



## **ORDINANCE O-22-2025**

### **AN ORDINANCE TO AMEND A 5.966 ARCE CONSERVATION EASEMENT AS REQUESTED BY MBJ HOLDINGS, LLC**

**WHEREAS**, MBJ Holdings, LLC and the city are the original parties to a certain Conservation Easement Agreement dated December 11, 2023; and

**WHEREAS**, the purpose of the original easement, as accepted by council on November 7, 2023 via Ordinance O-95-2023, is to ensure the conservation and protection of the real property located within the Conservation Easement Agreement; and

**WHEREAS**, MBJ Holdings, LLC conveyed to QTS a portion of the property subject to the Conservation Easement Agreement; and

**WHEREAS**, MBJ Holdings, LLC, the city, and QTS now desire to amend the Conservation Easement Agreement to permit the boring of a communication line within a specified corridor within the Conservation Easement Area, as more specifically defined in Exhibit A; and

**WHEREAS**, this amendment is being completed in accordance with the requirements of permits from the Ohio Environmental Protection Agency ("Ohio EPA") and the U.S. Army Corps of Engineers ("USACE") to safeguard specific waterways or wetlands; and

**WHEREAS**, council is satisfied that there is good cause for such amendment and that it will not be detrimental to the general interests, and shall be approved.

**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.** The conservation easement totaling 5.966 acres, as identified as Instrument Number 202312280134885, is hereby amended in accordance with 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 24 day of June, 2025.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 05/23/2025

Introduced: 06/03/2025

Revised:

Adopted: 06/24/2025

Effective: 07/24/2025



# EXHIBIT A - O-22-2025

## **FIRST AMENDMENT TO CONSERVATION EASEMENT AGREEMENT**

This First Amendment to Conservation Easement Agreement (this “Amendment”) is made to be effective on the last date of signature below (the “Effective Date”), by and between **MBJ Holdings, LLC**, a Delaware limited liability company (“MBJ”), the **City of New Albany, Ohio**, an Ohio municipal corporation (the “City”), and **QTS New Albany III, LLC**, a Delaware limited liability company (“QTS”).

### **RECITALS:**

**WHEREAS**, MBJ and the City are the original parties to that certain Conservation Easement Agreement dated as of December 11, 2023, which is of record with the Office of the Recorder of Franklin County, Ohio (the “Recorder’s Office”) as Instrument Number 202312130129258 (the “Conservation Easement Agreement”);

**WHEREAS**, pursuant to that certain Limited Warranty Deed filed of record with the Recorder’s Office as Instrument Number 202312280134885, MBJ conveyed to QTS the Property subject to the Conservation Easement Agreement; and

**WHEREAS**, MBJ, the City, and QTS now desire to amend the Conservation Easement Agreement in order to permit the boring of a communication line within a specified corridor within the Conservation Easement Area, as more specifically defined herein.

**NOW THEREFORE**, in consideration of the promises and covenants detailed in the Conservation Easement Agreement and as described below, the sufficiency of which is hereby acknowledged, MBJ, the City, and QTS agree as follows:

### **AGREEMENT:**



1. Defined Terms. All capitalized terms which are used but not defined herein shall have the meanings given to them in the Conservation Easement Agreement.

2. Permitted Uses. As of the Effective Date, Section 7 of the Conservation Easement shall include the following subsection (e):

“(e) Underground Communication Line. Grantor shall be permitted, or Grantor may grant an easement in favor of a utility service provider, to construct, install, operate, maintain, repair and/or replace underground communication facilities, which may include, but shall not be limited to, a fiber optic line, under the Conservation Easement Area within the fifty (50’) foot corridor more particularly depicted and described in Schedule 1, attached hereto and incorporated herein (the “Communication Easement Area”). The construction, installation, operation, maintenance, repair and replacement of the communication facilities shall be subject to all of the following: (i) No above-ground equipment, fixtures or surface structures associated with the communication facilities shall be permitted upon the surface of the ground within the Communication Easement Area; (ii) The communication facilities shall be installed only by boring underground in a manner that does not disturb the Conservation Easement Area, including any wetlands, streams or associated buffer areas within the Conservation Easement Area; (iii) No equipment or materials of any kind shall be permitted upon the surface of the ground of the Communication Easement Area or the Conservation Easement Area; and (iv) Any disturbance to the surface of the ground within the Conservation Easement Area shall be immediately restored to reasonably the same condition existing prior to such disturbance.”

Notwithstanding anything contained in the Conservation Easement Agreement, including but not limited to Section 4 thereof, MBJ, the City and QTS agree and acknowledge that the underground communication facilities shall be permitted under the Conservation Easement Agreement within the Communication Easement Area.

3. No Other Amendments. Except as modified in this Amendment, the terms and conditions of the Conservation Easement Agreement remain in full force and effect.

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



IN WITNESS WHEREOF, MBJ has caused this Amendment to be executed as of the date set forth below.

MBJ:

**MBJ HOLDINGS, LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

STATE OF OHIO  
COUNTY OF FRANKLIN, ss.

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, the \_\_\_\_\_ of MBJ Holdings, LLC, a Delaware limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



IN WITNESS WHEREOF, the City has caused this Amendment to be executed as of the date set forth below.

THE CITY:

**CITY OF NEW ALBANY, OHIO,**  
an Ohio municipal corporation

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

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

Approved as to Form:

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

STATE OF OHIO  
COUNTY OF FRANKLIN, ss.

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, the \_\_\_\_\_ of the City of New Albany, Ohio, an Ohio municipal corporation, on behalf of the municipal corporation. No oath or affirmation was administered to the signer with regard to the notarial act.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



IN WITNESS WHEREOF, QTS has caused this Amendment to be executed as of the date set forth below.

QTS:

**QTS NEW ALBANY III, LLC**  
a Delaware limited liability company

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, ss.

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, the \_\_\_\_\_ of QTS New Albany III, LLC, a Delaware limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Instrument prepared by:  
MBJ Holdings, LLC  
8000 Walton Parkway, Suite 200  
New Albany, Ohio 43054  
(614) 939-8000



## SCHEDULE 1 –

### Depiction and Legal Description of the Communication Easement Area

#### COMMUNICATION EASEMENT 0.393 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 4, Quarter Township 4, Township 4, Range 16, United States Military District, being on, over and across that 78.012 acre tract conveyed to QTS New Albany III LLC by deed of record in Instrument Number 202401110003902 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

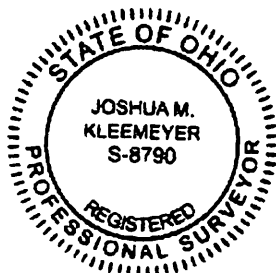
BEGINNING, at the northwesterly corner of that 18.334 acre tract conveyed to AEP Ohio Transmission Company, Inc. by deed of record in Instrument Number 201904190045307, an easterly corner of said 78.012 acre tract and being in the easterly line that 5.966 acre Conservation Easement Area conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202312130129258;

Thence North 86° 15' 59" West, across said 78.012 acre tract and across said Conservation Easement Area, a distance of 342.20 feet to a point in a westerly line of said Conservation Easement Area;

Thence North 02° 16' 06" East, continuing across said 78.012 acre tract and with a westerly line of said Conservation Easement Area, a distance of 50.02 feet to a point;

Thence South 86° 15' 59" East, continuing across said 78.012 acre tract and across said Conservation Easement Area, a distance of 341.98 feet to a point in the easterly line of said Conservation Easement Area;

Thence South 02° 00' 53" West, continuing across said 78.012 acre tract and with the easterly line of said Conservation Easement Area a distance of 50.02 feet to the POINT OF BEGINNING, containing 0.393 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in black ink, appearing to read "Joshua M. Kleemeyer".

Joshua M. Kleemeyer  
Professional Surveyor No. 8790

5/14/25

Date





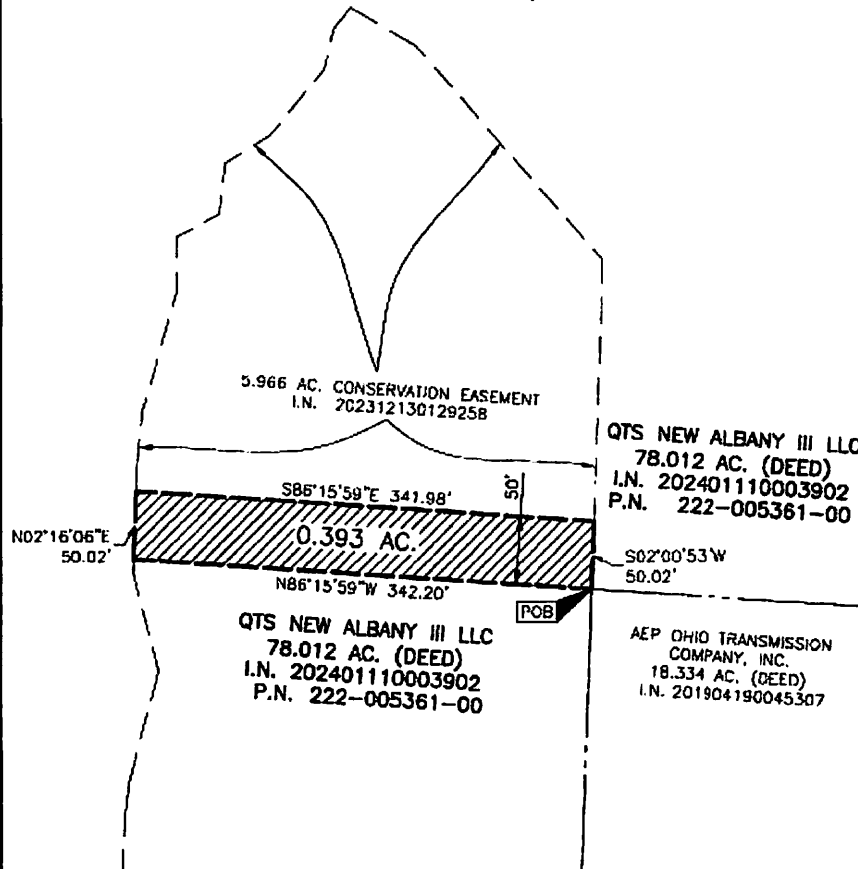
Evans, Meacham, Hensel & Thies, Inc.  
 Engineers & Surveyors • Columbus, OH 43204  
 Phone: 614.776.4533 Fax: 614.776.3448  
 emht.com

# COMMUNICATION EASEMENT

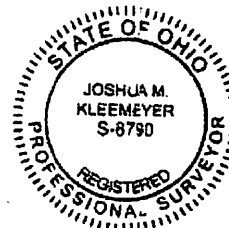
LOT 4, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16  
 UNITED STATES MILITARY DISTRICT  
 CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: May 14, 2025 Scale: 1" = 100' Job No: 2025-0180 Sheet No: 1 of 1

J:\20250180\Drawings\04\Sheets\Easements\20250180-VS-ESMT-COMM-02.dwg plotted by Kleemeyer, Joshua on 5/14/2025 2:20:24 PM last saved by Kleemeyer on 5/14/2025 2:19:55 PM



0 100  
 SCALE (in feet)



By Joshua M. Kleemeyer 5/14/25  
 Joshua M. Kleemeyer Date  
 Professional Surveyor No. 8790  
 jkleemeyer@emht.com





## **ORDINANCE O-23-2025**

### **AN ORDINANCE TO ACCEPT RIGHT OF WAY DEDICATIONS OF 0.057 AND 0.033 ACRES FOR HAWTHORNE ALLEY AND 0.0045 AND 0.0011 ACRES FOR NORTH HIGH STREET, AND TO VACATE A 0.141 ACRE PORTION OF THIRD STREET, AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, council approved a development agreement via Resolution R-55-2024, a street plat for portions of Hawthorne Alley via Ordinance O-03-2025, and funding for its construction along with an extension of additional streets and alleys to create a grid system in the historic Village Center via Resolution R-09-2025; and

**WHEREAS**, the city will be the recipient (grantee) of the right-of way-dedication of 0.057 acres from the New Albany Exchange, 0.033 acres from The New Albany Company for the extension of Hawthorne Alley, and 0.0011 and 0.0045 acres from the New Albany Town Center LLC for an extension of North High Street in the Village Center; and

**WHEREAS**, the city of New Albany has determined that the 0.141 acre portion of Third Street will not be needed for public right-of-way purposes due to the Market Street extension project's realignment of Main Street and agrees to transfer ownership to the adjacent property owner, The New Albany Company, LLC; and

**WHEREAS**, the city engineer has reviewed the right-of-way dedications and vacation and has commented that they are appropriate; and

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

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

**Section 1.** The city manager is hereby authorized to accept a right-of-way dedication of 0.057 acres as depicted on Exhibit A, 0.033 acres as depicted on Exhibit B, and 0.0011 and 0.0045 acre tracts as depicted on Exhibit C.

**Section 2.** The 0.141 acre tract of Third Street as depicted on Exhibit D is hereby vacated.

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


**CERTIFIED AS ADOPTED** this 24 day of June, 2025.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

|             |            |
|-------------|------------|
| Prepared:   | 05/23/2025 |
| Introduced: | 06/03/2025 |
| Revised:    |            |
| Adopted:    | 06/24/2025 |
| Effective:  | 07/24/2025 |



Consulting Civil Engineers and Surveyors

**E. P. FERRIS**  
AND  
ASSOCIATES  
INC.

- LEGEND**
- Pr. R/W
  - Ex. R/W
  - Existing Right-of-Way
  - Proposed Right-of-Way
  - Centerline of Right-of-Way
  - Point of Commencement
  - Point of Beginning
  - Iron Pin Set
  - MAG Nail Set
  - Proposed Right-of-Way

2130 QUARRY TRAILS DR, 2ND FLOOR  
COLUMBUS, OHIO 43228  
(614) 299-2999  
(614) 299-2992 (Fax)  
www.epferris.com

(VARIES)  
(PUBLIC ROADWAY)  
D.B. 17 Pg. 278

MAIN ST. - U.S. 62

**THIRD ST. (40')**  
(PUBLIC ROADWAY)  
D.B. 17 Pg. 278

Village of New Albany  
I.N. 200603030041182  
0.060 Ac. (D)

POB  
0.057 Ac.

THE AMAL AMER DYNASTY  
REVOCABLE LIVING TRUST  
PID: 222-000086-00  
I.N. 202203220045171  
1.872 Ac. (D)

N03°10'57"E  
28.00'

Basis of Bearings

NEW ALBANY EXCHANGE  
C.P.B. 189 PG. 27  
Declaration  
I.N. 200706250110662

Ch Brg=N69°26'13"W  
Ch Dist=71.98'

Δ=035°12'35"  
R=119.00'  
L=73.13'

N87°02'30"W  
5.20'

Pr. R/W

Ex. R/W

Pr. R/W

Pr. R/W

Pr. R/W

Pr. R/W

Pr. R/W

Pr. R/W

Pr. R/W

Pr. R/W

**0.057 ACRE RIGHT-OF-WAY DEDICATION**

State of Ohio, County of Franklin, City of New Albany  
Lot 39, Quarter Twp. 4, Twp. 2, Range 16  
United States Military Lands

Δ=032°15'01"  
R=147.00'  
L=82.74'

Ch Brg=S70°54'59"E  
Ch Dist=81.65'

Δ=035°37'37"  
R=130.00'  
L=80.83'

Ch Brg=S69°13'42"E  
Ch Dist=79.54'

Δ=035°12'35"  
R=119.00'  
L=73.13'

Ch Brg=N69°26'13"W  
Ch Dist=71.98'

Δ=035°12'35"  
R=119.00'  
L=73.13'

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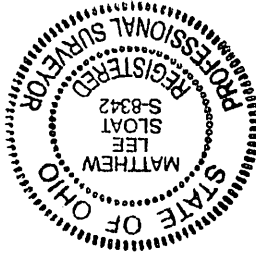
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R=119.00'  
L=73.13'

Ch Brg=N69°26'13"W  
Ch Dist=71.98'

Δ=035°12'35"  
R=119.00'  
L=73.13'

Ch Brg=N69°26'13"W  
Ch Dist=71.98'

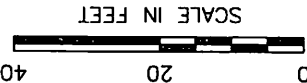
Δ=035°12'35"  
R=119.00'  
L=73.13'



BY: *Matthew Lee Sloat*  
Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342  
CHK BY: BAP  
DATE 2024-03-12

**CERTIFICATION**  
We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top unless otherwise noted. Mag Nails set are magnetic nails with a 1.5" diameter brass washer with "EP FERRIS SURVEYOR 8342" inscribed on top. Field survey was conducted from 03/2021 to 09/2022. All monuments found are in good condition unless otherwise noted.

**BASIS OF BEARINGS**  
Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (2011) as determined by ODOT RTN observations, with the centerline of Third Street bearing North 03°10'57" East.





AMAL AMER. AS TRUSTEE,  
THE AMAL AMER. DYNASTY  
REVOCABLE LIVING TRUST  
PID: 222-000086-00  
I.N. 202203220045171  
1.872 Ac. (D)

**0.033 ACRE RIGHT-OF-WAY DEDICATION**  
State of Ohio, County of Franklin, City of New Albany  
Lot 39, Quarter Twp. 4, Twp. 2, Range 16  
United States Military Lands

NEW ALBANY EXCHANGE  
C.P.B. 189 PG. 27  
Declaration  
I.N. 200706250110662

THIRD ST. (40')  
(PUBLIC ROADWAY)  
D.B. 17 Pg. 278

Village of New Albany  
I.N. 200603030041182  
0.060 Ac. (D)

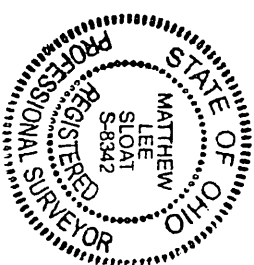
NEW ALBANY EXCHANGE  
C.P.B. 189 PG. 27  
Declaration  
I.N. 200706250110662

The New Albany Company LLC  
PID: 222-003923-00  
I.N. 201311270197041  
0.185 Ac. (D)  
TRACT 3

Village of New Albany  
PID: 222-000054-00  
I.N. 200603030041186  
0.476 Ac. (D)

**E. P. FERRIS**  
AND  
ASSOCIATES  
Consulting Civil Engineers and Surveyors  
2130 QUARRY TRAILS DR. 2ND FLOOR  
COLUMBUS, OHIO 43228  
(614) 299-2999  
(614) 299-2992 (Fax)  
www.EPFERRIS.com

- LEGEND**
- Property Line
  - Ex. R/W Existing Right-of-Way
  - Pr. R/W Proposed Right-of-Way
  - Pr. & Centerline of Right-of-Way
  - POB Point of Beginning
  - POC Point of Commencement
  - Iron Pin Set
  - MAG Nail Set
  - Proposed Right-of-Way



BY: *Matthew Lee Sloat*  
Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342  
DATE 2024-03-12  
DRWN BY: BAP CHK BY: MJS



**Exhibit B - O-23-2025**

**BASIS OF BEARINGS**  
Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (2011) as determined by ODOT RTN observations, with the centerline of Third Street bearing North 03°10'57" East.

**CERTIFICATION**

We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code.

Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top unless otherwise noted. Mag Nails set are magnetic nails with a 1.5" diameter brass washer with "EP FERRIS SURVEYOR 8342" inscribed on top.

Field survey was conducted from 03/2021 to 09/2022. All monuments found are in good condition unless otherwise noted.



## Exhibit C - O-23-2025

**RIGHT OF WAY DEDICATION - PARCEL 2-WD  
AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING  
TRUST DATED NOVEMBER 18, 2013  
0.0045 ACRES (195 S.F)**

Situated in the State of Ohio, County of Franklin, City of New Albany, being in Quarter Township 4, Township 2, Range 16 of the United States Military Lands, being part of the Lot 20 and Lot 21 of the original plat titled "Diagram of New Albany" as recorded in Deed Book 17, Page 278, as conveyed to Amal Amer, as Trustee, of the Amal Amer dynasty revocable living trust dated November 18, 2013, by Instrument Number 202203220045171, all references refer to Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Commencing at a 3/4 inch diameter x 30 inch long iron rebar with a 2 inch diameter aluminum cap marked "ODOT C/L MON EP Ferris PS NO 6027" set in a monument box found in the centerline intersection of High Street and Main Street, both originally dedicated at 60 feet in width;

thence along the centerline of said High Street, North 02° 56' 42" East, 222.81 feet to a point;

thence perpendicular to said centerline, South 87° 03' 18" East, 30.00 feet to a point on the east right of way line of said High Street in the west line of said Lot 21, being the Grantor's southwest corner, being the northwest corner of a 0.004 acre tract as conveyed to The Village of New Albany by Instrument Number 200706080100275, being the **TRUE POINT OF BEGINNING** for the tract herein described:

thence along the east right of way line of said High Street, North 02° 56' 42" East, being the Grantor's west line of said Lots 21 and 20, passing a 5/8 inch rebar plastic capped with E.P. Ferris surveyor number 6027 at 2.04 feet, 57.02 feet to a iron pin set at the Grantor's northwest corner of said Lot 20, being the southwest corner of Lot 19, as conveyed to Amal Amer, as Trustee, of the Amal Amer dynasty revocable living trust dated November 18, 2013, by Instrument Number 202203220045171;

thence along the Grantor's north line, being the south line of said Lot 20, South 87° 14' 54" East, 2.66 feet to a iron pin set;

thence across said Lot 20 South 01° 27' 17" East, 10.95 feet to a iron pin set;

thence continuing across said Lots 20 & 21 South 02° 56' 42" West, 46.10 feet to a iron pin set, being on the Grantor's south line, being on the north line of a portion of Lot 21 as conveyed to Innovative Mortgage Real Estate, LLC, by Instrument number 200602060022905;

thence along the Grantor's south line, being the north line of said Innovative Mortgage, North 87° 09' 33" West, 3.50 feet, to the **TRUE POINT OF BEGINNING**, containing 0.0045 acres (195 S.F.) more or less.

Subject to all legal right-of-way, easements and restrictions, if any, of previous record.

Basis of Bearing based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, 1986 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FCGS 9916A and FCGS 9916B designated the "basis of bearing".

This description was prepared by Matthew Lee Sloat, Registered Surveyor No. 8342, E. P. Ferris & Associates, Inc. on October 24, 2024.



Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342

Date

### PRELIMINARY APPROVAL

BRAID FOSTER, P.E., P.S.

ajstuart

10/30/2024 11:54:52 AM

PENDING ORIGINALS

\*Submitted via digital format

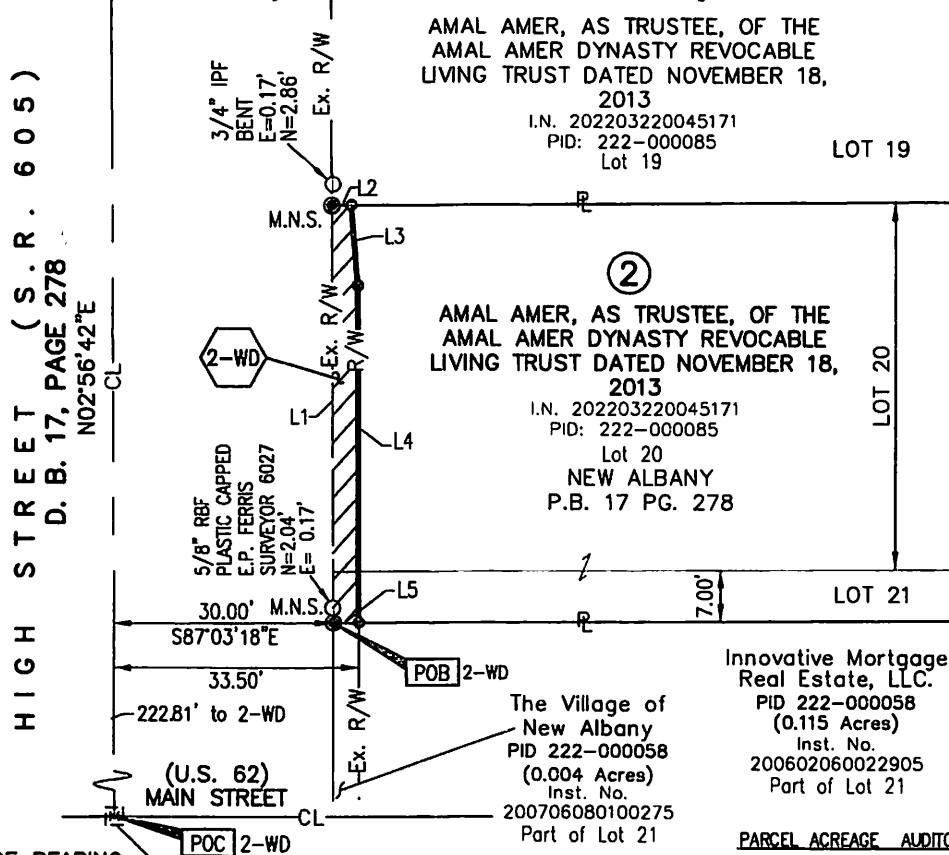


Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed, and dated in blue ink



**CITY OF NEW ALBANY  
RIGHT-OF-WAY DEDICATION- PARCEL - 2-WD  
AMAL AMER, AS TRUSTEE, OF THE AMAL AMER  
DYNASTY REVOCABLE LIVING TRUST DATED  
NOVEMBER 18, 2013**

Situated in the State of Ohio, County of Franklin, City of New Albany,  
Quarter Township 4, Township 2, Range 16, United States Military Lands,  
being part of Lot 20 and part of Lot 21 of the original plat of New  
Albany as recorded in Deed Book 17, Page 278.



**BASIS OF BEARING:**  
The bearings shown on this plat were transferred from a field traverse originating and is based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, 1986 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FCGS 9916A and FCGS 9916B designated the "basis of bearing" for this plat.

**REFERENCED DOCUMENTS:**  
Deed Book 17, Page 278  
O.R. 04865, Page G19  
Inst. No. 200602060022905  
Inst. No. 200503210050961  
Inst. No. 202203220045171  
All iron pins found are in good condition.  
All Set Iron Pins are 5/8" Rebar, plastic capped with "E.P. FERRIS SURVEYOR 8342" inscribed on top.

We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code.

**E. P. FERRIS  
ASSOCIATES**

Consulting Civil Engineers and Surveyors

2130 QUARRY TRAILS DR.  
2ND FLOOR  
COLUMBUS, OHIO 43228  
(614) 299-2999  
(614) 299-2992 (Fax)  
www.EPFERRIS.com

**LEGEND**

- Area to be Dedicated
- Property Line
- Center Line
- Ex. R/W Ex. Right-of-Way
- R/W Dedicated Right-of-Way
- POC Point of Commencement
- POB Point of Beginning
- Iron Pin/Pipe Found (IPF)
- Rebar Found (RBF)
- Iron Pin Set (5/8" Rebar)
- Existing Monument Box w/ Set 3/4" diameter x 30" long iron rebar with a 2" diameter aluminum cap marked "ODOT C/L MON EP Ferris PS NO 6027".
- Mag Nail Set (M.N.S.)



BY: *Matthew Lee Sloat* 10/30/24  
Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342

DRAWN BY HJM CHK BY MLS DATE 10-28-24

405200



**RIGHT OF WAY DEDICATION - PARCEL 3-WD  
AMAL AMER, AS TRUSTEE, OF THE AMAL AMER DYNASTY REVOCABLE LIVING  
TRUST DATED NOVEMBER 18, 2013  
0.0011 ACRES (46 S.F)**

Situated in the State of Ohio, County of Franklin, City of New Albany, being in Quarter Township 4, Township 2, Range 16 of the United States Military Lands, being part of Lot 19 of the original plat titled "Diagram of New Albany" as recorded in Deed Book 17, Page 278, as conveyed to Amal Amer, as Trustee, of the Amal Amer dynasty revocable living trust dated November 18, 2013, by Instrument Number 202203220045171, all references refer to Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Commencing at a 3/4 inch diameter x 30 inch long iron rebar with a 2 inch diameter aluminum cap marked "ODOT C/L MON EP Ferris PS NO 6027" set in a monument box found in the centerline intersection of High Street and Main Street, both originally dedicated at 60 feet in width;

thence along the centerline of said High Street, North 02° 56' 42" East, 279.82 feet to a point;

thence perpendicular to said centerline, South 87° 03' 18" East, 30.00 feet to a point on the east right of way line of said High Street, being the Grantor's southwest corner of said Lot 19, being the northwest corner of Lot 20 of said plat, as conveyed to Amal Amer, as Trustee, of the Amal Amer dynasty revocable living trust dated November 18, 2013, by Instrument Number 202203220045171, being the **TRUE POINT OF BEGINNING** for the tract herein described:

thence along the east right of way line of said High Street, being the Grantor's west line of said Lot 19, North 02° 56' 42" East, passing a 3/4 inch bent iron pin found at 2.87 feet, 34.58 feet to a iron pin set;

thence passing through said Lot 19 South 01° 27' 17" East, 34.67 feet to a iron pin set, being on the Grantor's south line of said Lot 19, being on the north line of Lot 20;

thence along the Grantor's south line of said Lot 19, being the north line of said Lot 20, North 87° 14' 54" West, 2.66 feet, to the **TRUE POINT OF BEGINNING**, containing 0.0011 acres (46 S.F.) more or less.

Subject to all legal right-of-way, easements and restrictions, if any, of previous record.

Basis of Bearing based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, 1986 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FCGS 9916A and FCGS 9916B designated the "basis of bearing".

This description was prepared by Matthew Lee Sloat, Registered Surveyor No. 8342, E. P. Ferris & Associates, Inc. on October 24, 2024.



Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342

Date

**PRELIMINARY APPROVAL**

BRAD FOSTER, P.E., P.S.  
ajstuart

10/30/2024 11:56:16 AM

**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.



CITY OF NEW ALBANY  
RIGHT-OF-WAY DEDICATION - PARCEL 3-WD  
AMAL AMER, AS TRUSTEE, OF THE AMAL AMER  
DYNASTY REVOCABLE LIVING TRUST DATED  
NOVEMBER 18, 2013

Situated in the State of Ohio, County of Franklin, City of New Albany,  
Quarter Township 4, Township 2, Range 16, United States Military Lands,  
being part of Lot 19 of the original plat of New Albany as recorded in  
Deed Book 17, Page 278.

AMAL AMER, AS TRUSTEE, OF THE  
AMAL AMER DYNASTY REVOCABLE  
LIVING TRUST DATED NOVEMBER 18,  
2013

NEW ALBANY  
P.B. 1 PG. 161

I.N. 202203220045171  
PID: 222-000060  
Lot 96

1-1/2" IPF  
W=0.30'  
N=4.04'

(3)

AMAL AMER, AS TRUSTEE, OF THE  
AMAL AMER DYNASTY REVOCABLE  
LIVING TRUST DATED NOVEMBER 18,  
2013

I.N. 202203220045171  
PID: 222-000052  
Lot 19

NEW ALBANY  
P.B. 17 PG. 278

LOT 20

HIGH STREET (S.R. 605)

D. B. 17, PAGE 278

N02°56'42"E

S87°03'18"E

30.00'

M.N.S.

POB 3-WD

AMAL AMER, AS TRUSTEE, OF THE  
AMAL AMER DYNASTY REVOCABLE  
LIVING TRUST DATED NOVEMBER 18,  
2013

I.N. 202203220045171  
PID: 222-000085

(U.S. 62)

MAIN STREET

CL

POC 3-WD

CL

INTERSECTION OF CL HIGH STREET  
AND MAIN STREET

BASIS OF BEARING:

The bearings shown on  
this plot were transferred  
from a field traverse  
originating and is based  
on the Ohio State Plane  
Coordinate System, South  
Zone as per NAD 83,  
1986 adjustment. A  
bearing of North  
10°31'41" East was held  
for a portion of the  
existing centerline of  
Reynoldsburg-New Albany  
Road, between centerline  
monuments FCGS 9916A  
and FCGS 9916B  
designated the "basis of  
bearing" for this plot.

REFERENCED DOCUMENTS:

Deed Book 17, Page 278  
O.R. 04865, Page G19  
Inst. No. 200602060022905  
Inst. No. 200503210050961  
Inst. No. 202203220045171  
All iron pins found are in good condition.  
All Set Iron Pins are 5/8" Rebar, plastic  
capped with T.P. FERRIS SURVEYOR B342"  
inscribed on top.

We hereby certify that the foregoing Boundary Survey was  
prepared from actual field measurements in accordance  
with Chapter 4733-37 Ohio Administrative Code.

E. P. FERRIS

ASSOCIATES

Consulting Civil Engineers and Surveyors

LEGEND

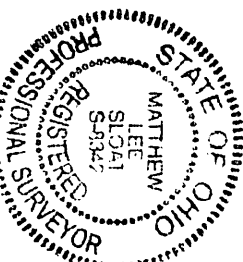
- Area to be Dedicated
- Property Line
- Center Line
- Ex. R/W Ex. Right-of-Way
- Dedicated Right-of-Way
- Point of Commencement
- Point of Beginning
- Iron Pin/Pipe Found (IPF)
- Rebar Found (RBF)
- Iron Pin Set (5/8" Rebar)
- Existing Monument Box w/ Set
- 3/4" diameter x 30" long iron rebar with a 2" diameter aluminum cap marked "0001 C/L MON EP Ferris PS NO 6027"
- Mag Nail Set (M.N.S.)

PARCEL ACRES: AUDITOR'S PID  
3-WD 0.0011 222-000052

COURSE DETAIL 3-WD

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N02°56'42"E | 34.58'   |
| L2   | S01°27'17"E | 34.67'   |
| L3   | N87°14'54"W | 2.66'    |

Scale: 1"=20'



BY: *Matthew Lee Sidor* 10/30/24  
Matthew Lee Sidor, P.E., P.S.  
Registered Surveyor No. 8342

DRAWN BY: HJM CHK BY: MJS DATE: 10-28-24

2130 QUARRY TRAILS DR.  
2ND FLOOR, OHIO 43228  
(614) 388-3392  
(614) 388-3392 (fax)  
WWW.EPFERRIS.COM

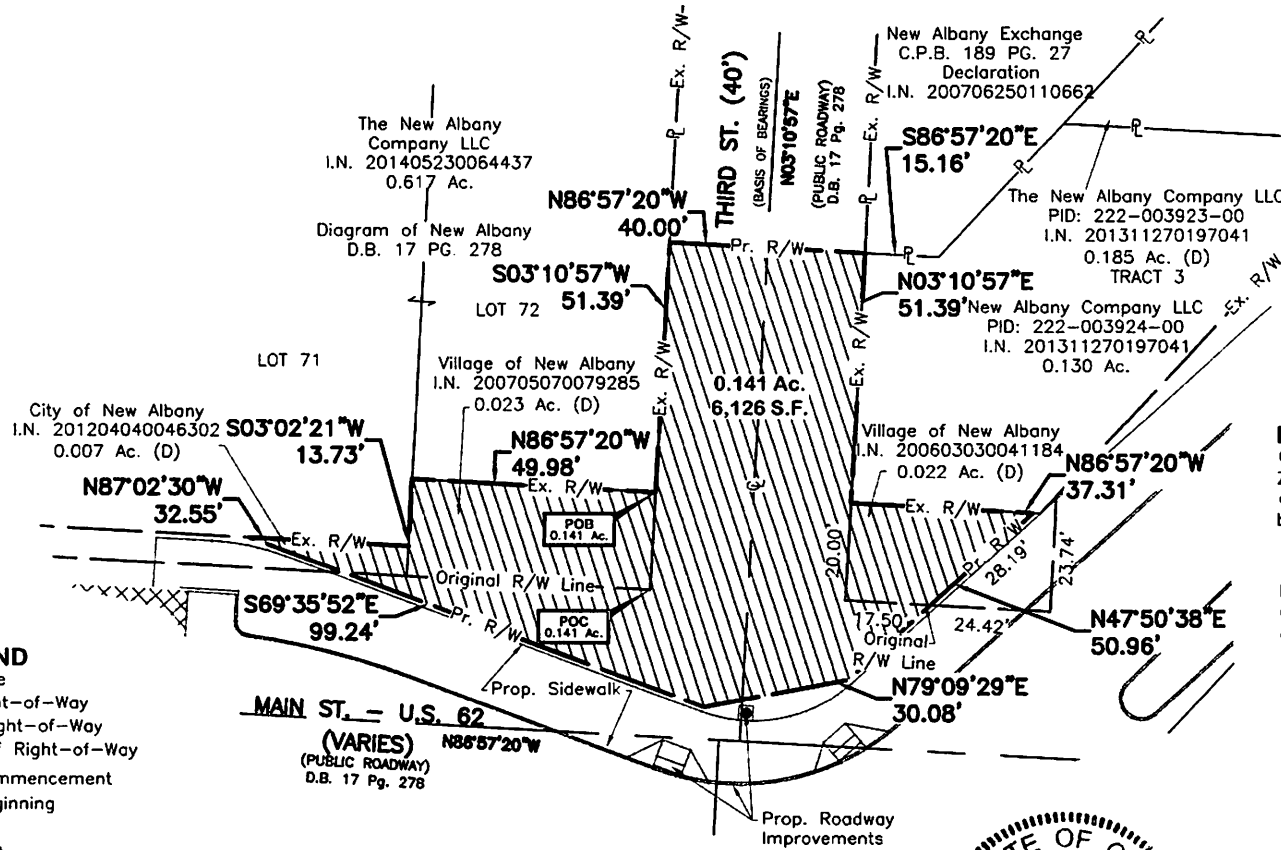
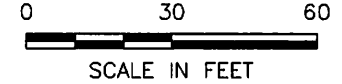
405200



# Exhibit D - O-23-2025

## 0.141 ACRE RIGHT-OF-WAY VACATION

State of Ohio, County of Franklin, City of New Albany  
Lot 39, Quarter Twp. 4, Twp. 2, Range 16  
United States Military Lands



### BASIS OF BEARINGS

Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (2011) as determined by ODOT RTN observations, with the centerline of Third Street bearing North 03°10'57" East.

Field survey was conducted from 03/2021 to 09/2022. All monuments found are in good condition unless otherwise noted.

### LEGEND

- Property Line
- Existing Right-of-Way
- Proposed Right-of-Way
- Centerline of Right-of-Way
- Point of Commencement
- Point of Beginning
- Iron Pin Set
- MAG Nail Set
- Proposed Right-of-Way

**E. P. FERRIS**  
AND  
ASSOCIATES  
INC.

Consulting Civil Engineers and Surveyors

2130 QUARRY TRAILS DR, 2ND FLOOR  
COLUMBUS, OHIO 43228  
(614) 299-2999  
(614) 299-2992 (Fax)  
www.EPFERRIS.com



BY: \_\_\_\_\_  
Matthew Lee Sloat, P.E., P.S.  
Registered Surveyor No. 8342

DRWN BY SKD CHK BY MLS DATE 2025-04-08





## **RESOLUTION R-21-2025**

**A RESOLUTION GRANTING A NON-EXCLUSIVE RIGHT-TO-SERVE TO LICKING RURAL ELECTRIFICATION, INC., ITS SUCCESSORS AND ASSIGNS, PROVIDING IT THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NEW ALBANY, AS SUCH BOUNDARIES CURRENTLY EXIST OR MAY EXIST IN THE FUTURE, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO NEW ALBANY, AND THE RESIDENTS AND BUSINESSES THEREOF FOR LIGHT, HEAT, POWER, AND OTHER ELECTRIC ENERGY PURPOSES**

**WHEREAS**, Licking Rural Electrification, Inc. has requested a non-exclusive Right-To-Serve (Right-To-Serve) to enable it and its successors and assigns to acquire, construct, maintain, and operate in accordance with local, state, and federal laws, rules and regulations (Law) within the corporate boundaries of the City of New Albany, State of Ohio, as such boundaries currently exist or may exist in the future, lines for the transmission and distribution of electric energy to New Albany, and the residents and businesses thereof for light, heat, power, and other electric energy purposes, and for the transmission and distribution of the same within, through, on, or across New Albany, and

**WHEREAS**, pursuant to Home Rule authority granted to municipalities under Section 4 of Article XVIII of the Ohio Constitution, the city has the inherent authority to grant such Rights-To-Serve to electric utility providers, and

**WHEREAS**, it is council's desire to protect the health, safety, and welfare of New Albany's residents by enacting this Right-To-Serve.

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

**Section 1.** Subject to the limitations contained herein, Licking Rural Electrification, Inc., its successors, and assigns (hereinafter called "Grantee") are hereby granted the Right-to-Serve within New Albany lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances and appliances, including electric substations, to render non-exclusive public utility service in New Albany and to its residents and businesses thereof by supplying electric energy to New Albany and its residents and businesses, for light, heat, power, or any other electric purposes or purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, on or across New Albany.



**Section 2.** In exercising its rights pursuant to this Right-to-Serve, Grantee shall fully comply with the law, specifically including, but not limited to, New Albany's Right-of-Way ordinance contained within Chapter 907 of New Albany Codified Ordinances, entitled "Rights-of-Way" as it currently exists or is amended or modified from time to time.

**Section 3.** Said lines, appurtenances, and appliances ("Equipment") shall be constructed in accordance with law so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

**Section 4.** This Right-to-Serve shall be in force and effect for a period of ten (10) years from the effective date of this resolution.

**Section 5.** This Right-to-Serve hereby granted shall not be construed to be exclusive and council hereby reserves the power to grant a similar Rights-to-Serve to any other person or persons, firm or firms, corporation or corporations.

**Section 6.** Said Grantee shall save New Albany harmless from any and all liability, cost, or expense arising in any way from Grantee's erection, operation, and/or maintenance of said lines for the distribution and transmission of electric energy.

**Section 7.** Whenever said Grantee shall begin the erection or installation of any Equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced, in accordance with the law.

**Section 8.** Wherever in this resolution reference is made to New Albany or the Grantee, it shall be deemed to include the respective successors or assigns of either; the provisions of this Right-to-Serve shall be binding upon, and inure to the benefit of, the respective successors or assigns of New Albany or of said Grantee.

**Section 9.** Pursuant to Article VI, Section 6.10(B) of the City of New Albany Charter, New Albany and Licking Rural Electrification hereby amend, ratify, and extend the prior Right-to-Serve granted to Licking Rural Electrification, Inc. in Resolution 52-2010 to extend through and until the date this Right-to-Serve takes effect pursuant to Section 11 herein.

**Section 10.** 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 11.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**Section 12.** This resolution and Right-to-Serve shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.



CERTIFIED AS ADOPTED this 24 day of June, 2025.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 06/12/2025

Introduced: 06/24/2025

Revised:

Adopted: 06/24/2025

Effective: 06/24/2025





## RESOLUTION R-22-2025

### **A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH NONA MASTER DEVELOPMENT LLC**

**WHEREAS**, it has been the city's ongoing desire to improve the built environment around the State Route 605 and Central College Road intersection which will improve pedestrian connectivity, safety, and establish a roadway character that is complimentary to the mixed-use development pattern planned to be developed in this immediate area; and

**WHEREAS**, NONA Master Development LLC (the "Developer") owns approximately 32.6+/- acres generally located at the southwest and southeast corners of the State Route 605 and Central College Road intersection and intends to develop the same with approximately 40,000 square feet of retail and commercial space, approximately 200 residential units, as well as approximately 8 acres of parkland and green space, consistent with the final development plan application was reviewed and approved by the Parks and Trails Advisory Board, Architectural Review Board, and Planning Commission (FDP-53-2024); and

**WHEREAS**, the city and the Developer have determined that the successful development and operation of the project will require certain public infrastructure improvements, as described in this agreement; and

**WHEREAS**, the city and the Developer have determined that each will benefit from collaborating on the design, development and construction of certain public infrastructure improvements, as described in this agreement; and

**WHEREAS**, the city and the Developer desire to enter into this agreement in order to memorialize the terms of this collaboration regarding the development and construction of certain public infrastructure improvements.

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

**Section 1. Development Agreement.** The development agreement in support of the project, by and between the city and the Developer, 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, is hereby authorized to execute that development agreement and approve the character of any changes and any amendments thereto as not inconsistent with this resolution and not substantially adverse to the



city, which approval shall be conclusively evidenced by the city manager's execution of that development agreement.

**Section 2. Further Authorizations.** This council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the city to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this council) as may be appropriate to implement this resolution and the transactions referenced or contemplated in this resolution and the development agreement authorized and approved in this resolution.

**Section 3. Compliance with the Law.** This council finds and determines that all formal actions of this council concerning and relating to the adoption of this legislation were taken in an open meeting of this council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4. Effective Date.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 24 day of June, 2025.

Attest:

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

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

Approved as to form:

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

**Legislation dates:**

|             |            |
|-------------|------------|
| Prepared:   | 06/13/2025 |
| Introduced: | 06/24/2025 |
| Revised:    |            |
| Adopted:    | 06/24/2025 |
| Effective:  | 06/24/2025 |





## **RESOLUTION R-23-2025**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD, AND EXECUTE AGREEMENTS AND CONTRACTS RELATED TO THE GANTON PARKWAY PHASES 3 AND 4 AND BABBITT ROAD WIDENING ROADWAY IMPROVEMENT PROJECTS**

**WHEREAS**, the city council desires to make infrastructure improvements to the New Albany International Business Park and Village Center to increase pedestrian, vehicular, and utility access; and

**WHEREAS**, the city has encouraged the development of real property within the city, and for that purpose desires to expand a development corridor connecting the New Albany International Business Park and Village Center, generally located east of US-62 and west of Beech Road, south of State Route 161 and north of Morse Road, and

**WHEREAS**, the scope of the roadway improvements for the overall project includes the continuation of Ganton Parkway West from its current termination point to Babbitt Road; constructing Ganton Parkway eastward to a point +/- 2,300 feet from the Theisen Drive and US-62 intersection, and adding a center turn lane on Babbitt Road for a 1,650 foot section south of Ganton Parkway, and

**WHEREAS**, the engineer's total cost estimate for the project is \$25 million which is broken down as follows: Ganton Parkway phase 3 costing \$13.4 million (portion within the New Albany International Business Park); Ganton Parkway phase 4 costing \$8.4 million (portion within the New Albany Village Center); and Babbitt Road widening costing \$3.2 million, and

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

**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 agreements and contractual documents necessary to support the construction of the Ganton Parkway phases 3 and 4, and Babbitt Road widening projects and their appurtenances.

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




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

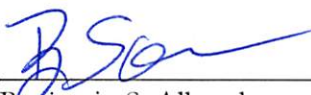
CERTIFIED AS ADOPTED this 24 day of June, 2025.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Benjamin S. Albrecht  
Law Director

**Legislation dates:**

|             |            |
|-------------|------------|
| Prepared:   | 06/10/2025 |
| Introduced: | 06/24/2025 |
| Revised:    |            |
| Adopted:    | 06/24/2025 |
| Effective:  | 06/24/2025 |