chapter 1159.

**III. SUBAREA 1 DEVELOPMENT STANDARDS:** The following standards and requirements shall apply to development within Subarea 1.

A. Permitted Uses: Permitted uses within Subarea 1 shall include the following:

i. Hospitals, with or without emergency departments and with or without overnight patient beds.

ii. In-patient surgery centers.

iii. Ambulatory care uses. The term “ambulatory care uses” is intended to encompass a wide range of medical care and medical services and includes (but is not limited to) some combination of physician services, wellness services, treatment programs, outpatient procedures and surgeries, clinics, counseling centers, medical laboratories, rehabilitation services, diagnostic services, and related or similar services and/or uses.

iv. Office uses including, but not necessarily limited to, medical offices, administrative offices, professional offices, and office research centers.

v. Parking structures, above or below ground.

vi. In addition to any other uses deemed to be accessory to a primary permitted use in this subarea, the following accessory uses shall be permitted within a building whose primary use or primary combination of uses includes one or more of the uses described in Section III.A.i. through iv. above, provided that these accessory uses are mainly intended to serve employees, patients, and visitors of the primary use(s). One or more uses of a building shall be deemed to be “primary” if, alone or in combination, they occupy at least 70% of the total square footage of the building.

aa. Cafeterias, cafes, restaurants, and food courts.

- bb. Fitness centers and health clubs
- cc. Gift shops and flower shops.
- dd. Sundry or convenience stores and other commercial uses which are customarily found in a hospital or medical treatment facility to support the primary use.
- ee. Conference facilities with no hotel or residential components.
- ff. Pharmacies.
- gg. Day care.
- hh. Other uses which are customary along with, supportive of, and/or complimentary to a primary use

**B. Setbacks; Lot Coverage:**

- i. State Route 161: There shall be a minimum pavement and building setback of 100 feet from the right-of-way of State Route 161, provided, however, that service and loading areas may be located within 25 feet of the right-of-way if they meet the screening requirements of this text.
- ii. Ganton Parkway: There shall be a minimum building and pavement setback of 25 feet from the right-of-way of Ganton Parkway.
- iii. Other Public Streets: There shall be a minimum pavement and building setback of 25 feet from all public street rights-of-way other than State Route 161 or Ganton Parkway.
- iv. Other Perimeter Boundaries: There shall be a minimum pavement and building setback of 0 feet from any perimeter boundary line of Subarea 1 which does not abut a public street right-of-way.
- v. Private Access Drives: There shall be a minimum building and pavement setback of 0 feet from the edges of any private roads within Subarea 1.
- vi. Rose Run Creek: The minimum pavement and building setback from the centerline of Rose Run Creek shall be coterminous with a conservation easement which applies to the creek and areas around it, as it exists and as it may be modified in the future. A “Stream Corridor Protection Zone” shall apply within this setback. Within the Stream Corridor Protection Zone, no improvements shall be permitted other than

landscaping and/or an asphalt leisure path that connects to the City's regional path system.

vii. Internal Parcel Lines: There shall be no minimum pavement setback and a minimum building setback of 0 feet from any parcel line which is interior to Subarea 1.

viii. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this subarea (a) come under common ownership or control, (b) are zoned to allow compatible uses, and (c) are combined into a single parcel, then any minimum building or pavement setbacks set forth in this text shall no longer apply with respect to these parcels.

ix. Lot Coverage: There shall be a maximum lot coverage of 90% in Subarea 1.

C. Vehicular Access: Vehicular access to and from Subarea 1 shall occur using Theisen Drive and Ganton Parkway, once constructed. Ganton Parkway shall have a right-of-way width of 100 feet with a design and specifications as approved in a final plat to be prepared, reviewed, and approved by the City in accordance with its Codified Ordinances. Each property owner shall grant easements to the City which are adjacent to the aforementioned right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements and/or utilities., if the minimum right-of-way is not enough to accommodate such improvements.

D. Architectural Standards: The following architectural requirements shall apply to Subarea 1.

i. Building Designs - Intent and Character: The primary permitted uses that are permitted in this subarea are typically developed and operated by users that have an established presence in the industry and a particular branding image. Oftentimes, the design vision for buildings with these types of uses will require similarities for the end user from facility-to-facility in order for patients and other visitors to identify the branding of the use and the user. Moreover, the services and operations within these facilities drive the buildings' footprints, and cause the need for an "inside-out" design process. In addition, it is commonplace for the buildings which are associated with these uses will be constructed in phases.

Buildings shall be designed to meet the City's standards in terms of quality of materials and design. However, when reviewing building architecture that is proposed as part of a final development plan, the Planning Commission shall take into account the unique branding needs of the user and the impact that the interior functioning of the uses within the building will have on its exterior appearance.



ii. Design Requirements:

aa. DGRs: Section 6 of the City's Design Guidelines and Requirements, applicable to commercial development outside of the Village Center, shall apply to this subarea.

bb. Building Height: There shall be a maximum building height of 75 feet. Architectural elements such as parapets, cupolas, mechanical equipment, screening, and similar features may exceed the maximum building height.

cc. Level of Façade Finish: Buildings shall be required to employ a comparable use of materials on all elevations. All elevations of a building shall receive similar treatment in terms of style, materials, and design so that no elevation is of a lesser visual character than any other.

dd. Quality: Architectural design for all portions of a building or structure that are visible from a public street right-of-way located along the perimeter of this subarea or adjacent property shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

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

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

gg. Primary Building Entrances: Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

hh. Screening of Building Elements: Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers and dumpsters shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site.

ii. Roofs: All roof types shall be permitted (including, without limitation, flat roofs), provided that each roof design shall be compatible with the

style and design of the building.

iii. Materials:

aa. Exterior wall finishes: Permitted primary building materials shall include brick, brick veneer, architectural precast concrete, metal, and/or glass (except that reflective or mirrored glass shall be prohibited). Cementitious products such as Hardi Plank or its equivalent, brick, stone, metal, EIFS and composite material (except vinyl) may be used as secondary, exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review Board approval process as described in Chapter 1157.

bb. Prohibited Materials: Prefabricated metal buildings and untreated masonry block structures are prohibited.

cc. Loading Docks: Loading docks are not required to have the same degree of finish as a main entry.

iv. Service, Loading, and Mechanical Screening:

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

bb. Mechanical Equipment: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

I. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. These requirements do not apply to solar panels.

II. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. These requirements do not apply to solar panels.

E. Parking and Loading:

i. Parking: The off-street parking requirements of Codified ordinances Chapter 1167 do not apply within this subarea. The amount of parking to be provided to serve uses and developments in this subarea shall be reviewed by the Architectural Review Board and the Planning Commission as part of each final development plan. When determining the appropriate amount of parking to be provided, reviewing bodies shall take into account the anticipated parking needs of the particular applicant and uses, the number of anticipated employees and visitors for such uses, and the projected timing of employment shifts and visits by patients (if applicable) and others. Shared parking arrangements may be utilized where appropriate to provide for adequate parking within the Zoning District, provided that where such arrangements are approved they shall be subject to a recorded private parking agreement between owners of affected parcels that shall be reasonably reviewed and approved by City staff before it is recorded with the Office of the Recorder of Franklin County, Ohio. The required number of parking spaces in this subarea shall be in accordance with the shared parking plan which is approved in a final development plan.

ii. Loading: Loading spaces shall be provided in accordance with the Codified Ordinances unless otherwise approved as part of a final development plan.

F. Buffering, Landscaping and Open Space: The following landscaping requirements shall apply to Subarea 1:

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

ii. Tree Preservation Zones: Existing trees and vegetation located within the required minimum pavement setback from State Route 161 or within other areas which are generally designated on a preliminary development plan as being within a "Preservation Zone" shall be preserved except as provided in this subsection. Final boundaries of Preservation Zones shall be reviewed and approved as part of a final development plan. At the Comprehensive Plan review stage, one such Preservation Zone has been identified and includes the treed area in the northernmost portion of Subarea 1 between the right-of-way of U.S. Route 62 on the west and the Rose Run Creek on the east. Understory weeds, brush, and plants may be removed from these areas in order to provide a cleaner appearance. Trees which are dead or diseased, pose a potential danger to persons or property, or which are an invasive species may be removed from these areas. No trees shall be removed from wetlands areas (as more particularly specified in

an approved final development plan) unless they are a danger to persons or property and are permitted to be removed in accordance with relevant state and federal permits.

iii. Fencing: A four-board white horse fence exists and shall remain generally running parallel to State Route 161 and parallel to U.S. Route 62 along the perimeters of this subarea.

iv. Ganton Parkway: The landscaping treatment along Ganton Parkway shall be consistent across the Zoning District, and shall be designed through cooperative efforts between the property owner(s) and the City as the design of Ganton Parkway is finalized as part of a final plat.

v. Landscaping Plans: A landscaping plan shall be provided for review and approval of each development site within this subarea as part of a final development plan.

vi. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins. The foregoing requirement is not intended to require such simultaneous installation of screening, buffering, and other aesthetic enhancements throughout the entirety of the Zoning District, but is to be limited only to such improvements in the general vicinity thereof.

vii. Parking Areas: Within this subarea there shall be no less than one (1) tree planted for every ten (10) parking spaces located in a surface parking lot. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas shall be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings. The requirements of this paragraph shall not apply to parking structures.

viii. Minimum On-Site Tree Sizes: Unless otherwise approved by the city landscape architect, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

G. Lighting:

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

ii. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent, LED, or metal halide.

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

iv. Landscape uplighting from a concealed source shall not be permitted.

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

vi. Building up lighting is discouraged, except when necessary, customary, or reasonable in the context of a particular use or user.

vii. All other lighting on the site shall be in accordance with the Codified Ordinances. Lighting in this subarea shall give consideration to the fact that residential uses are permitted in Subarea 3 and therefore reasonable steps shall be taken to minimize the impact of lighting within Subarea 1 on existing or potential future residential uses in Subarea 3.

viii. Street lighting must meet the City Standards and Specifications.

H. Signage:

i. Intent. Signage needs for the types of uses which are permitted in Subarea 1 are unique and require flexibility, not in an effort to deviate from the community standard but instead to properly and adequately identify uses, users and tenants, and to promote efficient wayfinding. A master signage plan for Subarea 1 shall be filed for review and approval as part of the first final development plan for proposed development in this subarea. In the event of a conflict between this text and/or an approved master



signage plan and the relevant provision of the Codified Ordinances, this text and/or the approved master signage plan shall govern. Where any signage standard is not addressed in this text and/or an approved master signage plan, the relevant provisions of the Codified Ordinances shall govern. All signs described in this section shall be designed so that they are appropriate in the context of the building on which they are located in terms of scale and design. Signs shall not block portions of architectural detailing, windows, entries or doorways. Regulations for signs in this subarea will be determined as part of the master sign plan, not the Village Center sub-district regulations found in C.O. 1169. After a master sign plan is adopted by the ARB and PC as part of a final development plan, permits for individual signs are subject to the review and approval of city staff if the proposed signs are in conformance with the approved master plan. All other new signage must be reviewed and approved only by the ARB via a certificate of appropriateness application.

ii. Types. The following types of signs shall be permitted in Subarea 1:

aa. Building Identification Signs. One “Building Identification Sign” shall be permitted on each façade of a building that is oriented toward State Route 161 or Ganton Parkway. The maximum permitted dimensions and heights for these signs shall be determined as part of an approved final development plan but shall be appropriately sized in relating to the architectural design of the building and shall be adequate to identify the building from off-site.

bb. Ancillary Wall Signs. Ancillary wall signs (“Ancillary Wall Signs”) shall be permitted in addition to Building Identification Signs in order to identify particular uses within the building, to provide addresses for such uses, and to promote efficient wayfinding into buildings. The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations. It is the intent that once they are established, the applicant may relocate, remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.

cc. Window Signs. Window signs shall be permitted only as allowed under relevant provisions of the Codified Ordinances.

dd. Primary Entry Monument Signs. “Primary Entry Monument Signs” shall be permitted to be located at each entry point into this Zoning District from Ganton Parkway. These signs may be so-called “off-premise” signs, provided that they identify uses or users within Subarea 1. The final locations and

dimensions of these signs shall be provided by the applicant in a final development plan.

ee. Secondary Entry Monument Signs. “Secondary Monument Signs” shall be permitted to be located within Subarea 1. These signs are intended to provide a means to identify uses and users to employees and visitors. Each Secondary Monument Sign shall be located on the parcel that the use or user which it identifies is located. The final locations and dimensions of these signs shall be provided by the applicant in a final development plan.

ff. Directional Signs. “Directional Signs” shall be permitted internally within Subarea 1 for purposes of directing vehicular and pedestrian traffic within the property to uses and users contained therein. The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations, and it is the intent that once they are established the applicant may relocate, remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.

gg. Regulated Signage. In addition to the signage permitted above, certain permitted or accessory uses such as hospitals may be required to install and maintain certain types of signage with mandated specifications pursuant to federal and/or state laws and regulations. Such signage shall be permitted in accordance with such laws and regulations. They shall be reviewed and approved as part of a final development plan but relevant authorities’ review shall be limited in scope in that they may not impose conditions of approval which are contrary to federal and/or state laws and regulations.

iii. Colors. Signs may include graphics with an unlimited number of colors, if consistent with the logos or branding of the user(s) which they identify.

H. Utilities: All new utilities shall be installed underground.

**IV. SUBAREA 2 DEVELOPMENT STANDARDS:** The following standards and requirements shall apply to development within Subarea 2.

A. Permitted and Conditional Uses: Permitted uses within Subarea 2 shall include those uses which are permitted in the Office Campus District (OCD) of the Codified Ordinances, Section 1143.02, as they exist on the date when this text becomes legally effective, but excluding data centers. Conditional uses within Subarea 2 shall include those uses which are conditional in

the Office Campus District (OCD) of the Codified Ordinances, Section 1143.02, as they exist on the date when this text becomes legally effective, but excluding drive-through facilities and motels, and provided that conditional uses must be reviewed and approved in accordance with Codified Ordinances Chapter 1115.

B. Setbacks; Lot Coverage:

i. State Route 161: There shall be a minimum pavement and building setback of 100 feet from the right-of-way of State Route 161, provided, however, that service and loading areas may be located within 25 feet of the right-of-way if they meet the screening requirements of this text.

ii. Ganton Parkway: There shall be a minimum building and pavement setback of 25 feet from the right-of-way of Ganton Parkway.

iii. Other Public Streets: There shall be a minimum pavement and building setback of 25 feet from all public street rights-of-way other than State Route 161, Ganton Parkway, or U.S. Route 62.

iv. Other Perimeter Boundaries: There shall be a minimum pavement and building setback of 0 feet from any perimeter boundary line of Subarea 2 which does not abut a public street right-of-way.

v. Private Access Drives: There shall be no minimum building and pavement setback from the edges of any private drives within Subarea 2.

vi. Internal Parcel Lines: There shall be no minimum building pavement setback from any parcel line which is interior to Subarea 2.

vii. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this subarea (a) come under common ownership or control, (b) are zoned to allow compatible uses, and (c) are combined into a single parcel, then any minimum building or pavement setbacks set forth in this text shall no longer apply with respect to these parcels.

viii. Lot Coverage: There shall be a maximum lot coverage of 90% in Subarea 2.

C. Vehicular Access: Vehicular access to and from Subarea 2 shall occur using Ganton Parkway, once constructed. Ganton Parkway shall have a right-of-way width of 100 feet and a design and specifications as approved in a final plat to be prepared, reviewed, and

approved by the City in accordance with its Codified Ordinances. Vehicular access directly to and from Kitzmiller Road shall be prohibited.

D. Architectural Standards: Unless otherwise provided, the architectural requirements of the City's Design Guidelines and requirements and the City's Codified Ordinances shall apply to buildings in Subarea 2.

i. DGRs: Section 6 of the City's Design Guidelines and Requirements, applicable to commercial development outside of the Village Center, shall apply to this subarea.

ii. Building Height: There shall be a maximum building height of 45 feet in this subarea. Architectural elements such as parapets, cupolas, mechanical equipment, screening, and similar features may exceed the maximum building height.

iii. Building Orientation: Primary front building facades shall not back onto public open space, parks or reserve areas.

iv. Loading Docks: Loading docks are not required to have the same degree of finish as a main entry.

v. Service, Loading, and Mechanical Screening:

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

bb. Mechanical Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. These requirements do not apply to solar panels.

E. Parking and Loading: The off-street parking requirements of Codified Ordinances Chapter 1167 do not apply within this subarea. The amount of parking to be provided to serve uses and developments in this subarea shall be reviewed by the Architectural Review Board and the Planning Commission as part of each final development plan. When determining the appropriate amount of parking to be provided, reviewing bodies shall take into account the anticipated parking needs of the particular applicant and uses, the number of anticipated employees and visitors for such uses, and

the projected timing of employment shifts and visits by patients (if applicable) and others. Shared parking arrangements may be utilized where appropriate to provide for adequate parking within the Zoning District, provided that where such arrangements are approved they shall be subject to a recorded private parking agreement between owners of affected parcels that shall be reasonably reviewed and approved by City staff before it is recorded with the Office of the Recorder of Franklin County, Ohio. The required number of parking spaces in this subarea shall be in accordance with the shared parking plan which is approved in a final development plan.

F. Buffering, Landscaping and Open Space: The following landscaping requirements shall apply to Subarea 2:

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

ii. Tree Preservation Zones: Existing trees and vegetation located within the required minimum pavement setback from State Route 161 or within other areas which are generally designated on a preliminary development plan as being within a “Preservation Zone” shall be preserved except as provided in this subsection. Final boundaries of Preservation Zones shall be reviewed and approved as part of a final development plan. At the Comprehensive Plan review stage, one such Preservation Zone has been identified and includes the treed area in the easternmost portion of Subarea 2 between the right-of-way of Kitzmiller Road on the east, the right-of-way of State Route 161 on the north, and the right-of-way of Ganton Parkway on the south (as the latter right-of-way is approved as part of a final development plan). Understory weeds, brush, and plants may be removed from these areas in order to provide a cleaner appearance. Trees which are dead or diseased, pose a potential danger to persons or property, or which are an invasive species may be removed from these areas. No trees shall be removed from wetlands areas (as more particularly specified in an approved final development plan) unless they are a danger to persons or property and are permitted to be removed in accordance with relevant state and federal permits. Trees may be removed from the Preservation Zone in the easternmost portion of this subarea may be removed as necessary to install utilities or to provide for the construction of Ganton Parkway.

iii. Fencing: A four-board white horse fence exists and shall remain generally running parallel to State Route 161 and parallel to Kitzmiller Road along the perimeters of this subarea.

iv. Ganton Parkway: The landscaping treatment along Ganton Parkway shall be consistent across the Zoning District, and shall be designed through cooperative

efforts between the property owner(s) and the City as the design of Ganton Parkway is finalized as part of a final plat.

v. Landscaping Plans: A landscaping plan shall be provided for review and approval of each development site within this subarea as part of a final development plan.

vi. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins. The foregoing requirement is not intended to require such simultaneous installation of screening, buffering, and other aesthetic enhancements throughout the entirety of the Zoning District, but is to be limited only to such improvements in the general vicinity thereof.

vii. Parking Areas: Within this subarea there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

viii. Minimum On-Site Tree Sizes: Unless otherwise approved by the city landscape architect, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

G. Lighting:

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

ii. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent, LED, or metal halide.

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

iv. Landscape uplighting from a concealed source shall not be permitted.

v. Building up lighting shall not be permitted.

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

vii. All other lighting on the site shall be in accordance with the Codified Ordinances. Lighting in this subarea shall give consideration to the fact that residential uses are permitted in Subarea 3 and therefore reasonable steps shall be taken to minimize the impact of lighting within Subarea 2 on existing or potential future residential uses in Subarea 3.

viii. Street lighting must meet the City Standards and Specifications.

**H. Signage:**

i. Intent. Given the likelihood that the uses in Subarea 2 will be related and/or integrated to serve those which will operate in Subarea 1, the signage needs for uses in Subarea 2 may be unique and require flexibility, not in an effort to deviate from the community standard but instead to properly and adequately identify uses, users and tenants, and to promote efficient wayfinding. A master signage plan for Subarea 2 shall be filed for review and approval as part of the first final development plan for proposed development in this subarea. In the event of a conflict between this text and/or an approved master signage plan and the relevant provision of the Codified Ordinances, this text and/or the approved master signage plan shall govern. Where any signage standard is not addressed in this text and/or an approved master signage plan, the relevant provisions of the Codified Ordinances shall govern. All signs described in this section shall be designed so that they are appropriate in the context of the building on which they are located in terms of scale and design. Signs shall not block portions of architectural detailing, windows, entries or doorways. Regulations for signs in this subarea will be determined as part of the master sign plan, not the Village Center sub-district regulations found in C.O. 1169. After a master sign plan is adopted by the ARB and PC as part of a final development, permits for individual signs are subject to the review and approval of city staff if the proposed signs are in conformance with the approved master plan. All

other new signage must be reviewed and approved only by the ARB via a certificate of appropriateness application.

ii. Types. The following types of signs shall be permitted in Subarea 1:

aa. Building Identification Signs. One “Building Identification Sign” shall be permitted on each façade of a building that is oriented toward State Route 161 or Ganton Parkway. The maximum permitted dimensions and heights for these signs shall be determined as part of an approved final development plan but shall be appropriately sized in relating to the architectural design of the building and shall be adequate to identify the building from off-site.

bb. Ancillary Wall Signs. Ancillary wall signs (“Ancillary Wall Signs”) shall be permitted in addition to Building Identification Signs in order to identify particular uses within the building, to provide addresses for such uses, and to promote efficient wayfinding into buildings. The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations. It is the intent that once they are established, the applicant may relocate, remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.

cc. Window Signs. Window signs shall be permitted only as allowed under relevant provisions of the Codified Ordinances.

dd. Primary Entry Monument Signs. “Primary Entry Monument Signs” shall be permitted to be located at each entry point into this Zoning District from Ganton Parkway. These signs may be so-called “off-premise” signs, provided that they identify uses or users within Subarea 1. The final locations and dimensions of these signs shall be provided by the applicant in a final development plan.

ee. Secondary Entry Monument Signs. “Secondary Monument Signs” shall be permitted to be located within Subarea 1. These signs are intended to provide a means to identify uses and users to employees and visitors. Each Secondary Monument Sign shall be located on the parcel that the use or user which it identifies is located. The final locations and dimensions of these signs shall be provided by the applicant in a final development plan.

ff. Directional Signs. “Directional Signs” shall be permitted internally within Subarea 1 for purposes of directing vehicular and pedestrian



traffic within the property to uses and users contained therein. The permissible maximum dimensions of this type of sign shall be established in a final development plan along with general requirements for locations, and it is the intent that once they are established the applicant may relocate, remove, or replace these signs in accordance with the approved dimensions and requirements without the need to obtain approval of an amended final development plan application, but the applicant shall be required to obtain any necessary sign permits.

gg. Regulated Signage. In addition to the signage permitted above, certain permitted or accessory uses such as hospitals may be required to install and maintain certain types of signage with mandated specifications pursuant to federal and/or state laws and regulations. Such signage shall be permitted in accordance with such laws and regulations. They shall be reviewed and approved as part of a final development plan but relevant authorities' review shall be limited in scope in that they may not impose conditions of approval which are contrary to federal and/or state laws and regulations.

hh. Colors. Signs may include graphics with an unlimited number of colors, if consistent with the logos or branding of the user(s) which they identify.

I. Utilities: All new utilities shall be installed underground.

**V. SUBAREA 3 DEVELOPMENT STANDARDS:** The following standards and requirements shall apply to development within Subarea 3.

A. Permitted Uses: The following shall be permitted uses in Subarea 3:

i. Those uses which are permitted in the Village Residential (VR) subdistrict of the Urban Center Code.

ii. Those uses which are permitted in the Core Residential (CR) subdistrict of the Urban Center Code.

iii. Those uses which are permitted in the Parkland and Preservation (PK) subdistrict of the Urban Center Code.

iv. Private community facilities serving residents within Subarea 3, which may include uses such as (but not limited to) fitness rooms, indoor and outdoor gathering spaces, swimming pools, and other recreational or social amenities.

v. Publicly or privately owned recreational areas, parkland, and open space (including, without limitation, athletic fields) and associated parking areas.

vi. Civic uses.

vii. Post offices and other government facilities.

B. Conditional Uses: Up to two (2) residential model homes are permitted to be located in Subarea 3, and shall be reviewed in accordance with Codified Ordinances Chapter 1115, provided that each such home also shall be reviewed and evaluated based on the criteria set forth in Codified Ordinances Section 1133.04(d).

C. Development Standards and Requirements – Generally: Section II (Building Form), Section III (Urban Design Standards), and Section V (Street & Network Standards) of the City's Urban Center Code shall serve as the baseline set of development and architectural standards and requirements for Subarea 3. To the extent that that a standard or requirement of those sections conflicts with one that is set forth in this text, then the standard or requirement in this text shall govern. The Campus (CP) and Parks and Preservation building typology standards, as described in the Urban Center Code, apply to all civic, post office, and other government facility uses.

D. Density and Setback Requirements:

i. Number of Units: A maximum of 294 residential units shall be permitted in Subarea 3, which is the same number of units which are permitted in Subarea 3D of the 1998 NACO PUD prior to the approval of this zoning text. Any permitted but undeveloped units in Subarea 3 may be deposited into the so-called NACO "housing bank" that originally was created under the 1998 NACO PUD for transfer and development in other locations within the City. The deposit of units into the housing bank shall be requested and approved as part of one or more final development plan applications.

ii. Setbacks. The following setback requirements shall apply to this subarea:

aa. East Dublin-Granville Road. There shall be a minimum pavement and building setback of 140 feet from the right-of-way of East Dublin-Granville Road, provided that this setback shall be gradually tapered moving from west to east so that the minimum pavement and building setback from the right-of-way of East Dublin-Granville Road shall be 180 feet at and near the eastern boundary line of Subarea 3. The specifications for the tapering of the minimum setbacks shall be demonstrated on the first preliminary development plan for Subarea 3 which contains property with frontage on East Dublin-Granville Road and shall be finalized as approved as part of a final development plan. Notwithstanding the foregoing, the tapering of the minimum setbacks shall not be required if a minimum pavement and building setback of 180 feet is provided as measured from the right-of-way of East Dublin-Granville Road.

bb. Ganton Parkway. There shall be a minimum building and pavement setback of 25 feet from the right-of-way of Ganton Parkway for improvements relating to non-residential uses. Homes shall not have direct vehicular access from a driveway connecting to that street.

cc. Building Orientation. Primary building facades shall not back onto public open space, parks or reserve areas.

E. Rose Run Creek: Land shall be dedicated to the City extending for a distance of 100 feet as measured from the western boundary line of Subarea 3 between Ganton Parkway on the north and East Dublin-Granville Road on the south. There shall be a minimum pavement and building setback of 10 feet from the edge of this dedicated land area.

F. Vehicular Access: Vehicular access to and from Subarea 3 shall occur using Ganton Parkway, once constructed. Access to this subarea shall be permitted via public street connections between Ganton Parkway and East-Dublin-Granville Road. Ganton Parkway shall have a right-of-way width of 100 feet and a design and specifications as approved in one or more final plats to be prepared, reviewed, and approved by the City in accordance with its Codified Ordinances, provided, however, that Ganton Parkway shall not be subject to the standards and requirements of Section V of the Urban Center Code.

G. Buffering, Landscaping and Open Space: The following landscaping requirements shall apply to Subarea 3:

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

ii. Fencing: A four-board white horse fence exists and shall remain generally running parallel to East Dublin-Granville Road along the perimeter of this subarea.

iii. Ganton Parkway: The landscaping treatment along Ganton Parkway shall be consistent across the Zoning District, and shall be designed through cooperative efforts between the property owner(s) and the City as the design of Ganton Parkway is finalized as part of a final plat.

iv. Landscaping Plans: A landscaping plan shall be provided for review and approval of each development site within this subarea as part of a final development plan.

v. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design,

shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins. The foregoing requirement is not intended to require such simultaneous installation of screening, buffering, and other aesthetic enhancements throughout the entirety of the Zoning District, but is to be limited only to such improvements in the general vicinity thereof.

vi. Parking Areas: Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity of plant material and size of parking lot landscape islands closest to buildings.

vii. Minimum On-Site Tree Sizes: Unless otherwise approved by the city landscape architect, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

viii. Landscape Screening: The landscape screening requirements of C.O. 1171.05(c) do not apply within this subarea.

G. Lighting:

i. Each home shall have a light mounted near the front entry door. A light post may also be provided in the front yard of each residential lot.

ii. All parking lot and private driveway lighting for non-residential uses 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.

ii. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent, LED, or metal halide.

iii. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed eighteen (18) feet in height.

- iv. Landscape uplighting from a concealed source shall not be permitted.
- ii. Building up lighting shall not be permitted.
- v. No permanent colored lights or neon lights shall be used on the exterior of any building.
- vii. All other lighting on the site shall be in accordance with the Codified Ordinances
- viii. Street lighting must meet the City Standards and Specifications.

H. Signage: Permitted sign types and regulations within Subarea 3 shall be based on the land use category for each site, not the Village Center sign code sub-districts. All other new signage must be reviewed and approved only by the ARB via a certificate of appropriateness application.

I. Utilities: All new utilities shall be installed underground.

J. Mailboxes: Currently applicable postal regulations do not permit individual mailboxes to be located on or to the front of a home, and instead require centralized banks of grouped mailboxes to serve new developments. Details of grouped mailbox locations and designs shall be provided for review and approval as part of a final development plan for each residential development.

**VI. PARKLAND AND OPEN SPACE:** The intent of this Zoning District is to provide an equivalent amount of green space within the subject property as is contemplated in the Urban Center Code's Regulating Plan while providing flexibility in terms of locations for these features. To this end, the total amount of green space within dedicated parkland, the dedicated green space along the western boundary of Subarea 3, undeveloped setback areas, and within privately owned open spaces shall be a combined minimum of 38.0 acres. Those green spaces which are to be parkland and those which are to be open space will be determined as approved in one or more final development plan applications. Parks and open space dedication shall be reviewed and a recommendation made by the Architectural Review Board and shall reviewed and approved by Planning Commission as part of a final development plan application. The parkland and open space design and evaluation standards of the Urban Center Code shall apply within this zoning district.

## **VII. GENERAL MATTERS:**

### **A. Appeals:**

i. Taking of Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.

ii. Imminent Peril: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

### **B. Waivers:**

i. Deviations from development standards in this text or in the Codified Ordinances, as part of a final development plan application, are subject to the waiver process as described in city code. The consideration of a waiver request shall be deemed to constitute an administrative proceeding, The Planning Commission shall be the decision-making body as to the approval, approval with conditions, or disapproval of each waiver application in accordance with the requirements of this text that are associated with a final development plan. In considering a request for a waiver, the Planning Commission shall conduct a public meeting in conjunction with the application.

ii. Deviations from development standards in this text or in the Codified Ordinances, as part of a certificate of appropriateness application, are subject to the waiver process as described in city code. The consideration of a waiver request shall be deemed to constitute an administrative proceeding, The Architectural Review Board shall be the decision-making body as to the approval, approval with conditions, or disapproval of each waiver application in accordance with the requirements of this text that are associated with a certificate of appropriateness application. In considering a request for a waiver, the Architectural Review Board shall conduct a public meeting in conjunction with the application.







**ORDINANCE O-29-2024**

**AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT  
RIGHT-OF-WAY DEDICATION FOR GANTON PARKWAY WEST  
PHASE 3 AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, an application to approve the final plat for Ganton Parkway West phase 3 has been submitted by the City of New Albany; and

**WHEREAS**, the city will be the recipient (grantee) of the right-of-way dedication of approximately 3.818 acres; and

**WHEREAS**, the New Albany Planning Commission, after review in a public meeting on August 5, 2024, recommended approval of the Final Plat; and

**WHEREAS**, the city engineer certifies that Ganton Parkway West phase 3 meets all the requirements of Chapter 1187 of the codified ordinances, stormwater management, design requirements, and will meet all other requirements of the city.

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

**Section 1:** The final plat to create Ganton Parkway West phase 3 extension, attached to this ordinance as Exhibit A and made a part herein, is approved.

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.



**Attest:**

---

Sloan T. Spalding  
Mayor

---

Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

---

Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/23/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:

PLAIN TOWNSHIP, CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO  
UNITED STATES MILITARY DISTRICT SURVEY  
LOT #8, QTR. TWP. 4W, R16W, T2N

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY, BEING IN THE UNITED STATES MILITARY DISTRICT SURVEY, LOT #6, QUARTER TOWNSHIP 4 WEST, RANGE 10 WEST, TOWNSHIP 2 NORTH, CONTAINING 3.918 ACRES, MORE OR LESS, BEING A PART OF A 99.706 ACRE TRACT AS CONVEYED TO MSA HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY IN INSTRUMENT NUMBER 20160670105464, RECORDS OFFICE, FRANKLIN COUNTY, OHIO.

THE UNDERSIGNED, OWNER OF THE LAND PLOTTED HEREIN, FULLY AUTHORIZED IN THE PREMISES, DOES HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS ITS "QANTON PARKWAY WEST" OBSERVATION AND PHOTOGRAPHIC SURVEY, DATED 11-11-2016, AND IS NOT FOR ANY OTHER PUBLIC USE, AS SUCH, ALL OF QANTON PARKWAY SHOWN HEREON AND NOT HERETOFORE DESIGNATED

EASEMENTS ARE HEREBY CONSERVED IN, OVER AND UNDER AREAS DESIGNED ON THIS PLAN AS "UTILITY AND STREET/SCAPE BASEMENT" OR "DRAINAGE BASEMENT". UTILITY AND STREET/SCAPE BASEMENTS ARE RESERVED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UTILITY AND QUASI-PUBLIC UTILITIES ABOVE, BENEATH, AND ON THE SURFACE OF THE GROUND AND, WHERE NECESSARY, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SERVICE CONNECTIONS AND LATERALS. DRAINAGE BASEMENTS ARE RESERVED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF BICYCLE AND PEDESTRIAN PATHWAYS, AND FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DRAINAGE BASEMENTS. DRAINAGE BASEMENT IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING, OPERATING AND MAINTAINING MAJOR STORM WATER DRAINAGE SWALES AND/OR OTHER ABOVE GROUND STORM WATER DRAINAGE STRUCTURES. STORM WATER RUNOFF FROM THE SURFACE OF THE PLATTED AREA AND FROM STORM WATER RUNOFF ARE PERMITTED WITHIN DRAINAGE BASEMENT AREAS AS DELINEATED ON THIS PLAN. EASEMENTS ARE HEREBY RESERVED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DRAINAGE BASEMENTS IN ANY AREA OVER WHICH EASEMENTS ARE HEREBY RESERVED. EASEMENT AREAS SHOWN HERE ON OUTSIDE OF THE PLATTED AREA ARE WITHIN LANDS OWNED BY THE UNDERDEVELOPED AND EASEMENTS ARE HEREBY RESERVED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DRAINAGE BASEMENTS.

**NY:** \_\_\_\_\_

## ACKNOWLEDGMENT

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10 DAY OF NOVEMBER, 2024, BY BRENT B. BRADBURY, THE AUTHORIZED REPRESENTATIVE OF THE MBJ HOLDINGS LLC., A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY. THIS IS AN ACKNOWLEDGMENT CERTIFICATE. NO OATH OR AFFIRMATION WAS ADMINISTERED TO THE SIGNER WITH REGARD TO THE NOTARIAL ACT.

NOTARY PUBLIC FOR \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MAYOR. NEW ALBANY, OHIO

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY ENGINEER, NEW ALBANY, OHIO

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

**COUNCIL REPRESENTATIVE TO PLANNING  
COMMISSION. NEW ALBANY, OHIO**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CHAIRPERSON. PLANNING COMMISSION  
NEW ALBANY, OHIO

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

**FINANCE DIRECTOR, NEW ALBANY, OHIO**

**TOTAL RW AREA: 3.818 ACRES**  
**(BEING OUT OF FRANKLIN COUNTY AUDITOR'S PARCEL**  
**NUMBER 222-004864-00 (3.818 ACRES))**

THE SOURCES OF RECORDED SURVEY DATA REFERENCED  
IN THE PLAN AND TEXT OF THIS PLAT ARE THE RECORDS  
OF THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO

WHERE INDICATED HEREON UNLESS OTHERWISE NOTED ARE TO BE SET AND ARE SOLID IRON PINS, 5/8" DIAMETER, 30" LONG WITH A PLASTIC CAP INSCRIBED "CMT P.S. 117A".

BEARINGS ARE BASED ON THE OHIO STATE PLANE  
GRID NORTH. NAD 83 (2011) (EPOCH: 2010.0000). GEOID  
12B. OHIO SOUTH ZONE. TIED BY GPS TO THE O.D.O.T.  
VRS. ELEVATIONS ARE NAVD 88.

CONTROL FOR THE BEARINGS SHOWN HEREIN WERE DETERMINED BY GPS OBSERVATIONS AND ESTABLISHING S 89°45'33"E FOR THE EXISTING CENTERLINE OF RIGHT-OF-WAY OF QANTON PARKWAY WEST. BEARINGS ARE SHOWN TO INDICATE ANGLE ONLY AND ARE FOR PROJECT USE ONLY.

IN WITNESS WHEREOF I HAVE HEREUNTO  
SET MY HAND AND AFFIXED MY SEAL THIS  
DAY OF \_\_\_\_\_, 20\_\_

CITY CLERK, NEW ALBANY OHIO

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

**AUDITOR, FRANKLIN COUNTY, OHIO**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
AT \_\_\_\_\_, FEE \_\_\_\_\_

RECORDED, FRANKLIN COUNTY, OHIO

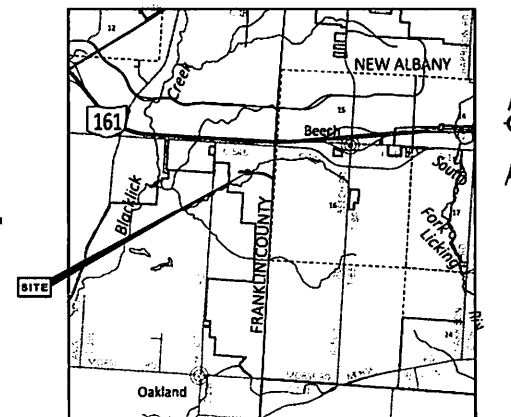
BY GRAPHIC PLOTTING ONLY THIS PROPERTY IS LOCATED  
IN ZONE "A" AREAS DETERMINED TO BE OUTSIDE OF THE  
0.2% ANNUAL FLOOD RISK HAZARD AREA OF THE ANNUAL  
CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE  
FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE  
SQUARE MILE) BY THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY ON FLOOD INSURANCE RATE MAP, COMMUNITY  
PANEL NO. 39040C0209K, WITH AN EFFECTIVE DATE OF  
JUNE 17, 2008 IN FRANKLIN COUNTY, OHIO. NO FIELD  
SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

NO DETERMINATION HAS BEEN MADE BY THE BUILDING AND ZONING SERVICES DEPARTMENT, CITY OF NEW ALBANY, AS TO WHETHER THE AREA PROPOSED TO BE PLATTED CONTAINS AREAS THAT COULD BE CLASSIFIED AS WETLANDS BY THE ARMY CORPS OF ENGINEERS. IT IS THE DEVELOPER'S RESPONSIBILITY TO DETERMINE WHETHER WETLANDS EXIST ON THE SITE. THE GRANTING OF REVIEW OF THE FINAL PLAT DOES NOT IMPLY ANY APPROVAL FOR THE DEVELOPMENT OF THE SITE, AS IT MAY PERTAIN TO WETLANDS.

WE DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE  
ATTACHED PREMISES, PREPARED THE ATTACHED PLAT,  
AND THAT SAID PLAT IS CORRECT. ALL DIMENSIONS ARE  
SHOWN IN FEET AND DECIMAL PARTS THEREOF. DIMENSIONS  
SHOWN ALONG CURVES ARE CHORD MEASUREMENTS.

**CARPENTER MARTY TRANSPORTATION, INC.**

BY KEVIN P. CARPENTER, P.E., P.S. DATE \_\_\_\_\_  
REG. NO. 8124



**VICINITY MAP**  
**SCALE: NTS**

2\1\CNA\TR\0001\_Ganton\Ganton Pkwy\400-Engineering\RW\Sheets\Ganton Pkwy\_RT001.dgn 7/23/2024 1:00:12 PM CMT005

**GANTON PARKWAY WEST  
DEDICATION PHASE 3**

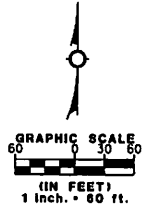
PLAN PREPARED BY: ABB  
CHECKED BY: EPO

**CARPENTER**  
**MARTY** *transportation*  
8812 SINGLE TREE CRL. COLUMBUS, OH 43229  
614.866.3434 • CMT@MARTY.COM

|                     |                   |
|---------------------|-------------------|
| SCALE: NTS          | DIST: 1/2         |
| DATE: JULY 23, 2004 | JOB NO.: CHATROOD |

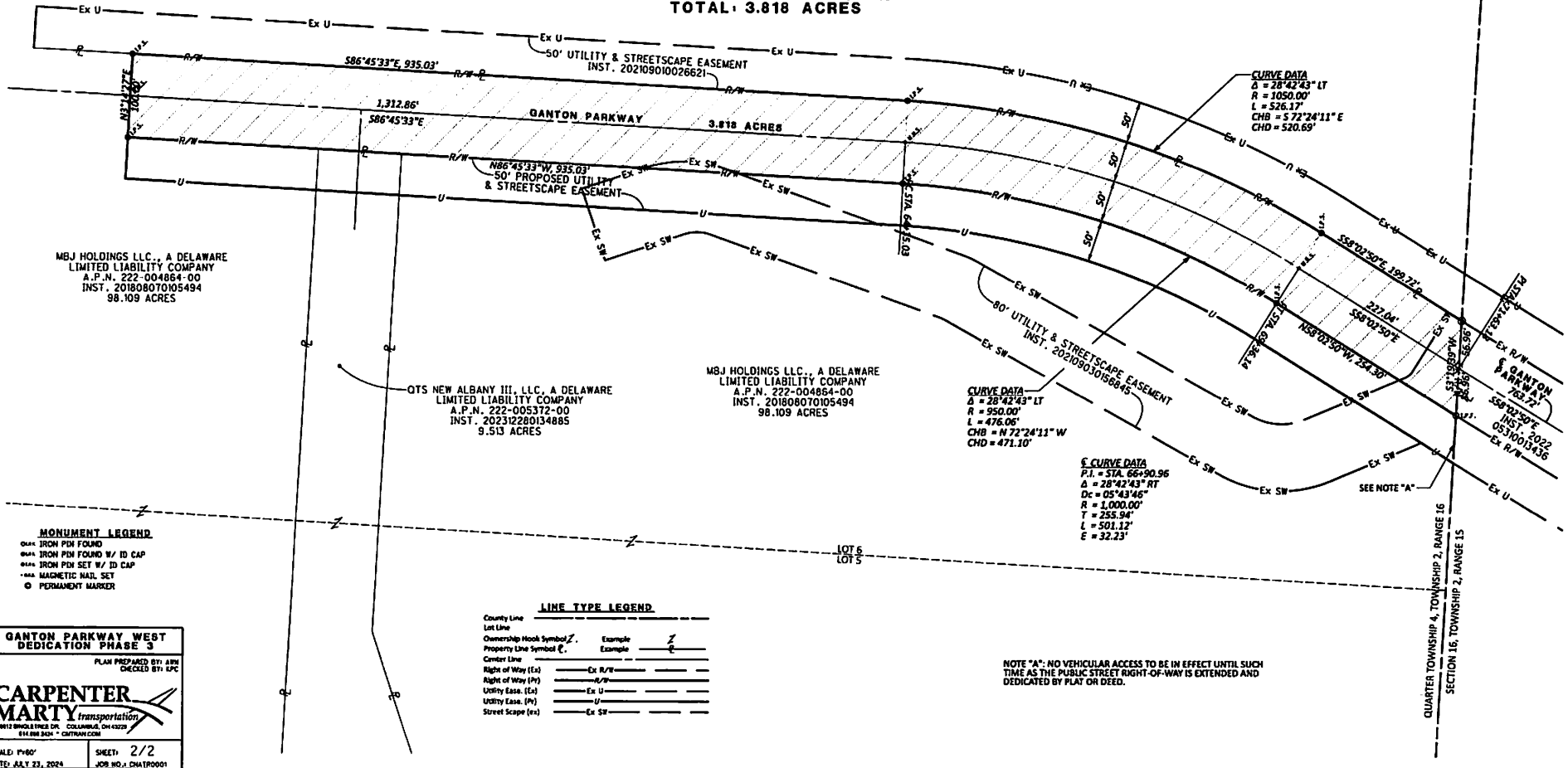
# GANTON PARKWAY WEST DEDICATION PHASE 3

PLAIN TOWNSHIP, CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO  
UNITED STATES MILITARY DISTRICT SURVEY  
LOT #6, QTR. TWP. 4W, R16W, T2N



AMGEN INC., A DELAWARE CORPORATION  
A.P.N. 222-005172-00  
INST. 202109030156846  
44.88 ACRES

**3.818 ACRES: A.P.N. 222-004864-00**  
**TOTAL: 3.818 ACRES**



NOTE "A": NO VEHICULAR ACCESS TO BE IN EFFECT UNTIL SUCH TIME AS THE PUBLIC STREET RIGHT-OF-WAY IS EXTENDED AND DEDICATED BY PLAN OR DEED.

P:\CNA\170000\Ganton\Ganton Pkwy\100-Engineering\170000\Sheets\Ganton Pkwy RT000.dgn Plot Sheet 7/23/2024 10:03:35 PM C:\1005

FRANKLIN COUNTY  
LUCKING COUNTY

QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16  
SECTION 16, TOWNSHIP 2, RANGE 15



## ORDINANCE O-30-2024

### AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$22,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S VEHICULAR TRANSPORTATION SYSTEM, AND DECLARING AN EMERGENCY

**WHEREAS**, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

**WHEREAS**, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months; and

**WHEREAS**, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the prompt issuance of the Notes, which is necessary to enable the City to timely enter into contracts to provide for the construction of the Improvement described in Section 1.

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

**Section 1. Authorized Principal Amount of Anticipated Bonds; Purpose.** It is necessary to issue bonds of this City in the maximum principal amount of \$22,500,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's vehicular transportation system, including Briscoe Parkway, the Market Street extension, Third Street, Reynoldsburg-New Albany Road and U.S. Route 62/Main Street, by constructing, reconstructing, extending, opening, widening, grading, draining, curbing, paving and resurfacing, including erosion controls, tree clearing and site preparation, installing or relocating sanitary sewer, storm sewer and water improvements, signage and striping, streetlighting and signalization, electrical and telecommunications duct banks, turn lanes, sidewalks, crosswalks and bikeways, ADA curb ramps, streetscaping, landscaping and other aesthetic improvements, and acquiring interests in real estate therefor, together with all incidental work and related appurtenances thereto (the "*Improvement*").

**Section 2. Estimated Bond Terms.** The Bonds shall be dated approximately September 1, 2025, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2025.

**Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate.** It is necessary to issue and this City Council determines that notes in the maximum principal amount of \$22,500,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, provided that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

**Section 4. Payment of Debt Charges; Paying Agent.** The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the Clerk of Council. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

**Section 5. Execution of Notes; Book-Entry System.** The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities; provided that one of those signatures may be a facsimile. The Notes shall be issued in minimum

denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

*“Book entry form” or “book entry system”* means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and *“immobilized”* in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

*“Depository”* means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

*“Participant”* means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the

officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**Section 6. Sale and Award of the Notes.** The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement by and between the City and the original purchaser and now on file with the Clerk of Council is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement that are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official or as an assistant thereto, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions heretofore taken by the City Manager, the Director of Finance, the Director of Law, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The

City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

**Section 7. Application of Note Proceeds.** The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award and/or Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

**Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds.** The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 9. Provision for Tax Levy.** During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered



computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or

making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

**Section 11. Certification and Delivery of Ordinance.** The Clerk of Council is directed to promptly deliver, or cause to be delivered, a certified copy of this Ordinance to the County Auditors of Franklin and Licking Counties, Ohio.

**Section 12. Rating.** The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

**Section 13. Bond Counsel.** The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

**Section 14. Municipal Advisor.** The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of

financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

**Section 15. Satisfaction of Conditions for Note Issuance.** This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**Section 16. Compliance with Open Meeting Requirements.** This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

**Section 17. Captions and Headings.** The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clause thereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**Section 18. Declaration of Emergency.** For the reasons stated herein, council hereby declares an emergency and waives the second reading and otherwise applicable 30-day referendum period.

**Section 19. Effective Date.** Pursuant to Article 6.07(A) of the New Albany Charter, this Ordinance shall take effect upon adoption.

**CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/29/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:



## RESOLUTION R-32-2024

### **A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO A DEVELOPMENT AGREEMENT WITH COI NEW ALBANY TECH PARK LAND, LLC**

**WHEREAS**, pursuant to Resolution No. R-40-2022 adopted by New Albany City Council on December 6, 2022, the City entered into a Development Agreement with COI New Albany Tech Park Land, LLC (the "Company") on December 15, 2022, which sets forth the certain assurances and agreements in connection with the development of the Project (as defined in the Development Agreement); and

**WHEREAS**, a first amendment to the Development Agreement was adopted by City Council on August 15, 2023, as Resolution No. R-33-2023; and

**WHEREAS**, the Company and the City desire to amend the Development Agreement as a result of the increase in private investment in the New Albany International Business Park, which has prompted the City to evaluate and modify the timing and construction of new infrastructure to support the project including the construction of purposeful roadway connections; and

**WHEREAS**, the City has requested that the Company construct the remaining portions of "Briscoe Parkway" from Horizon Court to Clover Valley Road at the City's cost, subject to and in accordance with the terms of the Development Agreement and all city regulations and specifications.

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

**Section 1. Second Amendment to Development Agreement.** The Second Amendment to the Development Agreement, by and between the City and the Company, in the form presently on file with the Clerk of Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City 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 Second Amendment to Development Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that agreement.

**Section 2. 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 3. Effective Date.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 07/22/2024 |
| Introduced:               | 08/06/2024 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |



## RESOLUTION R-33-2024

### **A RESOLUTION DECLARING INTENT TO APPROPRIATE PROPERTY AND EASEMENTS FOR THE PUBLIC PURPOSE OF MAKING, REPAIRING, IMPROVING, OR CONSTRUCTING GREEN CHAPEL ROAD NW PHASE 2 AS EXTENDED TO JOIN WITH INTERSECTING ROADS WHICH ARE AND SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE**

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

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

**WHEREAS**, the city has determined that improving, making and repairing portions of Green Chapel Road NW as extended at the intersections and certain access points to join with improved and existing intersecting roads, all of which are and shall be open to the public, without charge, (the "Green Chapel Road Project Phase 2") is necessary and essential and will contribute to the promotion of the health, safety, public convenience and welfare of the people and City of New Albany and the traveling public.

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

**Section 1.** Council considers it necessary and declares its intention to appropriate, for the public purpose of improving, making, and repairing roads, which shall be open to the public, without charge, the fee simple interests and permanent and temporary easements in and to the real property and interests therein identified and described in the attached Exhibit A for the construction, repair and improvement of Green Chapel Road NW Phase 2 as extended at the intersections and certain access points to join with improved and existing roadways.

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

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/26/2024  
Revised: 07/30/2024 – *Exhibit A*  
Introduced: 08/06/2024  
Revised:  
Adopted:  
Effective:



## RESOLUTION R-33-2024

### EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

| Property Owner    | Property Interests and Reference to Descriptions  | Licking County Auditor Parcel ID Number |
|-------------------|---|---|
| Strelecky, Ula M. | G5-WD<br>Fee simple right of way without limitation of existing access<br>0.435 Acres<br><br>G5-WD2<br>Fee simple right of way without limitation of existing access<br>0.153 Acres | 052-176544-00.000<br>052-176550-00.000  |

**EXHIBIT A**

**PARCEL G5-WD  
0.435 ACRE**

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

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

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**[Surveyor's description of premises follows]**

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Situated in the State of Ohio, County of Licking, Township of Monroe, lying in the Southeast Quarter of Section 25, Township 3, Range 15, United States Military District, being part of that 1.443 acre tract conveyed as "Parcel One" and that 0.783 acre tract conveyed as "Parcel Two" to Ula M. Strelecky by deeds of record in Instrument Numbers 200907070015034 and 202210180025131 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the southerly common corner of said Section 25 and Section 24 of said Township 3, in the centerline of Green Chapel Road NW (Township Road 63), the northerly line of Township 2, said Range 15;

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

North 86° 40' 15" West, a distance of 733.54 feet to a railroad spike found; and

North 86° 43' 12" West, a distance of 518.20 feet to a magnetic nail set at the southeasterly corner of said 0.783 acre tract, the southwesterly corner of that 1.641 acre tract conveyed to Michael E. Dingess by deed of record in Instrument Number 201108090014686 in the northerly line of that 91.173 acre tract conveyed as Parcel 2 to Deborah Tripp and Sharon Smart, Co-Trustees or their successor(s) as Co-Trustees of "The Cross Keystone Inheritance Trust", dated February 2, 2011 by deed of record in Instrument Number 201104140007147, the TRUE POINT OF BEGINNING;

Thence North 86° 43' 12" West, with the southerly lines of said 0.783 and 1.443 acre tracts, said centerline, said common Township line and the northerly lines of said 91.173 acre tract and that 2.500 acre tract conveyed to Rusty Allen Smart and Brandi Lynnette Smart by deed of record in Instrument Number 202108120024279, a distance of 267.14 feet to a magnetic nail set at the southwesterly corner of said 1.443 acre tract, the southeasterly corner of that 2 acre tract conveyed to Mary Alice Grove by deeds of record in Instrument Numbers 200703190006870 and 202210240025731, in the northerly line of said 2.500 acre tract;

Thence North 03° 19' 18" East, across said Green Chapel Road NW, with the line common to said 1.443 and 2 acre tracts, a distance of 137.59 feet to an iron pin set on the arc of a curve;

Thence across said 1.443 and 0.783 acre tracts, with the arc of a curve to the left, having a central angle of 29° 34' 11", a radius of 545.00 feet, an arc length of 281.27 feet, a chord bearing of South 64° 52' 55" East and chord distance of 278.16 feet to an iron pin set in the line common to said 0.783 and 1.641 acre tracts;

Thence South 11° 14' 27" East, with said common line and across said Green Chapel Road NW (passing an iron T-post found at a distance of 14.58 feet (0.35 feet easterly)), a total

**EXHIBIT A**

**PARCEL G5-WD  
0.435 ACRE**

**-2-**

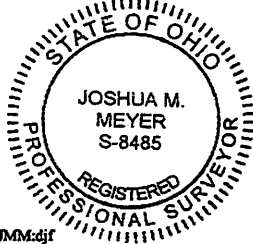
distance of 35.25 feet to the TRUE POINT OF BEGINNING, containing 0.435 acre, more or less, 0.298 acre of which is within Auditor's Parcel Number 052-176544-00.000 and 0.137 acre of which is within Auditor's Parcel Number 052-176550-00.000. Of said 0.435 acre, 0.044 acre is within the present roadway occupied.

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

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

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°43'12" West, is designated the "basis of bearings" for this survey.

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



JMM:djf  
G05-WD\_0\_435 ac 20220307-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer  
Professional Surveyor No. 8485

April 25, 2024

Date

| PRE-APPROVAL                               |                          |
|--|--------------------------|
| LICKING COUNTY ENGINEER                    |                          |
| APPROVED                                   | CONDITIONAL              |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
| APPROVED BY:                               | BS                       |
| DATE:                                      | 5/1/24                   |



Evans, Macchewill, Hamilton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
6200 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4320 Toll Free: 888.775.3448  
emht.com

# SURVEY OF ACREAGE PARCEL

SOUTHEAST QUARTER, SECTION 25, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

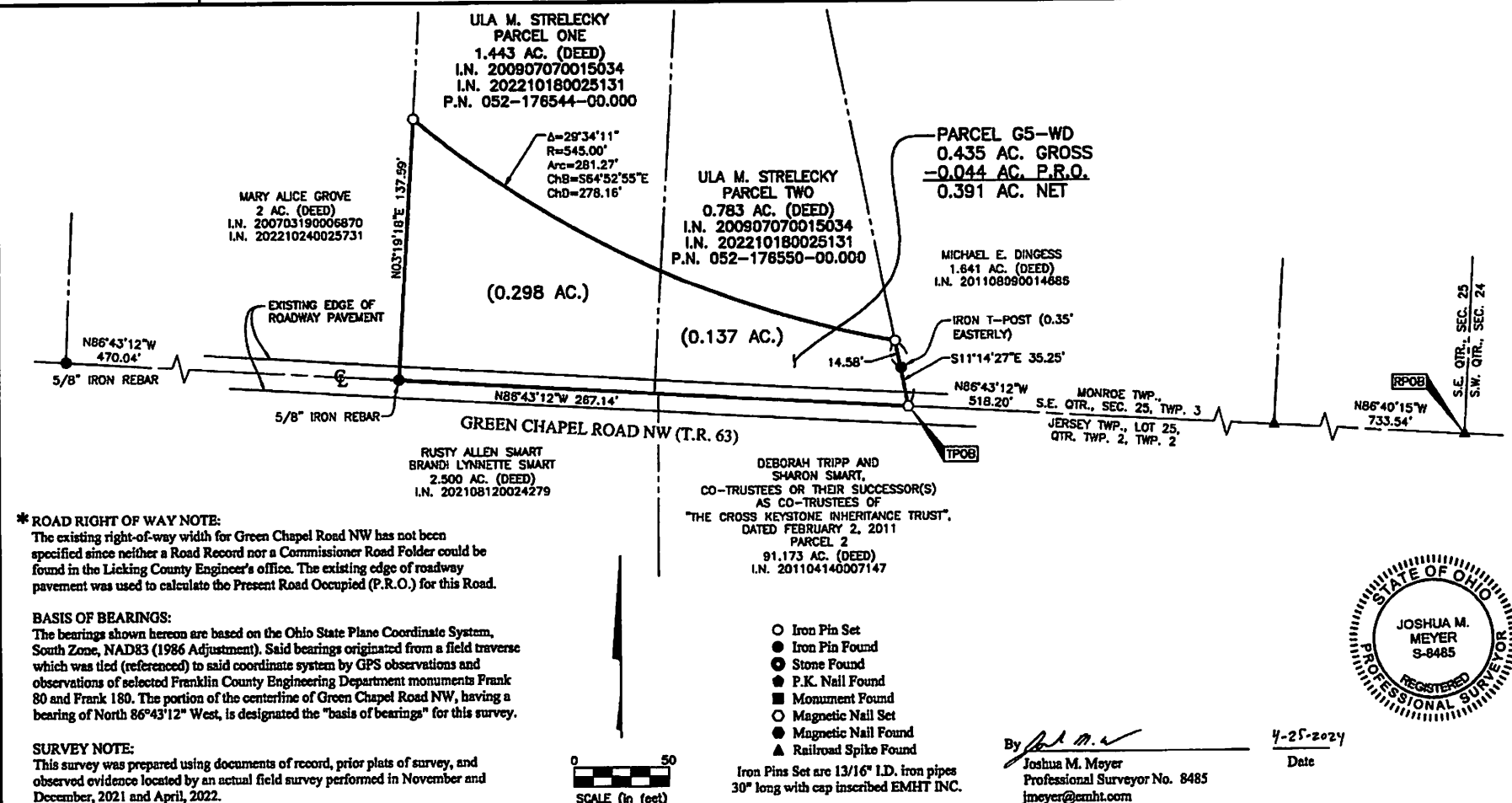
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: April 25, 2024

Scale: 1" = 50'

Job No: 2022-0307

Sheet No: 1 of 1



**EXHIBIT A**

**PARCEL G5-WD2  
0.153 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in the Southeast Quarter of Section 25, Township 3, Range 15, United States Military District, being on, over and across that 1.443 acre tract conveyed as "Parcel One" and that 0.783 acre tract conveyed as "Parcel Two" to Ula M. Strelecky by deeds of record in Instrument Numbers 200907070015034 and 202210180025131 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Johnstown-Utica Road NW (U.S. Route 62) (width varies) and Green Chapel Road NW (Township Road 63) in the line common to said Southeast Quarter of Section 25 and Township 2 of said Range 15;

Thence with the centerline of said Johnstown-Utica Road (U.S. Route 62), the following courses and distances:

North 59° 41' 16" East, a distance of 210.62 feet to a point;

North 60° 04' 31" East, a distance of 564.02 feet to a magnetic nail set at the northwesterly corner of said 1.443 acre tract, the northeasterly corner of that 2.921 acre tract conveyed to the City of New Albany by deed of record in Instrument Number 202407180012160, in the southeasterly line of that 28.534 acre tract conveyed as "Tract Four" to Hendren One LLC by deed of record in Instrument Number 201304180009917, the TRUE POINT OF BEGINNING; and

North 60° 04' 31" East, with the line common to said 1.443 and 28.534 acre tracts, a distance of 160.36 feet to a magnetic nail set at the northeasterly corner of said 1.443 acre tract, the northerly corner of said 0.783 acre tract, the northwesterly corner of that 1.641 acre tract conveyed to Michael E. Dingess by deed of record in Instrument Number 201108090014686;

Thence South 11° 14' 27" East, with the line common to said 0.783 and 1.641 acre tracts (passing a 5/8 inch iron rebar found at a distance of 31.34 feet), a total distance of 42.23 feet to an iron pin set;

Thence South 60° 04' 31" West, across said 0.783 and 1.443 acre tracts, a distance of 173.05 feet to an iron pin set in the line common to said 1.443 and 2.921 acre tracts;

Thence North 03° 19' 18" East, with said common line (passing a 5/8 inch iron rebar found at a distance of 11.53 feet), a total distance of 47.83 feet to the TRUE POINT OF BEGINNING, containing 0.153 acre, more or less. Of said 0.153 acre, 0.147 acre is within Auditor's Parcel Number 052-176544-00.000, 0.111 acre of which is within the present roadway occupied, and 0.006 acre is within Auditor's Parcel Number 052-176550-00.000, 0.003 acre of which is within the present roadway occupied.

**EXHIBIT A**

**PARCEL G5-WD2  
0.153 ACRE**

**-2-**

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

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Johnstown-Utica Road NW (U.S. Route 62), having a bearing of North 60°04'31" East, is designated the "basis of bearings" for this survey.

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

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**DRAFT**

Joshua M. Meyer  
Professional Surveyor No. 8485

Date



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

# SURVEY OF ACREAGE PARCEL

SOUTHEAST QUARTER, SECTION 25, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

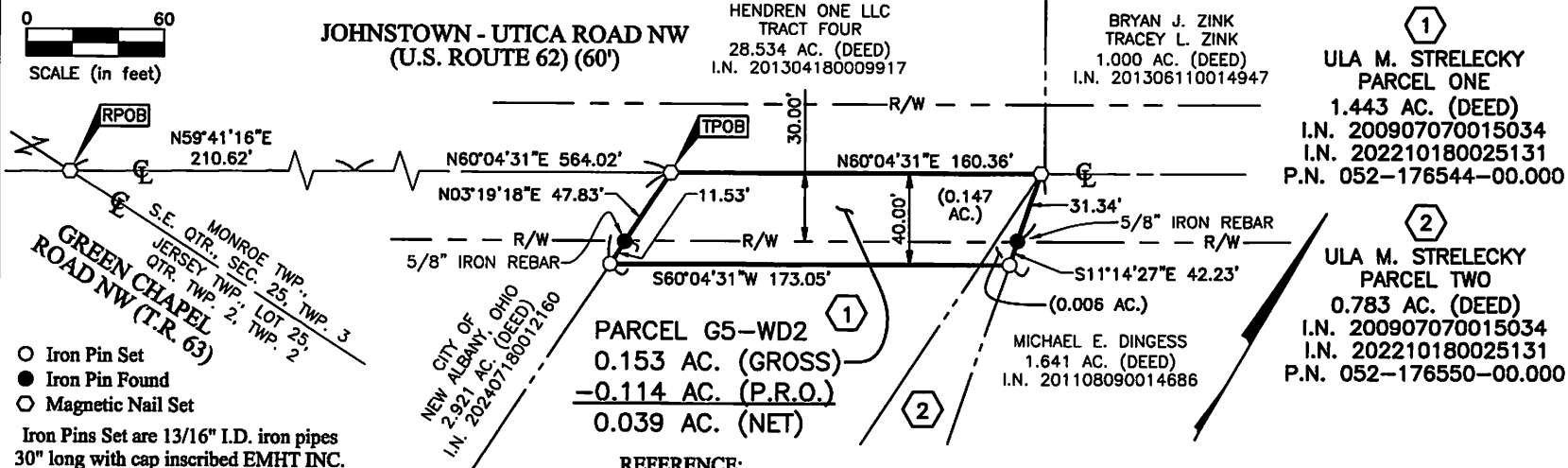
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: July 26, 2024

Scale: 1" = 60'

Job No: 2022-0307

Sheet No: 1 of 1



- Iron Pin Set
- Iron Pin Found
- Magnetic Nail Set

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

## BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Johnstown-Utica Road NW (U.S. Route 62), having a bearing of North 60°04'31" East, is designated the "basis of bearings" for this survey.

## REFERENCE:

- Roadway plan titled "Sec. P Columbus-Millersburg Road", I.C.H. No. 23, dated 1919, on file with the Ohio Department of Transportation, District 5.
- Right of Way plan titled "LIC-62-0.49" PID 109329, dated 2020, on file with the Ohio Department of Transportation, District 5.

## SURVEY NOTE:

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

**DRAFT**

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

Date



## **RESOLUTION R-34-2024**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE CONTRACTS RELATED TO THE CONSTRUCTION OF THE MARKET STREET EXTENSION PROJECT**

**WHEREAS**, council desires to make infrastructure improvements that enhance the movement of traffic and reduce congestion throughout the city;

**WHEREAS**, the Market Street extension project was thoroughly evaluated and modeled in conjunction with the 2020 strategic plan update and is included as a recommended roadway improvement project to help mitigate traffic congestion in the Village Center; and

**WHEREAS**, council authorized the execution of a memorandum of understanding with the New Albany Company to memorialize certain commitments related to the Market Street extension project per resolution R-20-2024; and

**WHEREAS**, the engineer's construction cost estimate for the project was prepared following the terms and conditions of the executed memorandum of understanding; and

**WHEREAS**, the engineer's construction cost estimate for the project is \$14,800,000 and the city staff anticipates additional project related soft costs of \$1,200,000; and

**WHEREAS**, the total cost estimate for the project is \$16,000,000; and

**WHEREAS**, the completion of this infrastructure improvement project will provide for enhanced vehicular and pedestrian access and safety in the Village Center; and

**WHEREAS**, funding for this project was partially provided for in the 2024 mid-year appropriation ordinance (O-15-2024); and

**WHEREAS**, the remaining funding will be provided for in the 2024 amended appropriations ordinance for the year ending December 31, 2024.

**NOW, THEREFORE**, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

**Section 1.** The city manager is hereby authorized and directed to advertise, bid, award and execute all contractual documents related to the construction of the Market Street extension project.



**Section 2.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 \_\_\_\_\_, 2024.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/26/2024

Introduced: 08/06/2024

Revised:

Adopted:

Effective:



## **RESOLUTION R-35-2024**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO ANY AND ALL CONTRACTS FOR THE PURCHASE AND UPFIT OF A SEWER JET AND VAC TRUCK**

**WHEREAS**, council desires to make capital equipment investments as necessary to provide routine maintenance of city-owned infrastructure, including water main, sanitary sewer and storm sewer; and

**WHEREAS**, the City of New Albany needs to replace an existing sewer jet and vac truck that is nearing the end of its useful life; and

**WHEREAS**, the public service department will use the sewer jet and vac truck for a variety of purposes, including supporting the annual sanitary sewer and storm sewer maintenance program; and

**WHEREAS**, the city will purchase the chassis from pricing obtained from the Ohio Department of Transportation contract number 023-24; and

**WHEREAS**, the city will purchase the chassis upfit from pricing obtained from the Ohio Department of Transportation contract number 800834; and

**WHEREAS**, the total cost of the sewer jet and vac truck is \$691,087; and

**WHEREAS**, funding for this purchase was approved in the 2024 Capital Equipment budget and provided for in the Annual Appropriations Ordinance.

**NOW, THEREFORE**, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

**Section 1.** The city manager is hereby authorized and directed to enter into any and all contracts for the purchase and upfitting of a leaf vacuum.

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

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

**CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 05/28/2024 |
| Introduced:               | 06/04/2024 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |