



ORDINANCE O-31-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 1.08 +/- ACRES OF LAND GENERALLY LOCATED NORTH AND WEST OF LAMBTON PARK ROAD AND SOUTH OF BRANDON ROAD FOR AN AREA TO BE KNOWN AS THE "EAST NINE ZONING DISTRICT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE-PLANNED UNIT DEVELOPMENT AND "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON L. UNDERHILL, ESQ.

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

WHEREAS, the New Albany Planning Commission and New Albany 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 New Albany Company LLC c/o Aaron Underhill, Esq., the New Albany Planning Commission reviewed the proposed zoning amendment and recommended its approval on June 16, 2025 (ZC-48-2025).

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

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

- A.** An approximately 1.08 +/- acre site within Franklin County, generally located north and west of Lambton Park Road and south of Brandon Road from its current zoning of Comprehensive Planned Unit Development (C-PUD) and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD).
- B.** The zoning district's text and boundary map are hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this 05 day of Aug, 2025.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/26/2025

Introduced: 07/15/2025

Revised:

Adopted: 08/05/2025

Effective: 09/04/2025

**EAST NINE INFILL PLANNED UNIT DEVELOPMENT (I-PUD)
ZONING TEXT**

June 5, 2025

I. Introduction: The East Nine I-PUD consists of 30.1+/- acres within the New Albany Country Club Communities, being surrounded by the golf course on all four sides. The site has been developed with public infrastructure, including (but not limited to) an extension of Head of Pond Road into the property from Lambton Park Road on the southwest, an extension of Baughman Grant into the property from the north, other internal streets, and utilities and stormwater management infrastructure. While infrastructure has been constructed, no homes have been built within the subdivision.

This rezoning will continue to facilitate estate lots along with a pocket of upscale, clustered housing in the southeastern portion of the development to frame an open space that will be meticulously designed to create a notable feature for the neighborhood. In addition, this rezoning will allow for the construction of occupiable dwelling unit spaces over public streets in up to three locations to create unique architectural features that will set this community apart from others. Other enhancements will be made to the vehicular entrances into the development, and modifications and upgrades are planned to an existing pedestrian overlook over a centralized pond, along with the addition of a second overlook. Most existing asphalt paths have been or will be replaced with a brick sidewalk network internal to the site.

II. Subareas: The vast majority of the site is part of an existing platted subdivision known as The New Albany Country Club Section 30, and prior to the approval of this text is already zoned as the East Nine I-PUD. The East Nine I-PUD as revised herein will continue to include three subareas. Subarea 1 encompasses 25.87+/- acres covering the entire northern and central portions of the development, along with the central portions of the southernmost areas, and will contain estate lots. Subarea 2 totals 3.44+/- acres within the southeastern portion of the development that will accommodate clustered housing. Subarea 3 includes 0.79+/- acres located near the north and south entrances to the community at the intersection of Lambton Park Road and Head of Pond Road and the first residential lot at the Baughman Grant entrance.

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

IV. Subarea 1: The standards and requirements in this Section IV shall apply to Subarea 1.

A. Permitted Uses: Permitted uses include single-family detached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 28 units in Subarea 1.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Width: There shall be a minimum lot width of 90 feet at the building line.
4. Minimum Lot Depth: There shall be no minimum lot depth.
5. Setbacks:
 - a. Front Yards: The minimum front yard setback on a lot shall be 20 feet from the edge of right-of-way.
 - b. Side Yards: The minimum side yard setback on a lot shall be 15 feet.
 - c. Rear Yards: The minimum rear yard setback on a lot shall be 25 feet.
 - d. Encroachments: Stoops, steps, and covered porches shall be permitted to encroach up to 5 feet into the minimum front yard setback.

C. Perimeter Landscaping: Along each perimeter boundary of Subarea 1 which is shared with property that is located outside of this zoning district, enhanced landscaping shall be provided in order to delineate this subdivision from the golf course. Such landscaping shall be provided within a 20-foot wide landscaping easement measured from each such perimeter boundary line. Details for this landscaping are illustrated in the exhibits being provided with the preliminary development plan application which are labeled as "Perimeter Landscape 1 and 2".

V. Subarea 2: The standards and requirements in this Section V shall apply to Subarea 2.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses including (but not limited to) accessory dwelling units (ADUs) as described in subsection V(C) of this zoning text, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 9 primary single family home units in Subarea 2.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: There shall be no minimum setbacks from any lot lines for parcels within this subarea for primary or accessory structures (detached or attached). Structures above ground shall be permitted to encroach into the right-of-way and across the lot lines for Lots 108 and 116 (as identified in accompanying preliminary and/or final development plan).

C. Accessory Structures: In this subarea, in addition to other permitted uses for accessory structures as permitted by the Codified Ordinances, accessory structures shall be permitted to be used as accessory dwelling units (ADUs), which are defined as “independent residential dwelling units located on the same lot as a primary single-family home for lots 108 and 116. Accessory structures, on any lot within this subarea, may be located anywhere on a lot, including (without limitation) in the front yard.” An example of an accessory structure which is located in a front yard is illustrated in the exhibit accompanying the preliminary development plan application which is labeled “Close House Exhibits 1-3”. Accessory structures shall be exempt from the requirements of Codified Ordinances Section 1165.04.

VI. Subarea 3: The standards and requirements in this Section VI shall apply to Subarea 3.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 3 units in Subarea 3.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: There shall be no minimum setbacks from any lot lines for parcels within this subarea for primary or accessory structures (detached or attached). Structures above ground shall be permitted to encroach into the right-of-way and extend across the lot lines, for lots 135, 139, and 140.

(C) Accessory Structures: In this subarea, in addition to other permitted uses for accessory structures as permitted by the Codified Ordinances, accessory structures shall be permitted to be used as accessory dwelling units (ADUs), which are defined as “independent residential dwelling units located on the same lot as a primary single-family home. Accessory structures, on any lot within this subarea, may be located anywhere on a lot, including (without limitation) in the front yard.” An example of an accessory structure which is located in a front yard is illustrated in the exhibit accompanying the preliminary development plan application which is labeled “North Entry House Exhibits 1 and 2”. Accessory structures shall be exempt from the requirements of Codified Ordinances Section 1165.04.

VII. Standards Applicable to All Subareas: The standards and requirements in this Section VII shall be applicable to all subareas:

A. Architectural Standards: All homes shall be designed in accordance with the City’s Design Guidelines and Requirements (DGRs) unless otherwise specified herein. Maximum building heights shall be 35 feet. Homes located on lots 102, 103, 139, and 140 shall not be required to have front doors that face the public road.

B. Access Points: The vehicular access points to and from the zoning district exist and are both from the intersection of Lambton Park Road and Head of Pond Road and from Baughman Grant.

C. Rights-of-Way; Streets: Rights-of-way within this zoning district were previously dedicated to the City of New Albany as provided in that certain plat for The New Albany Country Club Section 30, which is of record with the Office of the Recorder of Franklin County, Ohio in Plat Book 132, Pages 86-89. The subdivision will be re-platted following this rezoning and approval of final development plans in order to reflect the approved standards and requirements of this application. Right-of-way and existing pavement widths shall remain as they exist within this I-PUD as provided in the existing plat and shall be reflected in the re-plat, except that the location of a limited portion of Head of Pond Road shall be modified along the eastern portion of Subarea 2 that has frontage on that street. The modified location of this portion of the street is illustrated in an accompanying exhibit but shall have a final location and specifications as approved in a final re-plat. The re-plat for this subdivision shall provide for a dedication of right-of-way to the City as necessary to accommodate the modified right-of-way location, as well as a dedication of any necessary associated easements. The City shall vacate any right-of-way and easements which are no longer needed to accommodate the street, utilities, or other public improvements once the re-plat is recorded, either as part of that re-plat or by other appropriate City action.

Within Subarea 2, a new public street will be provided in a “loop” configuration. The minimum right-of-way for this street shall be determined as part of the review and approval of a final development plan based on the final design of improvements within this subarea. Pavement for this street shall be a minimum of 20 feet in width unless otherwise approved as part of a final

development plan. This street may be platted as part of the initial re-platting of the subdivision or may be platted as part of a further subsequent re-plat for Subarea 2. Green space within the public street loop shall be permitted to have hardscape and decorative vertical improvements, which may extend into the right-of-way if approved as part of a final development plan. This Reserve shall remain in the ownership of the Homeowners Association. Maintenance will also be the responsibility of the Homeowners Association.

D. Lot Coverage. There shall be no maximum lot coverage ratio in this zoning district.

E. Parking:

1. Off-Street Parking: All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within a garage, except that Lot 140 located near the intersection of Lambton Park Road and Head of Pond Road may have a one-car garage with one parking space on the driveway. Parking areas and garage sites shall be exempt from the requirement in the City's Design Guidelines and Requirements pertaining to Residential Outside of the Village Center, Section I.A.2.

2. On-Street Parking: Parking shall be permitted on both sides of the public streets within Subarea 1 and on one side of the public street in Subarea 2, except in areas where such parking will cause a traffic safety concern, as determined at the time of final development plan approval.

E. Public Sidewalks: A public brick sidewalk shall be located within the right-of-way on both sides of each of Head of Pond Road and Baughman Grant and along the western side of Head of Pond Court. An existing asphalt path shall remain along the east side of Head of Pond Court extending through the golf course to the public park at the intersection of Lambton Park and Brandon Roads. Through the zoning district existing public leisure paths shall be removed to accommodate the brick sidewalks, which shall be a minimum of 4 feet in width.

F. Buffering, Landscaping, Open Space and Screening Commitments:

1. Parkland and Open Space: Parkland shall be dedicated to the City, and privately-owned open spaces shall be provided, in locations as specifically approved as part of one or more final development plans. Ownership of and maintenance responsibilities for these areas shall be defined and approved with the final development plan. To the extent that parkland and/or open space requirements of the City's Codified Ordinances cannot be provided within this zoning district, the developer shall withdraw parkland credits from its parkland bank that was created as part of the 1998 NACO PUD. The quantity of the withdrawal shall be detailed in a final development plan application.

2. Central Stormwater Management Basin. The stormwater management basin that will be centrally located within the development will be located in whole or in part on privately owned lots. The basin shall be maintained by a forced and funded property owners' association and appropriate easements will be provided in a final plat or other recorded easement instrument(s) in order to memorialize the rights and obligations of the association in this regard.

3. Street Trees: Street trees shall be permitted but shall not be required in Subarea 2. If street trees are provided, details regarding their sizes and spacing shall be provided at the time of final development plan approval for this subarea.

4. Exemption to Section 1187.15(c)(6): This zoning district shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.

G. Lighting:

1. Uplighting: Uplighting of the exterior of a home shall be prohibited.

2. Street Lights: Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout Subarea 1.

3. Entry Features: Ground mounted lighting shall be shielded and landscaped.

4. Fixtures: Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout Subarea 1

5. Gas Lights: Gas lights shall be permitted throughout the zoning district.

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

H. Storage:

1. Storage Sheds: Storage sheds and other prefabricated storage structures shall be prohibited.

2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.

3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

I. Garbage Cans: All garbage cans and other waste containers shall be kept in garages or within approved screened areas.

J. Utilities: All new utility lines shall be placed underground.

K. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entrances into the zoning district from Lambton Park Road and Baughman Grant shall be permitted with designs that are subject to staff review and approval.

XIII. Miscellaneous Standards:

A. Housing Bank: The approved zoning for the property within this zoning district as it exists prior to the approval of this rezoning allows for a maximum of 88 homes to be constructed. A previously approved final development plan and the plat for this subdivision provided for 36 homes to be constructed on the property, with the balance of the 88 homes that are permitted on the site having been deposited into the so-called “housing bank” under the 1998 NACO PUD. This rezoning allows for the construction of up to 40 homes in this zoning district. The applicant shall withdraw 4 units from the housing bank to accommodate the additional homes to be developed in this zoning district as compared to the previously approved subdivision.

B. Variances and Appeals:

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

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

C. Combined Approvals: Given the nature of the proposed development and the level of detail being provided as part of the preliminary development plan, the preliminary development

plan that has been submitted for this I-PUD also serves as the final development plan for the project.



ORDINANCE O-32-2025

AN ORDINANCE TO APPROVE THE FINAL PLAT FOR 40 SINGLE-FAMILY LOTS ON 30.1 +/- ACRES AND ACCEPT RESERVES "F", "G", "H", "I", "J", AND "K" FOR SECTION 30 OF THE "NEW ALBANY COUNTRY CLUB" SUBDIVISION GENERALLY LOCATED NORTH AND WEST OF LAMBTON PARK ROAD AND SOUTH OF BRANDON ROAD, AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON L. UNDERHILL, ESQ.

WHEREAS, an application to approve the New Albany Country Club subdivision Section 30 final plat has been submitted; and

WHEREAS, Codified Ordinance chapter 1187 requires approval of the final plat by council; and

WHEREAS, the New Albany Planning Commission, after review during a public meeting on June 16, 2025, recommended approval of this final plat (FPL-40-2025); and

WHEREAS, the final plat includes 30.1 +/- acres of land to be resubdivided into 40 residential lots in addition to the public streets; and

WHEREAS, the final plat includes approximately 1.39 +/- acres of public parkland and open space; and

WHEREAS, New Albany city council has agreed to the terms and conditions by which this parkland and open space will be donated; and

WHEREAS, the city engineer certifies that the New Albany Country Club Section 30 final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements, and will meet all other requirements of the city.

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

Section 1. The final plat is attached to this ordinance as Exhibit A and made a part herein approved.

Section 2. Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

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

Section 4. Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 05 day of Aug, 2025.

Attest:



Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/30/2025

Introduced: 07/15/2025

Revised:

Adopted: 08/05/2025

Effective: 09/04/2025

RESUBDIVISION OF PART OF NEW ALBANY COUNTRY CLUB SECTION 30

Situated in the State of Ohio, County of Franklin, City of New Albany, and in Quarter Township 3, Township 1, Range 1A, United States Military Lands, containing 21.535 acres of land, more or less, said 21.535 acres being comprised of a resubdivision of Lots 1 to 36, both inclusive, and Reserves "A", "B" and "C" of the subdivision entitled "New Albany Country Club Section 30", of record in Plat Book 132, Page 86, said Lots and Reserves being conveyed to THE NEW ALBANY COMPANY LLC by deed of record Instrument Number 20100920114195, and part of that tract of land conveyed to THE NEW ALBANY COMPANY LLC by deed of record Instrument Number 20100920114195, Recorder's Office, Franklin County, Ohio.

The undersigned, THE NEW ALBANY COMPANY LLC, a Delaware limited liability company, by BRENT B. BRADBURY, Chief Financial Officer, owner of the lands plotted herein, duly authorized in the premises, does hereby certify that this plat correctly represents in "RESUBDIVISION OF PART OF NEW ALBANY COUNTRY CLUB SECTION 30", a subdivision containing Lots numbered 101 to 141, both inclusive, and areas designated as Reserve "F", Reserve "G", Reserve "H", Reserve "I", Reserve "J" and Reserve "K", does hereby accept this plat of same and dedicates to public use, as such, all of that of Pond Road shown hereon and not heretofore dedicated.

Easements are hereby reserved in, over and under areas designated on this plat as "Easement", "Drainage Easement" or "Sidewalk Easement". Each of the aforementioned designated easements permit the construction, operation and maintenance of all public and quasi-public utilities above, beneath, and on the surface of the ground and, where necessary, for the construction, operation and maintenance of service connections to all adjacent lots and lands and for storm water drainage. No building shall be constructed in any area over which easements are hereby reserved. Within those areas designated "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage facilities and/or other above ground storm water drainage facilities. No above grade structures, ditches or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat unless approved by the City of New Albany Engineer. Within those areas designated "Sidewalk Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, installing and maintaining a sidewalk for use by the general public. Easement areas shown hereon outside of the plotted area are within lands owned by the undersigned and easements are hereby reserved thereon for the uses and purposes as expressed herein.

In Witness Whereof, BRENT B. BRADBURY, Chief Financial Officer of THE NEW ALBANY COMPANY LLC, has hereunto set his hand this _____ day of _____, 20____.

Signed and Acknowledged
Is the proponent of:

THE NEW ALBANY COMPANY LLC

By BRENT B. BRADBURY,
Chief Financial Officer

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared BRENT B. BRADBURY, Chief Financial Officer of THE NEW ALBANY COMPANY LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said THE NEW ALBANY COMPANY LLC for the uses and purposes expressed herein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20____.

My commission expires _____
Notary Public, _____ State of Ohio

Approved this _____ day of _____
20____

Mayor, _____ New Albany, Ohio

Approved this _____ day of _____
20____

City Engineer, _____ New Albany, Ohio

Approved this _____ day of _____
20____

Council Representative to Planning
Commission, _____ New Albany, Ohio

Approved this _____ day of _____
20____

Chairperson, Planning Commission,
_____ New Albany, Ohio

Approved this _____ day of _____
20____

Finance Director, _____ New Albany, Ohio

Approved and accepted by Resolution No. _____ passed _____, 20____,
wherein all of that of Pond Road shown dedicated hereon is accepted, as such, by the
Council for the City of New Albany, Ohio. Approval of this plat shall become null and
void unless recorded prior to _____, 20____. The City of New Albany,
Ohio by its approval and acceptance of this plat does hereby vacate the portions of
Boulevard Grant and Head of Pond Road shown hereon by Cross Hatching

Transferred this _____ day of _____
20____

Auditor, _____ Franklin County, Ohio

Deputy Auditor, _____ Franklin County, Ohio

Filed for record this _____ day of _____
20____ at _____ M. Fee \$ _____

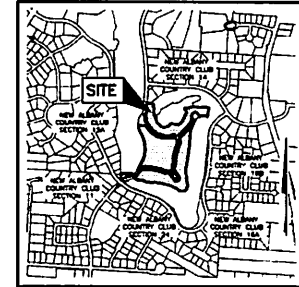
Recorder, _____ Franklin County, Ohio

File No. _____

Recorded this _____ day of _____
20____

Deputy Recorder, _____ Franklin County, Ohio

Plat Book _____, Page _____



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown hereon are based on the same meridian as the bearings shown on the subdivision plat entitled "New Albany Country Club Section 30", of record in Plat Book 132, Page 86, Recorder's Office, Franklin County, Ohio. On said plat of record, a portion of the corner line of Vista Drive is shown as bearing a bearing of South 12°54' 44" East.

SOURCE OF DATA: The sources of recorded survey data referenced in the plan and text of this plat are the records of the Recorder's Office, Franklin County, Ohio.

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pins, three-eighths inch outside diameter, thirty inches long with a plastic plug placed in the top and bearing the initials EMHIT INC.

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EMHIT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/facilities of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these infrastructure improvements. The New Albany, Ohio, Municipal Engineer shall be notified in writing when the markers are in place.

SURVEYED & PLATTED
BY

EMHIT

Survey, Measurement, Mapping & Design, Inc.
2000 North Albany Street, Columbus, Ohio 43204
Phone: 614.291.1111 Fax: 614.291.1112
www.emhit.com

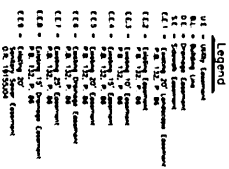
We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct. All dimensions are in feet and decimal parts thereof.

○ = Iron Pin (See Survey Data)
● = MAG Nail to be set
⊙ = Permanent Marker (See Survey Data)

By _____
Professional Surveyor No. 7565 Date _____

Line Type Legend

- _____ Existing Property Line
- _____ Existing R/W Line
- _____ Existing R/W Centerline
- _____ Existing Easement Line
- _____ Subdivision Boundary Line
- _____ Lot Line
- _____ R/W Line
- _____ R/W Centerline
- _____ Easement Line



Match Legend

	
Common to be used	Right-of-way to be widened

RESUBDIVISION OF PART OF NEW ALBANY COUNTRY CLUB SECTION 30

THE NEW ALBANY COMPANY LLC
I.N. 201009020114195

- Line Type Legend
- Existing Property Line
 - Existing R/W Line
 - Existing R/W Centerline
 - Existing Easement Line
 - Lot Line
 - R/W Line
 - R/W Centerline
 - Easement Line

3
5



THE NEW ALBANY COMPANY LLC
I.N. 201009020114195

THE NEW ALBANY
COUNTRY CLUB
SECTION 14
P.B. 83, P. 21

THE NEW ALBANY COMPANY LLC
I.N. 201009020114195

THE NEW ALBANY COMPANY LLC
I.N. 201009020114195

THE NEW ALBANY
COUNTRY CLUB
SECTION 11
P.B. 82, P. 72

THE VILLAGE
OF NEW ALBANY
I.N. 200903020027566

- Legend
- UL = Utility Easement
 - BL = Building Line
 - DE = Driveway Easement
 - SE = Sidewalk Easement
 - EE1 = Existing 20' Landscape Easement P.B. 132, P. 86
 - EE2 = Existing 10' Easement P.B. 132, P. 86
 - EE3 = Existing 15' Easement P.B. 132, P. 86
 - EE4 = Existing 20' Easement P.B. 132, P. 86
 - EE5 = Existing 25' Easement P.B. 132, P. 86
 - EE6 = Existing 15' Driveway Easement P.B. 132, P. 86
 - EE7 = Existing 20' Driveway Easement P.B. 132, P. 86

THE NEW ALBANY
COUNTRY CLUB
SECTION 15A
P.B. 86, P. 67

RESUBDIVISION OF PART OF NEW ALBANY COUNTRY CLUB SECTION 30

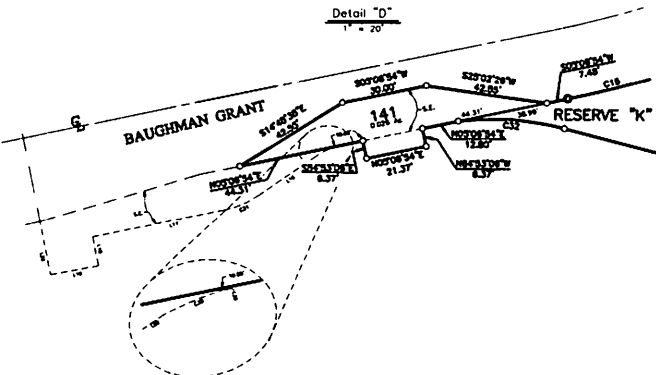
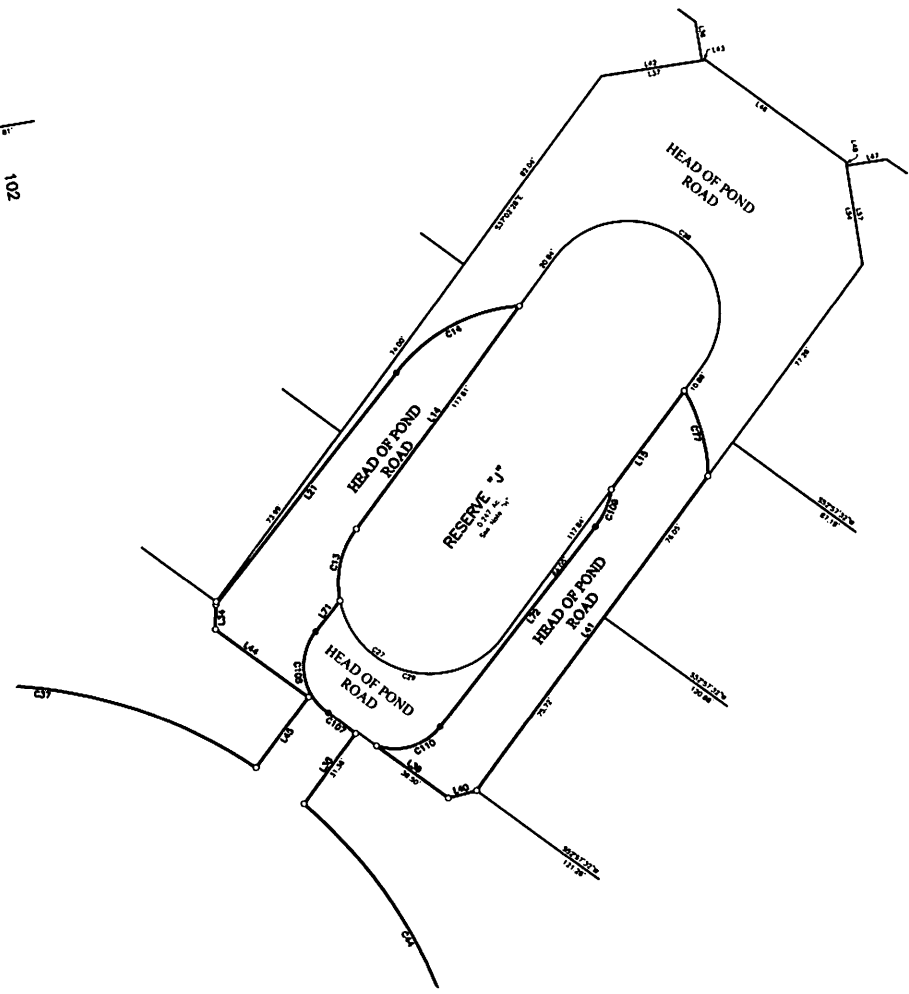
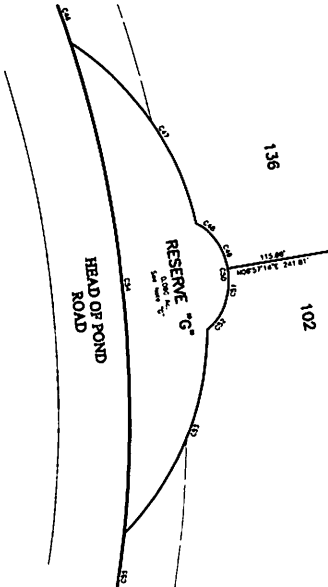
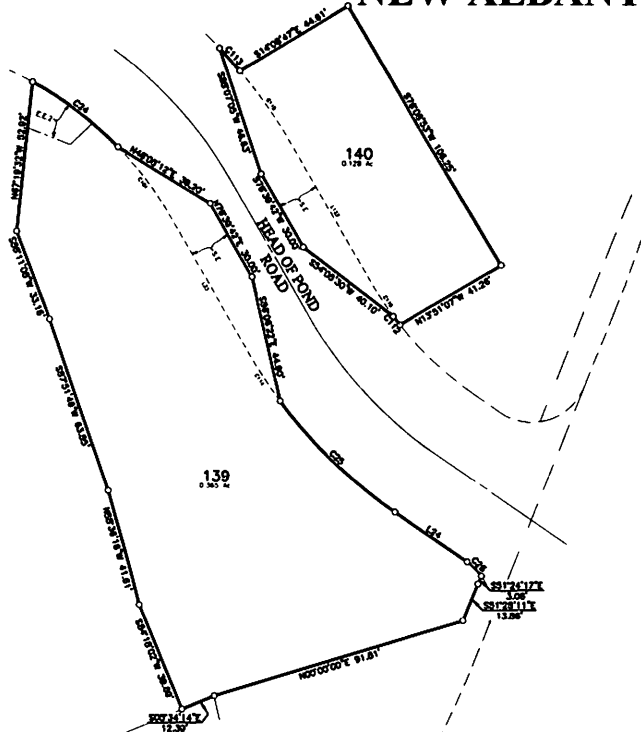
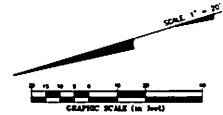
Detail "A"
1" = 20'

Detail "B"
1" = 20'

Detail "C"
1" = 20'

Detail "D"
1" = 20'

- Line Type Legend
- Existing Property Line
 - Existing R/W Line
 - Existing R/W Centerline
 - Existing Easement Line
 - Subdivision Boundary Line
 - Lot Line
 - R/W Line
 - R/W Centerline
 - Easement Line



CURVE NO.	DETA.	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C01	277.57°	595.00'	25.98	N 04°12'55" E	25.17'
C02	5.30°36"	595.00'	38.25	N 87°42'55" E	38.74'
C03	281.17°	595.00'	191.85	S 12°08'08" E	150.82'
C04	274°11'33"	595.00'	92.96'	S 50°48'15" E	92.72'
C05	165°24'21"	595.00'	110.65'	S 46°21'32" E	110.25'
C06	65°54'21"	595.00'	110.65'	S 07°15'34" E	110.25'
C07	1°11'10"	595.00'	86.31'	S 80°10'15" E	110.25'
C08	285°13'50"	595.00'	24.70'	S 82°59'30" E	24.66'
C09	148°16'18"	595.00'	63.64'	N 16°07'33" E	63.37'
C10	8°29'50"	595.00'	51.70'	N 41°05'33" E	51.67'
C11	275°02'31"	595.00'	99.24'	S 31°57'30" E	39.20'
C12	7°10'56"	595.00'	29.78	S 45°15'06" E	28.89'
C13	278°00'	595.00'	22.48'	N 35°58'21" E	22.34'
C14	62°28'56"	595.00'	18.56'	N 31°15'51" E	18.34'
C15	35°13'30"	595.00'	77.52'	N 02°44'00" E	76.20'
C16	10°06'45"	595.00'	90.00'	S 12°50'17" E	89.83'
C17	61°19'56"	595.00'	58.84'	S 06°59'55" E	58.83'
C18	273°23'35"	61.00'	31.16'	S 84°25'15" E	31.16'
C19	53°33'45"	105.00'	102.41'	N 06°10'31" E	102.37'
C20	57°08'16"	105.00'	100.75'	N 10°07'13" E	100.71'
C21	52°04'16"	105.00'	98.24'	N 83°57'04" E	38.24'
C22	51°50'30"	135.00'	11.80'	N 87°00'21" E	11.80'
C23	49°23'20"	135.00'	112.53'	S 03°02'21" E	113.80'
C24	108°24'	400.00'	7.72'	N 70°14'07" E	7.72'
C25	158°50'07"	400.00'	111.47'	N 74°23'54" E	111.52'
C26	192°55'19"	400.00'	84.21'	S 82°53'48" E	93.91'
C27	72°30'30"	550.00'	44.11'	N 06°27'28" E	44.07'
C28	57°57'35"	550.00'	52.06'	N 89°59'44" E	52.03'
C29	8°10'49"	550.00'	71.33'	N 82°42'25" E	71.31'
C30	69°00'25"	500.00'	53.76'	N 76°54'20" E	53.75'
C31	130°00'00"	500.00'	78.37'	N 71°03'01" E	78.51'
C32	172°02'00"	500.00'	135.26'	N 82°14'50" E	135.66'
C33	27°09'40"	500.00'	28.78'	N 37°10'09" E	28.29'
C34	224°11'48"	145.00'	59.95'	N 56°02'36" E	59.52'
C35	274°11'33"	145.00'	69.78'	N 58°02'36" E	69.11'
C36	185°24'21"	145.00'	47.85'	S 72°50'12" E	47.63'
C37	111°11'28"	200.00'	39.56'	S 35°15'12" E	39.00'
C38	272°14'30"	200.00'	102.83'	S 06°31'41" E	101.70'
C39	54°29'27"	500.00'	5.96'	N 01°12'31" E	5.96'
C40	53°50'07"	100.00'	113.41'	N 08°02'52" E	113.42'
C41	272°14'30"	100.00'	102.83'	S 06°31'41" E	101.70'

222-005191	0.991 Åc
222-005192	0.96 Åc
222-005193	0.975 Åc
222-005194	0.978 Åc
222-005195	0.910 Åc
222-005196	0.928 Åc
222-005197	0.933 Åc
222-005198	0.938 Åc
222-005199	0.995 Åc
222-005200	0.918 Åc
222-005201	0.938 Åc
222-005202	0.927 Åc
222-005203	0.904 Åc
222-005204	0.945 Åc

NOTE: "J" - RELEASE OF CERTAIN EASEMENTS;
All rights and easements granted to the City of New Albany,
the City of New Albany, Ohio by the subdivision plat entitled
"New Albany Country Club Section 10" of record in Plat
Book 132, Page 84, shown hereon by cross hatching (see hatch
legend), are hereby vacated

222-0095216	0.161 Ac
222-0095217	0.417 Ac
222-0095220	0.476 Ac
Vacated Right-of-way	0.331 Ac

100

10



ORDINANCE O-34-2025

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$15,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S VEHICULAR TRANSPORTATION SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. O-30-2024 adopted August 6, 2024, notes in anticipation of bonds in the principal amount of \$22,500,000, dated September 11, 2024 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1, to mature on September 10, 2025; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is September 11, 2044; and

WHEREAS, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the prompt issuance of the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby approve its credit.

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

Section 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of this City in the maximum principal amount of \$15,000,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's vehicular transportation system, including Briscoe Parkway, the Market Street extension, Third Street, Reynoldsburg-New Albany Road and U.S. Route 62/Main Street, by constructing, reconstructing, extending, opening, widening, grading, draining, curbing, paving and resurfacing, including erosion controls, tree clearing and site preparation, installing or relocating sanitary sewer, storm sewer and water improvements, signage and striping, streetlighting

and signalization, electrical and telecommunications duct banks, turn lanes, sidewalks, crosswalks and bikeways, ADA curb ramps, streetscaping, landscaping and other aesthetic improvements, and acquiring interests in real estate therefor, together with all incidental work and related appurtenances thereto (the "*Improvement*").

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2026, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment on the Bonds is estimated to be December 1, 2026.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this City Council determines that notes in the maximum principal amount of \$15,000,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, provided that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.50% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

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

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

Section 5. Execution of Notes; Book-Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities; provided that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

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

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

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

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

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

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

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

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

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

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

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer

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

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

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

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

Section 9. Provision for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund,

which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

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

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

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

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

The Director of Finance, as fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax

status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

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

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

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

Section 14. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

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

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

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

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

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

CERTIFIED AS ADOPTED this 05 day of Aug, 2025.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	07/24/2025
Introduced:	08/05/2025
Revised:	
Adopted:	08/05/2025
Effective:	08/05/2025



RESOLUTION R-26-2025

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER FOR THE IMPROVEMENT, MAINTENANCE, AND OPERATION OF PORTIONS OF WALNUT STREET AT BEVELHYMER ROAD FOR THE ROUNDABOUT INTERSECTION IMPROVEMENT PROJECT

WHEREAS, the city desires to make improvements to the Bevelhymer Road and Walnut Street intersection to improve safety and enhance the flow of traffic through the city; and

WHEREAS, the city council approved funding for the Bevelhymer Road and Walnut Street roundabout improvement project via Resolution R-20-2025; and

WHEREAS, the intersection of Walnut Street and Bevelhymer Road is partially located within New Albany's corporate boundary but serves as a prominent northern gateway; and

WHEREAS, the parties recognize the mutual benefits of collaboration to support the design, construction, maintenance and funding of the proposed intersection improvement project and desire to establish a formal framework to memorialize their collective commitments through a cooperative agreement.

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 enter into a Cooperative Agreement with the Franklin County Engineer that is the same or substantially similar to Exhibit A.

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

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

CERTIFIED AS ADOPTED this 05 day of Aug, 2025.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 07/25/2025

Introduced: 08/05/2025

Revised:

Adopted: 08/05/2025

Effective: 08/05/2025

**COOPERATIVE AGREEMENT BETWEEN
THE CITY OF NEW ALBANY
AND THE FRANKLIN COUNTY ENGINEER
FOR THE IMPROVEMENT, MAINTENANCE, AND OPERATION OF PORTIONS OF
WALNUT STREET AT BEVELHYMER ROAD, WITHIN PLAIN TOWNSHIP, FRANKLIN
COUNTY, OHIO**

This Agreement is made by and between the City of New Albany (“CITY”) and the Franklin County Engineer (“COUNTY”), collectively referred to as “Parties.”

This Agreement shall be for the purpose of cooperating on the construction of a modern roundabout which includes roadway, drainage, and pedestrian improvements proposed by the City at the intersection of Walnut Street and Bevelhymer Road. A schematic plan of the Project area is shown on Exhibit A.

In consideration of the mutual benefit to both Parties, the Parties hereto agree as follows:

The City will:

1. Prepare construction plans, and coordinate utility relocation for the entirety of the Project. The Project will be designed in accordance with City standards and will include incorporation of curbing, drainage, storm, street lighting, and pedestrian facilities. The City will bid and administer construction for the Project.
2. Secure all existing PRO right-of-way in fee simple necessary for the implementation of the Project. Subsequent to this effort, the City will annex portions thereof of the improvement. It is the City’s intent to initiate the annexation process (where possible) by 12/31/2025. It is anticipated that the construction of the Project will be initiated prior to the annexation.
3. Operate and maintain the roadway after construction within the limits of the Project, regardless of the annexation status or extents. The City’s responsibility will include all operation and maintenance activities for the assets within the Project limits, including but not limited to: pavement, striping, signs, traffic signals including support poles and equipment, culverts, drainage, storm sewer, curb, modular block retaining wall, pedestrian facilities, street lighting, snow/ice removal and mowing.

Franklin County will:

1. Review and approve the construction plans for the Project. The review shall be consistent with City-initiated Capital Projects for which the infrastructure will be owned and maintained by the City.
2. Cooperate with the City’s Contractor and construction team during the construction phase of the Project. This shall include attendance at the preconstruction meeting.
3. Process the necessary legislation through the Franklin County Board of Commissioners to transfer Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) to the City from the Municipal Motor Vehicle Tax fund in support of the construction of the roadway portion of the Project. This transfer shall be made upon notice from the City of construction contract award.

Exhibit A – R-26-2025

In witness thereof, the Parties hereto have executed this agreement.

CITY OF NEW ALBANY

Witness: _____

Date: _____

By: _____

Joe Stefanov
City Manager

FRANKLIN COUNTY ENGINEER

Witness: _____

Date: _____

By: _____

Adam W. Fowler, P.E., P.S.
Franklin County Engineer