

**FIRST AMENDMENT
TO
ANNEXATION AGREEMENT**

**Between Plain Township, the Village of New Albany,
and the City of Columbus**

This first amendment (the "First Amendment") to the Annexation Agreement (the "Agreement") is entered into and effective on or as of May 20, 2009, by and between the Board of Trustees of Plain Township, the legislative authority of and for Plain Township, a political subdivision duly organized and validly existing under the laws of the State of Ohio ("the Township"), the Council of the Village of New Albany, the legislative authority of and for the Village of New Albany, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio and its Charter (the "Village"), and the Council of the City of Columbus, Ohio, the legislative authority of and for the City of Columbus, (the "City" and, collectively with the Township and the Village, the "Parties" and each a "Party"), a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio and its Charter.

RECITALS

WHEREAS, on or as of February 26, 2008, the Parties entered into a certain Agreement pursuant to Section 709.192 of the Ohio Revised Code; and

WHEREAS, the Agreement provides, in part, coordinated development and annexation objectives within the territories to which the Agreement pertains (the "Agreement Territory"); and

WHEREAS, the Agreement further provides, in part, that the boundaries of properties which have been or will be annexed to the City from the area within the Agreement Territory designated as the City Growth Zone West will be conformed; and

WHEREAS, the Parties desire to clarify the Agreement Territory, as it relates to the area designated City Growth Zone West, in order to ensure that pursuant to and in accordance with Section 6.4 of the Agreement, the City shall conform its boundaries in order to exclude the Township from any land or lands which have previously been or may be annexed to the City within the City Growth Zone West; and

WHEREAS, this First Amendment has been approved by the Board of Trustees of the Township by Resolution No. 090603-B adopted June 3, 2009, by the Village Council of the Village by Resolution No. R-48-2009 adopted June 2, 2009, and by the City Council of the City by Ordinance No. 0845-2009 adopted June 15, 2009.

First Amendment

NOW THEREFORE, in consideration of the mutual agreements and promises in the Agreement and this First Amendment, the Parties hereby agree as follows:

1. **Agreement Territory.** The map of the Agreement Territory referred to in Section 1.1 of the Agreement and which is attached to and incorporated in the Agreement as Attachment B shall be deleted in its entirety and replaced with the map describing and outlining the Agreement Territory which is attached to and incorporated in this First Amendment as Revised Attachment B (which map shall hereinafter be referred to in both this First Amendment and the Agreement as "Attachment B").

2. **Sub-Areas.** The Agreement is hereby amended by deleting Section 1.2 of the Agreement in its entirety and replacing it with the following:

Section 1.2 Sub-Areas. For purposes of this Agreement, the Agreement Territory consists of four (4) separate parts as described below and as shown on Attachment B, all of which together comprise the entire Agreement Territory. These four (4) sub-areas are designated and hereinafter referred to as follows:

- (a) **Park Zone:** The Park Zone consists of the entire unincorporated area of the Township located north of Walnut Street and west of Peter Hoover Road. This area is generally depicted in green on Attachment B.
- (b) **City Growth Zone West:** The City Growth Zone West consists of all territory located south of Walnut Street which has been annexed from the Township to the City at any time and the unincorporated areas of the Township located south of Walnut Street, but excluding the Village Growth Zone. This area is generally depicted in yellow on Attachment B.
- (c) **City Growth Zone East:** The City Growth Zone East consists of the unincorporated areas of the Township located east of Peter Hoover Road and north of the Village Growth Zone. This area is generally depicted in brown on Attachment B.
- (d) **Village Growth Zone:** The Village Growth Zone consists of those incorporated and unincorporated areas of the Township which are reserved exclusively to the Village as a growth area under the terms of the Sewer and Water Agreement, but excluding the Park Zone. This area is generally depicted in dark blue on Attachment B.

3. **Continuing Effect.** Except as modified by this First Amendment, all sections of the Agreement remain unchanged and in full force and effect. To the extent this First Amendment is inconsistent with the Agreement, the terms of this First Amendment control.

4. **Counterparts.** This First Amendment may be executed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this First Amendment and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.

IN TESTIMONY WHEREOF, the Township by its designated Trustee, the Village by its Administrator and the City by its Director of Development have each hereunto set their signatures on or as of the date first set forth above.

THE TOWNSHIP

By Donald R. Shearn
Title Trustee

THE VILLAGE

By Joseph Stif
Title Village Administrator

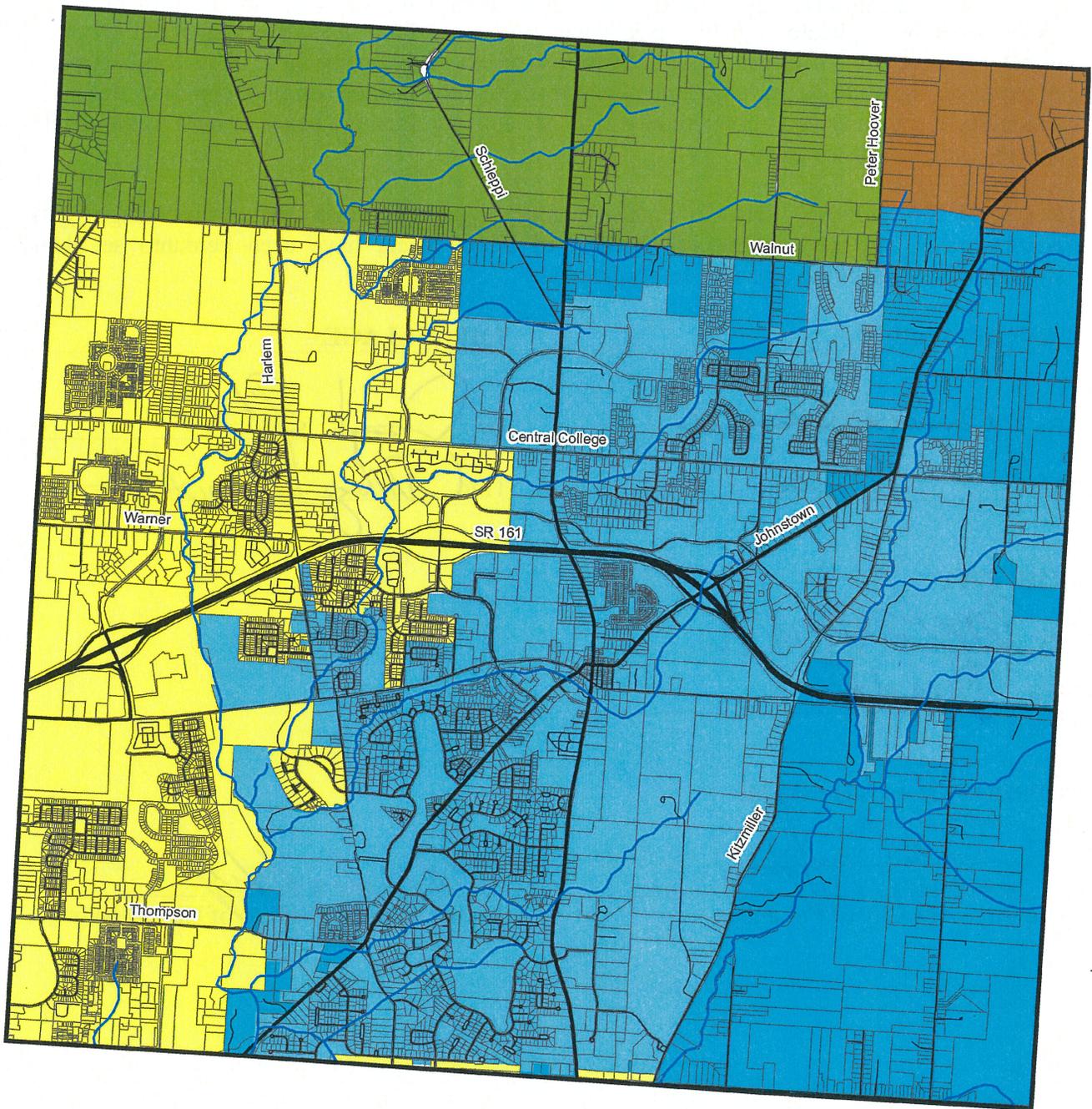
THE CITY

By Boyd Gaffney III
Title Director

APPROVED AS TO FORM:

APPROVED AS TO FORM
Richard C. Pfeiffer, Jr.
Richard C. Pfeiffer, Jr.
City Attorney, City of Columbus

MMA Barchanoff
Village Attorney, Village of New Albany



Revised Attachment B: Agreement Territory



Legend

- City Growth Zone West
- City Growth Zone East
- Village of New Albany
- Village Growth Zone
- Park Zone



City of Columbus
 Department of Development
 Planning Division

May 2009