



ORDINANCE O-10-2025

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 140 ENTITLED "MUNICIPAL AND JOINT PARK DISTRICT" OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, the city's municipal park regulations are found in New Albany City Code Chapter 140 which was last updated in October of 2000 via Ordinance O-32-2000; and

WHEREAS, the New Albany-Plain Local Joint Park District was established in 1999 with representatives from the then Village of New Albany, Plain Township, and New Albany-Plain Local Schools and began operating as New Albany Parks & Recreation in 2008, serving area residents with dedicated park space and organized sports; and

WHEREAS, since 2000, New Albany has grown from a village into a city, and both the city and the New Albany-Plain Local Joint Park District continue to add and develop parks as amenities for the public; and

WHEREAS, the New Albany-Plain Local Joint Park District recently updated their policies and regulations and the city wishes to update its code to align with those of Joint Parks District to reduce confusion and make policies and enforcement consistent across the various parks in the area.

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

Section 1. Council hereby repeals and replaces New Albany City Code Chapter 140 with the updated version of chapter 140 set forth on Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/14/2025

Introduced: 04/01/2025

Revised:

Adopted:

Effective:

PROPOS

EXHIBIT A – O-10-2025

**PART ONE - ADMINISTRATIVE CODE
TITLE FIVE - ADMINISTRATIVE
CHAPTER 140 PARKS**

CHAPTER 140 MUNICIPAL AND JOINT PARK DISTRICT¹

140.01 DEFINITIONS.

As used in this Chapter:

- (a) "City Manager" means the City Manager of the City of New Albany as defined in Article VII of the New Albany Charter. The City Manager is the City's chief administrative and law enforcement officer and is responsible for the administration of all City affairs placed in the Manager's charge by or under the City Charter, City Legislation, and the laws of the State of Ohio.
- (b) "Municipal Park" means any land or water area owned, leased, or otherwise controlled by the City of New Albany for recreational use, open space, or similar related purposes, excluding leisure paths located within public rights-of-way or easements.
- (c) "Joint Park District Park," for the purposes of enforcement, means any land or water area owned, leased, or otherwise controlled by the New Albany-Plain Local Joint Park District, also known as a New Albany Parks & Recreation park that is utilized for recreational purposes, and located within the City of New Albany.
- (d) "Joint Park District Director" is responsible for leading the overall direction and operation of the Joint Park District. This includes responsibility for all organizational programs that supports the achievement of long-term goals.
- (e) "Park" means any Municipal and Joint Park District Park used for recreational purposes collectively.
- (f) "Controlled" means a dog is under control when it is either under competent voice control or competent signal control, or both so as to be restrained from approaching, chasing, or injuring any bystander or other animal and from causing or being the cause of personal injury or physical property damage when off leash.

140.02 HOURS OF OPERATION.

- (a) No person, except in an emergency or with a special permit issued by the City Manager, shall enter or remain in a Municipal park except during the hours of a legally permitted activity, those hours in New Albany, Ohio, being from one-half hour before sunrise to one-half hour after sunset.
- (b) No person, except in an emergency or with a special permit issued by the Joint Park District Director, shall enter or remain in Joint Park District Park except during the hours of a legally permitted organized activity, those hours being from one-half hour before sunrise to one-half hour after sunset.

140.03 FEES FOR USE OF SHELTER OR PARK.

Editor's note(s)—(RESERVED)

¹Cross reference(s)—Parks Advisory Board - see ADM. Ch. 139
Vandalism - see GEN. OFF. 541.04
Destruction of shrubs, trees, etc. - see GEN. OFF. 541.06

140.04 TRAFFIC.

- (a) No person shall operate any vehicle, as defined by the Ohio Revised Code, within a Park except on and within the streets, roadways, and parking lots provided for such vehicles. This does not apply to vehicles authorized by the City Manager or Joint Park District Director as appropriate.
- (b) No persons shall operate a vehicle in excess of five (5) miles per hour.
- (c) No persons shall operate or park farm machinery or construction equipment or drive a truck, tractor, or other vehicle which is at the time used for transportation of goods or materials over any Municipal Park drive, path, or parking lot without a permit from the City Manager.
- (d) No persons shall operate or park farm machinery or construction equipment or drive a truck, tractor, or other vehicle that is at the time used for transportation of goods or materials over any Joint Park District Park drive, path, or parking lot without a permit from the Joint Park District Director.
- (e) No person shall clean, wash, or repair any automobile or other vehicle in or upon a Park except for emergency repair.
- (f) No persons shall operate a snowmobile or an unlicensed motor vehicle of any kind within a Park.

140.05 INTOXICANTS; DRUGS.

- (a) No person, while voluntarily intoxicated or under the influence of any intoxicating liquor, alcoholic beverage, or controlled substance, shall enter or remain in any Park.
- (b) No person shall use, consume, carry, or bring any intoxicating liquor, alcoholic beverage, or any controlled substance in or upon any Park.
- (c) Section (b) above does not apply when a Park is the location of a community event as hosted or authorized by the City Manager or Joint Park District Director as appropriate.

140.06 PETS; ANIMALS.

- (a) Domestic dogs or cats are permitted in Municipal Parks provided that they are either controlled at all times, restrained by a leash not more than six (6) feet in length, or suitably caged, except where permission has been obtained in advance by the City Manager.
- (b) Domestic dogs or cats are permitted in Joint Park District Park except in areas where and when they are prohibited as determined by the Joint Park District Director, and they shall be restrained by a leash not more than six (6) feet in length or suitably caged at all times. Notice of such prohibitions will appear on clearly marked and visible posted signs in the Park.
- (c) Exotic pets are prohibited from Parks unless prior permission has been obtained from the City Manager or Joint Park District Director as appropriate.
- (d) No person being the owner or having charge of any animal on any public or private property shall fail to have in his/her possession a wooden, plastic, or metal device or container for the purpose of picking up and properly disposing of any fecal matter left by his/her animal; and no person shall fail to properly dispose of fecal matter left by his/her animal. Failure of any such person to have in his/her possession and use such suitable device or container is prima facie evidence of a violation of this section.

140.07 HORSEBACK RIDING.

- (a) No person shall ride or have under his/her control a horse, mule, pony, or similar animal in a Municipal Park except by permission of the City Manager.
- (b) No person shall ride or have under his/her control a horse, mule, pony, or similar animal in a Joint Park District Park except by permission of the Joint Park District Director.

140.08 CAMPING.

- (a) No person shall maintain a tent, camper, or other temporary sleeping place within a Park without a specific written permit from the City Manager.

140.09 SWIMMING.

- (a) Swimming in detention ponds is prohibited.

140.10 GOLF.

- (b) No person shall hit a golf ball or practice golf in a Municipal Park except in areas designated by the City Manager.
- (c) No person shall hit a golf ball or practice golf in a Joint Park District Park except in areas designated by the Joint Park District Director.

140.11 PUBLIC ADDRESS DEVICES, RADIOS, C.D. PLAYERS, TAPE PLAYERS AND MUSICAL INSTRUMENTS.

- (a) No person shall cause a public address device, radio, electronically amplified device, musical instrument, or any other device to be used in a Park at a volume audible beyond his or her immediate area (fifty (50) feet).
- (b) Section (a) above does not apply when a Park is the location of a community event as hosted or authorized by the City Manager or Joint Park District Director as appropriate.

140.12 RECREATIONAL ACTIVITIES.

- (a) The City Manager may prohibit such recreational activities and any or all other Municipal Park uses, including, but not limited to, sledding, skiing, cycling, skateboarding, and scooter riding, if necessary, to protect the public health, safety, and welfare. Notice of such prohibitions will appear on clearly marked and visible posted signs in the Municipal Park if the need to protect the public from such recreational activities should arise.
- (b) The Joint Park District Director may prohibit such recreational activities and any or all other Joint Park District Park uses, including, but not limited to, sledding, skiing, cycling, skateboarding, and scooter riding, if necessary to protect the public health, safety, and welfare. Notice of such prohibitions will appear on clearly marked and visible posted signs in the Joint Park District Park if the need to protect the public from such recreational activities should arise.

140.13 FIRES.

- (a) No person shall start a fire in a Municipal Park except for cooking in park grills, privately owned grills, or fires in designated areas approved by the City Manager as appropriate. All fires must be attended to and must be extinguished before leaving the Municipal Park.

- (b) No person shall start a fire in a Joint Park District Park except for cooking in park grills, privately owned grills, or fires in designated areas approved by the Joint Park District Director. All fires must be attended to and must be extinguished before leaving the Joint Park District Park.

140.14 INDECENT LANGUAGE; LEWD CONDUCT.

- (a) No person shall use any abusive, profane, threatening, or indecent language or engage in lewd or obscene conduct in a Park.

140.15 ENTERTAINMENT AND EXHIBITIONS.

- (a) No entertainment or exhibition shall be given in the Municipal Park except under the direction of or by written permission of the City Manager.
- (b) No entertainment or exhibition shall be given in the Joint Park District Park except under the direction of or by written permission of the Joint Park District Director.

140.16 FIREWORKS, FIREARMS, AND WEAPONS.

- (a) No person other than law enforcement officials shall carry an air or gas gun, a bow, crossbow, or any other missile throwing device within a Park or discharge any firearms, explosive substances, or air or gas guns into or over a Park, or bring into a Park any switchblade or hunting knife, dagger, metal knuckles, slingshot, or other weapons, excluding firearms in conformance with the Ohio Revised Code.
- (b) No person in a Park shall have in his or her possession any fireworks or explosives or shall cause any fireworks or explosives to ignite or detonate except provided by a permit approved by the City Manager.
- (c) Nothing in this section shall be construed as limiting an individual's right to keep and bear arms under federal or state law.

140.17 DEFACEMENT, DESTRUCTION, REMOVAL OR DISTURBANCE OF PROPERTY, EQUIPMENT, OR NATURAL FEATURES.

- (a) No person shall injure, deface, destroy, disturb, or remove any part of a building, sign, equipment, or other property of a Park, nor shall any tree, flower, shrub, or other vegetation or fruit or seed thereof, or rock or mineral be removed, injured, destroyed or disturbed.

140.18 GAMBLING.

- (a) No person in a Park shall engage in, promote, solicit, or procure participants for any game that is played for money or other thing of value or engage in any form of gambling.

140.19 CLIMBING ON FENCES, SHELTERS AND OTHER STRUCTURES.

- (a) No person shall climb, walk, stand, or sit upon any fences, shelters, poles, fountains, walls, or other structures not specifically designed for climbing within a Park.

140.20 HUNTING, TRAPPING, COLLECTING OR MOLESTING WILDLIFE.

- (a) No person shall hunt, collect, pursue with dogs, trap, or in any way molest any wild bird or other animal, rob or molest any nest or den, or take the eggs or young of any bird or other animal found within the confines of a Park.

140.21 SOLICITATION.

- (a) No person shall distribute, sell, hock, peddle, or offer or solicit for sale any goods or merchandise within a Park without the written permission of the City Manager or Joint Park District Director as appropriate.

140.22 ENFORCEMENT.

- (a) No person shall fail or refuse to comply with any posted restrictions or directives or any reasonable order relating to Chapter 140 or any other order lawfully given by any City personnel or Joint Park District personnel, as applicable, or law enforcement officer.
- (b) Police officers and City personnel or Joint Park District personnel, as applicable, may order any person violating any provisions of these rules and regulations to leave the Park. No person shall fail to obey such an order.

140.23 ADDITIONAL RULES AND REGULATIONS.

- (a) The City Manager or Joint Park District Director, as applicable, shall make and enforce such additional rules and regulations as are necessary for the proper management of Parks and their facilities.

140.99 PENALTY.

- (a) Whoever violates Section 140.02, 140.04, 140.06, 140.07, 140.08, 140.09, 140.10, 140.11, 140.12, 140.14, 140.15, 140.18, 140.19, or 140.23 is guilty of a minor misdemeanor.
- (b) Whoever violates Section 140.05, 140.13, 140.16, 140.17, 140.20, 140.21, or 140.22 is guilty of a first degree misdemeanor.



ORDINANCE O-11-2025

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 29.8+/- ACRES FROM PLAIN TOWNSHIP,
FRANKLIN COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Aaron L. Underhill, Esq., agent for petitioner, with the Franklin County Development and Planning Department, on January 13, 2025; and

WHEREAS, the foregoing Resolution #0069-25 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on January 30, 2025 and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany; and

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

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

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

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

Section 1. The application of property owners set forth in Franklin County requesting the annexation of 29.8.0+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

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

Section 3. Council of the City of New Albany hereby accepts the annexation of a 29.8.0+/- acre tract, situated in Plain Township, Franklin County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4. The annexed property shall be added to the New Albany East Community Authority, which is the existing applicable New Community Authority for the property.

Section 5. The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 6. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	03/12/2025
Introduced:	04/01/2025
Revised:	
Adopted:	
Effective:	

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

I certify that copies of Ordinance **O-11-2025** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2025.

Jennifer Mason, Clerk of Council

Date

EXHIBIT A

PROPOSED ANNEXATION
29.8± ACRES

FROM: PLAIN TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, located in Lots 5 and 6, Quarter Township 4, Township 2, Range 16, United States Military District, being all of that 5.995 acre tract conveyed to Joseph D. Sicilian and Judith R. Sicilian, Trustees, or any successor trustee, of the Joseph D. Sicilian and Judith R. Sicilian Family Trust U/A dated June 14, 2023 by deed of record in Instrument Number 202403040021341, that 1.553 acre tract conveyed to Greg P. Rybski, Trustee of the Rybski Preservation Trust by deed of record in Instrument Number 202203180044079, that 3.616 acre tract conveyed to Greg P. Rybski, Trustee of the Rybski Preservation Trust by deed of record in Instrument Number 202203180044072, that 13.107 acre tract conveyed to Juliana DiLullo, Trustee of the Juliana DiLullo Revocable Trust by deed of record in Instrument Number 201106230078708 and that 5 acre tract conveyed to Julian DiLullo, Trustee of the Juliana DiLullo Revocable Trust by deed of record in Instrument Number 201106230078705 and a portion of Babbitt Road (width varies), (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

BEGINNING at Franklin County Geodetic Survey Monument Number 1216, being the common corner of said Lots 5 and 6 and Lots 11 and 12, being in the centerline of Babbitt Road (width varies) and in the westerly line of said 5.995 acre tract;

Thence North 03° 35' 38" East, with the centerline of said Babbitt Road, the line common to said Lots 6 and 11, the westerly line of said 5.995 acre tract, a distance of 296.70 feet to a point at the northwesterly corner of said 5.995 acre tract, the southwesterly corner of that 0.138 acre highway easement conveyed to the County of Franklin by deed of record in Deed Book 3269, Page 450, the southwesterly corner of that 2.345 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201409300128871, in the existing City of New Albany Corporation Line as established by Ordinance Number O-28-2015, as recorded in Instrument Number 201510300154560;

Thence South 86° 21' 21" East, across said Babbitt Road, with the southerly line of said 0.138 acre highway easement, the southerly line of said 2.345 acre tract, a northerly line of said 5.995 acre tract and with said existing City of New Albany Corporation Lines as established by Ordinance Numbers O-28-2015 and O-27-2015 as recorded in Instrument Number 20150300154555, a distance of 424.31 feet to a point at the southeasterly corner of said 2.345 acre tract;

Thence North 03° 34' 54" East, with a westerly line of said 5.995 acre tract, the easterly line of said 2.345 acre tract and said existing City of New Albany Corporation Line as established by Ordinance Number O-27-2015, a distance of 99.14 feet to a northerly corner of said 5.995 acre tract, a southerly corner of that 1.462 acre tract conveyed as Parcel II to MJB Holdings, LLC by deed of record in Instrument Number 202409160096381;

Thence South 86° 22' 49" East, with the northerly line of said 5.995 acre tract, a northerly line of that 177.497 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201808070105494, the southerly line of said 1.462 acre tract and with said existing City of New Albany Corporation Line as established by Ordinance Number O-27-2015, a distance of 264.00 feet to a point at a westerly corner of said 177.497 acre tract;

Thence with the easterly perimeter of said 5.995 acre and said 3.616 acre tracts, the westerly perimeter of said 177.497 acre tract and with said existing City of New Albany Corporation Line as established by Ordinance Number O-27-2015, the following courses and distances:

South 03° 35' 36" West, a distance of 441.08 feet to a point;

North 86° 23' 34" West, a distance of 25.00 feet to a point; and

South 03° 35' 36" West, a distance of 369.35 feet to the southeasterly corner of said 3.616 acre tract;

Thence South 86° 23' 34" East, with the northerly line of said 13.107 acre tract, a northerly line of that 78.012 acre tract conveyed to QTS New Albany III, LLC by deed of record in Instrument Number 202401110033902, a southerly line of said 177.497 acre tract and with said existing City of New Albany

PROPOSED ANNEXATION
29.8± ACRES

-2-

Corporation Line as established by Ordinance Number O-27-2015, a distance of 689.97 feet to a point at the northeasterly corner of said 13.107 acre tract;

Thence South 03° 40' 51" West, with the easterly line of said 13.107 acre tract, a westerly line of said 78.012 acre tract and with said existing City of New Albany Corporation Line as established by Ordinance Number O-27-2015, a distance of 100.00 feet to a point;

Thence South 03° 37' 41" West, continuing with the easterly line of said 13.107 acre tract, a westerly line of said 78.012 acre tract and with said existing City of New Albany Corporation Line as established by Ordinance Number O-27-2015, a distance of 488.97 feet to a point at the southeasterly corner of said 13.107 acre tract and being in the existing City of New Albany Corporation Line as established by Ordinance Number O-82-2023 as recorded in Instrument Number 202308280088165;

Thence North 86° 03' 15" West, with the southerly line of said 13.107 acre and said 5 acre tract, a northerly line of said 78.012 acre tract, the northerly line of that 0.665 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202312060127058 and with said existing City of New Albany Corporation Line as established by Ordinance Number O-82-2023, a distance of 1352.84 feet to a point in the centerline of Babbitt Road, the southwesterly corner of said 5 acre tract;

Thence North 03° 35' 38" East, with the centerline of said Babbitt Road, the line common to said Lots 5 and 12, the westerly lines of said 5 acre tract, said 13.107 acre tract, said 3.616 acre tract, the westerly line of that 0.142 acre highway easement conveyed to Franklin County Commissioners by deed of record in Official Record 19748D04, said 1.553 acre tract and said 5.995 acre tract, a distance of 995.91 feet to the POINT OF BEGINNING, containing 29.800 acres, more or less.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in blue ink that reads "Joshua M. Kleemeyer".

12/13/24

Joshua M. Kleemeyer
Professional Surveyor No. 8790

Date

JMK: td
29_8 ac 20240006-VS-ANNX-11.docx

PRELIMINARY APPROVAL

ADAM W. FOWLER, P.E., P.S.

fasante

01/08/2025 2:52:24 PM

PENDING ORIGINALS

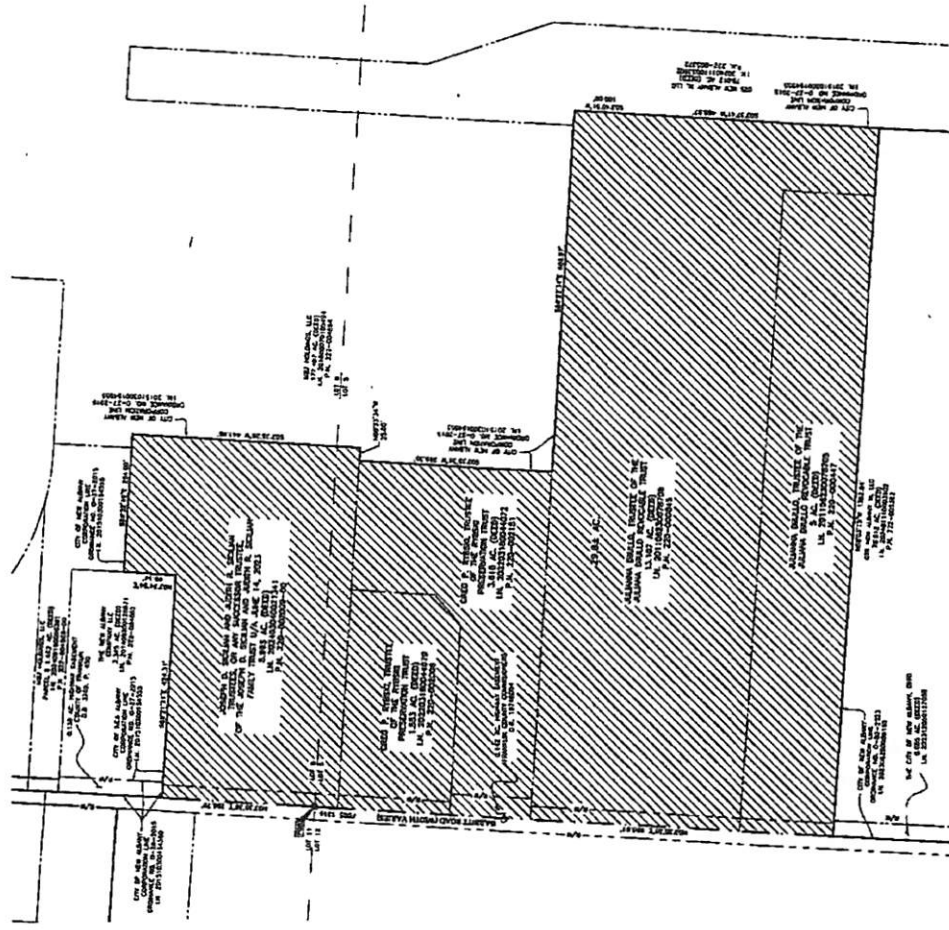
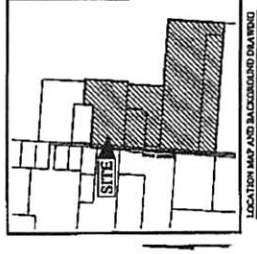
*Submitted via digital format



Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed, and dated in blue ink.

**PROPOSED ANNEXATION OF 29.8 ± ACRES
PLAIN TOWNSHIP TO
THE CITY OF NEW ALBANY**
LOTS 5 AND 6, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO

Exhibit B



AREA TO BE ANNEXED
PLAIN TOWNSHIP, NEW ALBANY
PROPOSED CITY OF NEW ALBANY
CITY OF NEW ALBANY COMMISSIONERS
CITY OF NEW ALBANY COMMISSIONERS

Candidate Name:
Total percentage of annexation vote is 100.00% of which
for the City of New Albany is 100.00% and for the
County of Franklin is 0.00%. Ordinance Number: O-11-2025, giving 10.7% permanent majority.

Note:
The annexation shall not be subject to a referendum
unless the Board of the area to be annexed.

Note:
This annexation is not intended for the transfer of real property.



11/15/24
John J. ...
Mayor

EMHI	Date	December 13, 2024
	Sheet	17 of 1007
	Project	2024-0008
	Scale	AS SHOWN
	Book	1 of 1
	ENCLOSURE	



PLAT MAP showing proposed annexation area with various lot numbers, acreages, and owner information.



ORDINANCE O-12-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 194.6 +/- ACRES OF LAND GENERALLY LOCATED EAST OF BABBITT ROAD, WEST OF BEECH ROAD, AND SOUTH OF WORTHINGTON ROAD FOR AN AREA KNOWN AS THE “GANTON PARKWAY SOUTH ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) AND LIMITED GENERAL EMPLOYMENT (L-GE) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY THE CITY OF NEW ALBANY AND THE NEW ALBANY COMPANY LLC, C/O AARON UNDERHILL, ESQ.

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 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 and The New Albany Company LLC, c/o Aaron Underhill, Esq., the Planning Commission of the city of New Albany has 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 194.6 ± acre area of land generally located east of Babbitt Road, west of Beech Road, and south of Worthington Road for an area known as the “Ganton Parkway South Zoning District” from its current zoning of Agricultural (AG) and Limited General Employment (L-GE).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 _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/21/2025

Introduced: 04/01/2025

Revised:

Adopted:

Effective:

GANTON PARKWAY SOUTH ZONING DISTRICT

L-GE, LIMITED GENERAL EMPLOYMENT

ZONING LIMITATION TEXT

MARCH 17, 2025

I. **INTRODUCTION:** The Ganton Parkway South Zoning District (hereinafter, the “Zoning District”) includes real property located to the south of and adjacent to Ganton Parkway and to the east of and adjacent to Babbitt Road. The vast majority of the site is or will be located in the Franklin County portion of New Albany, while a limited portion is located in Licking County. It includes 194.6+/- acres in total, with 164,8+/- acres being within the municipal limits and 29.8+/- acres in the process of being annexed. Prior to the approval of this text, the already-incorporated portions of the subject property are zoned in the L-GE, Limited General Employment classification, with some of the land being part of the Winding Hollow Zoning District and the balance being part of the Babbitt East Zoning District. Upon annexation, the aforementioned 29.8+/- acres otherwise would be classified in the AG, Agricultural Zoning District, per the Codified Ordinances.

One purpose of this rezoning is to consolidate the zoning standards for the subject property into a single district. This will eliminate complexities associated with administering standards from two existing L-GE zoning districts and the creation of a third similar district which otherwise would be needed to provide development standards for the land that is being annexed to the City. Another purpose is to update standards based on changed conditions in the area since the existing zoning districts were approved, taking into account the construction of Ganton Parkway and the significant development that has occurred in recent years to the south of the State Route 161 expressway along the Beech Road and Ganton Parkway corridors. This zoning will position the Zoning District to be competitive in seeking to attract meaningful economic development projects that are complementary to those that have been developed on other nearby sites.

II. **DEVELOPMENT STANDARDS:** Unless otherwise specified in this text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the development.

A. **Permitted Uses:** Permitted uses in this Zoning District include 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 shall be reviewed in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).

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

1. **Vehicular Access:** Vehicular access to and from this Zoning District shall be permitted from at least three full movement access points on each of Babbitt Road and Ganton Parkway. Locations of all public street access points and the permitted turn movements for each access point shall be subject to the approval of the City Engineer.

2. **Ganton Parkway:**

a. **Existing Improvements:** The property owner has previously dedicated to the City a total of 100 feet of right-of-way for Ganton Parkway to its existing terminus (on the date of this text) at the Franklin County-Licking County boundary line, as well as easements adjacent to the right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths. No further dedication of rights-of-way or easements shall be required relating to the existing street and related improvements.

b. **Extension:** It is anticipated that Ganton Parkway will be extended westward and northward into the Franklin County portions of the City through or along the northern portion of this Zoning District to intersect with a realignment of Babbitt Road, and then beyond to intersect with or connect to East Dublin-Granville Road. To the extent that right-of-way and/or easements have not been dedicated to the City from other properties outside of this Zoning District, right-of-way shall be dedicated to the City from this Zoning District so that a total of 100 feet of right-of-way is available for the extension of Ganton Parkway. Easements adjacent to the right-of-way also shall be dedicated to the City to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths, provided that such width are consistent with those provided for already-existing portions of Ganton Parkway to the east. Additional right-of-way and easements shall be dedicated to the City at the intersection of Ganton Parkway and Babbitt

Road in order to accommodate appropriately engineered intersection improvements, as mutually agreed by the property owner and the City at the time a final plat is approved for the extension of Ganton Parkway.

3. Babbitt Road: On the date of this text, Babbitt Road generally runs along the western boundary of this Zoning District and extending northward to an intersection with East Dublin-Granville Road. It is anticipated that Babbitt Road may be realigned in conjunction with a planned extension of Ganton Parkway as contemplated in the immediately preceding subsection. The total right-of-way for existing Babbitt Road and any realignment thereof shall be a maximum of 80 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 40 feet as measured from the centerline of existing Babbitt Road and at a width of 80 feet for any realigned portions of Babbitt Road which ultimately intersects with or connects to the extension of Ganton Parkway. The developer shall grant easements to the City which are adjacent to the aforementioned 80-foot rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths, provided that such easements no to exceed 35 feet in width. Additional right-of-way and easements shall be dedicated to the City should Ganton Parkway and Babbitt Road intersect in order to accommodate appropriately engineered intersection improvements, as mutually agreed by the property owner and the City at the time a final plat is approved for the realignment of Babbitt Road.

4. Other Public Streets: All other public streets constructed within this Zoning District shall have a right-of-way width that is appropriate for the character and anticipated usage of such streets as guided by the most recent City of New Albany Strategic Plan as determined at the time that such street improvement is proposed.

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

D. Lot and Setback Commitments:

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

2. Setbacks:

a. Babbitt Road: There shall be a minimum pavement setback of 90 feet and a minimum building setback of 140 feet from centerline of the Babbitt Road right-of-way.

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

c. New Public Streets: There shall be a minimum pavement and building setback of 25 feet from the right-of-way for any other new public street within this Zoning District.

d. Perimeter Boundaries: There shall be (i) a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from all perimeter boundaries of this Zoning District which are adjacent to property on which residential uses are permitted, and (ii) a minimum pavement and building setback of 25 feet from all other perimeter boundaries that are not adjacent to a public right-of-way.

e. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels. In addition and in accordance with Codified Ordinances Section 1153.04(g), in the event that a parcel within this Zoning District and an adjacent parcel zoned in the GE, General Employment or LI, Limited Employment District classification (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being situated within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks shall no longer apply where these parcels' lot lines abut on Ohio county boundaries.

E. Architectural Standards:

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

2. Building Design:

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

f. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

g. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

3. **Building Form:**

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

4. **Materials:**

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by a tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

e. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing

such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks. Exhaust fans cannot be directed towards residentially zoned properties.

6. Roof-Mounted 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. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. These requirements do not apply to roof-mounted solar panels.

F. Buffering, Landscaping, Open Space, and Screening: The following landscaping

requirements shall apply to this Zoning District:

1. **Tree Preservation:** Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. **Street Trees:** A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.
3. **Parking Areas:** Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
4. **Minimum On-Site Tree Sizes:** Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
5. **Pedestrian Circulation:** Unless they are part of a campus which for safety or security reasons requires access by the public to be restricted, for buildings whose primary use is office, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.
6. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
7. All project landscape plans are subject to review and approval by the City Landscape Architect.
8. **Screening – Residential Uses:** For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an

application is filed for a building permit (“Building Permit”) in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as “Residential Property”), a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner is in agreement with the mound’s installation on his/her/its property. The plan for these areas must be reviewed and approved by the City’s Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting.

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

Utilities and permitted access drives may be placed within or cross through perimeter boundaries which abut residentially zoned and used properties and the screening provided for above, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on the required screening.

In recognition of the amount of land area contained within this Zoning District, the following provisions shall apply to the installation of the required mounding and landscaping contemplated in this Section F.8:

- a. Such mounding and landscaping shall be required to be installed along the entirety of the perimeter boundaries of any individual tax parcel, or project phase within a tax parcel, which includes a perimeter boundary line of this Zoning District that abuts Residential Property and upon which construction of buildings and/or pavement is to be undertaken pursuant to the issuance of a Building Permit by the City and installation shall be complete prior to the issuance of a Certificate of Occupancy; or
- b. If the perimeter boundary line of the tax parcel, or project phase within a tax parcel, on which construction is to occur does not include a perimeter boundary line of this Zoning District that abuts a Residential

Property, but an application for a Building Permit has been issued by the City with respect to that tax parcel, or project phase within a tax parcel, which allows for construction of a structure or pavement within 500 feet of a perimeter boundary line of a Residential Property, then the mounding and landscaping required by this Section F.8 shall be required to be installed along the entirety of the shared boundary line with that Residential Property and installation shall be complete prior to the issuance of a Certificate of Occupancy.

9. Babbitt Road and Ganton Parkway:

a. Landscaping within the minimum required pavement setback along each of Babbitt Road and Ganton Parkway shall be coordinated and consistent throughout this Zoning District and surrounding areas.

b. A landscape buffer shall be located within the required minimum pavement setback along Babbitt Road. The buffer shall be planted with a minimum quantity of one tree per 25 feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, Codified Ordinances, and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material.

c. The landscape buffer may consist of mounding. Mounding, when used, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

10. Preservation Areas: Certain portions of the Zoning District contain environmentally sensitive elements that will be preserved and protected. These "Preservation Zones" shall be deemed to include all minimum pavement setbacks along the perimeter boundaries of the Zoning District that are not adjacent to a public right-of-way. Within the Preservation Zones located within these perimeter setbacks, the developer shall preserve existing healthy and mature trees and understory vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property. These requirements do not apply to invasive species.

Other Preservation Zones shall be located outside of the minimum required perimeter pavement setbacks. Such Preservation Zones shall be sized and located in accordance with applicable federal and state permits once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers, as may be amended from time-to-time. Prior to commencing development in a portion of the Zoning District that contains a Preservation Zone that is located outside of the minimum required perimeter building and pavement setbacks, the developer shall provide detailed legal descriptions of such Preservation Zone to the Director of Development for record keeping and enforcement purposes. Should the boundaries of any Preservation Zone that is located outside of the minimum required perimeter pavement setbacks change in the future as a result of amendments to or replacements of the relevant federal and state permits, then the developer shall provide updated legal descriptions to the Director of Development within a reasonable amount of time after such information is available, and the updated legal descriptions then shall be considered to be enforceable as amended.

G. Lighting:

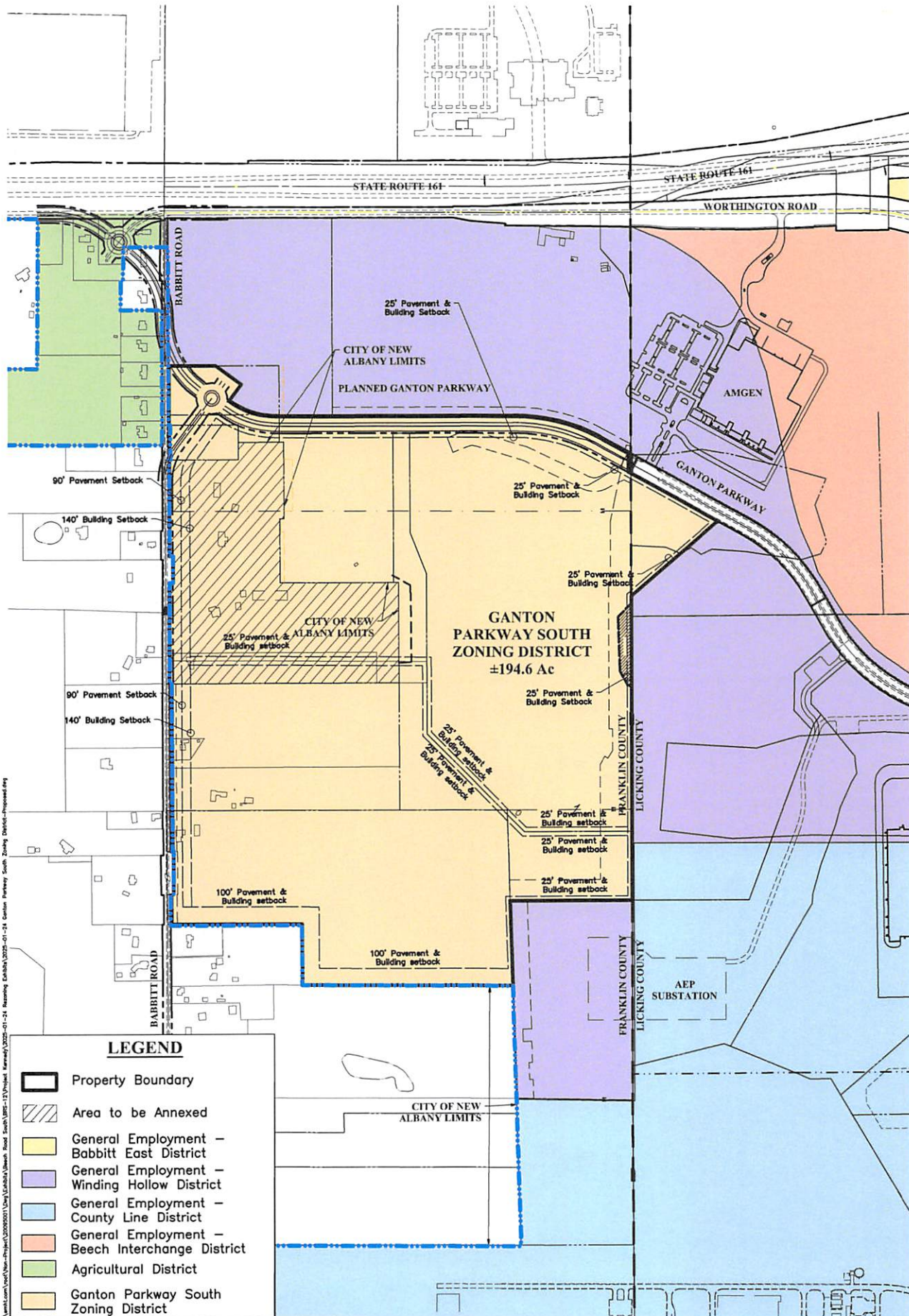
1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.
4. Landscape up lighting shall be prohibited unless it is used to illuminate a ground mounted sign. All up lighting fixtures must be screened by landscaping and have zero spill beyond the dimensions of the sign. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.
5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. Security lighting, when used, shall be of a “motion sensor” type.
7. All other lighting on the site shall be in accordance with City Code.
8. Street lighting must meet the City Standards and Specifications.

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

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

J. Neighbor Notification Requirements: As part of a final plat application for (1) any new public street within this zoning district, or (2) a modification to Babbitt Road, all owners of parcels which have frontage along Babbitt Road between its intersection with East Dublin-Granville Road on the north and Morse Road on the south are required to be notified via mail of the hearing dates for said application.

Ganton Parkway South Zoning District Proposed Zoning



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LEGEND	
	Property Boundary
	Area to be Annexed
	General Employment - Babbitt East District
	General Employment - Winding Hollow District
	General Employment - County Line District
	General Employment - Beech Interchange District
	Agricultural District
	Ganton Parkway South Zoning District



ORDINANCE O-13-2025

AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE NEW ALBANY-PLAIN LOCAL SCHOOL DISTRICT AND THE EASTLAND-FAIRFIELD CAREER & TECHNICAL SCHOOLS, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “*TIF Statutes*”) authorize this Council to declare the improvement to certain parcels of real property located within the City of New Albany, Ohio (the “*City*”) to be a public purpose and exempt from taxation, require the owner of those parcels to make service payments in lieu of taxes, provide for the distribution of the applicable portion of those service payments to the New Albany-Plain Local School District and the Eastland-Fairfield Career & Technical Schools, (each, a “*School District*”), establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each, as now or hereafter configured on the tax list and duplicate of real and public utility property, a “*Parcel*”, and collectively, the “*Parcels*”) are located in the City, and this Council has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to each Parcel to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an “*Owner*,” and collectively, the “*Owners*”) to make annual Service Payments (as defined in Section 2 of this Ordinance); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that the School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to designate the public infrastructure improvements described in Exhibit B attached hereto (the "*Public Infrastructure Improvements*") as public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, the Parcels; and

WHEREAS, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements (each, a "*TIF Agreement*"), which will more fully provide for the collection of Service Payments; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education Eastland-Fairfield Career & Technical Schools in accordance with, and within the time periods prescribed by, Sections 5709.40 and 5709.83 of the Ohio Revised Code and in furtherance of the commitment made by the City in the Compensation Agreements entered into between the Board of Education of the New Albany-Plain Local School District, and the City.

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

Section 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*", as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Franklin County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and

interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Service Payments*”), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Property Tax Rollback Payments*”), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

Section 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Oak Grove II Public Tax Increment Equivalent Fund (the “*Fund*”). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement to each Parcel and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City’s General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

Section 4. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is hereby requested and directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

(i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the “*Authority*”) to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

Section 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure

improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 6. Tax Increment Financing Agreement. The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the City Manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this Ordinance, shall be evidenced conclusively by the City Manager's execution thereof.

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. Filings with Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

Section 9. Tax Incentive Review Council. This council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 10. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 11. Effective Date. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/21/2025

Introduced: 04/01/2025

Revised:

Adopted:

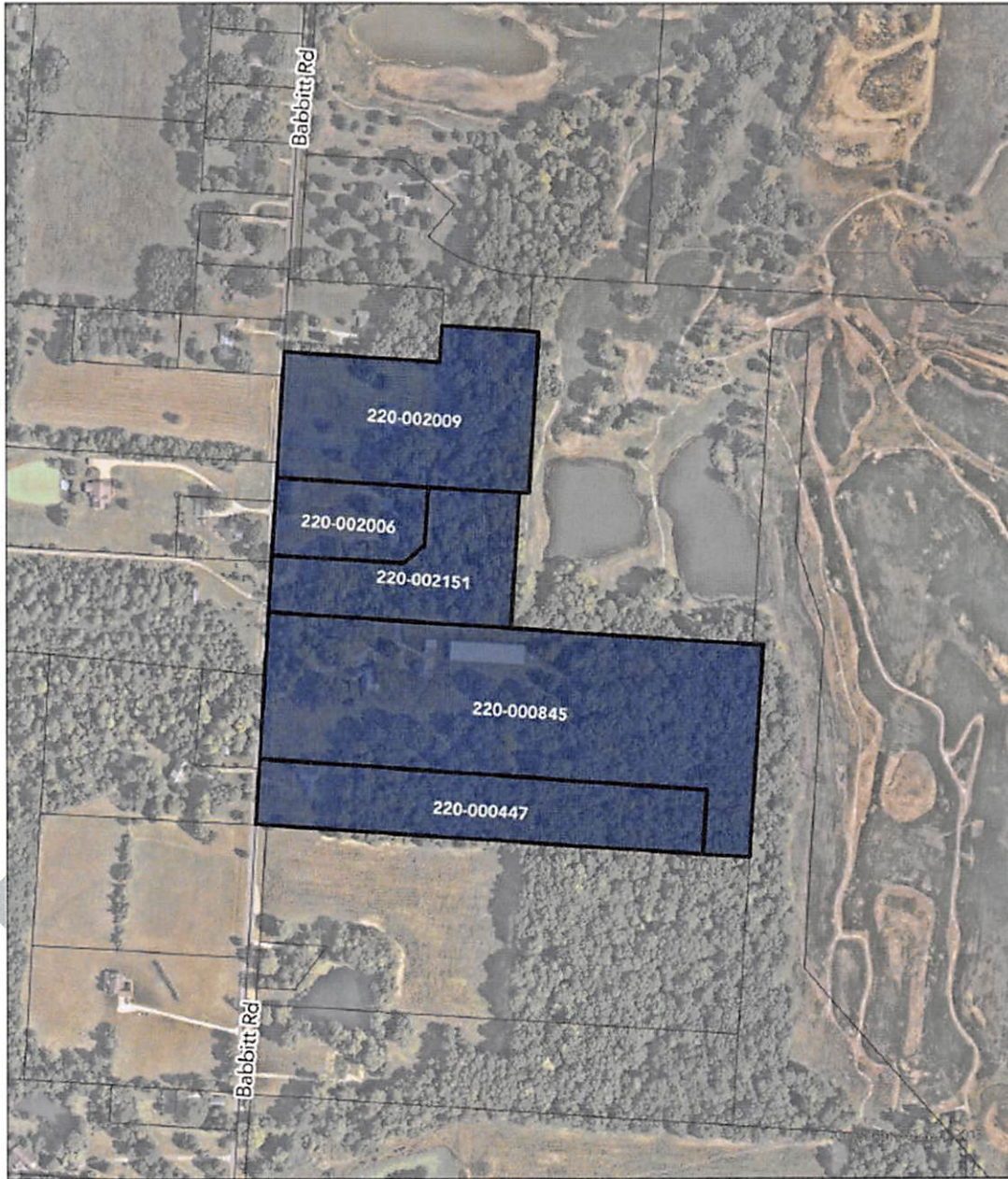
Effective:

PROPOSED

EXHIBIT A – O-13-2025

PARCEL MAP

The colored areas on the attached map specifically identify and depict the parcels included in this TIF district.



Oak Grove II TIF
Ganton Parkway South District

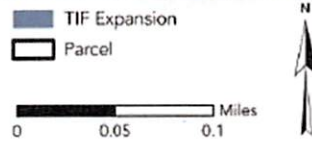


EXHIBIT B – O-13-2025

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of the following improvements that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), along with any other improvements subsequently designated by Village Council:

- public roads and highways (including street realignments);
- water and sewer lines;
- leisure trails and connections;
- parks and public facilities;
- environmental remediation projects;
- stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety and welfare;
- gas, electric and communications services facilities, including fiber optics;
- land acquisition, including acquisition in aid of industry, commerce, distribution, or research;
- demolition, including demolition on private property when determined to be necessary for economic development purposes;
- landscaping and signage, including brick retaining walls at roadway intersections; including in each case, design and other related costs (including traffic studies); any rights-of-way or real estate acquisition; curbs and gutters, medians, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation); traffic signs and signalization (including overhead street signage); street lighting and signs; burial of utility lines (including fiber optics); erosion and sediment control measures; grading, drainage and other related work; survey work, soil engineering, inspection fees and construction staking; and all other costs and improvements necessary and appurtenant thereto.



ORDINANCE O-14-2025

AN ORDINANCE TO ACCEPT THE LIMITED WARRANTY DEED FOR THE PARCEL KNOWN AS 095-111648-00.000, LOCATED GENERALLY AT THE NORTHEAST CORNER OF BEECH ROAD AND MILLER ROAD FROM AMAZON DATA SERVICES INC AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A RELATED AGREEMENT

WHEREAS, the City of New Albany and Amazon Data Center Services Inc. have engaged in discussions regarding the donation of a 22+/-acre parcel for public use; and

WHEREAS, as a result of the discussions between the City of New Albany and Amazon Data Services Inc, Amazon Data Services Inc. has agreed to donate a parcel of property to the City of New Albany subject to restrictions agreed upon and contained in the Limited Warranty Deed or a related agreement; and

WHEREAS, the Limited Warranty Deeds have since been provided to the City of New Albany by Amazon Data Services Inc; and

WHEREAS, New Albany City Council has agreed to the terms and conditions by which this land will be donated.

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

Section 1. Council hereby accepts the land, described in the Limited Warranty Deed attached hereto as Exhibit A and shown on the map attached hereto as Exhibit B.

Section 2. The limited warranty deed is attached to this ordinance and made part hereof as if fully reproduced herein.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/10/2025
Introduced:	04/01/2025
Revised:	
Adopted:	
Effective:	

PROPOSED

Exhibit A - O-14-2025

LIMITED WARRANTY DEED

AMAZON DATA SERVICES, INC., a Delaware corporation ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants, to THE CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation, whose tax mailing address is 99 West Main Street, P.O. Box 188, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain tract of 22.571± acres situated in the City of New Albany, County of Licking, State of Ohio, and being more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

Tax Parcel Number: Being a portion of tax parcel number 095-111648-00.000

Property Address: 0000 Beech Road Northwest, Johnstown, Ohio 43031

Prior Instrument References: Being all or a portion of the same premises conveyed to Grantor in Instrument Number 202410310019361 in the Recorder's Office, Licking County, Ohio

The Property conveyed hereby is made subject to: (i) the lien of current taxes and assessments not yet due and payable, (ii) special taxes and assessments becoming a lien on or after the date hereof, (iii) the state of facts shown on an accurate survey of the property, and (iv) all covenants, restrictions, conditions, easements, reservations, and rights-of-way of record, to the extent valid, subsisting and enforceable.

[Remainder of the page left intentionally blank; Signature page to follow]

[Signature]
ZONING
APPROVED
1/24/24

CITY OF NEW ALBANY
NO PLAT REQUIRED
APPROVED
[Signature] 1/24/24
Signature Date

EXHIBIT A
LEGAL DESCRIPTION
22.571 Acres

Situated in the State of Ohio, County of Licking, City of New Albany, Lots 26, Quarter Township 2, Township 2, Range 15, United States Military Lands, being all out of a 101.871 acre tract (Parcel II) as conveyed to Amazon Data Services, Inc., of record in Instrument Number 20230117000954, and being more particularly described as follows:

BEGINNING FOR REFERENCE at a mag nail found at the centerline intersection of Beech Road NW (C.R. 88) (Public 100' R/W) and Miller Road NW (T.R. 89) (Public 60' R/W);

Thence South 86°34'36" East, with the centerline of said Miller Road NW, a distance of 50.00 feet to a point;

Thence North 3°11'24" East, through the right of way of said Miller Road NW, a distance of 30.00 feet to a 3/4" iron pin found, with cap inscribed "EMHT" at the southwesterly corner of said 101.871 acre tract and being the **TRUE POINT OF BEGINNING**;

Thence North 3°11'24" East, with the easterly right of way line of said Beech Road NW, as conveyed to the City of New Albany Ohio in Instrument Number 202212190029536, a distance of 1638.28 feet to a 3/4" iron pin found with cap inscribed "EMHT", in the southerly line of a 85.408 acre tract as conveyed to Deborah Tripp and Sharon Smart, Co-Trustees of the Cross Keystone Inheritance Trust, of record in Instrument Number 201104140007147;

Thence South 86°38'51" East, with said southerly line, a distance of 600.00 feet to an iron pin set;

Thence South 3°11'24" West, through said 101.871 acre tract, a distance of 1639.03 feet to an iron pin set in the northerly right of way line of said Miller Road NW as conveyed to the City of New Albany Ohio in Instrument Number 202212190029536

Thence North 86°34'36" West with said northerly right of way line, a distance of 600.00 feet to the **TRUE POINT OF BEGINNING** containing 22.571 acres, more or less.

Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins set are 5/8" x 30" rebar with "CESO" cap;

Based on an actual field survey performed under my direct supervision in December 2023.

The bearings shown above are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011).



CESO Inc.

[Signature] 12/13/23
Matthew J. Ackroyd, PS
Registered Surveyor No. 8897

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input type="checkbox"/>	CONDITIONAL <input checked="" type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	12/19/23

* Needs Split Approval





RESOLUTION R-08-2025

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP TO FACILITATE THE ANNEXATION OF PARCEL NUMBERS 037-111510-00.005, 035-106770-00.000, and 035-108372-00.000 WHICH COMPRISE APPROXIMATELY 17.49 +/- ACRES

WHEREAS, the city and the township share certain boundaries and therefore have a shared interest in the general area found immediately west of Beech Road and the general area found immediately northeast of the intersection at Lucille Lynd Road SW and Worthington Road, as illustrated and described in the exhibits of the attached Annexation Agreement; and

WHEREAS, it is anticipated that real property comprised of real estate parcel number 037-111510-00.005 totaling approximately 2 +/- acres, parcel number 035-108372-00.000 totaling approximately 4.66 +/- acres, and parcel number 035-106-770-00.000 totaling approximately 10.83 acres may be the subject of a future annexation petition to be filed with the Licking County Commissioners after the effective date; and

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

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

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

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

Section 1. Council hereby authorizes the city manager to enter into an annexation agreement with Jersey Township as set forth on, or substantially similar to, Exhibit A attached hereto.

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

the township and the city. Any changes to the boundaries of the property shall require a written amendment to this Annexation Agreement.

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

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/21/2025

Introduced: 04/01/2025

Revised:

Adopted:

Effective:

EXHIBIT A – R-08-2025

ANNEXATION AGREEMENT

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

W I T N E S S E T H:

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the general area found immediately west of Beech Road, comprised of one (1) parcel and consisting of approximately 2 +/- acres, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the general area found immediately northeast of the intersection at Lucille Lynd Road SW and Worthington Road, comprised of two (2) parcels and consisting of approximately 6.66 +/- acres and 10.83 +/- acres, as illustrated in Exhibit C and described in Exhibit D; and

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

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

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

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

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

EXHIBIT A – R-08-2025

conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits A, B, C, and D attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
 - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
 - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2025 through 2028, when compared with property tax revenue received by the Township for tax year 2024 (January 1, 2024 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total tax property revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
 - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal

EXHIBIT A – R-08-2025

to the real property tax revenue the Township would have received during the previous calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the “Fire & EMS Payment”).

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 4 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50th) anniversary of the Effective Date (the "Initial Term"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.

B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

If to City:

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

If to Township:

Jersey Township Board of Trustees
Attn: Township Administrator
1481 Mink Street
Pataskala, Ohio 43062
Fax: _____

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

C. **Entire Contract.** This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.

EXHIBIT A – R-08-2025

- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

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

EXHIBIT A – R-08-2025

City of New Albany

Jersey Township

By: _____
Joseph Stefanov, City Manager

By: _____
Dan Wetzel, Trustee

By: _____
Jeff Fry, Trustee

By: _____
Ben Pieper, Trustee

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

Ben Albrecht,
Law Director

[INSERT NAME AND TITLE]

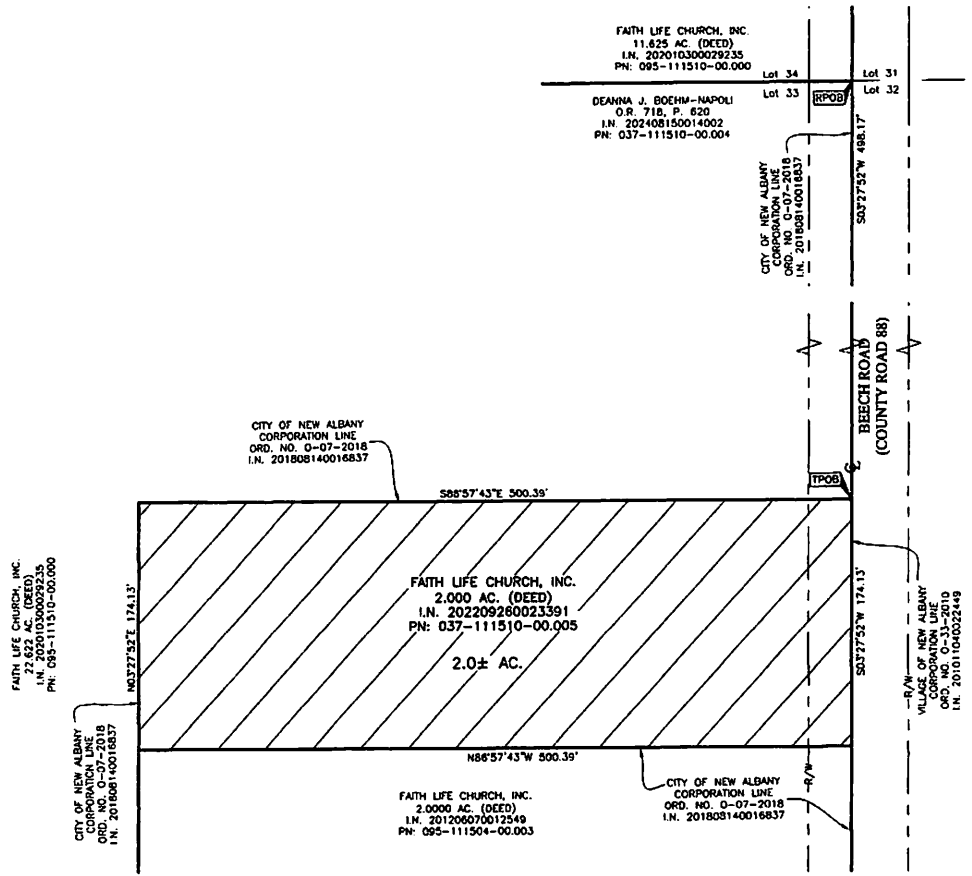
EXHIBITS A & B

Depiction and Description of the "Property" – 2.0 +/- acres

Exhibit "A"

PROPOSED ANNEXATION OF 2.0 ± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

LOT 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY LANDS
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



Proposed Annexation
of 2.0 +/- acres to the City of New Albany

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

Agent for Petitioners _____

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

Board of Licking County Commissioners

Petition Received _____, 20____ Commissioner _____

Petition Approved _____, 20____ Commissioner _____

Commissioner _____

Transferred this ___ day of _____, 20____, upon the duplicates of this office.

Containing _____ acres.

Transfer Fee _____ Licking County Auditor _____

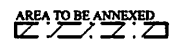
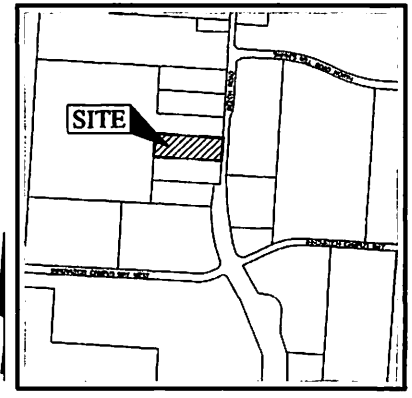
Received for Record _____, 20____, at _____ (AM-PM) and recorded Page _____, 20____, in plat ordinance, petition, etc. in Plat Book Volume _____.

Plat Fee _____ Licking County Recorder _____

Ordinance, etc. Fee _____

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

Attest: _____ Clerk, City of New Albany

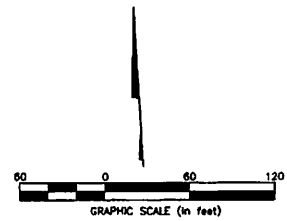


PROPOSED CITY OF NEW ALBANY CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 1349.0 feet, of which 1349.0 feet is contiguous with the City of New Albany by Ordinance Numbers O-33-2010 and O-07-2018, giving 100% perimeter contiguity.

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



By Joshua M. Kleemeyer 12/9/24 Date
Joshua M. Kleemeyer
Professional Surveyor No. 8790
jkleemeyer@emht.com

EMHT Evans, McEward, Hambleton & Tison, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.775.6300 Fax: 614.775.3448 emht.com		Date: December 9, 2024
		Scale: 1" = 60'
		Job No: 2023-0031
		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

Exhibit "B"

**PROPOSED ANNEXATION OF
2.0± ACRES**

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 33, Quarter Township 2, Township 2, Range 15, United States Military Lands, being all of that 2.000 acre tract conveyed to Faith Life Church, Inc. by deed of record in Instrument Number 202209260023391 (all references refer to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, in the centerline of Beech Road (County Road 88) at the common corner of said Lot 33 and Lots 31, 32 and 34 of said Quarter Township 2, Township 2, Range 16, being in the existing City of New Albany Corporation Line as established by Ordinance Number O-33-2010, of record in Instrument Number 201011040022449 and City of New Albany Corporation Line as established by Ordinance Number O-07-2018, of record in Instrument Number 201808140016837, being the common easterly corner of that 11.625 acre tract conveyed to Faith Life Church, Inc. by deed of record in Instrument Number 2020103000292356 and that tract conveyed to Deanna J. Boehm-Napoli by deeds of record in Official Record 718, Page 620 and Instrument Number 202408150014002;

Thence South 03° 27' 52" West, with the centerline of said Beech Road, with the line common to said Sections 32 and 33, and with said existing City of New Albany Corporation Line (O-33-2010) and (O-07-2018), a distance of 498.17 feet to the TRUE POINT OF BEGINNING;

Thence South 03° 27' 52" West, continuing with the centerline of said Beech Road, with the line common to said Sections 32 and 33, with the easterly line of said 2.000 acre tract and with said existing City of New Albany Corporation Line (O-33-2010) and (O-07-2018), a distance of 174.13 feet to a point;

Thence North 86° 57' 43" West, with the southerly line of said 2.000 acre tract and with the existing City of New Albany Corporation Line (O-07-2018), a distance of 500.39 feet to a point at the southwesterly corner of said 2.000 acre tract and in the easterly line of that 22.622 acre tract conveyed to Faith Life Church, Inc. by deed of record in Instrument Number 202010300029235;

Thence North 03° 27' 52" East, with the westerly line of said 2.000 acre tract, with the easterly line said 22.622 acre tract and with said existing City of New Albany Corporation Line (O-07-2018), a distance of 174.13 feet to a point at the northwesterly corner of said 2.000 acre tract;

Thence South 86° 57' 43" East, with the northerly line of said 2.000 acre tract, with the southerly line of said 22.622 acre tract and with said existing City of New Albany Corporation Line (O-07-2018), a distance of 500.39 feet to the TRUE POINT OF BEGINNING, containing 2.000 acres, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Kleemeyer

Joshua M. Kleemeyer
Professional Surveyor No. 8790

12/9/24

JMK: td
2_0 ac 20230031-VS-ANNX-01.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>JMK</i>
DATE:	12/12/2024

EXHIBITS C & D

Depiction and Description of the "Property" – 6.66+/- acres and 10.83+/- acres

EXHIBIT C

161

13410
Worthington Rd
13410
Lucille
Lynd Rd

LUCILLE LYND RD

WORTHINGTON RD



ANNEXATION AGREEMENT EXHIBIT D

EXHIBIT "A"

PARCEL ONE

Situated in the Township of Jersey, County of Licking and State of Ohio and bounded and described as follows:

Being in the Third Quarter, Township 2, Range 15, U.S. Military Lands and being a part of the Southwest Quarter of Section 14, bounded and described as follows:

Being at a point in the center line of State Route 161, said point being 142 feet East of the Southwest corner of the Southwest Quarter Section 14; thence North parallel to the West line of Section 14, three hundred forty-five (345) feet to a point; thence East parallel to the South line of Section 14, five hundred eighty-nine (589) feet to a point; thence South parallel to the West line of Section 14, three hundred forty-five (345) feet to a point in the center line of State Route 161; thence beginning, containing four and sixty-six hundredths (4.66) acres, more or less.

PARCEL NO. 35-108372-00.000

PARCEL TWO

Situated in the Township of Jersey, County of Licking and State of Ohio and bounded and described as follows:

Being a part of the Southwest quarter of Section fourteen (14) Township two (2), Range fifteen (15) United States Military Lands, bounded as follows:

Commencing on the Southwest corner of said Quarter Section; thence, East seventy-five (75) rods to a stake; thence, North ninety-one (91) rods to a stake; thence, West seventy-five (75) rods to a stake; thence, South ninety-one (91) rods to the place of beginning, containing forty-seven acres.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Situated in the Township of Jersey, County of Licking and State of Ohio and bounded and described as follows:

Being a part of the Third Quarter of Section Fourteen (14), Township two (2); Range Fifteen, U.S. Military Lands, and bounded as follows:

Commencing on the Southwest corner of the 40.436, acre tract of land as described in Deed Book 754, Page 587, Recorder's Office of Licking County, Ohio, which point is also the Southwest corner of Robert H. Cole, et al, tract and the centerline of State Route 161, as the same is described in Deed Book 647, page 580, Recorder's Office, Licking County, Ohio, thence northerly with the East line of said tract and State Route 161, 150 Feet to an iron pin, thence Southerly and parallel with the East line of said tract and West line of said Robert H. Cole, et al

West Line, 297 Feet to the northerly line of said State Route 161 centerline, 150 feet to the point of beginning. Containing One Acre, more or less, exclusive of State Route 161.

ALSO EXCEPTING:

Situated in the Township of Jersey, County of Licking and State of Ohio and bounded and described as follows:

Being a part of the southwest quarter of Section fourteen (14), Township two (2) Range fifteen (15) of the United States Military Lands; beginning on the southwest corner of said Quarter Section and in the center of State Route 161; thence north along the west line of said quarter section 345 feet; thence east parallel to the south line of said quarter section 142 feet; thence south parallel to the said west line 345 feet to said south line and the center of State Route 161; thence west along the south line of said quarter section 142 feet to the place of beginning containing 1.124 acres more or less.

ALSO EXCEPTING:

Situated in the Township of Jersey, County of Licking and State of Ohio and bounded and described as follows:

Being in the Third Quarter, Township 2, Range 15, U.S. Military Lands and being a part of the Southwest Quarter of Section 14, bounded and described as follows:

Being at a point in the center line of State Route 161, said point being 142 feet East of the Southwest corner of the Southwest Quarter Section 14; thence North parallel to the West line of Section 14, three hundred forty-five (345) feet to a point; thence East parallel to the South line of Section 14, five hundred eighty-nine (589) feet to a point; thence South parallel to the West line of Section 14, three hundred forty-five (345) feet to a point in the center line of State Route 161; thence beginning, containing four and sixty-six hundredths (4.66) acres, more or less.

PARCEL NO. 35-106770-00.000

TRANSFERRED
Date March 15, 2001
J. Terry Evans
Licking County Auditor

DESCRIPTION APPROVED TIM LOLO LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO 5 110-37	APPROVED BY <u>[Signature]</u>

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY M. W. [Signature]

ALSO EXCEPTING the 19.695 Acres +/- conveyed to MBJ Holdings LLC attached hereto as EXHIBIT B.

ALSO EXCEPTING the land conveyed to the Department of Transportation of attached hereto as EXHIBIT C.

EXHIBIT B

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: 11-18-11	

19.695 ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, located in Section 14, Quarter Township 3, Township 2, Range 15, United States Military Lands, being part of that original 47 acre tract conveyed to Phyllis C. Foor and James D. Foor, Trustees by deeds of record in Instrument Number 200103150007969 (1/2 interest) and Instrument Number 200103150007970 (1/2 interest) (all references refer to the records of the Recorder's Office, Licking County, Ohio), and being more particularly bounded and described as follows:

Beginning, for reference, at a railroad spike set in the centerline of Lucille Lynd Road (former centerline of State Route 161) at the common corner of said Section 14, and Sections 15, 16 and 17 of said Quarter Township 3, Township 2, Range 15, being the common corner of that 1.124 acre tract conveyed to Rebecca S. Burns by deed of record in Instrument Number 200809180020843, and that 7.106 acre tract conveyed to Lynd Crest Orchard, Inc. by deed of record in Deed Book 657, Page 185;

thence North 03° 02' 52" East, with the line common to said Sections 14 and 15, with the easterly line of said 7.106 acre tract, that 6.865 acre tract conveyed as Parcel 15-WL to State of Ohio by deed of record in Instrument Number 200712140031874, and that 0.037 acre tract conveyed as Parcel 7-WL6 to State of Ohio by deed of record in Instrument Number 200510280034304, the westerly line of said 1.124 acre tract, said original 47 acre tract, and that 10.179 acre tract conveyed as Parcel 9-WL to State of Ohio by deed of record in Instrument Number 200703150006554, across State Route 161, (passing a 1/2 inch iron pin found at 50.00 feet, a 5/8 inch iron pin found at 57.16 feet) a total distance of 830.89 feet to a 5/8 inch rebar capped "ODOT" found in the northerly limited access right-of-way line of State Route 161 and at a southeasterly corner of the remainder of that 80.176 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 199912010048766, being the TRUE POINT OF BEGINNING;

thence North 03° 02' 52" East, with the line common to said original 47 acre tract and said 80.176 acre tract, a distance of 702.41 feet to an iron pin set at the southwesterly corner of that 124.591 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 200010300034307, being South 03° 02' 52" West, a distance of 1.48 feet from a stone found;

thence South 86° 49' 03" East, with the line common to said original 47 acre tract and said 124.591 acre tract, a distance of 1355.00 feet to an iron pin set at a northwesterly corner of that original 45.32 acre tract conveyed to Robert H. Cole or Virginia A. Cole, Trustees by deed of record in Official Record 927, Page 731;

thence South 03° 03' 41" West, with the line common to said original 47 acre tract and said original 45.32 acre tract, a distance of 504.37 feet to a 5/8 inch rebar capped "ODOT" found at a northeasterly corner of that 0.611 acre tract conveyed as Parcel 9-WDV to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200703150006554, being an angle point in the northerly right-of-way line of Cobbs Road;

thence North 86° 27' 27" West, with said northerly right-of-way line, the northerly line of said 0.611 acre tract, a distance of 201.47 feet to a 5/8 inch rebar capped "ODOT" found;

thence South 00° 53' 15" East, with the westerly right-of-way line of said Cobbs Road, the westerly line of said 0.611 acre tract, a distance of 110.00 feet to a 5/8 inch rebar capped "ODOT" found in the northerly limited access right-of-way line of said State Route 161, the northerly line of said 10.179 acre tract;

thence with said northerly limited access right-of-way line, the northerly line of said 10.179 acre tract, the following courses and distances:

North 89° 51' 27" West, a distance of 333.62 feet to a 5/8 inch rebar capped "ODOT" found;

19.695 ACRES

-2-

South 87° 36' 44" West, a distance of 404.45 feet to a 5/8 inch rebar capped "ODOT" found; and

South 88° 47' 38" West, a distance of 426.31 feet to the TRUE POINT OF BEGINNING, and containing 19.695 acres of land, more or less, being all of Auditor's Parcel Number 03510677000003.

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 EMINC.

The bearings shown 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 portions of the centerline of Beech Road, having a bearing of North 03° 25' 04" East, is designated the "basis of bearing" for this description.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in cursive script that reads "Heather L. King".

Heather L. King
Registered Surveyor No. 8307

11/17/11

Date

EXHIBIT C

Instr: 200703160006554 03/15/2007
Pages: 16 F: \$140.00 1: 21PM
Bryan R. Long T20070005966
Licking County Recorder BXDENNIS D

CLERK COMMON

MAR 10 39

IN THE COURT OF COMMON PLEAS OF LICKING COUNTY, OHIO

GORDON PROCTOR, Director
Ohio Department of Transportation,
Plaintiff,

Case No. 05-CV-01279

v.

JUDGE JON R. SPAHR

PHYLLIS C. FOOR, Trustee, et al.,
Defendants.

THIS IS A TRUE AND VERIFIED
COPY OF ORIGINAL FILE
COMMON PLEAS COURT
LICKING COUNTY, OHIO
FEB - 9 2007

Angela Walker
Clerk of Courts

**JUDGMENT ENTRY ON SETTLEMENT WITH
DEFENDANT PHYLLIS C. FOOR, TRUSTEE
AND JAMES D. FOOR, TRUSTEE**

It appears to the Court that Defendants Phyllis C. Foor, Trustee and James D. Foor, Trustee, of the James D. Foor Trust, and James D. Foor, Trustee and Phyllis C. Foor, Trustee of the Phyllis C. Foor Trust, the owners of the property appropriated in this action, have agreed with Plaintiff, the Director of Transportation of the State of Ohio, upon the amount of compensation due for appropriation of said property for highway improvement, and have agreed to accept and withdraw One Million Fifty Thousand Dollars and No Cents (\$1,050,000.00) in full payment thereof. Defendants Phyllis C. Foor, Trustee and James D. Foor, Trustee of the Phyllis C. Foor Trust and the James D. Foor Trust do hereby release all claims which were or could have been raised in this proceeding, for further compensation for interest on the above monetary amounts resulting from construction and improvement of State Route 161, Section 0.00, Licking County, Ohio, or from the appropriation of the property described below. Defendant Fairfield National Division of the Park National Bank and Defendant Robert A. Carr have disclaimed any interest in this matter.

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY *JM EA*

TRANSFERRED
Date March 13 2007
J. Terry Evans
Licking County Auditor

In conformity with this agreement, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiff, the Director of Transportation of the State of Ohio, shall deposit with the Clerk of this Court a sum sufficient, to wit: Five Hundred Twenty-Eight Thousand, Six Hundred Dollars and No Cents (\$528,600.00), which when added to the original deposit herein of Five Hundred Twenty-One Thousand, Four Hundred Dollars and No Cents (\$521,400.00), equals the total amount of the agreed settlement of One Million, Fifty Thousand Dollars and No Cents (\$1,050,000.00) in full payment thereof.

Once the additional deposit has been made, the Clerk is further ORDERED and DIRECTED to give notice by ordinary mail to Defendants Phyllis C. Foor, Trustee and James D. Foor, Trustee, in care of their attorney, Michael Braunstein, Goldman and Braunstein, LLP, Of Counsel-Crabbe, Brown & James, LLP, 500 South Front Street, Suite 1200, Columbus, Ohio 43215; and to the Auditor and Treasurer of Licking County, Ohio, in care of their attorney, Dennis E. Dove, Assistant Prosecuting Attorney, Licking County, 20 South Second Street, Newark, Ohio 43055; to the effect that Five Hundred Twenty-Eight Thousand, Six Hundred Dollars and No Cents (\$528,600.00) is in the custody of the Clerk of Courts and available to be distributed upon the filing with the Court of a Motion for Distribution (R.C. 163.18).

It is further ORDERED, ADJUDGED AND DECREED that all right, title, and interest in the premises described in the Petition filed herein as Parcel 9-WL (highway with limitation of access) is to be vested in the name of the State of Ohio. Parcel 9-WDV (highway without limitation of access) is to be vested in the name of the Board of Commissioners of Licking County, Ohio. Parcel 9-T1 (temporary) and Parcel 9-T2 (temporary) will be used by the State of Ohio for a period not to exceed two years. The legal descriptions for all the aforementioned parcels are attached as

Exhibit A.

The above interests of Parcel 9-WL and 9-WDV are hereby vested in the State of Ohio and the Board of Commissioners of Licking County free and clear of all claims of the owners of said property and any persons having an interest herein, to wit:

Phyllis C. Foor, Trustee
of the James D. Foor Trust dated March 8, 2001
13410 State Route 161
Pataskala, Ohio 43062

James D. Foor, Trustee
of the James D. Foor Trust dated March 8, 2001
13410 State Route 161
Pataskala, Ohio 43062

Phyllis C. Foor, Trustee
of the Phyllis C. Foor Trust dated March 8, 2001
13410 State Route 161
Pataskala, Ohio 43062

James D. Foor, Trustee
of the Phyllis C. Foor Trust dated March 8, 2001
13410 State Route 161
Pataskala, Ohio 43062

Fairfield National Division
of The Park National Bank
c/o The Park National Bank Legal Department
50 North Third Street
Newark, Ohio 43058

(Instrument 200107240026559, Mortgage recorded July 24, 2001,
Licking County Records of Mtgs.,
THESE FACTS SHOWN FOR INFORMATION ONLY)

Robert A. Carr
130 Harrison Road
Pataskala, Ohio 43062

J. Terry Evans, or successor
Licking County Auditor

20 S. 2nd Street
Newark, Ohio 43055

and
Michael Smith, or successor
Licking County Treasurer
20 S. 2nd Street
Newark, Ohio 43055

It is further ORDERED that the Clerk of this Court withhold from the amount deposited herein any taxes required to be paid pursuant to law as directed by the County Auditor and further that the Clerk shall receive from the Auditor of this county a statement of such accrued taxes as of the date of the filing of this Entry. The State of Ohio date of take is April 1, 2006. After payment of such accrued taxes the balance of the monies deposited herein by the Director of Transportation shall be paid by the Clerk of this Court to the said landowner named herein as his interest may appear.

It is further ORDERED that a certified copy of this Entry be transmitted to the County Auditor and that said Auditor transmit the same to the County Recorder for recording in the Deed Records of this County and also cause Parcel 9-WL and Parcel 9-WDV to be removed from the taxing record inasmuch as the State of Ohio and Board of Commissioners of Licking County are duly vested with a fee simple title free and clear of any real estate tax consequences thereon; that the Director of Transportation of the State of Ohio shall pay all court costs, transfer and recording fees as the same shall be submitted to the Clerk of this Court which shall become the total court costs of this settlement action and that a file stamped copy of this Entry be delivered to the Licking County Treasurer and Licking County Auditor, Newark, Ohio.

It is further ORDERED, pursuant to Ohio Civil Rule 54, this Judgment Entry represents a

final judgment and the same is entered, there being no just cause for delay.

It is so ORDERED.

15/ Jon R. Spahr

JUDGE JON R. SPAHR

APPROVED:
MARC DANN
Attorney General

Shirley E. Chapman

SHIRLEY E. CHAPMAN (0061629)
Assistant Attorney General
150 E. Gay Street, 17th Fl.
Columbus, Ohio 43215-3130
Telephone: (614) 466-3-36
E-mail: schapman@ag.state.oh.us

Attorney for Plaintiff
Director,
Ohio Department of Transportation

Michael Braunstein

MICHAEL BRAUNSTEIN (0060898)
GOLDMAN & BRAUNSTEIN, LLP
Of Counsel-Crabbe, Brown & James, LLP
500 South Front Street
Suite 1200
Columbus, OH 43215

Attorney for Defendants
Phyllis C. Foor, Trustee and
James D. Foor, Trustee

See attached page

DENNIS E. DOVE (0055215)
Assistant Prosecuting Attorney
Licking County Administration Building
20 South Second Street
P.O. Box 830
Newark, Ohio 43058-0830
Telephone: (740) 670-5021 Fax: (740) 670-5024

Attorney for Defendants
Licking County Auditor and Treasurer

*St. Dionysio Sottimant
Proctor vs. Foor.*

CV-12-79

final judgment and the same is entered, there being no just cause for delay.

It is so ORDERED.

JUDGE JON R. SPAHR

APPROVED:
MARC DANN
Attorney General

Shirley E. Chapman

SHIRLEY E. CHAPMAN (0061629)
Assistant Attorney General
150 E. Gay Street, 17th Fl.
Columbus, Ohio 43215-3130
Telephone: (614) 466-3-36
E-mail: schapman@ag.state.oh.us

Attorney for Plaintiff
Director,
Ohio Department of Transportation

MICHAEL BRAUNSTEIN (0060898)
GOLDMAN & BRAUNSTEIN, LLP
Of Counsel-Crabbe, Brown & James, LLP
500 South Front Street
Suite 1200
Columbus, OH 43215

Attorney for Defendants
Phyllis C. Foor, Trustee and
James D. Foor, Trustee

Dennis E. Dove

DENNIS E. DOVE (0055215)
Assistant Prosecuting Attorney
Licking County Administration Building
20 South Second Street
P.O. Box 830
Newark, Ohio 43058-0830
Telephone: (740) 670-5021 Fax: (740) 670-5024

Attorney for Defendants
Licking County Auditor and Treasurer

EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

**PARCEL 9-WL
LIC-161-0.00
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
INCLUDING LIMITATION OF ACCESS**

Prior Instrument Reference: Instrument 200103150007970 and Instrument 200103150007969, of the Licking County Recorder's Office.

Legal description for this parcel continues on succeeding 2 page(s).

Parcel 9-WL

EXHIBIT A

RX 252
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

Page 1 of 2
24486
9-WL
LIC-161-000
1/30/04

**PARCEL 9-WL
LIC-161-0.00**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
INCLUDING LIMITATION OF ACCESS**

Grantor/Owner, his heirs, executors, administrators, successors and assigns forever, are hereby divested of any and all abutter's rights, including access rights in, over and to the above described real estate, including such rights with respect to any highway facility constructed thereon. (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

The land herein described are situated in Licking County, Ohio; Jersey Township; Section 14; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 9-WL

Being a parcel of land lying on the left and right side of the centerline of a survey of S.R. 161, made by the Ohio Department of Transportation, as shown on file at the District 5 office of the Ohio Department of Transportation, Jacksontown, OH and being located within the following described points in the boundary thereof:

Commencing at the southeast corner of section 15, said point being located 643.33 feet right of centerline station 59+64.03 of the proposed centerline of survey & construction, S.R. 161 also being located at centerline station 60+19.95 of the proposed centerline of survey & construction, Service Rd. 1. Thence, along said section line, North 3 degrees 2 minutes 00 seconds East a distance of 492.89 feet to a set iron pin on the easterly property line of MBJ Holdings, LLC (199912010048766), said pin being located 155.00 feet right of centerline station 60+30.92 of the proposed centerline of survey & construction, S.R. 161 and being the **TRUE POINT OF BEGINNING**:

Thence, along said property line, North 03 degrees 02 minutes 00 seconds East a distance of 338.13 feet to a set iron pin, said pin being located 180.00 feet left of centerline station 60+76.81 of the proposed centerline of survey & construction, S.R. 161;

Thence, along the proposed Limited Access Right of Way line, North 88 degrees 47 minutes 47 seconds East a distance of 426.28 feet to a set iron pin, said pin being located 155.00 feet left of centerline station 65+00 of the proposed centerline of survey & construction, S.R. 161;

Thence, along said proposed Limited Access Right of Way line, North 87 degrees 36 minutes 54 seconds East a distance of 404.45 feet to a set iron pin, said pin being located 150.00 feet left of centerline station 69+00 of the proposed centerline of survey & construction, S.R. 161;

Thence, along said proposed Limited Access Right of Way line, South 89 degrees 51 minutes 18 seconds East a distance of 333.62 feet to a set iron pin, said pin being located 140.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, S.R. 161;

EXHIBIT A

RX 252
Rev. 04/03

PID 24486
PARCEL 9-WL
CTY-RTE-SEC LIC-161-0.00
Version Date 1/30/04

Thence, along said proposed Limited Access Right of Way line, South 0 degrees 53 minutes 07 seconds East a distance of 25.00 feet to a set iron pin, said pin being located 115.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, S.R. 161;

Thence, along said proposed Limited Access Right of Way line, South 86 degrees 00 minutes 38 seconds East a distance of 192.09 feet to a set iron pin on the westerly property line of Robert H. & Virginia A. Cole, Trustees (OR 927/731), said pin being located 100.00 feet left of centerline station 74+20.02 of the proposed centerline of survey & construction, S.R. 161, also being 21.03 feet left of centerline station 47+38.87 of the proposed centerline of survey & construction, Service Rd. 2;

Thence, along said property line, South 03 degrees 06 minutes 38 seconds West a distance of 265.42 feet to a set iron pin, said pin being located 165.00 feet right of centerline station 74+05.01 of the proposed centerline of survey & construction, S.R. 161;

Thence, along the proposed Limited Access Right of Way line, South 85 degrees 55 minutes 16 seconds West a distance of 499.09 feet to a set iron pin, said pin being located 190.00 feet right of centerline station 69+00 of the of the proposed centerline of survey & construction, S.R. 161;

Thence, continuing along said proposed Limited Access Right of Way line, South 88 degrees 25 minutes 26 seconds West a distance of 861.91 feet passing an iron pin set at 394.74' at station 65+00, to the POINT OF BEGINNING.

It is understood that the above described area contains 10.179 acres more or less, including the present road which occupies 0.000 acres, more or less, to be deducted from the value of Auditor's Parcel Number 35-106770-00.000.

All set iron pins are 3/4" x 30" rebars with aluminum caps inscribed "O.D.O.T. R/W District 5". All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, South Zone, N.A.D. 83 as established by GPS measurements in 2002.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Grantor claims title by Instrument Numbers 200103150007969 & 200103150007968 of the Licking County Recorder's Office.

Thomas E. Andrews 06-21-04
Thomas E. Andrews P.S. 6964 Date

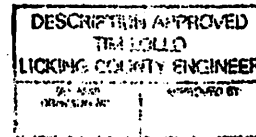
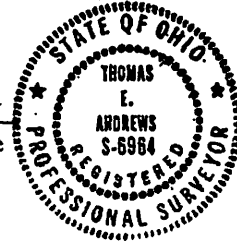


EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

PARCEL 9-WDV

LIC-161-0.00

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME, AND FOR THE USE OF
THE BOARD OF LICKING COUNTY COMMISSIONERS**

Prior Instrument Reference: Instrument 200103150007970 and Instrument 200103150007969, of the Licking County Recorder's Office.

Legal description for this parcel continues on succeeding 2 page(s).

Parcel 9-WDV

EXHIBIT A

PID	24486
PARCEL	9-WDV
CTY-RTE-SEC	LIC-161-0.00
Version Date	1/30/04

**PARCEL 9-WDV
LIC-161-0.00**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF
LICKING COUNTY**

Grantor/Owner, for himself and his 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).

The land herein described are situated in Licking County, Ohio; Jersey Township; Section 14; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 9-WDV

Being a parcel of land lying on the left side of the centerline of a survey of Ex. S.R. 161, made by the Ohio Department of Transportation, and recorded in Book _____, Page _____, of the records of Franklin County and being located within the following described points in the boundary thereof:

Commencing at the southeast corner of section 15, said point being located 643.33 feet right of centerline station 59+64.03 of the proposed centerline of survey & construction, S.R. 161 also being located at centerline station 60+19.95 of the proposed centerline of survey & construction, Service Rd. 1. Thence, along said section line, South 86 degrees 45 minutes 52 seconds East a distance of 1,353.53 feet to a point on the existing centerline of S.R. 161 at station 73+78.48. Thence on a tangent course, North 03 degrees 06 minutes 38 seconds East a distance of 894.14 feet to a set iron pin on the westerly property line of Robert H. & Virginia A. Cole, Trustees (OR 927/731), said pin being located 100.00 feet left of centerline station 74+20.02 of the proposed centerline of survey & construction, S.R. 161, said pin also being located 21.03 feet left of centerline station 47+38.87 of the proposed centerline of survey & construction, Service Rd. 2 and being the **TRUE POINT OF BEGINNING:**

Thence, along the proposed Limited Access Right of Way line, North 86 degrees 00 minutes 38 seconds West a distance of 192.09 feet to a set iron pin, said pin being located 115.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, S.R. 161;

Thence, along the proposed Right of Way line, North 0 degrees 53 minutes 07 seconds West a distance of 135.00 feet to a set iron pin, said pin being located 250.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, S. R. 161;

Thence, along the proposed Right of Way line, South 86 degrees 27 minutes 19 seconds East a distance of 201.48 feet to a set iron pin on the property line of Robert H. & Virginia A. Cole, Trustees (OR 927/731), said pin being located 115.00 feet right of centerline station 47+34.92 of the proposed centerline of survey & construction, Service Rd. 2;

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Thence, along said property, South 03 degrees 06 minutes 38 seconds West a distance of 141.10 feet to the POINT OF BEGINNING.

It is understood that the above described area contains 0.611 acres more or less, including the present road which occupies 0.000 acres, more or less, to be deducted from the value of Auditor's Parcel Number 35-106770-00.000.

All set iron pins are 3/4" x 30" rebars with aluminum caps inscribed "O.D.O.T. R/W District 5". All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, South Zone, N.A.D. 83 as established by GPS measurements in 2002.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Grantor claims title by Instrument Numbers 200103150007969 & 200103150007968 of the Licking County Recorder's Office.

Thomas E. Andrews 06-21-04
Thomas E. Andrews P.S. 6964 Date

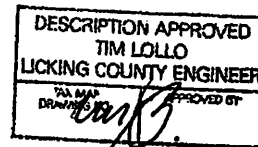


EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

**PARCEL 9-T1
LIC-161-0.00
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK
NECESSARY TO CONSTRUCT DRIVE
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

Prior Instrument Reference: Instrument 200103150007970 and Instrument 200103150007969, of the Licking County Recorder's Office.

Legal description for this parcel continues on succeeding 1 page(s).

Parcel 9-T1

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1/30/04

**PARCEL 9 -T1
LIC-161-0.00**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY
TO CONSTRUCT DRIVE
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

The land herein described are situated in Licking County, Ohio; Jersey Township; Section 14; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 9-T1 (TEMPORARY)

Being a parcel of land lying on the left side of the centerline of a survey of _____, made by the Ohio Department of Transportation, and recorded in Book _____, Page _____, of the records of Licking County and being located within the following described points in the boundary thereof:

Beginning at a set iron pin on the proposed Right of Way line of Service Rd. 2, said point being located 140.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, Service Rd. 2 also being the **TRUE POINT OF BEGINNING**:

Thence, **North 89 degrees 51 minutes 18 seconds West**, a distance of **50.52 feet** to a point, said point being located 141.00 feet left of centerline station 71+80 of the proposed centerline of survey & construction, Service Rd. 2;

Thence, **North 01 degrees 05 minutes 37 seconds West** a distance of **49.00 feet** to a point, said point being located 190.00 feet left of centerline station 71+80 of the proposed centerline of survey & construction, Service Rd. 2;

Thence, **North 72 degrees 32 minutes 06 seconds East** a distance of **52.89 feet** to a point, said point being located 205.00 feet left of centerline station 72+30 of the proposed centerline of survey & construction, Service Rd. 2;

Thence, **South 0 degrees 53 minutes 07 seconds East** a distance of **65.00 feet** to the **POINT OF BEGINNING**.

It is understood that the above described area contains 0.066 acres, more or less, which is located in Auditor's Parcel No. 35-106770-00.000. Subject to all other legal highways, and other easements of record.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Thomas E. Andrews 05-04-04
Thomas E. Andrews P.S. 6964 Date

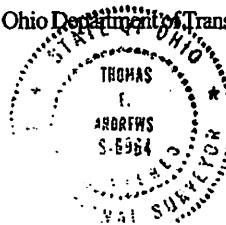


EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

**PARCEL 9-T2
LIC-161-0.00
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK
NECESSARY TO CONSTRUCT DRIVE
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

Prior Instrument Reference: Instrument 200103150007970 and Instrument 200103150007969, of the Licking County Recorder's Office.

Legal description for this parcel continues on succeeding 1 page(s).

Parcel 9-T2

EXHIBIT A

RX 286
Rev. 04/03

PID
PARCEL
CTY-RTE-SEC
Version Date

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4/24/04

**PARCEL 9-T2
LIC-161-0.00
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY
TO CONSTRUCT DRIVE
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

The land herein described are situated in Licking County, Ohio; Jersey Township; Section 14; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 9-T2 (TEMPORARY)

Being a parcel of land lying on the left side of the centerline of a survey of _____, made by the Ohio Department of Transportation, and recorded in Book _____, Page _____, of the records of Licking County and being located within the following described points in the boundary thereof:

Beginning at a point on the existing Right of Way line of existing S.R. 161, said point being located 76.52 feet left of centerline station 101+14.02 of the proposed centerline of survey & construction, Dublin-Granville Rd. also being the **TRUE POINT OF BEGINNING**:

Thence, **North 02 degrees 02 minutes 12 seconds East** a distance of **28.50 feet** to a point, said point being located 105.00 feet left of centerline station 101+15 of the proposed centerline of survey & construction, Dublin-Granville Rd.;

Thence, **North 89 degrees 50 minutes 35 seconds East** a distance of **54.28 feet** to a point, said point being located 106.00 feet left of centerline station 101+66 of the proposed centerline of survey & construction, Dublin-Granville Rd.;

Thence, **South 03 degrees 29 minutes 25 seconds West** a distance of **33.71 feet** to a point on the existing Right of Way line, said point being located 72.30 feet left of centerline station 101+65 of the proposed centerline of survey & construction, Dublin-Granville Rd.;

Thence, **North 84 degrees 36 minutes 32 seconds West** a distance of **53.48 feet** to the **POINT OF BEGINNING**.

It is understood that the above described area contains 0.038 acres, more or less, which is located in Auditor's Parcel No. 35-108372-00.000. Subject to all other legal highways, and other easements of record.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Thomas E. Andrews 07-20-05
Thomas E. Andrews P.S. 6964 Date





RESOLUTION R-09-2025

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE AGREEMENTS AND CONTRACTS RELATED TO THE CONSTRUCTION OF FOUNDERS AVENUE, SECOND STREET, THIRD STREET, CHERRY ALLEY, HAWTHORNE ALLEY AND RELATED IMPROVEMENTS AND AMEND THE DEVELOPMENT AGREEMENT WITH NEW ALBANY TOWNE CENTER LLC AND AMER AMAL TRUST

WHEREAS, the city has encouraged the development of real property within the city limits and desires to make infrastructure improvements to create a street and alley grid system in the historic Village Center to promote growth, increase pedestrian and vehicular connectivity; and

WHEREAS, the council previously approved Resolution R-49-2023 to purchase property from Innovative Mortgage Real Estate LLC for future public roadway expansions within the project area; and

WHEREAS, the scope of street and alley and related improvements for the overall project includes reconstructing a portion of High Street, installing utilities, underground stormwater and base pavement to extend Second Street, Third Street, and Founders Avenue as public streets, Cherry Alley and Hawthorne Alley as public alleys and make related necessary improvements for the overall project; and

WHEREAS, the engineer's construction cost estimate for the project is \$4.65M; and

WHEREAS, the engineer's estimate of supporting soft costs during construction is \$280,000; and

WHEREAS, funding for this project was approved in the 2025 Capital Improvement budget and provided for in the Annual Appropriations Ordinance.; and

WHEREAS, the city council approved a development agreement with New Albany Towne Center LLC and Amer Amal Trust (the "Parties") on December 3, 2024 via resolution R-55-2025; and

WHEREAS, the city and parties desire to amend the original development agreement to incorporate this First Amendment.

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

Section 1. The city manager is hereby authorized and directed to advertise, bid, award and execute all contractual documents and agreements necessary to support the construction of High Street, Founders Avenue, Second Street, Third Street, Cherry Alley, and Hawthorne Alley.

Section 2. First Amendment to the Development Agreement. The First Amendment to the Development Agreement, by and between the city and the parties, 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 and which shall be approved by the city manager. The city manager, for and in the name of this city, with the advice of the director of law, is hereby authorized to execute the First Amendment of the 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 as evidenced conclusively by the city manager's execution of the amended development agreement.

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 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/21/2025

Introduced: 04/01/2025

Revised:

Adopted:

Effective:



RESOLUTION R-10-2025

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH MONTAUK INNOVATIONS, LLC, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, Montauk Innovations, LLC, a Delaware limited liability company (the "Company") previously acquired land in the City of New Albany (the "Project Site") for development of data center facilities (the "Project"), and in support of the development of the Project the City and the Company entered into a Community Reinvestment Area Agreement dated December 13, 2018 (the "Original CRA Agreement") pursuant to City Resolution No. R-50-2018 adopted December 10, 2018; and

WHEREAS, the Company intends to acquire additional land (the "Additional Land") for the Project that is not subject to the Original CRA Agreement, and the City and the Company desire to amend the Original CRA Agreement to incorporate this Additional Land; and

WHEREAS, Council previously created the current Oak Grove II Community Reinvestment Area by its Resolution No. R-17-09 adopted March 3, 2009, as supplemented by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-12 adopted October 12, 2012, No. R-26-13 adopted July 16, 2013, No. R-72-14 adopted September 9, 2014, No. R-49-2015 adopted November 17, 2015, No. R-45-16 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, No. R-15-2021 adopted April 6, 2021, No. R-46-2021 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, No. R-18-2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, No. R-21-2023 adopted April 18, 2023, and No. R-46-2023 adopted November 7, 2023; and

WHEREAS, the Company has submitted to the City an application for the First Amended and Restated CRA Agreement referred to in Section 1 of this Resolution (the "Agreement Application"); and

WHEREAS, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Agreement Application and has recommended the same to City Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Area and improve the economic climate of the City; and

WHEREAS, the City, having the appropriate legal authority, desires to provide certain property tax incentives to encourage the development of the Project on the Additional Land; and

WHEREAS, the Additional Land is located in the Licking County Joint Vocational School District (also known as "Career and Technology Education Centers of Licking County" or "C-TEC") the Johnstown-Monroe Local School District, and the Boards of Education of both those School Districts have waived their rights to both receive notice under Section 5709.83 of the Revised Code and approve the Amended and Restated CRA Agreement; and

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project.

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

Section 1. First Amended and Restated Community Reinvestment Area Agreement. The First Amended and Restated Community Reinvestment Area Agreement by and between the City and the Company, in the form presently on file with the Clerk of the 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 and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that First Amended and Restated Community Reinvestment Area Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that Community Reinvestment Area Agreement.

Section 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that MOU 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 MOU.

Section 3. Further Authorizations. Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the First Amended and Restated Community Reinvestment Area Agreement and approved in this Resolution.

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

Section 5. Effective Date. This resolution is declared to be in full force and effect from and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding, Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/20/2025
Introduced:	04/01/2025
Revised:	
Adopted:	
Effective:	