



**AGENDA  
OXFORD CITY COUNCIL REGULAR MEETING**

**COURTHOUSE**

**TUESDAY, MARCH 18, 2025 AT 7:30 PM**

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William Snavelly, Mayor

Chantel Raghu, Vice-Mayor  
Jason Bracken  
Michael Smith

Amber Franklin  
Alex French  
David Prytherch

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

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1. Roll Call.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Public Participation.
  - A. Swearing-In of Lt. Adam Price (John Jones, Police Chief)
  - B. Appointments to Boards and Commissions
  - C. Public Comments

**The purpose of the public comments section is for members of the public to speak to the City Council on any subject not scheduled on the Agenda, except consent agenda items. To**

**speak, you may approach the podium and wait to be addressed by the Mayor. You will need to state your name and address for the public record. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff, or other members of the public, and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.**

5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Minutes from the March 4, 2025, City Council Meeting. (Heather Barbour, Clerk of Council)
- B. A Report Regarding the March 5th Environmental Commission Meeting (Jessica Greene, Assistant City Manager)
- C. A Resolution Approving Then And Now Certificates For Purchase Orders Issued Above \$3,000 Where An Invoice Was Received Prior To The Purchase Order Date, As A Requirement Of Ohio Revised Code 5705.41 (D). (Heidi Ridenour, Finance Director)

6. Resolutions.

- A. A Resolution Authorizing The City Manager To Apply For An Interact For Health Public Health Policy Grant For A Three-Year Eviction Diversion And Housing Stability Program For \$90,000.00 And A Local Match Of \$30,000.00 In Year One, With A 4% Increase In Each Following Year. (Jessica Greene, Assistant City Manager)
- B. A Resolution To Adopt A Title VI Plan To Demonstrate The City Of Oxford's Commitment To The Civil Rights Act Of 1964 And Our Intention To Foster An Inclusive And Diverse Community, Ensuring That All Residents Have Fair And Equal Access To City Programs And Services, And Complying With All Federal Civil Rights Regulations. (Jessica Greene, Assistant City Manager)
- C. A Resolution Making An Appointment To The Butler County 9-1-1 Program Review Committee. (Douglas R. Elliott, Jr., City Manager)
- D. A Resolution Designating Public Depositories And Extending The Deposit Of Active Public Funds For A One-Year Period Commencing April 6, 2025. (Heidi Ridenour, Finance Director)



- E. A Resolution Authorizing The City Manager To Submit A Grant Application To The Ohio Department Of Natural Resources (ODNR) For Up To \$52,000.00 To Increase And Strengthen Oxford's Tree Canopy By Removing And Replacing Callery Pear Trees In The Uptown Area. (Michael Dreisbach, Service Director)

7. Ordinances.

**Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.**

A. First Reading

B. Second Reading

1. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Oxford-Reily Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director)
2. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Gardenia Drive For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct The Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director)
3. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Cobblestone Community Church, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)
4. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Development, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)
5. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Owners Association, Inc. For The Purpose Of Easements For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)
6. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With HPCT Properties, Inc. For The Purpose Of Easements For The

Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

7. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Abraham A. & Eulin M. Kuranga Family Trust For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)
8. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With CSX Transportation, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)
9. An Ordinance Repealing Oxford Codified Ordinance Section 127.12 Entitled “Maximum Age For An Original Appointment To The Police Department” And Adopting New Oxford Codified Ordinance Section 127.12 Entitled “Maximum Age For An Original Appointment To The Police Department As A Police Officer.” (John Jones, Police Chief)

8. Announcements & Communications.

A. Remarks from City Council and City staff.

**The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.**

B. Future Meetings.

(Note: Meetings are held at the Court House unless otherwise indicated.)

| DATE | Meeting |
|------|---------|
|------|---------|

9. Adjourn.

|                                             |                    |           |
|---------------------------------------------|--------------------|-----------|
| A. Mar 18 City Council                      | Courthouse         | 7:30 p.m. |
| Mar 19 Board of Building Appeals - CANCELED | Courthouse         | 5:30 p.m. |
| Mar 25 Board of Zoning Appeals - CANCELED   | Courthouse         | 6:30 p.m. |
| Apr 1 City Council                          | Courthouse         | 7:30 p.m. |
| Apr 2 Environmental Commission              | Municipal Building | 7:00 p.m. |
| Apr 3 Housing Advisory Commission           | College@Elm        | 5:00 p.m. |
| Apr 8 Planning Commission                   | Courthouse         | 7:00 p.m. |

|        |                                                     |                       |               |
|--------|-----------------------------------------------------|-----------------------|---------------|
| Apr 9  | Historic & Architectural Preservation<br>Commission | Courthouse            | 6:00 p.m.     |
| Apr 14 | Oxford Recreation Board                             | Municipal<br>Building | 11:30<br>a.m. |
| Apr 15 | City Council                                        | Courthouse            | 7:30 p.m.     |



**MINUTES  
OXFORD CITY COUNCIL REGULAR MEETING  
COURTHOUSE  
TUESDAY, MARCH 4, 2025 AT 7:30 PM**

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**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

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1. Roll Call.

Motion – To Enter Executive Session at 7:15 p.m. O.R.C. Section 121.22 (G)(3) To consider pending and threatened litigation.

(Roll Call Vote) 1st Mr. Prytherch 2nd Ms. French

AYE # 6

Mr. Smith, Ms. Franklin, Ms. French, Mr. Prytherch, Mr. Bracken and Mayor Snaveley

NAY # 0

ABS # 0

Motion – To Return from Executive Session at 7:31 p.m. O.R.C. Section 121.22 (G)(3) To consider pending and threatened litigation.

(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

NAY # 0

ABS # 0

A regular meeting of the Oxford City Council was called to order by Mayor Snaveley on Tuesday, March 4, 2025, at 7:31 p.m. Members in attendance were Jason Bracken, Amber Franklin, Michael Smith, David Prytherch, and Alex French. Chantel Raghu arrived at 7:27 pm.

Staff Members in Attendance

Mr. Douglas R. Elliott, Jr., City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Michael Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. John Detherage, Fire Chief; Mr. Sam Perry, Community Development Director; Ms. Heidi Ridenour, Finance

Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Ben Mazer, Assistant Law Director and Ms. Heather Barbour, Clerk of Council.

2. Pledge of Allegiance.

3. Approval of Agenda.

Motion – To Approve the Agenda.  
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch  
AYE # 7  
NAY # 0  
ABS # 0

4. Public Participation.

A. Public Comments

**The purpose of the public comments section is for members of the public to speak to the City Council on any subject not scheduled on the Agenda, except consent agenda items. To speak, you may approach the podium and wait to be addressed by the Mayor. You will need to state your name and address for the public record. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff, or other members of the public, and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.**

Public Comment - None.

5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

Motion – To Approve the Consent Agenda.  
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7  
NAY # 0  
ABS # 0

- A. Minutes from the February 18, 2025, City Council Meeting. (Heather Barbour, Clerk of Council)
- B. Uptown Parks Permit Request ROW 00845 OX-Wee (Oxford Empowering the Oxwee-Miami School of Hope) (Jessica Greene, Assistant City Manager)
- C. Uptown Parks Permit Request ROW 00841 Jesus Christ of Latter Day Saints. (Jessica Greene, Assistant City Manager)

6. Resolutions.

- A. A Resolution In Support Of State Issue 2 Renewal Of The State Capital Improvement Program On The May 6, 2025, Statewide Ballot. (Douglas R. Elliott, Jr., City Manager)

Motion – To Adopt Resolution No. 7682.  
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch  
AYE # 7  
NAY # 0  
ABS # 0

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

- B. A Resolution Authorizing The City Manager To Submit A Grant Application To The Ohio Department Of Transportation (ODOT) For Funding The (OATS) Oxford Area Trail System Phase VI. (Michael Dreisbach, Service Director)

Motion – To Adopt Resolution No. 7683.  
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch  
AYE # 7  
NAY # 0  
ABS # 0

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

7. Ordinances.

**Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.**

A. First Reading

1. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Oxford-Reily Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

2. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Gardenia Drive For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct The Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment—Mr. Chris Shoker, 5790 Stillwell Beckett Road—Mr. Shoker mentioned meeting with City Staff earlier that day to discuss alternative routes, but no alternative routes were actually presented. Mr. Shoker noted his dissatisfaction with the meeting, and he composed an email at the end of the day. Mr. Shoker pointed out that one way to resolve this issue would be for the City to acquire that portion of the property, which would be approximately nine acres. Mr. Shoker suggested that the Council table this item for two weeks so that the City Staff could have a chance to evaluate and respond. Mr. Shoker noted they would like to find a resolution that will benefit all involved.

Public Comment—Ms. Lara Osborne, 5790 Stillwell Beckett Road—Ms. Osborne mentioned that she and her husband would like to help with this project. Ms. Osborne noted that during her first year at Miami, she was appointed as a student member of the Future of Oxford Committee, where they discussed the Emerald Beltway around Oxford. Ms. Osborne shared that if they accepted any of the proposals, she would be the biggest individual monetary donor to the bike trail in terms of the money she would be losing.

3. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Cobblestone Community Church, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

4. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Development, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

5. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Owners Association, Inc. For The Purpose Of Easements For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.



Public Comment - None.

6. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With HPCT Properties, Inc. For The Purpose Of Easements For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and assessed questions and comments from the Council.

Public Comment - None.

7. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Abraham A. & Eulin M. Kuranga Family Trust For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

8. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With CSX Transportation, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

9. An Ordinance Repealing Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department" And Adopting New Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department As A Police Officer." (John Jones, Police Chief)

Mr. Dreisbach presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

B. Second Reading

1. An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Douglas R. Elliott, Jr., City Manager)

Motion – To Adopt Ordinance No. 3809.  
(Roll Call Vote) 1st Ms. Raghu 2nd Ms. French

AYE # 7

Ms. French, Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mr. Smith, Ms. Franklin, and Mayor Snavely

NAY # 0

ABS # 0

Mr. Elliott reported no changes since the first reading and offered to answer any questions.

Public Comment - None.

2. An Ordinance Amending Ordinance No. 3783 Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2025. (Heidi Ridenour, Finance Director)

Motion – To Adopt Ordinance No. 3810.  
(Roll Call Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mr. Smith, Ms. Franklin, Ms. French and Mayor Snavely

NAY # 0

ABS # 0

Ms. Ridenour reported no changes since the first reading and offered to answer any questions.

Public Comment - None.

8. Announcements & Communications.

A. Remarks from City Council and City staff.

**The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.**

**B. Future Meetings.**

(Note: Meetings are held at the Court House unless otherwise indicated.)

| DATE     | Meeting                                          |                    |            |
|----------|--------------------------------------------------|--------------------|------------|
| 1. Mar 5 | Environmental Commission                         | Municipal Building | 7:00 p.m.  |
| Mar 6    | Housing Advisory Commission                      | Municipal Building | 5:00 p.m.  |
| Mar 6    | Police Community Relations & Review Commission   | Courthouse         | 7:00 p.m.  |
| Mar 10   | Oxford Recreation Board                          | Municipal Building | 11:30 a.m. |
| Mar 11   | Planning Commission                              | Courthouse         | 7:00 p.m.  |
| Mar 12   | Historic & Architectural Preservation Commission | Courthouse         | 6:00 p.m.  |
| Mar 18   | City Council                                     | Courthouse         | 7:30 p.m.  |
| Mar 19   | Board of Building Appeals                        | Courthouse         | 5:30 p.m.  |
| Mar 25   | Board of Zoning Appeals                          | Courthouse         | 6:30 p.m.  |
| Apr 1    | City Council                                     | Courthouse         | 7:30 p.m.  |

**9. Adjourn.**

Motion – To Adjourn at 8:34 pm.  
 (Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch  
 AYE # 7  
 NAY # 0  
 ABS # 0



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                            |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                               |
| <b>PREPARED BY:</b>                     | Reena Murphy                                                                                               |
| <b>DATE PREPARED:</b>                   | 3/11/2025                                                                                                  |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                             |
| <b>AGENDA TITLE:</b>                    | A Report Regarding the March 5th Environmental Commission Meeting (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | A Sustainable Oxford                                                                                       |
| <b>BUDGETED AMOUNT:</b>                 | 0                                                                                                          |
| <b>ACCOUNT CODE:</b>                    |                                                                                                            |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                   |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | JG DRE                                                                                                     |

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### DISCUSSION:

Environmental Commission members present include: Jon Ralinovsky, Chair; Chantel Raghu, Vice-Chair and City Council Representative; Jason Bracken, Planning Commission Representative and City Council Member; Peggy Branstrator; Jim Vinch; Michael Vanni. There was a quorum present.

Staff present includes: Reena Murphy, Sustainability Coordinator.

Motion to approve the agenda: Mr. Braken

Second: Mr. Vanni

Vote: Unanimous approval

Motion to approve the minutes from the February 5th 2025 meeting: Ms. Branstrator

2nd: Mr. Bracken

Vote: Unanimous approval

### Discussion

Staff informed the commission that we intend to request funding from ODNR to remove 40 Callery pear trees and plant 60 trees. The pear tree removals and replacements will occur in the Uptown District. The 20 additional trees will be planted within the disadvantaged census tracts by the Inflation Reduction Act. This project is in alignment with the City's annual goals, comprehensive plan, and climate action plan.

Motion to approve the letter of support: Mr. Bracken

2nd: Ms. Branstrator

Vote: Unanimous approval

The commission discussed the comprehensive plan goal to require recycling at commercial properties. Staff shared a timeline of actions taken so far, which include:

- Commissioning a PSP project regarding recycling at multi-family housing
- Applying for OEPA funding to implement PSP recommendations for an education campaign
- Submitting an application for a summer fellow to assist with waste management

The commission then discussed what resources and changes a successful implementation of a recycling mandate would require.

All commissioners agreed that they'd like to see a recycling mandate. However, there was no consensus on whether a recycling mandate / enforcement should be a priority for our sustainability efforts.

Updates from City Council included updates on the OATS transportation project. OPTAB, Planning, and OCASC did not meet or did not have updates relevant to the commission.

Staff shared that we did not proceed with the Advanced Energy Fund application, as we did not have enough eligible projects with a favorable ROI. Staff also requested assistance with the waste stations at the upcoming Bee Festival on April 12th.

Motion to adjourn: Ms. Raghu

2nd: Mr. Bracken

Vote: Unanimous approval

The commission adjourned at 8:15pm.



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                 |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Finance                                                                                                                                                                                                                                         |
| <b>PREPARED BY:</b>                     | Heidi Ridenour                                                                                                                                                                                                                                  |
| <b>DATE PREPARED:</b>                   | 3/12/2025                                                                                                                                                                                                                                       |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                  |
| <b>AGENDA TITLE:</b>                    | A Resolution Approving Then And Now Certificates For Purchase Orders Issued Above \$3,000 Where An Invoice Was Received Prior To The Purchase Order Date, As A Requirement Of Ohio Revised Code 5705.41 (D). (Heidi Ridenour, Finance Director) |
| <b>COUNCIL GOAL AREA:</b>               | Fiscal Responsibility                                                                                                                                                                                                                           |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                                                                                 |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                 |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                         |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | HR DRE                                                                                                                                                                                                                                          |

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### DISCUSSION:

Staff is requesting Council to approve the then and now certificates for purchase orders issued above \$3,000 where an invoice was received prior to the purchase order date. After discussing the issue with the Auditors, they requested we begin bringing any purchase orders meeting this criteria, to Council for approval for compliance with the O.R.C. 5705.41 (d).

**RESOLUTION NO.**

A RESOLUTION APPROVING THEN AND NOW CERTIFICATES FOR PURCHASE ORDERS ISSUED ABOVE \$3,000 WHERE AN INVOICE WAS RECEIVED PRIOR TO THE PURCHASE ORDER DATE, AS A REQUIREMENT OF OHIO REVISED CODE 5705.41 (D).

WHEREAS, Council in accordance with Ohio Revised Code, shall approve any purchases made over \$3,000 where an invoice is dated prior to the purchase order date; and

WHEREAS, at the time the merchandise was purchased and at the time the purchase order was executed to cover the purchase, a sufficient sum was appropriated for the purpose of such contract and in the treasure or in process of collection to the credit of an appropriated fund free from any previous encumbrances; and

WHEREAS, there is a sufficient sum appropriated for the purpose of such contract and in the treasure or in process of collection to the credit of an appropriated fund free from any previous encumbrances.

WHEREAS, the City Manager and the Finance Director recommend Council approve authorizing such certificates, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Finance Director approving Then and Now Certificates for purchase orders issued above \$3,000 where an invoice was received prior to the purchase order date.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:  
ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

Appendix A

| P.O.<br>Number | P.O.<br>Date | Vendor                  | Amount      | Purpose                                                  |
|----------------|--------------|-------------------------|-------------|----------------------------------------------------------|
| 5245           | 02/12/25     | Core & Main             | \$ 9,838.64 | Sensus Software for Advanced Metering Network            |
| 5248           | 02/12/25     | Butler County Treasurer | \$ 8,236.46 | Property taxes 601,603,607 W Chestnut and 5234 Hester Rd |





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                                                                                                                                 |
| <b>PREPARED BY:</b>                     | Jessica Greene                                                                                                                                                                                                                                                                                                               |
| <b>DATE PREPARED:</b>                   | 3/12/2025                                                                                                                                                                                                                                                                                                                    |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                                               |
| <b>AGENDA TITLE:</b>                    | A Resolution Authorizing The City Manager To Apply For An Interact For Health Public Health Policy Grant For A Three-Year Eviction Diversion And Housing Stability Program For \$90,000.00 And A Local Match Of \$30,000.00 In Year One, With A 4% Increase In Each Following Year. (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | Housing Opportunities for Everyone                                                                                                                                                                                                                                                                                           |
| <b>BUDGETED AMOUNT:</b>                 | \$120,000.000                                                                                                                                                                                                                                                                                                                |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                                              |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                                                                                     |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | Jessica Greene DRE                                                                                                                                                                                                                                                                                                           |

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### DISCUSSION:

Interact for Health has released a local policy grant to advance local policy and advocacy efforts focused on addressing the social, economic, and environmental factors that shape health. Grants are anticipated to range from \$75,000 - \$250,000 for 18-36 months, with \$700,000 to be awarded this year. Applications are due Friday, April 4 at 5 p.m.

In a conversation with Interact for Health staff, housing stability programming and policy updates are in line with the intention of this grant application.

The City would like to apply together with Talawanda Oxford Pantry and Social Services (TOPSS) and Housing Opportunities Made Equal (HOME) for an Eviction Diversion and Housing Stability Program. We proposed applying for a three-year program with a \$90K grant in the first year and a \$30K match from the city. We will apply a 4% increase for each of the next 2 years. If awarded, the City will pass most of the funds through to TOPSS and HOME. The city will be responsible for policy changes and code enforcement efforts, and serve as the fiscal agent for the entire grant.

**The outline of this program is as follows:**

**City role:**

- Research and evaluate housing policy changes. We are currently identifying gaps in our housing and code enforcement policy that may leave people at risk. As gaps are identified, we will work to pass new legislation to increase housing stability.
- Continue to fund eviction diversion efforts with TOPSS through community assistance programming and work to improve code enforcement.

**Nonprofit role:**

- TOPSS will hire a housing stability staff role to help people understand their rights and walk them through how to get assistance and/or file complaints.
- TOPSS will manage a legal assistance fund for qualifying residents and partner with a housing rights lawyer to assist residents who may be experiencing illegal practices from their property manager or owner.
- HOME will provide two education campaigns each year. This program will help educate tenants on their rights and assist with eviction diversion efforts. Target audience low income and student renter populations.

The Housing Advisory Commission has reviewed this program concept and received input from the public regarding this proposal at recent meetings. On March 6, 2025, they made a motion and voted to recommend that the city apply for this grant with this program model.

## **RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AN INTERACT FOR HEALTH PUBLIC HEALTH POLICY GRANT FOR A THREE-YEAR EVICTION DIVERSION AND HOUSING STABILITY PROGRAM FOR \$90,000.00 AND A LOCAL MATCH OF \$30,000.00 IN YEAR ONE, WITH A 4% INCREASE IN EACH FOLLOWING YEAR.

WHEREAS, Interact for Health is a nonprofit community organization that provides grant funds for public health initiatives, including housing stability programs; and

WHEREAS, the Oxford Comprehensive Plan lists a goal of a Housing Opportunities for Everyone and outlines an action H2-A5, to partner with nonprofit organization(s) to provide education, counseling, and financial assistance to homebuyers or renters.

WHEREAS, stable housing is a fundamental social determinant of health, and individuals experiencing housing insecurity face increased risks of chronic illnesses, mental health disorders, and preventable hospitalizations; and

WHEREAS, funding for housing stability initiatives will support innovative, evidence-based interventions that promote long-term health and economic stability, aligning with national and local priorities to address health disparities and improve community well-being; and

WHEREAS, It is recommend that the city manager be authorized to apply for an Interact for Health grant for a three-year eviction diversion and housing stability program for \$90,000.00 and a local match of \$30,000.00 in year one, with a 4% increase in each following year.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation and authorizes the city manager to apply for an Interact for Health Frant for a three-year eviction diversion and housing stability program for \$90,000.00 and a local match of \$30,000.00 in year one, with a 4% increase in each following year.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

---

MAYOR

ADOPTED:  
ATTEST:

---

CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PREPARED BY:</b>                     | Jessica Greene                                                                                                                                                                                                                                                                                                                                                               |
| <b>DATE PREPARED:</b>                   | 3/12/2025                                                                                                                                                                                                                                                                                                                                                                    |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                                                                                               |
| <b>AGENDA TITLE:</b>                    | A Resolution To Adopt A Title VI Plan To Demonstrate The City Of Oxford's Commitment To The Civil Rights Act Of 1964 And Our Intention To Foster An Inclusive And Diverse Community, Ensuring That All Residents Have Fair And Equal Access To City Programs And Services, And Complying With All Federal Civil Rights Regulations. (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | A Connected, Livable, and Equitable Community for All                                                                                                                                                                                                                                                                                                                        |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                                                                                                                                                                                                              |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                                                                                              |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                                                                                                                                     |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | Jessica Greene                                                                                                                                                                                                                                                                                                                                                               |

---

### DISCUSSION:

Background: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. As a recipient of federal funding, the City of Oxford is required to develop and implement a Title VI Plan to demonstrate compliance with these regulations. The plan ensures that all individuals have equal access to city programs, services, and benefits, regardless of their background.

We have been in compliance with the Title VI plan in our policies and practices but the language is spread across many places. This plan combines it all into one document.

This Title VI Plan provides a structured approach to preventing discrimination and ensuring equitable service delivery.

**Key elements of the plan include:**

- **Complaint Procedures:** Establishing a formal process for individuals to report discrimination concerns and ensuring that complaints are handled efficiently and fairly.
- **Data Collection and Analysis:** Monitoring and analyzing service delivery to identify and address any potential disparities.
- **Staff Training:** Educating city employees on Title VI requirements and their responsibilities in maintaining compliance.
- **Oversight and Implementation:** Designating a Title VI Coordinator to oversee compliance efforts and regularly update the plan to reflect community needs.
- **Public Outreach and Engagement:** Ensuring that all residents have access to city services through materials and outreach efforts.

Staff recommends the adoption of a Title VI Plan to support and clarify our Title VI plan approach and strengthen the city's commitment to equity and inclusion.

Attached: Title VI Plan DRAFT

## **RESOLUTION NO.**

A RESOLUTION TO ADOPT A TITLE VI PLAN TO DEMONSTRATE THE CITY OF OXFORD'S COMMITMENT TO THE CIVIL RIGHTS ACT OF 1964 AND OUR INTENTION TO FOSTER AN INCLUSIVE AND DIVERSE COMMUNITY, ENSURING THAT ALL RESIDENTS HAVE FAIR AND EQUAL ACCESS TO CITY PROGRAMS AND SERVICES, AND COMPLYING WITH ALL FEDERAL CIVIL RIGHTS REGULATIONS.

**WHEREAS** Title VI of the Civil Rights Act of 1964 mandates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

**WHEREAS**, The City of Oxford Comprehensive Plan has a goal of Connected, Livable and Equitable Community for All; and

**WHEREAS**, The City of Oxford receives federal financial assistance and is therefore required to comply with Title VI requirements and ensure that its programs, services, and activities are accessible and equitable for all residents; and

**WHEREAS** adopting a Title VI Plan will provide a structured framework to prevent discrimination, establish complaint procedures, improve public outreach, and monitor service delivery to uphold the principles of equity and inclusion; and

**WHEREAS** The City of Oxford is committed to fostering an inclusive and diverse community, ensuring that all residents have fair and equal access to city programs and services, and complying with all federal civil rights regulations.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

**SECTION 1:** Council hereby adopts the City of Oxford Title VI Plan as set forth in Exhibit "A" attached hereto and authorizes the City Manager to take all steps necessary to implement the plan.

**SECTION 2:** This resolution shall take effect at the earliest date allowed by law.

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)



# TITLE VI PLAN

ADOPTED MM DD YYYY  
RESOLUTION XXXX



## Table of Contents

### Contents

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## 1. INTRODUCTION

The City of Oxford is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and all related statutes to ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Policy Statement:** It is the policy of the City of Oxford to uphold and enforce the provisions of Title VI and all related regulations. The City ensures that no person shall face discrimination in programs, services, or activities on the basis of race, color, national origin, sex, age, disability, or income status.

**Authorities:** This plan is established in accordance with:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act of 1973
- Executive Order 13166 (Limited English Proficiency)
- Other relevant federal and state laws

## 2. TITLE VI COMPLIANCE POLICY

The City of Oxford operates its programs and provides services without regard to race, color, national origin, sex, age, disability, or low-income status in accordance with Title VI of the Civil Rights Act of 1964 and its related statutes. Title VI of the Civil Rights Act of 1964 (Title VI) provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance” *See* 42 USC § 2000(d).

In addition to Title VI, there are laws that prohibit discrimination on other grounds. Those laws include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324), which prohibits discrimination based on sex; Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, which provide protections for disabled persons; and, the Age Discrimination Act of 1975, which applies to age.

The City of Oxford values each individual’s civil rights and wishes to provide equal opportunity and equitable service for the citizens. As a recipient of federal funds, the City of Oxford conforms to Title VI and all related statutes, regulations, and directives.

Any person who believes they have been aggrieved by any unlawful discriminatory practice by the City of Oxford under Title VI may file a signed, written complaint with the City of Oxford Title VI Coordinator. All complaints must be filed in writing no later than 180

## Title VI Implementation Plan

days after the date of the last instance of the alleged discrimination. All complaints must be signed by the complainant and include the name of the individual or department alleged to have engaged in the discriminatory conduct as well as the dates, and an explanation of the facts giving rise to the claims.

For purposes of this Plan, the following individual has been identified as the City of Oxford Title VI Coordinator:

City Manager  
City of Oxford  
15 S. College Ave.  
Oxford, OH 45056

The City of Oxford affirms its commitment to nondiscrimination by publishing its Title VI Implementation Plan on the City's website, which may be accessed at the following link:

[www.cityofoxford.org](http://www.cityofoxford.org)

### 3. **TITLE VI ASSURANCES & IMPLEMENTATION**

This Title VI Implementation Plan has been adopted, implemented and is being adhered to by the City of Oxford. The City of Oxford has implemented this plan by Resolution No. \_\_\_\_\_, adopted on \_\_\_\_\_, 2025.

#### 4. OVERVIEW OF THE CITY OF OXFORD TITLE VI PROGRAM

##### A. Complaint of Discrimination: Complaint Policy

###### 1. How to File A Complaint

To initiate a Title VI complaint with the City of Oxford, a signed, original copy of the complaint must be delivered or mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. A Complainant shall utilize the City of Oxford Title VI complaint form when submitting his or her complaint.

All complaints shall be directed to

City of Oxford  
City Manager/Title VI Coordinator  
15 S. College Ave.  
Oxford, OH 45056

A person may also file a complaint directly with the Federal Highway Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, 1200 New Jersey Avenue, SE, Washington, DC 20590 or with the Federal Transit Administration (for transit-related issues), Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590 or with the Ohio Department of Transportation, Office of Equal Opportunity, Attention: Aisha Powell, Title VI Program Manager, 1980 W. Broad Street, 2nd Floor, Mail Stop: 3270, Columbus, OH 43223.

###### 2. Elements of a Complete Complaint

A complaint shall be filed utilizing the City of [Oxford Title VI complaint form](#) and shall be written and signed by the Complainant in order to be considered complete. Verbal complaints will not be accepted. The City of Oxford Title VI complaint form is available [online](#) or for pick up at the City of Oxford Municipal Building at:

City of Oxford Municipal Building  
15 S. College Ave.  
Oxford, OH 45056

To be considered complete, a complaint must include the following information:

- The full name and address of the Complainant.
- The full name and address of the Respondent, the individual, agency, department, or program that allegedly discriminated against Complainant.
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability) and the date of occurrence.

### **3. Processing Complaints**

The Title VI Coordinator will process all complaints and review their findings with the Civil Rights Commission, a commission of appointees made by the Oxford City Council.

The Title VI Coordinator, or designee is responsible for and will proceed as follows.

- Will review the complaint upon receipt to ensure that all required information is provided and that the complaint meets the filing deadline date, which is not more than 180 days from the date the alleged discriminatory act occurred.
- Shall verify that the alleged discriminatory activity is attributable to, and subject to the jurisdiction of the City.
- Will then investigate the complaint, and shall further forward the complaint to the City Solicitor, and Human Resources Manager for concurrent review and investigation. If the complaint is filed against the City's Title VI Coordinator, the City Solicitor shall forward the complaint to Human Resources Manager for concurrent review and investigation.
- The Title VI Coordinator, or designee in conjunction with the City Solicitor, City Manager, and/or Human Resources Manager, may conduct interviews or other fact-finding investigations to determine the veracity of the complaint, and to ascertain specific information relative to the alleged discriminatory practice or activity.
- Upon concluding the investigation of the complaint, the Title VI Coordinator, or designee shall share their findings with the Civil Rights Commission in a public meeting.
- After this meeting, the Complainant will be notified in writing regarding the disposition of the complaint, as well as any specific actions taken by the City responsive thereto. The determination of the Title VI Coordinator shall be final, and not subject to appeal.

## **B. Environmental Justice**

The City of Oxford is committed to ensuring that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The City of Oxford is committed to these three environmental justice principles in all work that the City performs.

## **C. Limited English Proficiency (LEP)**

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. Its purpose is to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language.

To accommodate these individuals, the City of Oxford provides, upon request, services to assist the LEP population.

## **D. Non-Discrimination & Accessibility Training**

At the time of hire, the City's Title VI policy will be provided to all City of Oxford employees. Employees will be provided with updated education and literature as the City of Oxford deems necessary.

## **E. Public Involvement**

The Civil Rights Commission is charged with the responsibility of studying, investigating, and conducting public meetings and public hearings relative to any and all matters of factual situations wherein there is the possibility of the existence of discriminatory practices or prejudice or discrimination which in any manner could conceivably result in any degree of deprivation of the civil rights of any person within the City of Oxford.

The Commission consists of five greater Oxford area residents selected by Council to serve

three-year overlapping terms: one member shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for three years. Thereafter, members shall be appointed for three-year terms of office.

The Civil Rights Commission is responsible for:

### **1. Data Collection**

The City of Oxford shall track Title VI complaints and shall retain those complaints and any investigatory files pursuant to the adopted Records Retention Policy for the City of Oxford, Ohio.

### **2. Community Involvement & Outreach**

The City of Oxford is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities provide equitable opportunities for participation.

#### **Other Public Involvement Options:**

The City of Oxford hosts meetings twice a month and those meetings are open to the public. Any meetings that are open to the public are published on the City of Oxford website. All City of Oxford public meetings are held in locations accessible to individuals with disabilities.

Also published on the City of Oxford website are various meeting agendas, meeting minutes, notices, events, and news. Some departments within the City of Oxford utilize signage, media, and social media websites as another avenue to communicate with the community.

## **F. ADA Coordination and Transition Plan**

The City has adopted a Self Evaluation and Transition Plan as outlined in Resolution 7302 to ensure compliance with the Americans with Disabilities Act and other civil rights obligations.

The **ADA/504 Coordinator** is responsible for ensuring compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, overseeing accessibility initiatives, and addressing disability-related concerns within the organization. This individual serves as the primary contact for ADA-related grievances, accommodations, and policy implementation.

**Self-Evaluation and Transition Plan** is conducted every 3 years to assess existing facilities, programs, and services for compliance with accessibility standards. The self-evaluation will identify barriers to access, and the transition plan will outline necessary

modifications, timelines, and responsible parties to ensure full compliance with ADA/504 regulations, promoting an inclusive and equitable environment for all individuals.

The City of Oxford ADA/504 Coordinator is assigned as:

Human Resources Director

[HR@cityofoxford.org](mailto:HR@cityofoxford.org)

513-524-5211





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                 |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                    |
| <b>PREPARED BY:</b>                     | Douglas Elliott                                                                                                                 |
| <b>DATE PREPARED:</b>                   | 3/6/2025                                                                                                                        |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                  |
| <b>AGENDA TITLE:</b>                    | A Resolution Making An Appointment To The Butler County 9-1-1 Program Review Committee. (Douglas R. Elliott, Jr., City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | Essential Operations                                                                                                            |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                 |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                 |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                         |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                             |

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### DISCUSSION:

The city managers of the cities of Hamilton, Fairfield, Middletown, Monroe, Oxford, and Trenton met on March 6 to discuss the composition of the 9-1-1 Program Review Committee. This committee was established in October, 2023 and replaced the 9-1-1 Planning Committee. The 9-1-1 Program Review Committee requires that one member of the six-member board shall be “a member of the legislative authority of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt.” (Previously, the chief executive officer of a municipal corporation could serve on the 9-1-1 Planning Committee.) The six city managers agreed to recommend to their respective city councils that this appointment should be rotated among the six cities. This was similar to the 9-1-1 Planning Committee established in 2009 where Fairfield, Middletown, and Oxford rotated the position every third year among city managers of the respective cities. On the legislative agenda, is a resolution to appoint the Mayor of each of the five cities (excluding Hamilton since Hamilton is already represented as the largest municipal corporation).

## **RESOLUTION NO.**

### **A RESOLUTION MAKING AN APPOINTMENT TO THE BUTLER COUNTY 9-1-1 PROGRAM REVIEW COMMITTEE.**

WHEREAS, The Ohio Revised Code Section 128.06 was amended providing for a County 9-1-1 Program Review Committee; and

WHEREAS, The amendment included the provision that one member of the 9-1-1 Program Review shall be a member of the legislative authority of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt; and

WHEREAS, This Chestnut Street Multimodal Station and Shared Service Facility will also provide a waiting area with ticket and train schedule information for the Oxford Amtrak stop.

### **THE COUNCIL OF THE CITY OF OXFORD OHIO, HEREBY RESOLVES THAT:**

SECTION 1: Council does hereby select the Mayor of the City of Fairfield as its choice to be a member of the Butler County 9-1-1 Program Review Committee selected by a majority of the municipal legislative authorities in the county for the period commencing on May 1, 2025 and ending April 30, 2026. The City Manager of the City of Fairfield may serve as an alternate member if the Mayor is unable to attend.

SECTION 2: Council does hereby select the Mayor of the City of Middletown as its choice to be a member of the Butler County 9-1-1 Program Review Committee selected by a majority of the municipal legislative authorities in the county for the period commencing on May 1, 2026 and ending April 30, 2027. The City Manager of the City of Middletown may serve as an alternate member if the Mayor is unable to attend.

SECTION 3: Council does hereby select the Mayor of the City of Oxford as its choice to be a member of the Butler County 9-1-1 Program Review Committee selected by a majority of the municipal legislative authorities in the county for the period commencing on May 1, 2027 and ending April 30, 2028. The City Manager of the City of Oxford may serve as an alternate member if the Mayor is unable to attend.

SECTION 4: Council does hereby select the Mayor of the City of Monroe as its choice to be a member of the Butler County 9-1-1 Program Review Committee selected by a majority of the municipal legislative authorities in the county for the period commencing on May 1, 2028 and ending April 30, 2029. The City Manager of the City of Monroe may serve as an alternate member if the Mayor is unable to attend.

SECTION 5: Council does hereby select the Mayor of the City of Trenton as its choice to be a member of the Butler County 9-1-1 Program Review Committee selected by a majority of the municipal legislative authorities in the county for the period commencing on May 1, 2029 and ending April 30, 2030. The City Manager of the City of Trenton may serve as an alternate member if the Mayor is unable to attend.

SECTION 6: The appointment provided in Sections 1 through 5 above shall continue for so long as the Program Review Committee exists.

SECTION 7: Council hereby directs its Clerk to send a copy of this Resolution to Judi Boyko, Butler County Administrator, 315 High Street, Hamilton, Ohio 45011 to verify the selection process.

SECTION 8: This resolution shall take effect at the earliest date allowed by law.

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                  |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Finance                                                                                                                                                                          |
| <b>PREPARED BY:</b>                     | Heidi Ridenour                                                                                                                                                                   |
| <b>DATE PREPARED:</b>                   | 3/10/2025                                                                                                                                                                        |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                   |
| <b>AGENDA TITLE:</b>                    | A Resolution Designating Public Depositories And Extending The Deposit Of Active Public Funds For A One-Year Period Commencing April 6, 2025. (Heidi Ridenour, Finance Director) |
| <b>COUNCIL GOAL AREA:</b>               | Fiscal Responsibility                                                                                                                                                            |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                  |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                  |
| <b>RECOMMENDATION:</b>                  |                                                                                                                                                                                  |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | HR DRE                                                                                                                                                                           |

---

### DISCUSSION:

We would like to request a one-year extension for monitoring the performance of the newly added sweep account within our portfolio at First Financial Bank. This extension will allow us to more effectively track the additional interest income and assess the complexities associated with this new account. By doing so, we aim to gain a better understanding of its impact on our financial strategy and its role in reviewing competitive bidding opportunities moving forward.

Prior to the expiration of this one-year extension, we will conduct a comprehensive review of competitive service packages and evaluate the lowest service costs offered by local financial institutions. This review will inform our decision-making process and ensure that we are securing the most competitive and cost-effective service options for our portfolio.

## **RESOLUTION NO.**

A RESOLUTION DESIGNATING PUBLIC DEPOSITORIES AND EXTENDING THE DEPOSIT OF ACTIVE PUBLIC FUNDS FOR A ONE-YEAR PERIOD COMMENCING APRIL 6, 2025.

WHEREAS, active deposits of the City of Oxford are currently held with First Financial Bank, and LCNB National Bank, each of which has proposed to accept all or any part of the City of Oxford active deposits insofar as they are permitted by law to do so.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The active deposits of the City of Oxford are hereby continued with First Financial Bank, as provided for in Chapter 135 of the Ohio Revised Code for the one-year period commencing April 6, 2025, and ending April 5, 2026. The amounts of such active deposits to be awarded to said bank as determined in accordance with the provisions of Ohio Revised Code Section 135.04, shall exclude the parking meter coin funds.

A depository account will be retained with LCNB National Bank for the convenience by proximity for the deposit of parking meter coins collected. LCNB National Bank shall act as the secondary depository of the active deposits of the City of Oxford.

Infintech will continue processing Merchant Service transactions commencing April 6, 2025, and ending April 5, 2026.

The Finance Director shall determine the dollar amounts to be deposited as said funds become available pursuant to law.

SECTION 2: Interest earned through pooled investments or individual investments shall be allocated to the participating funds in accordance with generally accepted accounting procedures. Interest may be earned by funds which derive a substantial portion of funding assistance from subsidies from another fund. In such cases, interest earned shall be credited to the fund contributing the subsidy. Interest shall be apportioned and credited to new funds as they are created.

SECTION 3: The City Manager and the Finance Director are hereby authorized to take all steps necessary to execute all documents necessary to effectuate the terms of this Resolution.

SECTION 4:            This resolution shall take effect at the earliest date allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                                                                 |
| <b>PREPARED BY:</b>                     | Reena Murphy                                                                                                                                                                                                                                                                                            |
| <b>DATE PREPARED:</b>                   | 3/10/2025                                                                                                                                                                                                                                                                                               |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                          |
| <b>AGENDA TITLE:</b>                    | A Resolution Authorizing The City Manager To Submit A Grant Application To The Ohio Department Of Natural Resources (ODNR) For Up To \$52,000.00 To Increase And Strengthen Oxford's Tree Canopy By Removing And Replacing Callery Pear Trees In The Uptown Area. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | A Sustainable Oxford                                                                                                                                                                                                                                                                                    |
| <b>BUDGETED AMOUNT:</b>                 | 0                                                                                                                                                                                                                                                                                                       |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                         |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                                                                |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                                                                                                                                                                                                     |

---

### DISCUSSION:

Ohio Department of Natural Resources is accepting applications for the Urban Forestry Grant Program. The grant aims to increase urban tree canopy in disadvantaged communities through tree plantings and replacements. There is no match required.

Oxford is requesting \$52,000 for the removal of 40 Callery pear trees and planting 60 new trees to maintain a replacement ratio of 1:1.5. Replacement trees will be selected following the 10/20/30 diversity rules. Species will be selected from the Medium and Large subsections of Oxford's approved street tree list. Desirable species not included on the street tree list may be considered with approval from the Environmental Specialist.

All tree plantings will occur within disadvantaged census tracts. Uptown and the Mile Square are identified as disadvantaged per the Inflation Reduction Act.

Utilizing grant funding for the replacement of pear trees will allow local funds to be used for deer protection, new watering materials, and other tree support equipment.





## RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) FOR UP TO \$52,000.00 TO INCREASE AND STRENGTHEN OXFORD'S TREE CANOPY BY REMOVING AND REPLACING CALLERY PEAR TREES IN THE UPTOWN AREA.

WHEREAS, the Oxford Tomorrow Comprehensive Plan identified "Expanding the city's urban tree canopy by supporting tree planting and urban forestry programs" (S4-A2) as a priority action; and

WHEREAS, the Climate Action Plan established a goal to increase Oxford's Urban Tree Canopy to 50% by 2050; and

WHEREAS, the 2025 Council Goals include replacing Callery pear (*Pyrus calleryana*) trees Uptown; and

WHEREAS, the Ohio Department of Natural Resources' Urban Forestry Grant Program allows for the replacement of Callery pear trees to expand tree canopy; and

WHEREAS, the replacement tree plantings will be conducted at a 1:1.5 ratio and follow the 10/20/30 diversity rules for species selection; and

WHEREAS, the City Manager and the Service Director recommend that the City Manager be authorized to submit a grant application requesting funding through ODNR for up to \$52,000.00 to increase and strengthen Oxford's tree canopy by removing and replacing Callery pear trees in the uptown area.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council supports applying for grant funds to increase and strengthen Oxford's tree canopy by removing and replacing Callery pear trees in the uptown area.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Service Director and further authorizes the City Manager to submit a grant application requesting funding through ODNR for up to \$52,000.00 to increase and strengthen Oxford's tree canopy by removing and replacing Callery pear trees in the uptown area.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

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MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                                                                                            |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                                                                                     |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                                                                                          |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                                                     |
| <b>AGENDA TITLE:</b>                    | An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Oxford-Reily Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                                                                                            |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                                                                                                        |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                                                                                                      |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                                                                                            |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD                                                                                                                                                                                                                                                                                                                                |

---

### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on approximately 11 parcels of land. While most property owners have successfully negotiated fair market value transactions for their property, there are two parcels that have not yet come to an agreement with the City.

The City contracted with O R Colan to oversee fair market value negotiations with property owners impacted by the OATS project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to

design plans to minimize the impact to businesses and properties that will be affected by the project. Of the two properties that have not been resolved, Fair Market Value (FMV) estimates are \$54,999 and \$78,179. Should all the properties settle for FMV, the cost will be \$133,178.

Service Department staff recommend moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The City has encumbered \$6.6M to acquire the necessary ROW for the project and to complete Phase V construction. Staff recommends Council approve an Ordinance to appropriate for public use, all right title and interest in the described parcel for the purpose of acquiring permanent rights of way to construct the infrastructure improvement known as Oxford Area Trail System - Phase V.

## **ORDINANCE NO.**

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ON OR NEAR OXFORD-REILY ROAD FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT OXFORD AREA TRAIL SYSTEM PHASE V, IN THE CITY OF OXFORD, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, BY TWO-THIRDS OF ALL COUNCIL MEMBERS ELECTED CONCURRING THAT:

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 7679 passed February 18, 2025 declared its intention to appropriate certain real property hereinafter described as a permanent and temporary rights-of-way for construction for the purpose of constructing OATS Phase V which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

SECTION 2: The City's acquisition of a fee interest and temporary interest in the real property described in Section 3 here below is necessary for public right-of-way, and the construction of public improvements, and the property is hereby appropriated for a public use. Council finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

SECTION 3: That the lands and estates or interests therein to be appropriated, being necessary for a public right-of-way and road improvement, are located on or near Oxford-Reily Road, Oxford, Ohio 45056, and include the following:

Permanent Easement over Parcel 1SH, PID 117001, hereby attached and incorporated by reference as Exhibit "A"

SECTION 4: The Law Director is hereby authorized and directed to apply to the Court of Common Pleas, Butler County, Ohio for the purposes of assessing the compensation to be paid for said real property.

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$78,179.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW(STAFF)

**TITLE REPORT**

C/R/S

BUT-Oxford Multi Use  
Path

PARCEL

EVR Investments LLC

PID

117001

☒ 42 YEAR REPORT    ☐ ABBREVIATED REPORT    ☐ UPDATE**INSTRUCTION:**

- (1) R.C. 163.01 (E) defines "owner" as "any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated City of Oxford expands this definition to include, but is not limited to, all fee owners, life tenants, remaindermen, mortgagees, tenants and subtenants (whether or not a lease is recorded), occupants, possessors, lienholders, easement owners, judgment creditors, etc.
- (2) ODOT procedures require that pertinent attachments be part of the Title Report/Title Chain in compliance with Section 5102.04 (E) of its Real Estate Procedures Manual.

**(1) FEE OR OTHER PRIMARY OWNERS**

| Name                                                   | Marital Status (Spouse's Name) | Interest |
|--------------------------------------------------------|--------------------------------|----------|
| EVR Investments LLC, an Ohio limited liability company | N/A                            | Fee      |

Mailing Address: 325 West Spring St.  
PO Box 301, Oxford, OH 45056

Phone Number: Unknown

Property Address: 4160 Oxford Reily Rd Oxford, OH 45056

Statutory Agent: Joan K. Redpath  
7898 Fairfield Road, Oxford, OH 45056

**(2) BRIEF DESCRIPTION OF SUBJECT PREMISES**

(From deed to present owner or other instruments containing a valid description. Give deeds of record, include the size of each parcel)

Entire lot number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditors List of Lots in the City of Oxford, Butler County, Ohio and further Identified by Auditor Parcel Number H4100132000001.

67.3760 acres per Butler County Auditor

Title Acquired By: OR Book 7033, Page 1447 and OR Book 7033, Page 1435

**(3-A) MORTGAGES, LIENS AND ENCUMBRANCES**

| Name & Address & Phone Number | Date Filed | Amount & Type of Lien |
|-------------------------------|------------|-----------------------|
|-------------------------------|------------|-----------------------|

No mortgages, liens, or encumbrances of record

**(3-B) LEASES**

| Name & Address | Commercial/Residential | Term |
|----------------|------------------------|------|
|----------------|------------------------|------|

No Leases were found during search

**(3-C) EASEMENTS**

| Name & Address | Type |
|----------------|------|
|----------------|------|

Edward V. Redpath and Joan K. Redpath to  
Talawanda City School District,  
Address not shown  
Deed Volume 1688, Page 270 filed on 2/20/1990  
Assigned to The City of Oxford, address not shown, in Deed Volume 1688, Page 270 on  
2/20/1990  
Not in take area

Sewer Easement

Edward V. and Joan K. Redpath, married to  
City of Oxford, a municipal corporation  
Address not shown  
Deed Volume 1730, Page 108. Filed on 7/22/1991  
Not in take area

Roadway Easement

EVR Investments LLC, an Ohio limited liability company to  
City of Oxford  
Address: Unknown  
Deed Book 9785 Pg. 1542 filed on 12/29/2021  
In take Area

Temporary Easement

(4) **DEFECTS IN TITLE-IRREGULARITIES-COMMENTS** (Record or Off Record)

Through extensive efforts by title agent and with the assistance of Butler County Recorder Clerks, no root deed was able to be found. A chain of leasehold interest on the property is of extensive record. In pursuance of an act of Congress, dated the 3<sup>rd</sup> day of March, 1803, and an act of General Assembly of the State of Ohio, passed the 17<sup>th</sup> of February, 1809, entitled "An Act to Establish the Miami University", Miami University was founded and created. Found a document from the Ohio Attorney General which goes into further detail, the rights of Miami University over their land and leaseholds per the "Act to Establish the Miami University" which is included with this report.

In deed recorded as Vol. 1601, Page 77 there appears to be an error in the legal description for tract 1. Wording suggest that the metes and bounds, and acreage were erroneously omitted from the description.

Found articles of incorporation for EVR Investments, an Ohio limited liability company filed with the Ohio Secretary of State as Document No.200235802100 on 12/23/2002.

(5) **TAXES AND SPECIAL ASSESSMENTS** (List by auditor's tax parcel number, description, amount, etc.)

County: Butler Township: Oxford School District: Talawanda

| AUD. PAR. NO(S) | <u>Land</u>        | <u>Building</u>     | <u>Total</u>        | <u>Taxes</u>               |
|-----------------|--------------------|---------------------|---------------------|----------------------------|
| H4100132000001  | <u>\$83,790.00</u> | <u>\$111,430.00</u> | <u>\$195,220.00</u> | <u>\$1,296.44 per half</u> |

Special Assessment: No Data  
1<sup>st</sup> Half 2020: Paid  
2<sup>nd</sup> Half 2020: Paid  
100% Value Shown

(6) **CAUV (Current Agricultural Use Value)**

Is the property under the CAUV Program: Yes: ☒ No: ☐  
Comments:  
\$83,790.00

This Title Report covers the time period from 6/24/1987 to 9/16/2022 the undersigned hereby verifies that this Title Report is an abstract of the real estate records for that period of time, which reflects all currently relevant instruments and proceedings of record and those of record matters personally known by the undersigned pertaining to Parcel EVR Investments LLC, and presently standing in the name of EVR Investments LLC, an Ohio limited liability company as the same are entered upon the several public records of Butler County, OH.

Date & Time 9/16/2022 @ 7:59 AM (am/pm)

Signed Stephen Kraft Kyra Clark

Print Name Stephen Kraft Kyra Clark  
Agent Agent Trainee

---

### UPDATE TITLE BLOCK

This Title Report covers the time period from \_\_\_\_\_ to \_\_\_\_\_. The undersigned hereby verifies that this Title Report is an abstract of the real estate records for that period of time, which reflects all currently relevant instruments and proceedings of record and those of record matters personally know by the undersigned pertaining to Parcel(s) EVR Investments LLC and presently standing in the name of \_\_\_\_\_ as the same are entered upon the several public records of Butler County, Ohio.

Date & Time \_\_\_\_\_ (am/pm)

Signed \_\_\_\_\_

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

Comments from the agent who prepared the Title Update

---



DIST 8 CRS BUT-Oxford Multi Use Path PARCEL EVR Investments LLC PID 117001

| Grantor                                                                      | Grantee                                                    | Date Signed                                                                                                                                                                                                                                                                                                                                                                                                                                  | Date & Time Recorded  | Volume/Page             | Conveyance Fee | Type Instrument |
|------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------|----------------|-----------------|
|                                                                              |                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                         |                |                 |
|                                                                              |                                                            | Brief Land Description                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                         |                |                 |
| Joan K. Redpath, Unmarried                                                   | EVR Investments,<br>an Ohio limited liability company      | 1/10/2003                                                                                                                                                                                                                                                                                                                                                                                                                                    | 3/7/2003 @ 11:21 A.M. | Book 7033, Page<br>1447 | Exempt         | Quit Claim Deed |
| Fee                                                                          | Fee                                                        | Entire lot number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditors List of Lots in the City of Oxford, Butler County, Ohio<br><br>AND MORE LANDS                                                                                                                                                                                                                                               |                       |                         |                |                 |
| Joan K. Redpath, Executor of<br>the Estate of Edward V.<br>Redpath, Deceased | EVR Investments, LLC, an Ohio<br>Limited Liability Company | 1/10/2003                                                                                                                                                                                                                                                                                                                                                                                                                                    | 3/7/2003 @ 11:20 A.M. | Book 7033, Page<br>1435 | Exempt         | Quit Claim Deed |
| Fee                                                                          | Fee                                                        | Entire lot number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditors List of Lots in the City of Oxford, Butler County, Ohio<br><br>AND MORE LANDS                                                                                                                                                                                                                                               |                       |                         |                |                 |
| Edward V. Redpath and Joan K.<br>Redpath                                     | Edward V. Redpath and Joan K.<br>Redpath                   | 5/3/1988                                                                                                                                                                                                                                                                                                                                                                                                                                     | 8/15/1988 @ 2:41 P.M. | Book 1641, Page 64      | Exempt         | Annexation      |
|                                                                              |                                                            | Property now known as: Entire lot number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditors List of Lots in the City of Oxford, Butler County<br><br>Previous legal description: Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio and containing 96.872 acres more or less.<br><br>A plat of lot #2664 could not be located. |                       |                         |                |                 |

DIST 8 CRS BUT-Oxford Multi Use Path PARCEL EVR Investments LLC PID 117001

| Grantor                                                                                                                                                                                                                                                                                       | Grantee                                                            | Date Signed | Date & Time Recorded | Volume/Page        | Conveyance Fee | Type Instrument |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------|----------------------|--------------------|----------------|-----------------|
| The president and trustees of the Miami University, Oxford, Ohio, a corporation organized and existing under the laws of the State of Ohio<br><br>FEE                                                                                                                                         | Edward V. Redpath and Joan K. Redpath, husband and wife<br><br>FEE | 6/10/1987   | 6/24/1987 @ 1:54pm   | Vol. 1601, Page 77 | \$25.28        | Deed            |
| Tract 1: Being a tract of eighty-nine and thirty-hundredths (89.30) acres situate in Lot numbered three (3), Section twenty-seven (27) and in Lot number six (6), Section thirty-four (34) in Oxford Township, County of Butler and State of Ohio<br><br>AND MORE LANDS<br><br>See Section 4. |                                                                    |             |                      |                    |                |                 |

O.R. 7033 PAGE 1447

**QUIT-CLAIM DEED**

Joan K. Redpath ("Grantor"), unmarried, of Butler County, Ohio, for valuable consideration paid, grants to EVR INVESTMENTS, LLC ("Grantee"), an Ohio limited liability company, whose tax mailing address is 7898 Fairfield Road, Oxford, Ohio 45056, the following (collectively, the "Real Estate"):

All of Grantor's interest in the real estate described on Exhibit "A" attached hereto.  
Subject to easements, conditions and restrictions of record.

200300024136  
Filed for Record in  
BUTLER COUNTY, OHIO  
DANNY N CRANK  
03-07-2003 11:21:03 AM.  
DEED 54.00  
OR Book 7033 Page 1447 - 1458

Certain of the Real Estate is being transferred to Grantee subject to mortgages of record, which mortgages Grantee agrees to assume and pay as part of the consideration for these conveyances.

Executed this 10<sup>th</sup> day of January, 2003.



Joan K. Redpath  
Joan K. Redpath

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of January, 2003 by  
Joan K. Redpath, unmarried.

William C. Keck  
Notary Public

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM  
A Legal Professional Association  
Hamilton, Ohio

S:\Corporat\Hunt\deeds\redpath unmarried EVR 2.wpd



WILLIAM C. KECK, Attorney At Law  
Notary Public-State of Ohio  
My Commission has no Expiration Date  
O.R.C. Section 147.03

DATE 8-6-2003  
CONVEYANCE # 14977A  
EXEMPT  
Kay Rogers, Butler Co. Auditor  
This conveyance has been examined and the grantor  
has acknowledged the same before me on 03-07-2003 at the revised code

**EXHIBIT "A"**

1. All of Grantor's interest in the property known as 4160 Oxford Relly Road, Oxford, Butler County, Ohio, Parcel #H4100132000001 and Parcel #H3610037000012, further described as follows:

**TRACT I:**

Entire Lot Number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditor's List of Lots in the City of Oxford, Butler County, Ohio.

**TRACT II:**

Situate in and being part of lot numbered five (5), Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio bounded and described as follows: BEGINNING at a point in the south line of said lot numbered 5, located 787.1 feet west of the southeast corner; thence from said point of beginning south 89 deg. 26 min. west along said south line 460.39 feet to the point of intersection of said line with the center line of the Stillwell-Beckett Road; thence north 63 deg. 15 min. 30 sec. West along said road 322.40 feet; thence north 77 deg. 57 min. west along said road 354.01 feet to a point in the west line of lot numbered 5; thence north 0 deg. 12 min. east along said lot line 1786.69 feet to the northwest corner of the grantor's land; thence north 89 deg. 30 min. east 1424.1 feet to the northeast corner of said land; thence south 0 deg. 40 min. east 1810.10 feet to an iron stake; thence south 89 deg. 26 min. west 359.30 feet to an iron stake; thence south 0 deg. 42 min. east 200.00 feet to the point of the beginning, containing 62.821 acres more or less and being subject to the legal right-of-way of the public highways.

Said aforedescribed tracts containing a total of 182.32 acres, more or less, subject to all legal highways, easements of record and zoning restrictions.

Prior Deed Reference: Volume 1474, Page 205, Deed Records, Butler County, Ohio

2. All of Grantor's interest in the property located on Gray and Peoria Relly Roads, Oxford, Butler County, Ohio, Parcel # J4310017000004, Parcel #J4310018000005, Parcel #J4310018000006, Parcel #J4310018000008, Parcel #J4310018000009, Parcel #J4310019000010, Parcel #J4310019000011, further described as follows:

**TRACT I:**

Lying and being in Section 18 and 19, Township 4, Range 1, East and center in Reily Township, Butler County, Ohio, commencing on the section line between said Sections 18 and 19, at a stone corner to Marion Smith; thence South 89 degrees 45' West .31 chains to a stake corner to said Marion Smith; thence with his line South 0 degrees 20' East 24.45 chains to a stone in the North margin of the Brookville Turnpike and in line of W.R. Jenkins; thence North 76 degrees 20' East 12.426 chains to a stone in the South margin of said pike; thence North 0 degrees 45' West 41.34

## QUIT-CLAIM DEED



EXHIBIT "A"

1. All of the decedent's interest in the property known as 4160 Oxford Reily Road, Oxford, Butler County, Ohio, Parcel #H4100132000001 and Parcel #H3610037000012, further described as follows:

TRACT I:

Entire Lot Number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditor's List of Lots in the City of Oxford, Butler County, Ohio.

TRACT II:

Situate in and being part of lot numbered five (5), Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio bounded and described as follows: BEGINNING at a point in the south line of said lot numbered 5, located 787.1 feet west of the southeast corner; thence from said point of beginning south 89 deg. 26 min. west along said south line 460.39 feet to the point of intersection of said line with the center line of the Stillwell-Beckett Road; thence north 63 deg. 15 min. 30 sec. West along said road 322.40 feet; thence north 77 deg. 57 min. west along said road 354.01 feet to a point in the west line of lot numbered 5; thence north 0 deg. 12 min. east along said lot line 1786.69 feet to the northwest corner of the grantor's land; thence north 89 deg. 30 min. east 1424.1 feet to the northeast corner of said land; thence south 0 deg. 40 min. east 1810.10 feet to an iron stake; thence south 89 deg. 26 min. west 359.30 feet to an iron stake; thence south 0 deg. 42 min. east 200.00 feet to the point of the beginning, containing 62.821 acres more or less and being subject to the legal right-of-way of the public highways.

Said aforedescribed tracts containing a total of 182.32 acres, more or less, subject to all legal highways, easements of record and zoning restrictions.

Prior Deed Reference: Volume 1474, Page 205, Deed Records, Butler County, Ohio

2. All of the decedent's interest in the property located on Gray and Peoria Reily Roads, Oxford, Butler County, Ohio, Parcel # J4310017000004, Parcel #J4310018000005, Parcel #J4310018000006, Parcel #J4310018000008, Parcel #J4310018000009, Parcel #J4310019000010, Parcel #J4310019000011, further described as follows:

TRACT I:

J 4310 - 019.000 - 010

J4310 - 012.000 - 005

Lying and being in Section 18 and 19, Township 4, Range 1, East and center in Reily Township, Butler County, Ohio, commencing on the section line between said Sections 18 and 19, at a stone corner to Marion Smith; thence South 89 degrees 45' West .31 chains to a stake corner to said Marion Smith; thence with his line South 0 degrees 20' East 24.45 chains to a

AND MORE LANDS

Exhibit "B"

O.R. 7033 PAGE 1446

PROBATE COURT  
BUTLER COUNTY OHIO

ESTATE OF  
EDWARD V. REDPATH

CASE NO: PE02020166

JUDGMENT ENTRY

On this 20<sup>th</sup> day of December, this cause came to be heard on the Application of Joan K. Redpath, Executor of the Estate of Edward V. Redpath, deceased, for an order authorizing the Executor to transfer, the farm and rental real property of which the decedent died seized into a limited liability entity. Such real property is more particularly described in Exhibit "A", attached hereto ("Property").

Upon consideration of the Application and the evidence presented, this Court finds that the statements contained in the Application are true, all of the interested beneficiaries have agreed to the Application and its purpose, and it would be in the best interests of the estate that the Application be granted. Accordingly, the said Executor is hereby authorized:

(a) to form a limited liability company under the laws of the State of Ohio (the "Company"); and (b) to transfer the Company Property in exchange for equal value of ownership units of the Company. Further, the Executor is authorized to amend, revise, make additions to and/or supplement Exhibit "A".

*Randy T. Rogers*

Probate Judge

CR

I CERTIFY THE WITHIN TO BE A TRUE COPY  
OF THE ORIGINAL FILED 12/20/02  
RANDY T. ROGERS, JUDGE  
BUTLER COUNTY PROBATE COURT  
HAMILTON, OHIO 45011

*M. Denton*  
DEPUTY CLERK

12/20/02  
DATE

26956

VOL 1641 PAGE 64

RECEIVED FOR RECORD  
JOYCE P. THALL, RECORDER  
BUTLER COUNTY, OHIO

88 AUG 15 PM 2:41

RECORD Deed  
FEE 50.00

TRANSCRIPT OF ANNEXATION  
TALAWANDA BOARD OF EDUCATION  
OF TALAWANDA CITY SCHOOLS AND  
EDWARD V. REDPATH & JOAN K. REDPATH

Pt. Lot 3, Oxford Township Section 27 and  
Pt. Lot 6, Oxford Township Section 34 Town 5  
Range 1 East, 96.872 acres into Oxford City  
Lot # \_\_\_\_\_

TRANSFERRED

JUL 12 1986 *ad*

BUTLER CO., AUDITOR  
DANIEL C. WHITNEY

JAY C. BENNETT  
ATTORNEY AT LAW  
OXFORD  
PROFESSIONAL BLDG.  
5995 FAIRFIELD ROAD  
OXFORD, OHIO 45056



ORDINANCE NO. 2004

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN LAND TO THE CITY OF OXFORD CONSISTING OF 96.872 ACRES WHICH ARE LOCATED IN LOT 3, SECTION 27, AND IN LOT 6, SECTION 34, TOWN 5, RANGE 1 EAST, IN OXFORD TOWNSHIP, BUTLER COUNTY, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Edward V. Redpath and Joan K. Redpath, and the Talawanda Board of Education of Talawanda City Schools have petitioned for annexation to the City of Oxford of 96.872 acres of land, hereinafter described, and an accurate map of such territory, together with the petition for its annexation and other papers relative thereto, along with a certified transcript of the proceedings of the Butler County Commissioners in relation thereto, are on file with the Clerk of the Council of this city.

SECTION 2: The annexation of said territory located in the County of Butler, Township of Oxford, and adjacent to the City of Oxford, is hereby accepted and the territory so accepted and hereby annexed is described as follows:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford, thence with the east line of said Lot 3, south 00°27'30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00°27'30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.00 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.00 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reilly Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.00 acre tract, north 266.73 feet more or less, north 16°42' east 52.00 feet more or less, north 234.80 feet more or less, north 14°44' east 196.50 feet more or less, north 29°02' west 103.00 feet

more or less, north 00°13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the center line of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00°13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

SECTION 3: The Clerk of Council is hereby authorized and directed to transmit certified copies of all the necessary papers relative to this annexation to the necessary parties as required by law.

SECTION 4: This ordinance shall take effect and be in full force at the earliest time allowed by law.

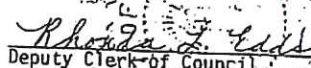
  
MAYOR

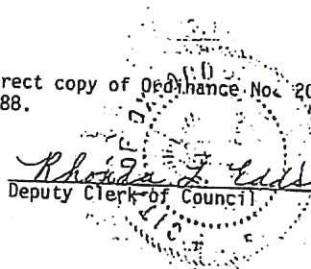
ADOPTED: May 3, 1988

ATTEST:   
DEPUTY CLERK OF COUNCIL

LAW (Snyder)

I hereby certify this to be a true and correct copy of Ordinance No. 2004 passed by Oxford City Council on May 3, 1988.

  
Deputy Clerk of Council



RESOLUTION NO. 88-2-170

ORDER OF BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO  
FOR ANNEXATION OF 96.872 ACRES OF LAND TO THE CITY OF OXFORD, OHIO

WHEREAS, the Commissioners of the County of Butler, State of Ohio, on the 2nd day of February, 1988, proceeded to hear the petition of the petitioners, Edward V. Redpath and Joan K. Redpath, and the Talawanda Board of Education of Talawanda City Schools, to obtain annexation to the City of Oxford, Butler County, Ohio, of the territory described in the petition and being 96.872 acres of land, and more specifically described in said petition and legal description: and

WHEREAS, said Commissioners of Butler County, State of Ohio, having at open meeting on the 2nd day of February, 1988, heard any and all persons desiring to be heard for or against the granting of said petition, and being fully advised, find that said petition contains all the matters required by law; that its statements are true, that the territory sought to be annexed is adjacent to said City of Oxford, Ohio; that the petition contains a full description of said territory; that the limits of the territory are correctly described; that the map of said territory attached to the petition is accurate; that the required legal notice of the petition has been given; that the City of Oxford, Ohio has adopted a statement indicating what services it will provide to the territory proposed for annexation upon annexation; and that it is right and proper that said petition should be granted insofar as the same pertains or applies to that portion of the territory described in the petition which is bounded and described as follows:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.



NOW, THEREFORE, BE IT RESOLVED that said Board of County Commissioners of Butler County, Ohio, hereby orders that the prayer of said petition be granted insofar as it pertains to the above-described territory and that the said above-described territory be annexed to the City of Oxford, Ohio, in accordance with the law, and that a certified transcript signed by a majority of the Board of the orders and proceedings of this Board relative to said petition and hearing thereon, together with said petition and the accompanying map, and all papers on file relating to said matter, be deposited with the proper officers of the City of Oxford, Ohio, as provided by law.

Mr. Logsdon moved for the adoption of the foregoing resolution.  
Mr. Combs seconded the motion and, upon call of the roll, the vote resulted as follows:

Mr. Combs Yea

Mr. Logsdon Yea

Mr. Shelton Yea

Adopted: February 2, 1988

Attest: Diana Bradford, Clerk

CERTIFICATE

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of Butler County Commissioners in session on the 2nd day of February, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Office of the County Commissioners of Butler County, Ohio this 2nd day of February, 1988.



Diana Bradford  
Diana Bradford, Clerk  
Board of County Commissioners  
Butler County, Ohio

CERTIFIED MAIL #P590 819 110, RETURN RECEIPT REQUESTED,  
to Dennis Stuckey, City Manager, City of Oxford, Ohio,  
City Building, High & Poplar Streets, Oxford, Ohio 45056

LEGAL NOTICE

VOL 1641 PAGE 69

Notice is hereby given that on the 3rd day of November, 1987, there was presented to the Board of Commissioners of the County of Butler, State of Ohio, a petition signed by a majority of the adult freeholders residing in the following described territory, situated in the County of Butler and adjacent to the City of Oxford, Ohio to wit:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732) said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

Said petition requests that said territory be annexed to the City of Oxford, Ohio in the manner provided by law and designating the undersigned, Attorney Jay C. Bennett, to act as Agent of the Petitioners in securing such annexation.

Said Board of Commissioners has fixed the 2nd day of February, 1988 as the time for hearing said petition at the following location: Oxford Township Hall, 925 Collins Run Rd., Oxford, OH at 7:00 P.M.

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

JAY C. BENNETT, ATTORNEY AT LAW  
AGENT FOR PETITIONERS  
5995-Fairfield Rd.  
Oxford, Ohio 45056

CERTIFIED MAIL #P 590 819 111, RETURN RECEIPT REQUESTED, to  
Mary Costa, Oxford Township Clerk, 6217 Contreras Road, Oxford,  
Ohio 45056

VOL 1641 PAGE 70  
LEGAL NOTICE

Notice is hereby given that on the 3rd day of November, 1987,  
there was presented to the Board of Commissioners of the County of  
Butler, State of Ohio, a petition signed by a majority of the  
adult freeholders residing in the following described territory,  
situated in the County of Butler and adjacent to the City of Oxford,  
Ohio to wit:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town  
5, Range 1 East of Oxford Township, Butler County, Ohio, and  
being bounded and described as follows: Beginning at a point  
in the east line of said Lot 3, located north 203.28 feet more  
or less, from the southeast corner of said Lot 3, said begin-  
ning point also being the southeast corner of Lot 2082 of the  
City of Oxford; thence with the east line of said Lot 3, south  
00° 27' 30" east 203.28 feet more or less; thence with the  
east line of said Lot 6, south 00° 27' 30" east 2153.41 feet  
more or less; thence west 747.47 feet more or less to the  
southeast corner of a 30.000 acre tract conveyed to the  
Talawanda City School District Board of Education by Edward V.  
Redpath, et al; thence with the south line of said 30.000 acre  
tract, west 1064.00 feet more or less to a point in the  
easterly right-of-way of Oxford Reily Road (State Route #732)  
said point being 25 feet east of the center line of said road;  
thence with said easterly right-of-way the following calls:  
north 1200.00 feet to a point in the north line of said  
30.000 acre tract, north 266.73 feet more or less, north 16°  
42' east 52.20 feet more or less, north 234.80 feet more or  
less, north 14° 44' east 196.50 feet more or less, north 29°  
02' west 103.00 feet more or less, north 00° 13' east 125.69  
feet more or less to a point in existing corporation line and  
in said easterly right-of-way located 40 feet east of the  
centerline of Oxford Reily Road; thence with said easterly  
right-of-way and said corporation line north 00° 13' east  
191.61 feet more or less; thence north 89° 45' east with said  
corporation line 1776.44 feet more or less to the point of  
beginning, containing 96.872 acres of land more or less, and  
being subject to the legal right-of-way of the public road  
and easements of record; this description is based upon deed  
records and other sources and is not from a field survey.

Said petition requests that said territory be annexed to the  
City of Oxford, Ohio in the manner provided by law and designating  
the undersigned, Attorney Jay C. Bennett, to act as Agent of the  
Petitioners in securing such annexation.

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

Said Board of Commissioners has fixed the 2nd day of February,  
1988 as the time for hearing said petition at the following location:  
Oxford Township Hall, 925 Collins Run Rd., Oxford, OH at 7:00 P.M.

JAY C. BENNETT, ATTORNEY AT LAW  
AGENT FOR PETITIONERS  
5995 Fairfield Rd.  
Oxford, Ohio 45056



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**the OXFORD PRESS, Inc.**

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Jay G. Bennett

5995 Fairfield Rd.

Oxford, Ohio 45056

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| 12/11    | Legal Notice     | 84.52   |         | 84.52   |
| 2/16/87  | January interest | 1.27    |         | 85.79   |
|          | Paid             |         | 84.52   | 1.27    |
|          | Adjust interest  |         | 1.27    | -0-     |
| 12/31/87 | Legal Notice     | 142.52  |         | 142.52  |
|          | January interest | 2.14    |         | 144.66  |
| 2/11/88  | Paid             |         | 144.66  | -0-     |

AR Clark  
The Oxford Press

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THE OXFORD PRESS, INC.

OXFORD, OHIO

Thank You

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Amount in This Column

LEGAL NOTICE

Notice is hereby given that on the 3rd day of November, 1987, there was presented to the Board of Commissioners of the County of Oxford, Ohio, a petition signed by a majority of the adult freeholders residing in the following described territory, situated in the County of Butler, Ohio, Ohio to wit:

Situate in Lot 3, Section 27, Township 5, East of Oxford Township, Range 1, East of Oxford Township, being bounded and described as follows: beginning at a point in the east line of said Lot 3, located north 202.27 feet more or less of said Lot 3, said beginning point also being the southeast corner of Lot 2062 of the City of Oxford, Ohio, containing an area of 27 ft., 30 inches east 202.28 feet more or less; thence with the east line of said Lot 3, south 00 degrees, 15' 11" west 747.47 feet more or less to the southeast corner of a 30,000 acre tract conveyed to the Board of Education by Edward V. Redpath, et al; thence with the south line of said 30,000 acre tract, west 154.00 feet more or less to a point in the right-of-way of Oxford Rally Road (State Route No. 735) said point being 25 feet east of the center line of said right-of-way with said easterly right-of-way line following said:

North 100.00 feet to a point in the north line of said 30,000 acre tract, containing an area of 30,000 acres, north 18 degrees, 42' 11" east,

52.50 feet more or less, north 224.00 feet more or less, north 14 degrees, 00' 00" east 100.00 feet more or less, north 29 degrees, 00' west 103.00 feet more or less, north 00 degrees, 15' 11" east 45.00 feet more or less to a point in existing right-of-way located 40 feet east of the centerline of Oxford Rally Road; thence easterly right-of-way and said corner point north 00 degrees, 3' east 181.01 feet more or less; thence north 89 degrees, 45' 11" east with said corner point 177.64 feet more or less to the beginning, containing 56.872 acres of land more or less, and being subject to the legal right of the County of Oxford, Ohio, to the easements of record on the description is based upon deed records and other sources and is subject to all other rights that said territory be annexed to the City of Oxford, Ohio, in the manner provided by law and subject to the provisions of the Attorney Jay C. Benquist, et al, Agent of the petitioners in securing such annexation.

Said Board of Commissioners has held a public hearing of February, 1988 as this territory being said petition at the following location: Oxford Rally Road, 45 Collins Run Rd., Oxford, Ohio 43080.

Jay C. Benquist  
Attorney At Law  
Agent for Petitioners  
3925 Parkside Rd.  
Oxford, Ohio 43080

AFFIDAVIT OF PUBLICATION

State of Ohio, County of Butler, ss:

Before me, the undersigned, a notary public in and for said county, personally appeared Robert E. White, Jr. who being first duly sworn, deposes and says that he is the Publisher of the Oxford Press, Oxford, Ohio, an independent weekly printed and of general circulation in said county and state and a notice of which the annexed is a copy, was published in said paper on the 10th day of December 198 7, on the 17th day of December 198 7, and on the 24th day of December 198 7, and on the 31st day of December, 1987

Price charged for publication was \$142.52

The Oxford Press

Per

Sworn to before me and subscribed in my presence this 15th day of Jan, 198 8.

Melody Woodward  
Notary Public

My commission expires Nov 26 1990.

MELODY WOODWARD

Notary Public, State of Ohio

My Comm. Expires Nov. 26, 1990



RESOLUTION NO. 2750

A RESOLUTION PURSUANT TO OHIO REVISED CODE SECTION 709.031(B) NOTIFYING THE COUNTY COMMISSIONERS AS TO WHAT SERVICES THE CITY OF OXFORD WILL PROVIDE UPON ANNEXATION OF 96.872 ACRES OF LAND IN OXFORD TOWNSHIP OWNED BY EDWARD V. REDPATH AND JOAN K. REDPATH.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Pursuant to Ohio Revised Code Section 709.031(B), the City of Oxford hereby notifies the Butler County Commissioners that upon annexation of 96.872 acres of land in Oxford Township to the City of Oxford, which land is presently owned by Edward V. Redpath and Joan K. Redpath and the Talawanda Board of Education, the City will provide the following services to the area annexed:

1. Fire protection.
2. Police protection.
3. Water service.
4. Sewer service.
5. Garbage and sanitary disposal service.
6. Such other municipal services as are customarily provided to areas within the city.

SECTION 2: This resolution shall take effect immediately upon its passage, and the Clerk of Council is hereby directed to forward a certified copy of the same to Diana Bradford, Clerk of the Board of Butler County Commissioners.

  
MAYOR

ADOPTED: January 5, 1988

ATTEST:   
DEPUTY CLERK OF COUNCIL

LAW (Snyder)



**BOARD OF COUNTY  
COMMISSIONERS**

BUTLER COUNTY ADMINISTRATIVE CENTER  
130 HIGH STREET • HAMILTON, OHIO 45011  
TELEPHONE: 513/867-5800

CALE L. LOGSDON  
Commissioner

EDWARD SHELTON  
Commissioner

COURTNEY E. COMBS  
Commissioner

DEREK L. CONKLIN  
Administrator

DIANA BRADFORD  
Clerk of the Board

December 2, 1987

Mr. Jay C. Bennett  
Attorney at Law  
Oxford Professional Building  
5995 Fairfield Road  
Oxford, Ohio 45056

Re: Petition for Annexation  
of 96.872 Acres to the  
City of Oxford, Ohio

Dear Mr. Bennett:

You are hereby advised that the Board of Butler County Commissioners have set Tuesday, February 2, 1988 at 7:00 P.M. at the Oxford Township Hall, 925 Collins Run Road, Oxford, Ohio 45056, as the time and place for the public hearing on the petition of Edward V. Redpath and Joan K. Redpath, and the Talawanda Board of Education for annexation of 96.872 acres in Oxford Township to the City of Oxford.

Pursuant to ORC Section 709-031(A), the petitioners shall cause a notice containing the substance of petition including the legal description and the time and place where it will be heard to be published once a week for a period of four (4) consecutive weeks in a newspaper of general circulation in Butler County prior to the time fixed for the hearing, and within seven (7) days after the board of county commissioners sets the time and place for the hearing, shall deliver a copy of the notice of hearing to the clerk of each township any portion of which is included within the territory sought to be annexed and to the clerk of the legislative authority of the municipal corporation to which annexation is proposed.

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The Council of the City of Oxford, upon receipt of the petitioner's notice, shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation.

Prior to the hearing date please submit two (2) copies of each of the following to the Clerk of the Board of Butler County Commissioners: Proof of Publication of Notice of Hearing; Affidavit of Notice of Hearing to Township Clerk; and Affidavit of Notice of Hearing to Municipal Clerk.

If you have any questions or need additional information regarding the above, please contact me.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
BUTLER COUNTY, OHIO

*Diana Bradford*  
Diana Bradford  
Clerk of the Board

Certified Mail

## RESOLUTION BY SHELTON

Resolved By the Board of County Commissioners of Butler County, Ohio,

That

WHEREAS, a petition was submitted to the Board from Jay C. Bennett, Attorney at Law acting as agent for the petitioners, Edward V. Redpath and Joan K. Redpath, to request the annexation of 96.872 acres of land located in Lot 3, Section 27 and in Lot 6, Section 34, Town 5, Range 1 East, Oxford Township, Butler County, Ohio (further described in Resolution No. 87-11-1463) to the City of Oxford, Ohio; and

WHEREAS, on November 3, 1987, Resolution No. 87-11-1463, the Board did refer such petition to the Butler County Engineer for checking the legal description and boundaries; and

WHEREAS, on December 1, 1987, Resolution No. 87-12-1575, the Board did receive and accept an amendment to the annexation petition of Edward V. Redpath and Joan K. Redpath to add the Talawanda Board of Education of Talawanda City Schools as freeholders joining in such petition for annexation; and

WHEREAS, such amendment did not change the territory proposed for annexation in the original petition; and

WHEREAS, Mr. William R. Foster, Butler County Engineer, did have his office check the description and plat of said 96.872 acres of land proposed to be annexed to the City of Oxford and it was found to be true and accurate.

NOW, BE IT RESOLVED that Tuesday, February 2, 1988 at 7:00 o'clock P.M. at the Oxford Township Hall, 925 Collins Run Road, Oxford, Ohio 45056 be set as the time and place for the public hearing on the petition for annexation of 96.872 acres in Oxford Township to the City of Oxford, Ohio; and

BE IT FURTHER RESOLVED that such petition for annexation be filed with the Butler County Auditor as prescribed by law.

Mr. Logsdon seconded the above resolution and upon call of the roll, the vote resulted as follows:

Mr. Shelton Yea

Mr. Logsdon Yea

Mr. Combs Yea

Adopted: December 1, 1987

Attest: Deane Bradford, Clerk

No. 87-12-1575

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RESOLUTION BY SHELTON

Resolved By the Board of County Commissioners of Butler County, Ohio,

That

WHEREAS, on November 3, 1987, Resolution #87-11-1463, the Board did receive the petition of Edward V. Redpath and Joan K. Redpath for annexation of 96.872 acres of land in Oxford Township to the City of Oxford; and

WHEREAS, on November 10, 1987, Resolution #87-11-1494, the Board did receive the petition of the Talawanda Board of Education for annexation of 30.00 acres of land in Oxford Township to the City of Oxford; and

WHEREAS, upon checking the legal descriptions filed with the aforesaid petitions for annexation, it was found that the 30 acre tract of land proposed for annexation by the Talawanda Board of Education is contained within the 96.872 acres proposed for annexation by Edward V. Redpath and Joan K. Redpath; and

WHEREAS, now comes attorney, Jay C. Bennett, agent for the petitioners, Edward V. Redpath and Joan K. Redpath, who has been appointed agent for the Talawanda Board of Education and Talawanda City Schools, requesting the Board to accept an amendment to the Annexation Petition filed by Edward V. Redpath and Joan K. Redpath to add the Talawanda Board of Education of Talawanda City Schools as freeholders joining in such petition for annexation; and

WHEREAS, such amendment does not add to the territory embraced in the original petition; and

WHEREAS, the agent for the petitioners did submit an amended petition duly signed by all parties.

NOW, BE IT RESOLVED that the Board of Butler County Commissioners does hereby accept the petition, as amended, for annexation of 96.872 acres in Oxford Township to the City of Oxford.

Mr. Logsdon seconded the above resolution and upon call of the roll, the vote resulted as follows:

Mr. Shelton Yea

Mr. Logsdon Yea

Mr. Combs Yea

Adopted: December 1, 1987

Attest: Diana Bradford, Clerk



AMENDED PETITION FOR ANNEXATION

TO THE COMMISSIONERS OF BUTLER COUNTY, STATE OF OHIO:

The undersigned, being a majority of adult freeholders, owners of the following described territories, situated in the County of Butler and adjacent to the City of Oxford, Ohio, to wit:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732) said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

an accurate map of which territory is hereby attached, respectfully

RECEIVED

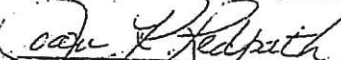
37 NOV 25 P 2:27

BUTLER COUNTY  
COMMISSIONERS

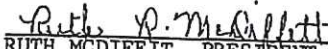
petition that said above described property be annexed to the City of Oxford, Ohio.

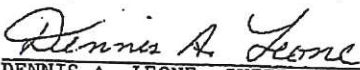
Attorney Jay C. Bennett is hereby authorized to act as Agent of the Petitioners in securing such annexation.

  
EDWARD V. REDPATH, PETITIONER

  
JOAN K. REDPATH, PETITIONER

TALAWANDA CITY SCHOOL DISTRICT BOARD  
OF EDUCATION, PETITIONER

By   
RUTH MCDIFFITT, PRESIDENT TALAWANDA  
BOARD OF EDUCATION

By   
DENNIS A. LEONE, SUPERINTENDENT OF  
TALAWANDA CITY SCHOOLS

By   
CHRISTOPHER S. MOHR, TREASURER OF  
TALAWANDA CITY SCHOOLS

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

BOARD OF COUNTY COMMISSIONERS  
BUTLER COUNTY, OHIO

In the matter of: : CASE NO. 87-11-1463  
The Petition for Annexation of :  
Edward V. Redpath and Joan K. :  
Redpath :  
: MOTION FOR LEAVE TO AMEND  
: PETITION FOR ANNEXATION  
:  
:

TO THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO

Now comes attorney, Jay C. Bennett, agent for petitioners Edward V. Redpath and Joan K. Redpath who has been appointed agent for the Talawanda Board of Education and Talawanda City Schools, who respectfully moves the County Commissioners of Butler County, Ohio to amend the Annexation Petition filed by Edward V. Redpath and Joan K. Redpath to add the Talawanda Board of Education of Talawanda City Schools as freeholders joining in the Petition of Annexation hereinbefore described. Said agent does hereby consent to such Amendment, which is made pursuant to Ohio Revised Code Section 709.032. Said agent does hereby certify to the Board of County Commissioners that said Amendment does not add to the territory embraced in the original petition and therefore does not require further notice nor delay of the hearing of said petition. Said Amended Petition is attached hereto and duly signed by all parties.

JAY C. BENNETT, Agent for Edward V.  
Redpath, Joan K. Redpath and Talawanda  
Board of Education of Talawanda City  
Schools

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5705 Fairfield Road  
Oxford, Ohio 45056



## RESOLUTION BY LOGSDON

Resolved By the Board of County Commissioners of Butler County, Ohio,  
That

WHEREAS, a petition has been submitted to the Board from Jay C. Bennett, Attorney at Law acting as agent for petitioners, Edward V. Redpath and Joan K. Redpath, the owners of the following described real estate within Butler County, Ohio, and located immediately adjacent to the City of Oxford, requesting said territory consisting of 96.872 acres of land be annexed to the City of Oxford, Ohio:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reilly Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reilly Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

NOW, BE IT RESOLVED that the petition and plat for annexation of 96.872 acres to the City of Oxford be received and be referred to the Butler County Engineer for checking the boundaries and legal description.

Mr. Shelton seconded the above resolution and upon call of the roll, the vote resulted as follows:

Mr. Shelton Yea

Mr. Logsdon Yea

Mr. Combs Yea

Adopted: November 3, 1987

Attest: Deana Bradford, Clerk

NOTICE  
VOL 1641 PAGE 82

TO THE CITY OF OXFORD, OHIO:

Please be advised that Attorney Jay C. Bennett, as Agent for Edward V. Redpath and Joan K. Redpath, has filed a Petition for Annexation requesting that the following described property be annexed to the City of Oxford, Ohio:

Situate in Lot 3, Section 27, and in Lot 6, Section 34; Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30,000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30,000 acre tract; west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30,000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less; and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

Said Petition was filed with the County Commissioners of Butler County, Ohio on the 29 day of OCTOBER, 1987 by Jay C. Bennett, Agent for Petitioners.

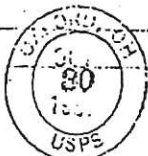
JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

JAY C. BENNETT, ATTORNEY AT LAW,  
AGENT FOR PETITIONERS  
Oxford Professional Building  
5995 Fairfield Road  
Oxford, Ohio 45056  
(513) 523-4104

P 382 193 903

RECEIPT FOR CERTIFIED MAIL

Clerk of Oxford  
City Council  
Municipal Bldg.  
101 East High Street  
Oxford, Ohio 45056



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. |                                                         |
| 1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.                                                                                                                                                                                                                                                                                                                                                                                                              | 2. <input type="checkbox"/> Restricted Delivery         |
| 3. Article Addressed to:<br>Clerk of Oxford City Council<br>Municipal Building<br>101 East High Street<br>Oxford, Ohio 45056                                                                                                                                                                                                                                                                                                                                                                    | 4. Article Number<br>P 382 193 903                      |
| 5. Signature - Addressee<br>X <i>Karen B. B.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                | 6. Signature - Agent<br>X                               |
| 7. Date of Delivery<br>11-2-87                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 8. Addressee's Address (ONLY if requested and fee paid) |
| Type of Service:<br><input checked="" type="checkbox"/> Registered<br><input type="checkbox"/> Certified<br><input type="checkbox"/> Express Mail<br><input type="checkbox"/> Insured<br><input type="checkbox"/> COD                                                                                                                                                                                                                                                                           |                                                         |
| Always obtain signature of addressee or agent and DATE DELIVERED                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



NOTICE  
VOL 1641 PAGE 83

TO THE CLERK OF OXFORD TOWNSHIP, BUTLER COUNTY, OHIO:

Please be advised that Attorney Jay C. Bennett, as Agent for Edward V. Redpath and Joan K. Redpath, has filed a Petition for Annexation requesting that the following described property be annexed to the City of Oxford, Ohio:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the center-line of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

Said Petition was filed with the County Commissioners of Butler County, Ohio on the 29th day of OCTOBER, 1987 by Jay C. Bennett, Agent for Petitioners.

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

  
JAY C. BENNETT, ATTORNEY AT LAW,  
AGENT FOR PETITIONERS  
Oxford Professional Building  
5995 Fairfield Road  
Oxford, Ohio 45056  
(513) 523-4104

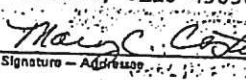
P 382 193 902

RECEIPT FOR CERTIFIED MAIL

Mary Costa, Clerk  
of Oxford Township  
6217 Contreras Road  
Oxford, Ohio 45056

USPS Form 3811, June 1985



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. |                                                         |
| 1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.                                                                                                                                                                                                                                                                                                                                                                                                              | 2. <input type="checkbox"/> Restricted Delivery.        |
| 3. Article Addressed to:<br>Mary Costa<br>Clerk, Oxford Township<br>6217 Contreras Road<br>Oxford, Ohio 45056                                                                                                                                                                                                                                                                                                                                                                                   | 4. Article Number:<br>P 382 193 902                     |
| Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input type="checkbox"/> Certified Mail <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail                                                                                                                                                                                                                                                                                       |                                                         |
| Always obtain signature of addressee or agent and DATE DELIVERED.                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |
| 5. Signature - Addressee<br>X                                                                                                                                                                                                                                                                                                                                                                                | 6. Addressee's Address (ONLY if requested and fee paid) |
| 7. Signature - Agent<br>X                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |
| 7. Date of Delivery<br>11-2-87                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                         |

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

RECEIVED

## PETITION FOR ANNEXATION

37 OCT 29 1972 TO THE COMMISSIONERS OF BUTLER COUNTY, STATE OF OHIO:

Butler County, Ohio  
Commissioners

The undersigned, being the sole adult freeholders, owners of the following described territories, situated in the County of Butler and adjacent to the City of Oxford, Ohio, to wit:

Situate in Lot 3, Section 27, and in Lot 6, Section 34, Town 5, Range 1 East of Oxford Township, Butler County, Ohio, and being bounded and described as follows: Beginning at a point in the east line of said Lot 3, located north 203.28 feet more or less, from the southeast corner of said Lot 3, said beginning point also being the southeast corner of Lot 2082 of the City of Oxford; thence with the east line of said Lot 3, south 00° 27' 30" east 203.28 feet more or less; thence with the east line of said Lot 6, south 00° 27' 30" east 2153.41 feet more or less; thence west 747.47 feet more or less to the southeast corner of a 30.000 acre tract conveyed to the Talawanda City School District Board of Education by Edward V. Redpath, et al; thence with the south line of said 30.000 acre tract, west 1064.00 feet more or less to a point in the easterly right-of-way of Oxford Reily Road (State Route #732), said point being 25 feet east of the center line of said road; thence with said easterly right-of-way the following calls: north 1200.00 feet to a point in the north line of said 30.000 acre tract, north 266.73 feet more or less, north 16° 42' east 52.20 feet more or less, north 234.80 feet more or less, north 14° 44' east 196.50 feet more or less, north 29° 02' west 103.00 feet more or less, north 00° 13' east 125.69 feet more or less to a point in existing corporation line and in said easterly right-of-way located 40 feet east of the centerline of Oxford Reily Road; thence with said easterly right-of-way and said corporation line north 00° 13' east 191.61 feet more or less; thence north 89° 45' east with said corporation line 1776.44 feet more or less to the point of beginning, containing 96.872 acres of land more or less, and being subject to the legal right-of-way of the public road and easements of record; this description is based upon deed records and other sources and is not from a field survey.

an accurate map of which territory is hereby attached, respectfully petition that said above described property be annexed to the City of Oxford, Ohio.

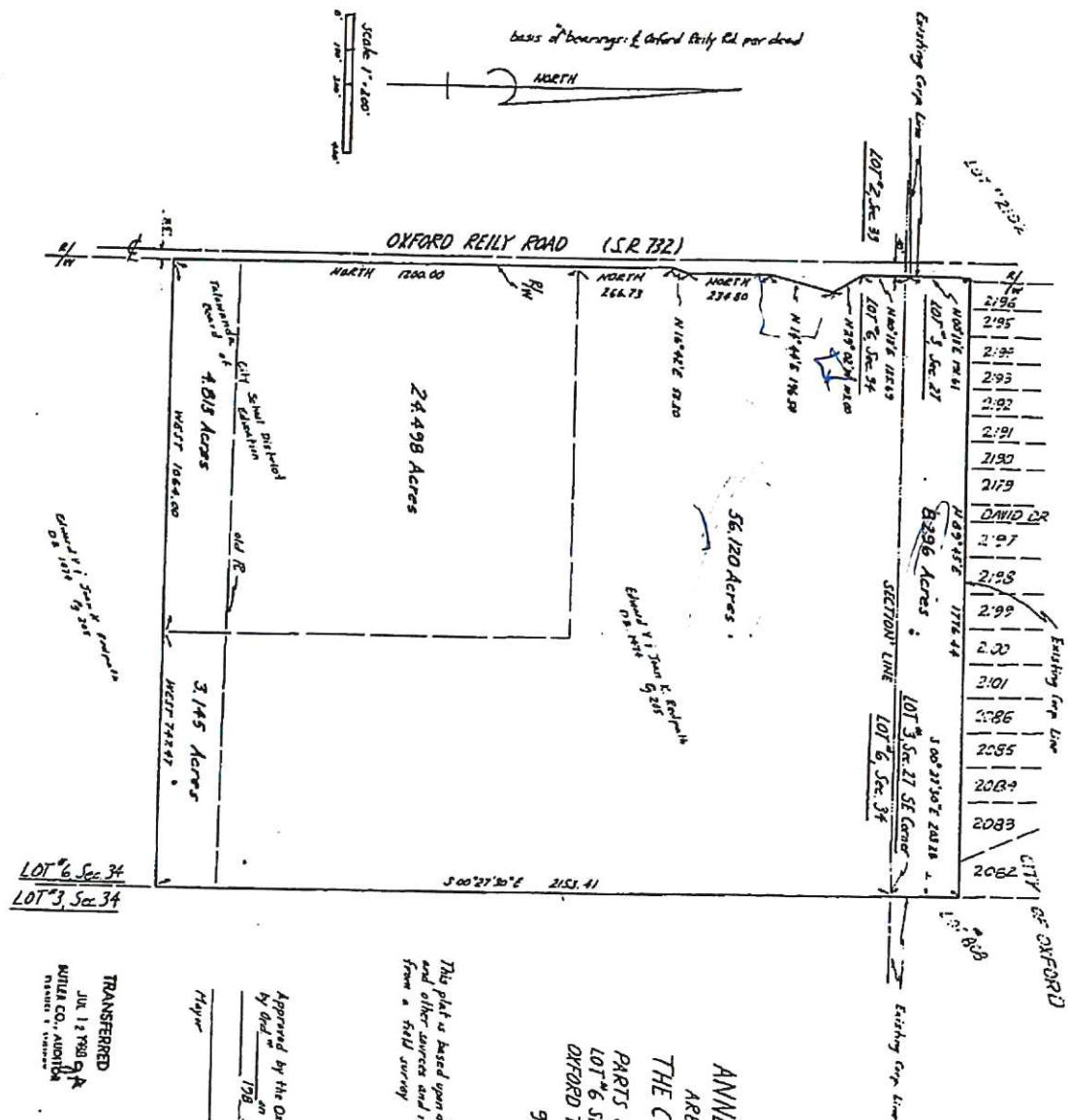
Attorney Jay C. Bennett is hereby authorized to act as Agent of the Petitioners in securing such annexation.

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
3995 Fairfield Road  
Oxford, Ohio 43056

*Edward V. Redpath*  
EDWARD V. REDAPTH, PETITIONER

*Joan K. Redpath*  
JOAN K. REDAPTH, PETITIONER





ANNEXATION PLAT  
AREA TO BE ADDED TO  
THE CITY OF OXFORD  
PARTS OF LOT "3, SEC. 27;  
LOT "6 SEC. 34, T-5, R-1E  
OXFORD TOWNSHIP, BUTLER CO, OH  
96.012 ACRES TOTAL

*This plot is based upon ditch records and other sources and is not from a field survey.*

By: N. RANDOLPH BUECHE  
REG SURVEYOR # 6182  
OXFORD, OHIO

N. Pandoz Buck

Approved by the Oxford City Council  
by Ord<sup>m</sup> \_\_\_\_\_ on the \_\_\_\_\_ day of  
1998

Mayne

**TRANSFERRED**

JUN 12 1958  
BUTLER CO., AUDITORIUM  
MADE IN U.S.A.

|                                                                                                         |                                                                                                        |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| NORTH STAR SURVEYING & CONSULTING<br>1001 Marshall Road • Cambridge, Ohio 43001<br>Phone (614) 325-4173 |                                                                                                        |
| DATE                                                                                                    | 1-5-2007                                                                                               |
| BY                                                                                                      | DAVID R. JENSEN                                                                                        |
| PROJECT                                                                                                 | ADJUDICATION PLAT PARTS OF LOT 5 SEC. 217<br>LOT 6 SEC. 34 T-5-S-R-1E ADJUD. TOWNSHIP, BUTLER CO., OH. |
| REVISION                                                                                                | NR                                                                                                     |
| DATE                                                                                                    | 1-5-2007                                                                                               |
| BY                                                                                                      | DAVID R. JENSEN                                                                                        |

(VOL 1601 PAGE 77

RECEIVED FOR RECORD  
JOYCE B. THALL, RECORDER  
BUTLER COUNTY, OHIO

DEED FOR MIAMI UNIVERSITY LANDS

25990

87 JUN 24 PM 1:54

KNOW ALL MEN BY THESE PRESENTS:

RECORD Deed

FEE 10-

That, the president and trustees of the Miami University, Oxford, Ohio, a corporation organized and existing under the laws of the State of Ohio, GRANTOR, pursuant to the provisions of Section 3339.03 of the Revised Code of Ohio, and in consideration of

Seven Hundred Twenty-one and 50/100-----(\$ 721.50 ) Dollars,  
being the amount which when placed at interest of four per cent (4%) per annum will yield income to Grantor equal to the present annual ground rent on the real estate hereinafter described, to it paid by

Edward V. Redpath and Joan K. Redpath, husband and wife

GRANTEES,

whose address is:

304 West Spring Street, Oxford, Ohio 45056

the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey to the said

Edward V. Redpath and Joan K. Redpath, husband and wife  
heirs, successors and assigns forever, the following described real estate, to-wit:

TRACT I: Being a tract of eighty-nine and thirty-hundredths (89.30) acres situate in Lot numbered three (3), Section twenty-seven (27) and in Lot numbered six (6), Section thirty-four (34) in Oxford Township, County of Butler and State of Ohio, bounded and described as follows:

The above described premises were conveyed to grantor by deed of Arthur Leander Thomas, administrator of said Arthur Leander Thomas, deceased, recorded in deed book 308, Page 115, Butler County, Ohio, Recorder's Office.

PARCEL A: Part of lot six (6), section 34, Oxford Township, Butler County, Ohio, and more particularly described as follows: BEGINNING at the southwest corner of land conveyed to Harley S. Hamilton by Arthur Leander Thomas, administrator, thence south along the west line of lot six (6) to the northwest corner of lot five (5), section 34, Oxford Township, Butler County, Ohio; thence east with the north line of said lot five (5) to the northeast corner of said lot five (5); thence north along the east line of lot six (6) to the southeast corner of land conveyed to Harley S. Hamilton by Arthur Leander Thomas, administrator; thence west along the line of the said land conveyed to Harley S. Hamilton by Arthur Leander Thomas, administrator, to the place of beginning. Said parcel contains 35.20 acres more or less.

PARCEL B: Part of lot five (5), section 34, Oxford Township, Butler County, Ohio, more particularly described as follows: BEGINNING at the northeast corner of said lot five (5); thence west with the north line thereof to the northwest corner of said lot five (5), thence south with the west line of said lot so far that a line drawn thence east to the east line thereof, thence north along the east line of said lot five (5) to the place of beginning, as will contain 25 acres.

The above two parcels are the premises conveyed to grantor by Clinton L. DeWitt by deed dated July 7, 1933 and recorded in Volume 306, page 541 of the Deed Records of Butler County, Ohio.

PRIOR DEED REFERENCE: Volume 618, Page 653, Butler County, Ohio Records.

TRACT II: Situate in and being a part of lot numbered five (5), Section 34, Town 5, Range 1, East, in Oxford Township, Butler County, Ohio bounded and described as follows: BEGINNING at a point in the south line of said lot numbered 5, located 787.1 feet west of the southeast corner; thence from said point of beginning south 89° 26' west along said south line 460.39 feet to the point of intersection of said line with the center line of the Stillwell-Beckett Road; thence north 63° 15' 30" west along said road 322.40 feet; thence north 77° 57' west along said road 354.01 feet to a point in the west line of lot numbered 5; thence north 0° 12' east along said lot line 1786.69 feet to the northwest corner of the Grantor's land; thence north 89° 30' east 1424.1 feet to the northeast corner of said land; thence south 0° 40' east 1810.10 feet to an iron stake; thence south 89° 26' west 359.30 feet to an iron stake; thence south 0° 42' east 200.00 feet to the point of the beginning, containing 62.821 acres more or less and being subject to the legal right-of-way of the public highways.

Being part of the same premises conveyed to the grantor herein by deed from Lena Gehring, dated January 16, 1956, and recorded in Deed Book 619, Page 101, Recorder's Office, Butler County, Ohio.

PRIOR DEED REFERENCE: Volume 835, Page 583, Butler County, Ohio Records.

1601 PAGE 18



and all of the Estate, Title and Interest of Grantor, either in Law or in Equity, in and to the said premises; Together with all the privileges and appurtenances to the same belonging; To have and to hold the same to the only proper use of said Grantees, their heirs, successors and assigns forever, SUBJECT TO ALL LIENS, EQUITIES OR RIGHTS OF THIRD PERSONS IN, TO OR UPON THE PREMISES.

In Witness Whereof, the said the president and trustees of the Miami University, GRANTOR, has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed by Paul G. Pearson, President of Miami University, and William G. Slover, Secretary of the president and trustees of the Miami University, thereunto duly authorized by resolution of its Board of Trustees, this 10th day of June 1987.

Signed and acknowledged  
in the presence of

Charles L. Allen  
Jane B. Pearce

The president and trustee of the Miami University

By: \_\_\_\_\_  
President of Miami University

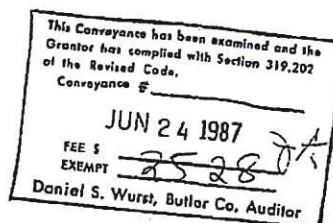
Countersigned by: William G. Slover  
Secretary of the president and trustees of the Miami University

STATE OF OHIO, COUNTY OF BUTLER, SS:

Be it remembered, That on this 10th day of June 1987, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Paul G. Pearson, President of Miami University, and William G. Slover, Secretary of the president and trustees of the Miami University, the corporation whose name is subscribed to and which executed the foregoing instrument, and for themselves and as such officers respectively, and for and on behalf of said corporation, acknowledged the signing and execution of said instrument; and acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they affixed such corporate seal to, and otherwise executed said instrument, by authority of the Board of Trustees, and on behalf of said corporation; and that the signing and execution of said instrument is their free and voluntary act and deed, their free and voluntary act and deed as such officers respectively, and the free and voluntary act and deed of said corporation, for the uses and purposes in said instrument mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my Notarial seal, on the day and year last aforesaid.

Lawrence R. Kelley  
Notary Public, State of Ohio  
This instrument prepared by commission expires Feb. 12, 1992  
Miami University Staff, Attorney.



25990  
DEED  
FOR MIAMI UNIVERSITY LANDS

The president and trustees  
of the Miami University,  
GRANTOR,

TO

GRANTEES

TRANSFERRED

JUN 24 1987 CK

BUTLER CO., AUDITOR  
DANIEL S. WURST

Johnson Box  
10-

RECEIVED FOR RECORD  
JOYCE H. HALL, RECORDER  
BUTLER COUNTY, OHIO

1990 FEB 20 PM 2:26

EVOL 1688 PAGE 270

05304

EASEMENT

NO. TRANSFO  
RECORD *Recd*  
REF *14-*

Know all men by these presents that EDWARD V. REDPATH and JOAN K. REDPATH, Grantors, in consideration of \$1.00 and other good and valuable considerations paid to them by the TALAWANDA CITY SCHOOL DISTRICT, Butler County, Ohio, Grantee herein, does hereby grant, bargain, sell and convey to said Grantee, its successors and assigns, a perpetual easement for the construction, maintenance, operation, repair and alteration of a sanitary sewer in, over, and through a 30' strip of land situated in Lot #2664 of the City of Oxford as shown in the drawing attached hereto as Exhibit A and more particularly described as follows:

Situate in Lot # 2664 of the City of Oxford, Butler County, Ohio, and being a sanitary sewer easement 30 feet width, lying 15 feet on each side of an existing sanitary sewer line crossing Lot #2664, the center line of said easement being more particularly described as follows: Beginning at a point in a south line of said Lot #2664 and in the north line of Lot #2665 located 15 feet west of the north east corner of said Lot #2665; thence north 893.3 feet to a point; thence west 570.0 feet to a point; thence north 27° 44' west 116.0 feet; thence north 62° 16' east 291.2 feet; thence north 00° 30' east 20.7 feet more or less to a point in the north line of said Lot #2664 and in the present south end of David Drive, and being subject to any other easements or restrictions of record.

A survey of the property was made by N. Randolph Bueche, Registered Surveyor #6782, Oxford, Ohio.

to have and to hold said easement unto said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantors, Edward V. Redpath and Joan K. Redpath hereunto set their hands this 28<sup>th</sup> day of July, 1989.

WITNESSES

JAY C. BENNETT  
Attorney at Law  
Oxford  
Professional Bldg.  
5995 Fairfield Road  
Oxford, Ohio 45056

*Kanda Miller*  
*Arthur P. Boldra*

*Edward V. Redpath*  
EDWARD V. REDPATH  
*Joan K. Redpath*  
JOAN K. REDPATH

TALAWANDA CITY SCHOOL DISTRICT  
DANIEL S. WENST  
EV 281-90 M.G. DEPT.  
AUDITOR, BUTLER CO., OHIO



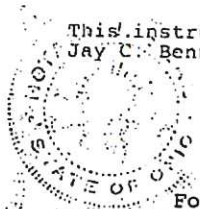
PAGE 1688 PAGE 271

State of Ohio  
County of Butler

The foregoing instrument was acknowledged before me this  
28<sup>th</sup> DAY OF JULY by Edward V. Redpath and Joan K.  
Redpath.

This instrument prepared by:  
Jay C. Bennett, Attorney at law

Arthur P. Goldner  
Notary



ARTHUR P. GOLDNER, Attorney at Law  
Notary Public, State of Ohio  
My commission has no expiration date.  
O.R.C. Section 147.03

**ASSIGNMENT OF DEED OF EASEMENT**

For One Dollar (\$1.00) and other good and valuable considerations, the Board of Education of the Talawanda City School District does herewith sell, assign and convey, the within Deed of Easement for a sanitary sewer easement as described within to the City of Oxford, Ohio, a municipal corporation, by action of the Board at a special meeting held on July 27, 1989, and did authorize its President and Secretary/Treasurer to execute said Assignment.

TALAWANDA CITY SCHOOL DISTRICT

by: William Vollmer  
William Vollmer, President

by: Jonathan Boyd  
Jonathan Boyd, Secretary/Treasurer



STATE OF OHIO 0 Lic

COUNTY OF BUTLER

:  
SS:  
:

As President and Secretary/Treasurer of the Talawanda City School District Board of Education, William Vollmer, and Jonathan Boyd, personally appeared before me, a Notary Public, in and for said county, who executed the foregoing instrument and having been duly authorized by action of said Board of July 27, 1989, do acknowledge that they did examine and read the same and did sign the foregoing instrument and that the same is their free act and deed.

In witness whereof, I hereunto set my hand.

Jean Woodruff  
Notary Public

This Assignment of Easement prepared by:  
Stephen M. McHugh, attorney at law

JEAN WOODRUFF  
Notary Public, Butler County, Ohio  
My Commission Expires Oct. 1992

NORTH STAR SURVEYING & CONSULTING  
OXFORD PROFESSIONAL BUILDING  
5995 FAIRFIELD ROAD - OXFORD, OHIO 45056  
PHONE (513) 523-4270

FWOL 1688 PAGE 272

SANITARY SEWER EASEMENT DESCRIPTION  
FOR EDWARD U. & JOAN K. REDPATH

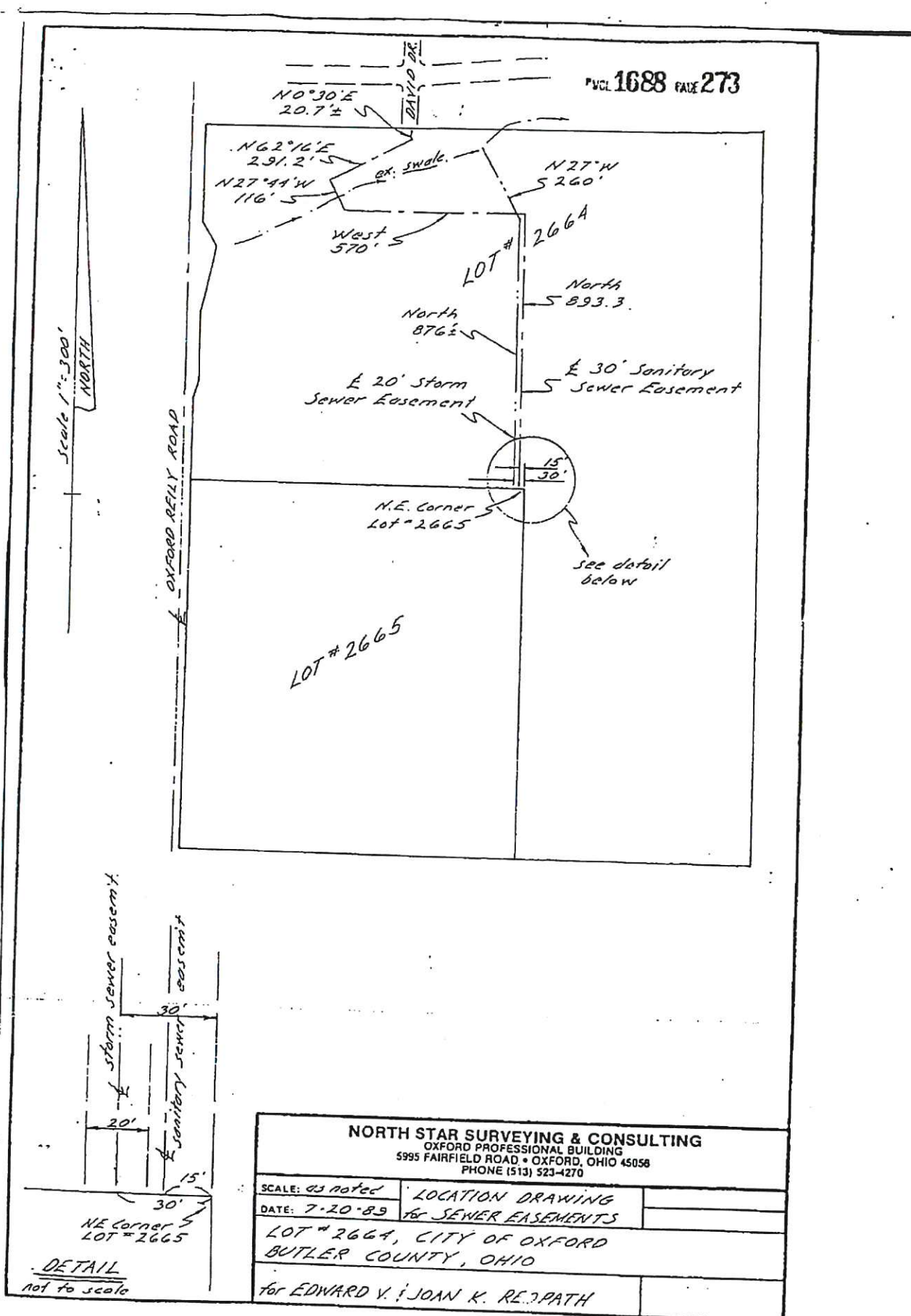
Situate in Lot # 2664 of the City of Oxford, Butler County, Ohio, and being a sanitary sewer easement 30 feet in width, lying 15 feet on each side of an existing sanitary sewer line crossing Lot # 2664, the center line of said easement being more particularly described as follows: Beginning at a point in a south line of said Lot # 2664 and in the north line of Lot # 2665 located 15 feet west of the north east corner of said Lot # 2665; thence north 893.3 feet to a point; thence west 570.0 feet to a point; thence north 27°44' west 116.0 feet; thence north 62°16' east 291.2 feet; thence north 00°30' east 20.7 feet more or less to a point in the north line of said Lot # 2664 and in the present south end of David Drive, and being subject to any other easements or restrictions of record.

I state to Edward & Joan Redpath that this description is based upon a field survey made under my direction on or about June 27, 1989, to the normal standard of care of professional surveyors practicing in Butler County, and that said description is true and correct to the best of my knowledge, information, and belief.

*N. Randolph Bueche*  
N. Randolph Bueche  
Registered Surveyor # 6782  
Oxford, Ohio

July 20, 1989





CONSENT TO ASSIGNMENT

We hereby consent to the assignment of this easement from the Board of Education of the Talawanda City School District to the City of Oxford, Ohio, and acknowledge that the City of Oxford's acceptance is conditioned upon no new connections to the sanitary sewer line described above until the same is connected to a new trunk line.

Edward V. Redpath  
Edward V. Redpath

Joan K. Redpath  
Joan K. Redpath

STATE OF OHIO :  
COUNTY OF BUTLER : SS

Before me, a Notary Public, in and for said county and State, personally appeared the above-named Edward V. Redpath and Joan K. Redpath, who acknowledge that they did sign the foregoing agreement and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at OXFORD, Ohio this 19 of September, 1988



Peggy J. Newton  
Notary Public

PEGGY J. NEWTON  
Notary Public, State of Ohio  
My Commission Expires Jan. 2, 1991



25366

VOL 1730 PAGE 108

TRANSFER NOT NECESSARY  
JAMES M. BROWN  
BY 7-22-91 JWB DEPT.  
AUDITOR, BUTLER CO., OHIO

ROADWAY EASEMENT

Edward V. and Joan K. Redpath, (married), of 304 West Spring Street, Oxford, Butler County, State of Ohio, hereinafter referred to as Grantor, in consideration of one dollar (\$1.00) paid, the receipt of which is hereby acknowledged, hereby grants to the City of Oxford, a municipal corporation, hereinafter referred to as Grantee, and its assigns, a permanent easement to use Grantor's property, described on Attachment "A", attached hereto and incorporated herein by reference, for the purposes of constructing and maintaining a public sidewalk and for grading, seeding, and all other incidental uses, customary during the construction and maintenance of a sidewalk.

Grantee shall fully repair at its own expense all damages to Grantor's property as described in Attachment "A", incurred by reason of Grantee's use of the easement property.

This grant of easement shall run with the land and shall be binding on and inure to the benefit of the parties, their heirs, successors, and assigns.

In witness whereof, the parties have hereunto set his/her/their hand this 8TH day of JULY 1990. <sup>91</sup>

Signed and acknowledged in presence of:

Rhonda L. Edda Edward V. Redpath  
Joan K. Redpath Joan K. Redpath

On this 8TH day of JULY, 1990<sup>91</sup>, before me, a Notary Public in and for the State of Ohio, personally came the above named persons, the Grantor in the foregoing deed of easement, and acknowledged the signing of the same to be their voluntary act and deed for the uses and purposes therein mentioned.

RECEIVED FOR RECORD  
JOYCE A. TRALL, RECORDER  
BUTLER COUNTY, OHIO  
91 JUL 22 PM 3:36  
RECORD Done  
FEE 1200

VOL 1730 PAGE 109

IN TESTIMONY WHEREOF, I have hereunto subscribed by name and  
affixed by official seal on the date last above mentioned.

RHONDA L. EDDS  
Notary Public, State of Ohio  
My Commission Expires Feb. 6, 1995

*Rhonda L. Edds*  
Notary Public in and for the  
State of Ohio

This instrument was prepared by: City of Oxford

EDWARD V. AND JOAN K. REDPATH  
Description for Dedication for Roadway Purposes

1. Beginning at the Northwest corner of Lot No. 2664, said point being 40.00 feet East of the centerline of Oxford-Reily Road, being also in the East right-of-way line of Oxford-Reily Road;

Thence North  $89^{\circ} 12' 00''$  West, for a distance of 5.00 feet to a point;

Thence South  $00^{\circ} 12' 00''$  West, parallel to the centerline of Oxford-Reily Road for a distance of 326.39 feet to a point in the existing right-of-way line of said road;

Thence North  $28^{\circ} 51' 15''$  West, for a distance of 10.29 feet to an angle point in the right-of-way line;

Thence North  $00^{\circ} 12' 00''$  East, along the East right-of-way line of said road for a distance of 317.30 feet to the Point of Beginning. Containing .03694 acres.

2. Also the following described parcel being part of Lot No. 2664;

Beginning at the Southwest corner of Lot No. 2664, being also in the East right-of-way line of Oxford-Reily Road, being 25.00 feet East of the centerline of Oxford-Reily Road;

Thence North  $00^{\circ} 09' 00''$  West, along the East right-of-way line of said road for a distance of 266.73 feet to a point;

Thence North  $16^{\circ} 33' 00''$  East, along said right-of-way line for a distance of 52.30 feet to a point;

Thence North  $00^{\circ} 12' 00''$  East, along the said right-of-way line for a distance of 234.80 feet to a point;

Thence North  $14^{\circ} 56' 30''$  East, along the said right-of-way line for a distance of 13.58 feet to a point;

Thence South  $00^{\circ} 09' 00''$  East, for a distance of 564.74 feet to a point on the South property line of said lot;

Thence South  $89^{\circ} 51' 00''$  West, for a distance of 20.00 feet to the Point of Beginning.

Containing .16029 acres.

Bearings for the above descriptions are referenced to those shown in the State of Ohio, Department of Highways Right-of-Way Plans (BUT-732-7.22), Pages 1 and 2, dated 1-22-60.

Last previous deed reference Volume 1474, Page 205.



TRANSFER NOT NECESSARY  
ROGER REYNOLDS, CPA  
BY 12-29-210 DEPT.  
AUDITOR, BUTLER CO., OHIO



Recorded: 12/29/2021 11:43 AM Page: 1 of 5  
File # 2021-00073645 Fee Amt: \$58.00  
BUTLER County, Ohio DANNY N. CRANK, Recorder  
BK **9785** PG **1542**

LPA RE 807  
Rev. 10/2017

TE  
LPA

### TEMPORARY EASEMENT

EVR Investments LLC, an Ohio limited liability company, the Grantor(s), in consideration of the sum of \$13,500.00, to be paid by the City of Oxford, Ohio, the Grantee, do grant to Grantee the temporary easement to occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): H4100132000001-Temporary Construction Easement

BUT-OXFORD AREA TRAIL PHASE IV WESTSIDE

CONNECTOR

SEE EXHIBIT A ATTACHED

Butler County Current Tax Parcel No. H4100132000001  
Prior Instrument Reference: OR Book 7033, Page 1447 and OR Book 7033, Page 1435,  
Butler County Recorder's Office.

To have and to hold the temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors, then the temporary easement shall immediately terminate.

The temporary easement interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a



File # 2021-00073645

Page: 2 of 5

BK **9785** PG **1543**

**public trail**

Grantee shall, at its sole cost and expense, comply with all applicable federal, state and local laws, rules, and regulations which are applicable to Grantee's activities on the property.

Grantee shall properly restore all areas affected by any construction, repair, restoration or replacement or other activities of Grantee, its employees, agents or contractors so that the same shall be in the condition which existed immediately prior to such activities.

Grantee shall pay Grantor for any damage caused to Grantor's property by Grantee, or its employees, agents, and contractors arising from their activities pursuant to the temporary easement.

Whenever performing work in or otherwise using the easement area, Grantee, its employees, agents and contractors shall at all times preserve all access points to Grantor's property and keep such access points open to vehicular traffic going to and from the residence and farm located on Grantor's property.

Notwithstanding anything contained herein to the contrary, Grantor, its successors, assigns, tenants, and subtenants shall have the right to use the temporary easement area for any purpose not inconsistent with the temporary easement grant herein, including, but not limited to, travelling to and from the residence and farm located on the Grantor's property and the public street.

(Signature Pages to follow)

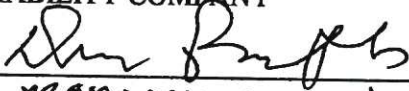


File # 2021-00073645 Page: 3 of 5

BK 9785 PG 1544

N WITNESS WHEREOF EVR INVESTMENTS LLC, an Ohio limited liability company has caused its name to be subscribed by Daren Redpath, its duly authorized Member, and its duly authorized agent on the 17<sup>th</sup> day of November, 2021.

EVR INVESTMENTS LLC, AN OHIO LIMITED LIABILITY COMPANY

By:   
Managing member

STATE OF OHIO, COUNTY OF Butler SS:

BE IT REMEMBERED, that on the 17 day of November, 2021, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Daren Redpath, who acknowledged being the Member and duly authorized agent of EVR Investments LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Daren Redpath with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Kevin D. McKeehan  
Notary Public, State of Ohio  
My Commission Expires  
May 08, 2026

  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_



File # 2021-00073645

Page: 4 of 5

BK 9785 PG 1545

IN WITNESS WHEREOF the City of Oxford, a body politic and corporate organized under the law of the State of Ohio, has caused its name to be subscribed by Douglas R. Elliott, Jr., its duly authorized City Manager, and its duly authorized agent on the 9 day of December, 2021.

CITY OF OXFORD, OHIO

By: Douglas R. Elliott, Jr.

STATE OF OHIO, COUNTY OF Butler SS:

BE IT REMEMBERED, that on the 9 day of Dec, 2021, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Douglas R. Elliott, Jr. who acknowledged being the City Manager and duly authorized agent of the City of Oxford, Ohio a body politic and corporate organized under the law of the State of Ohio, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Douglas R. Elliott, Jr. with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Leann Hendricks  
NOTARY PUBLIC  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires 3/26/23  
03-26-2023

This document was prepared by: the City of Oxford, Ohio





File # 2021-00073645 Page: 5 of 5

BK 9785 PG 1546



Exhibit A  
Temporary Easement for Trail Purposes  
PID H41001320000001

Situated in the State of Ohio, County of Butler, Township of Oxford (T5N, R1E) and known as being part of Oxford Township Section 34 Lot 5 and further being part of land described in deed to EVR Investments, LLC as recorded in book 7033 page 1447 of Butler County records and being more fully described as Follows:

Beginning on the east line of Oxford Reily Rd on the Grantors north line;

Thence S 2° 31' 56" W along the said east line, 317.51 feet;

Thence S 26° 31' 19" E along the said east line, 102.96 feet;

Thence S 17° 16' 35" W along the said east line, 43.87 feet to the True Place of Beginning for the easement intended to be described herein;

Thence S 72° 43' 25" E, 90.00 feet;

Thence S 17° 16' 35" W, 95.00 feet;

Thence N 72° 43' 25" W, 90.00 feet to the east line of said Oxford Reily Rd.,

Thence N 17° 16' 35" E, along the east line of said Oxford Reily Rd. 95.00 feet to the True Place of Beginning and containing 8550 S.F. of land.

Bearings are based on grid north in the Ohio State Plane Coordinate System South Zone NAD 83 (2011)

This description was prepared and reviewed by Robert J. Warner P.S. 6931 for Environmental Design Group, LLC based on a field survey by G. J. Berding Surveying, Inc. in June 2020.

  
Robert J. Warner  
P.S. 6931



CORPORATE  
450 Grant Street / Akron, OH 44311  
P 330.375.1390 / F 330.375.1590  
TF 800.835.1390

CLEVELAND OFFICE  
2800 Euclid Avenue, Suite 620  
Cleveland, Ohio 44115

COLUMBUS OFFICE  
88 East Broad Street, Suite 880  
Columbus, Ohio 43215

[envdesigngroup.com](http://envdesigngroup.com)

1189

1. MIAMI UNIVERSITY—SPECIFIC AUTHORITY TO BUY LAND IN OXFORD AND OXFORD TOWNSHIP—HOLDERS OF UNIVERSITY LEASES — UNIVERSITY MAY SUBDIVIDE PROPERTY AND SELL LOTS IN SUBDIVISION TO INDIVIDUALS.
2. UNIVERSITY HAS SPECIFIC AUTHORITY TO BUY AND SELL PERPETUAL ESTATES IN LANDS IN OXFORD TOWNSHIP, BUTLER COUNTY.
3. NINETY-NINE YEAR LEASE—AGREEMENT IN DEED TO EFFECT THAT LEASEHOLD ESTATES AND FEE SIMPLE SHALL NEVER MERGE HAS NO FORCE OR EFFECT AS TO TITLE—STATUS OF TITLE TO SUCH LANDS DETERMINED SOLELY BY STATE LEGISLATURE.

## SYLLABUS:

1. Miami University has specific authority to buy land in Oxford and Oxford Township from holders of Miami University leases and subdivide such property and sell lots in the subdivision to individuals desiring to purchase the same.

2. Miami University has specific authority to buy and sell perpetual estates in lands in Oxford Township, Butler County, Ohio.

3. An agreement set forth in the deed of a ninety-nine year lease to Miami University, to the effect that the leasehold estate and the fee simple under no circumstances shall ever merge, has no force or effect as to the title inasmuch as the status of title to the lands in question is determined solely by the legislature of the State.

Columbus, Ohio, November 10, 1949

Hon. W. P. Roudebush, Secretary, Board of Trustees  
Miami University, Oxford, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Our Board of Trustees has recently purchased a tract of land which it is proposed to subdivide and sell under contract to purchase to members of the faculty and employees of Miami University. In order to reply to questions which have been raised by attorneys who are examining titles for prospective lessees or purchasers we would appreciate the opinion of your office as to the following questions:



1. Does Miami University have authority to buy land in Oxford and Oxford Township from holders of Miami University Leases, subdivide this property and sell lots in the subdivision to individuals desiring to purchase the same?

2. May not Miami University, like any other Ohio corporation, buy and sell perpetual leasehold estates in lands in Oxford Township, Butler County, Ohio?

3. When Miami University does buy land from holders of the ninety-nine year lease above referred to, and both the university and the owner of the leasehold agree in their conveyance that the leasehold estate and fee simple estate does not merge is there a merger by virtue of this conveyance or are they separate and apart made so as by contract between the parties?

Should further information with regard to this request be desired, kindly advise."

In answering your question I deem it advisable to review briefly some of the pertinent steps taken in legislation both by the Congress of the United States and the legislature of Ohio relative to the lands in question.

An Act of the Congress of the United States was approved March 3, 1803. The fourth and fifth sections of such act read as follows:

"Section 4. That one complete township, in the state of Ohio, and district of Cincinnati, or so much of any one complete, township, within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land office of Cincinnati, be, and the same is hereby, vested in the legislature of the state of Ohio, for the purpose of establishing an academy, in lieu of the township already granted for the same purpose, by virtue of the act, entitled 'An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates:' Provided, however, That the same shall revert to the United States, if, within five years after the passing of this act, a township shall have been secured for the said purpose, within the boundary of the patent, granted by virtue of the above mentioned act, to John Cleves Symmes and his associates."

"Section 5. That the attorney general for the time being, be directed and authorized to locate and accept, from the said John Cleves Symmes and his associates, any one complete township within the boundaries of the said patent, so as to assure the same

for the purpose of establishing an academy, in conformity to the provisions of the said patent, and, in case of non-compliance, to take, or direct to be taken, such measures as will compel an execution of the trust: Provided, however, that John Cleves Symmes and his associates shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple upon payment, into the treasury of the United States, of fifteen thousand three hundred and sixty dollars, with interest, from the date of the above mentioned patent to the day of such payment." (1 Chase's Statutes of Ohio, p. 72)

It appears that the township referred to in Section 5 above was never located under the provisions of such section, but was located under the provisions of an act passed by the legislature of Ohio April 14, 1803 (1 O. L. 66), which act is entitled "An Act to Provide for the Locating a College Township in the District of Cincinnati." The first section of said act reads as follows:

"Be it enacted by the general assembly of the state of Ohio, That one complete township in the district of Cincinnati, or so much of any one complete township within the same as may remain unsold together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, shall be located and entered in due form with the register of the United States' land-office at Cincinnati, on or before the first day of October next, for the use and support of an academy, in lieu of the college township heretofore granted in trust to John C. Symmes and his associates, by the United States, and in pursuance of and agreeably to an act of congress, entitled, 'An act in addition to and in modification of the propositions contained in the act, entitled, 'An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states and for other purposes.'"

The acts of Congress referred to in Section 1 of Ohio Laws (1 O. L. 66) quoted above, is the act of Congress from which the fourth and fifth sections are quoted, *supra*. And in addition to Section 1 as above quoted the General Assembly of Ohio in the same act appointed three commissioners, to wit: Jeremiah Morrow, Jacob White and William Ludlow, to locate thirty-six sections of land for the use and support of an academy, and such commissioners had the following entry made on the records of the Department of the Interior, General Land Office, being identified as No. 205:

"Land Office at Cincinnati.  
1st September, 1803.

William Ludlow & Jacob White, Agreeably to an Act of Congress passed on the 3rd day of March, 1803, and in conformity to a Law of the State of Ohio, passed on the 15th day of April, 1804, have entered with the Register of the Land Office the following Sections of land, to-wit: Sections Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, E $\frac{1}{2}$ 11, 12, 13, E $\frac{1}{2}$ 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, E $\frac{1}{2}$ 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township No. 5 of Range No. 1; Sections 30 and 31 in Township No. 5 of Range No. 2, and the West half of Section No. 6 in Township No. 4 of Range No. 2, lying east of a meridian drawn from the mouth of the Great Miami River, which contains by the returns of the Surveyor General twenty-three thousand three hundred and twenty-one acres and sixty-eight hundredths of an acre.

for I. Ludlow, Register.  
Charles Killgore."

The General Assembly of the State of Ohio passed an Act on February 17, 1809, published in 7 Ohio Laws, 184, wherein they established Miami University, and Section 10 of such Act reads as follows:

"Whereas the congress of the United States, by their act of the third of March, one thousand eight hundred and three, did vest in the legislature of the state of Ohio, one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as there remained unsold, together with as many adjoining sections as should have been sold in the said township, so as to make in the whole, thirty-six sections, to be located under the direction of the legislature of the state of Ohio, on or before the first day of October, then next, with the register of the land-office at Cincinnati, for the purpose of establishing an academy in lieu of the township then granted for the same purpose, by virtue of the act, entitled 'An act, authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates.'

And whereas the said lands have been located and surveyed for the purpose aforesaid; Therefore, be it further enacted, That the said lands so as aforesaid be, and the same are hereby vested in the said corporation, which by this act is created, and their successors forever, for the sole use, benefit and support of the said University, to be holden by the said corporation, in their corporate capacity, *with full power and authority to divide, subdivide and expose the same to sale in tracts of (not less than eighty,) nor more than one hundred and sixty acres, and for the term of ninety-nine years, renewable forever,* (subject to a valu-

ation every fifteen years, always considering the land in an unimproved state, for the purpose of valuation,) and provided that the land shall be offered at auction for not less than two dollars per acre, and the tenants or lessees shall pay six per cent. per annum on the amount of their purchase, during the continuance of their leases; and the said tenants or lessees shall enjoy and exercise all the rights and privileges which they would be entitled to enjoy, did they hold the said lands in fee simple, any law to the contrary notwithstanding; Provided, That the trustees shall have power to reserve one mile square, for the purpose of laying out a town, which they may lay out, and lease in lots of such size, as they or a majority of them shall think proper."

(Emphasis and parentheses added.)

The first portion of such Section 10, which is in parenthesis was amended and supplemented by Section 1 of an act of March 22, 1837, authorizing leases in tracts containing less than eighty acres. See 35 Ohio Laws, Local, 303, Section 1, which reads as follows:

"Be it enacted by the General Assembly of the State of Ohio. *That the trustees of the Miami University, shall have power, if they or a majority of them should deem it advisable, to grant leases of such lands belonging to the said Miami University as may remain undisposed of at the date of this act; as well as of such lands, tracts, lots, or parcels of land, as may hereafter revert to, or otherwise come to the lawful possession of said University, by the non-payment of rents accruing thereon; or by forfeiture, purchase or devise, in tracts of such size below eighty acres, as the said trustees or a majority of them, may deem most conducive to the interest of said institution.*" (Emphasis added.)

That part of Section 10 which refers to valuation every fifteen years was repealed by Section 5 of an Act passed February 6, 1810 (8 O. L. 94).

The Act establishing Miami University, passed February 17, 1809 (7 O. L. 184), and from which Section 10 is heretofore set forth, also contains Section 9, which reads in part as follows:

"\* \* \* *and the said corporation shall be capable of having and holding in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands or other estate, real or personal.*"

The above section was amended by an Act of March 7, 1842 (40 O. L. Local, 123). However, said amendment did not change or affect the provision for authority to purchase real estate, as above set forth, and the first branch of your first question, which is "Does Miami University have

authority to buy land in Oxford and Oxford Township from holders of Miami University Leases", is clearly answered in the affirmative.

Section 1 of the Act of March 22, 1837, *supra*, also clearly indicates that any lands coming into the possession of said University by the non-payment of rents accruing thereon or by forfeiture, purchase or devise, can be sold by the trustees of the University if they, or a majority of them, should deem it advisable, in tracts of such size below eighty acres. Not limiting the minimum size of such tracts, we can only interpret such authority as permitting the trustees to subdivide as often as they deem it advisable and sell such smaller tracts.

Section 1 of an Act passed March 28, 1862 (59 O. L. 125) amended Section 3 of the Act of March 22, 1837 (35 O. L. Local, 303) to read as follows :

"That in all cases where the original tracts or lots heretofore leased, or which may hereafter be leased by the trustees of said university, have been or shall be subdivided by the lessees or his assignees, and are now, or may be held by two or more occupants, whether lessees or assignees, or both, said occupants, by application to the proper officer, whose duty it is to keep the books or records of said lands, may have their lots or subdivisions so held by them, entered separately on the books of said corporation, upon such terms and conditions as to rent and otherwise, as may be agreed upon between them and the trustees of said university ; and thereafter the amount of rent so fixed upon each sub-division, shall be levied in the name of the owner or occupant thereof, and shall be collected in the same manner, and each sub-division shall be subject to the same liens and restrictions that are now imposed by law on entire lots or tracts of land, the leases for which had been granted in conformity with the provisions of 'an act to establish the Miami University,' passed February 17, 1809: Provided, that no such entry or transfer shall be made except upon application of all the parties concerned in such sub-division ; and, provided, further, that the expense of such entry and transfer shall first be paid by the persons making application for the same : and, provided, further, that the trustees in making such sub-divisions shall not be bound to apportion among them the original rent, but may increase the same, and shall in no case agree to a rent of less than one dollar per annum for any sub-division."

Even without the specific and clear provision of Section 1 of the Act of March 22, 1837, *supra*, giving to the trustees power and authority to sell in tracts smaller than eighty acres, such amended Section 3 immediately above set forth could certainly be interpreted to give such au-

thority to the trustees by implication, for certainly if the University can approve of tracts being subdivided by lessees or their assignees and a record of such subdivision being placed on the University books, we could not advance a strong argument that if and when the University repurchased such leases it could not itself do what those holding from it are authorized to do.

Therefore, I am clearly of the opinion that the second branch of your first question is also answered in the affirmative.

I think the above sections also clearly answer your second question in the affirmative in so far as the University clearly has authority to buy and sell perpetual leasehold estates in lands in Oxford Township. I do not deem it necessary to go into the matter as to whether or not the University can buy and sell such perpetual leasehold estates *like any other Ohio corporation*, as set forth in your second question, for the reason that an exhaustive study would be required to determine what authority any other Ohio corporation may have to buy and sell such leasehold estates. And, furthermore, I am unable to comprehend how such a comparison could be of any benefit to the University.

Coming now to your third question, I have in mind the provision of Section 10 of the Act of February 17, 1809, establishing the University and vesting said University with the land granted by the Federal Government for the purpose of an academy, which Section 10 is supplemented by Section 1 of an Act of March 22, 1837, *supra*. I wish to repeat and set forth that part of Section 10 which reads as follows:

“That the said lands so as aforesaid be, and the same are hereby vested in the said corporation, which by this act is created, and their successors forever, for the sole use, benefit and support of the said University, to be holden by the said corporation, in their corporate capacity, with full power and authority to divide, sub-divide and expose the same to sale in tracts of \* \* \* and provided that the land shall be offered at auction for not less than two dollars per acre, and the tenants or lessees shall pay six per cent. per annum on the amount of their purchase, during the continuance of their leases; and the said tenants or lessees shall enjoy and exercise all the rights and privileges which they would be entitled to enjoy, did they hold the said lands in fee simple, any law to the contrary notwithstanding; \* \* \*.”

Judge Hitchcock in the case of *Thomas Armstrong, et al. v. Treasurer of Athens County*, in 10 O. Reps., 235, in discussing a similar provision in the grant of land to Ohio University, with respect to their exemption



from taxation, held in substance that as long as such lands remained vested in the University with the right to collect rent they remained free from taxation by the State. In that case the court had under consideration an Act passed on February 4, 1826, authorizing the Ohio University to divest itself, by sale of any interest in certain lands, which of course took them out of a class of exemption from taxation. No similar act as the one just referred to was ever enacted affecting Miami University lands. All Miami University ever sells or conveys and all it can sell or convey until or unless consent is given by the legislature, is a leasehold estate renewable forever, retaining in itself the right to collect rent forever.

It was anticipated that there would be breaches of the payment of rent and in some instances lands would revert and also that for the best interest of the University leases would be purchased by the University. In such instances the University would not collect rent while such leasehold and the fee were both held by it, however, in theory, or may we say as a legal fiction, the fee and the leasehold never merge. When again leased the fee remains in the University, and this must necessarily remain the situation as long as the lands remain vested in trust in the University. Such status of title does not come about, nor can it be effected by an *agreement* between the grantor and the University in a deed of conveyance of a ninety-nine year lease to the University. I have in mind the agreement to which you refer and of which I have personal knowledge and which reads as follows:

“It is further agreed between the grantor and grantee herein, its successors or assigns, that this instrument of conveyance shall under no circumstances create a merger of the parent or freehold estate already owned by the grantee herein, and the outstanding ninety-nine (99) year perpetual leasehold estate which is hereby conveyed to the grantee, and the grantee shall have full power to resell or dispose of the unexpired term of the ninety-nine (99) year perpetual leasehold interest hereby conveyed to it as it never owned the original or parent estate.”

The land originally was granted to the State for a particular purpose; it was accepted by the State for that purpose and by the State is vested in the University in trust for that purpose, and up to date no legislation has been passed affecting the title status of such land in so far as merging the fee with the leasehold estate. I pointed out before that a restriction against giving of more than a ninety-nine year lease, renewable forever,

means that the University shall retain the right to rental on all applicable land forever.

Therefore, on specific answer to your first question, it is my opinion that Miami University has specific authority to buy land in Oxford and Oxford Township from holders of Miami University leases and subdivide such property and sell lots in the subdivision to individuals desiring to purchase the same.

In answer to your second question, I am of the opinion that Miami University has specific authority to buy and sell perpetual estates in lands in Oxford Township, Butler County, Ohio.

In regard to your third question, I am of the opinion that an agreement set forth in the deed of a ninety-nine year lease to the University, to the effect that the leasehold estate and the fee simple under no circumstances shall ever merge, has no force or effect as to the title inasmuch as the status of title to the lands in question is determined solely by the legislature of the State.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.



Mon Jul 19 2021

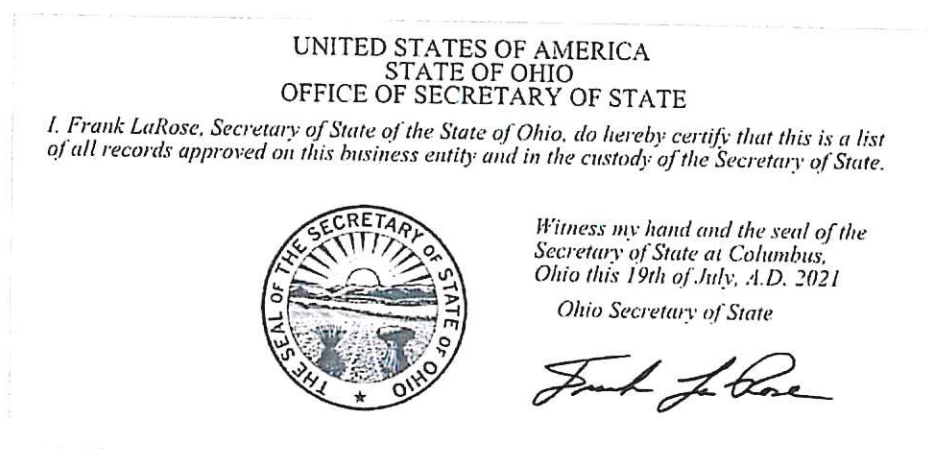
Entity#: 1359049  
Filing Type: DOMESTIC LIMITED LIABILITY COMPANY  
Original Filing Date: 12/23/2002  
Location: ---  
Business Name: EVR INVESTMENTS, LLC  
  
Status: Active  
Exp. Date: -

### Agent/Registrant Information

JOAN K REDPATH  
7898 FAIRFIELD ROAD  
OXFORD OH 45056  
12/23/2002  
Active

### Filings

| Filing Type                                        | Date of Filing | Document ID  |
|----------------------------------------------------|----------------|--------------|
| ARTICLES OF ORGANIZATION/DOM. LIMITED LIABILITY CO | 12/23/2002     | 200235802100 |



DOC ID ----> 200235802100



| DATE:      | DOCUMENT ID  | DESCRIPTION                                | FILING | EXPED | PENALTY | CERT | COPY |
|------------|--------------|--------------------------------------------|--------|-------|---------|------|------|
| 12/26/2002 | 200235802100 | ARTICLES OF ORGANIZATION/DOM.<br>LLC (LCA) | 125.00 | .00   | .00     | .00  | .00  |

**Receipt**

This is not a bill. Please do not remit payment.

MILLIKIN & FITTON LAW FIRM  
ATTN: DEANNA M. WOEDL  
6 S. SECOND ST.  
HAMILTON, OH 45012

**STATE OF OHIO**

**Ohio Secretary of State, J. Kenneth Blackwell**

1359049

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**EVR INVESTMENTS, LLC**

and, that said business records show the filing and recording of:

Document(s)

**ARTICLES OF ORGANIZATION/DOM. LLC**

Document No(s):

**200235802100**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 23rd day of December,  
A.D. 2002.

*J. Kenneth Blackwell*  
Ohio Secretary of State



[www.state.oh.us/sos](http://www.state.oh.us/sos)  
e-mail: [busserv@sos.state.oh.us](mailto:busserv@sos.state.oh.us)

Prescribed by **J. Kenneth Blackwell**  
Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

|                                     |                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------|
| Expedite this Form: (Select One)    |                                                                                  |
| Mail Form to one of the Following:  |                                                                                  |
| <input type="radio"/> Yes           | PO Box 1390<br>Columbus, OH 43216<br>*** Requires an additional fee of \$100 *** |
| <input checked="" type="radio"/> No | PO Box 670<br>Columbus, OH 43216                                                 |

**ORGANIZATION / REGISTRATION OF  
LIMITED LIABILITY COMPANY**  
(Domestic or Foreign)  
Filing Fee \$125.00

THE UNDERSIGNED DESIRING TO FILE A:

(CHECK ONLY ONE (1) BOX)

|                                                                                                                                     |                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) <input checked="" type="checkbox"/> Articles of Organization for<br>Domestic Limited Liability Company<br>(115-LCA)<br>ORC 1705 | (2) <input type="checkbox"/> Application for Registration of<br>Foreign Limited Liability Company<br>(106-LFA)<br>ORC 1705<br><br>(Date of Formation) _____ (State) _____ |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Complete the general information in this section for the box checked above.

|                                                                                                                                       |                      |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Name                                                                                                                                  | EVR Investments, LLC |
| <input type="checkbox"/> Check here if additional provisions are attached                                                             |                      |
| * If box (1) is checked, name must include one of the following endings: limited liability company, limited, Ltd, L.t.d., LLC, L.L.C. |                      |

Complete the information in this section if box (1) is checked.

|                                                                                                                                                          |                                                                                        |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|--|--|
| Effective Date                                                                                                                                           | _____ Date specified can be no more than 90 days after date of filing.<br>(mm/dd/yyyy) |  |  |
| This limited liability company shall exist for<br>(Optional)                                                                                             | _____ (Period of existence)                                                            |  |  |
| Purpose<br>(Optional)                                                                                                                                    | _____<br>_____<br>_____                                                                |  |  |
| The address to which interested persons may direct requests for copies of any operating agreement and any bylaws<br>of this limited liability company is |                                                                                        |  |  |
| (Optional)                                                                                                                                               |                                                                                        |  |  |
| (Name) _____                                                                                                                                             |                                                                                        |  |  |
| (Street) _____                                                                                                                                           |                                                                                        |  |  |
| NOTE: P.O. Box Addresses are NOT acceptable.                                                                                                             |                                                                                        |  |  |
| (City) _____ (State) _____ (Zip Code) _____                                                                                                              |                                                                                        |  |  |



Complete the information in this section if box (1) is checked Cont.

ORIGINAL APPOINTMENT OF AGENT

The undersigned, being at least a majority of the members of

EVR Investments, LLC

(name of limited liability company)

hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon the limited liability company may be served. The name and address of the agent is:

Joan K. Redpath, Executor of the Estate of Edward V. Redpath

(Name of Agent)

7898 Fairfield Road

(Street)

NOTE: P.O. Box Addresses are NOT acceptable.

Oxford

(City)

Ohio

(State)

45056

(Zip Code)

Must be authenticated by an authorized representative

Joan K. Redpath

Authorized Representative

Date

Authorized Representative

Date

ACCEPTANCE OF APPOINTMENT

The undersigned, named herein as the statutory agent for

EVR Investments, LLC

(name of limited liability company)

hereby acknowledges and accepts the appointment of agent for said limited liability Company.

Joan K. Redpath

(Agent's signature)

PLEASE SIGN PAGE (3) AND SUBMIT COMPLETED DOCUMENT



Complete the information in this section if box (2) is checked.

The address to which interested persons may direct requests for copies of any operating agreement and any bylaws of this limited liability company is

(Name)

(Street)

(City)

(State)

(Zip Code)

NOTE: P.O. Box Addresses are NOT acceptable.

The name under which the foreign limited liability company desires to transact business in Ohio is

The limited liability company hereby appoints the following as its agent upon whom process against the limited liability company may be served in the state of Ohio. The name and complete address of the agent is

(Name)

(Street)

(City)

Ohio

(State)

(Zip Code)

NOTE: P.O. Box Addresses are NOT acceptable.

The limited liability company irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the OHIO SECRETARY OF STATE if:

a. the agent cannot be found, or

b. the limited liability company fails to designate another agent when required to do so, or

c. the limited liability company's registration to do business in Ohio expires or is cancelled.

**REQUIRED**  
Must be authenticated (signed)  
by an authorized representative  
(See Instructions)

Authorized Representative

Date

Print Name

Authorized Representative

Date

Print Name



PARID: H4100132000001  
EVR INVESTMENTS LLC

4160 OXFORD REILY RD

Parcel

|                       |                                         |
|-----------------------|-----------------------------------------|
| Parcel Id             | H4100132000001                          |
| Address               | 4160 OXFORD REILY RD                    |
| Building/Unit #       |                                         |
| Class                 | AGRICULTURAL                            |
| Land Use Code**       | 111 A - CAUV CASH GRAIN OR GENERAL FARM |
| Neighborhood          | 00008016                                |
| Total Acres           | 67.3760                                 |
| Taxing District       | H41                                     |
| District Name         | OXFORD TWP-O CORP-D L/TWND CSD          |
| Gross Tax Rate        | 72.62                                   |
| Effective Tax Rate    | 41.827362                               |
| Non Business Credit   | .09278                                  |
| Owner Occupied Credit | N/A                                     |

**\*\*Land Use Code is for Auditor assessment purposes only. It is not a true representation of legal zoning designation. For more information on zoning and legal property usage, please contact the local zoning department.**

Dwelling

|                                   |       |
|-----------------------------------|-------|
| Year Built                        | 1900  |
| Stories                           | 2     |
| Construction                      | BRICK |
| Basement                          | PART  |
| Bedrooms                          | 3     |
| Full Baths                        | 1     |
| Half Baths                        | 0     |
| Above Grade Living Area (Sq. Ft.) | 2,304 |
| Finished Basement (Sq. Ft.)**     | 0     |
| Total Living Area (Sq. Ft.)       | 2,304 |

**\*\*Finished Basement may be an estimate.**

Current Value

|                      |      |           |
|----------------------|------|-----------|
| Land (100%)          |      |           |
| Building (100%)      |      | \$83,790  |
| Total Value (100%)   |      | \$111,430 |
| CAUV                 |      | \$195,220 |
| Assessed Tax Year    | 2021 | \$83,790  |
| Land (35%)           |      |           |
| Building (35%)       |      | \$29,330  |
| Assessed Total (35%) |      | \$39,000  |
|                      |      | \$68,330  |

Incentive District Parcels [What is this?](#)

|                   |                                    |         |
|-------------------|------------------------------------|---------|
| Parcel identifier | Value Type                         | value   |
| H4100132000001    | Base Parcel(before CAUV reduction) | 514,500 |
|                   | Total Value                        | 514,500 |

Homestead Credits [How do I qualify?](#)

|                       |    |
|-----------------------|----|
| Owner Occupied Credit | NO |
| Veteran Exemption     | NO |
| Homestead Exemption   | NO |

CAUV & Agricultural District [What is this?](#)

|                       |     |
|-----------------------|-----|
| CAUV                  | YES |
| Agricultural District | YES |

Owner and Legal [Future ?](#)



Owner 1

Owner 2

Legal 1

Legal 2

Legal 3

Future

EVR INVESTMENTS LLC

2664 ENT

Taxbill Mailing Address [Can I change my mailing address?](#)

Mailing Name 1

Mailing Name 2

Address 1

Address 2

Address 3

EVR INVESTMENTS LLC

325 WEST SPRING ST PO BOX 301

OXFORD OH 45056 0301

Transfers (Date represents time of transfer)

Date

06-MAR-03

Sale Amount

\$0

Transfers (Date represents time of transfer)

Date

06-MAR-03

Type

LAND & BUILDING

Sale Amount

\$ .00

Trans #

-1097

Seller

REDPATH EDWARD V

Buyer

EVR INVESTMENTS LLC

Building

Card

Stories

Construction

Style

Attic

Basement

Basement Garage # of Cars

Year Built

Effective Year

Year Remodeled

Total Rooms

Bedrooms

Full Baths

Half Baths

Rec Room (Sq. Ft. not included in living area calculation)

WBFP Stacks

Fireplace Openings

Prefab Fireplace

Heat System

Fuel Type

Above Grade Living Area (Sq. Ft.)

Finished Basement (Sq. Ft.)\*\*

Total Living Area (Sq. Ft.)

1

2

BRICK

OLD STYLE TWO STORY

NONE

PART

0

1900

7

3

1

0

0

BASIC

GAS

2,304

0

2,304

\*\*Finished Basement may be an estimate.

Factors

Topography 1

Topography 2

Topography 3

Utility 1

Utility 2

Utility 3

Traffic 1

Fronting

LEVEL

ALL PUBLIC

NONE

NONE

MEDIUM

Other Building and Yard Items

Code

STEEL GRAIN BIN W/O DRYING BIN

STEEL GRAIN BIN W/O DRYING BIN

Year Built

1980

1980

Effective Year

Condition

AVERAGE

AVERAGE

Area

11,445

15,543

|                                |      |         |       |
|--------------------------------|------|---------|-------|
| STEEL GRAIN BIN W/O DRYING BIN | 1980 | AVERAGE | 7,475 |
| ONE SIDE OPEN MTL POLE BLDG    | 1968 | FAIR    | 1,800 |
| ONE SIDE OPEN MTL POLE BLDG    | 1968 | FAIR    | 1,680 |
| FOUR SIDE CLOSED MTL POLE BLDG | 1960 | AVERAGE | 624   |
| METAL/STN UTILITY SHED         | 1960 | AVERAGE | 100   |
| FRAME OR CB DETACHED GARAGE    | 1960 | AVERAGE | 480   |
| FOUR SIDE CLOSED MTL POLE BLDG | 1960 | AVERAGE | 2,160 |
| FRAME UTILITY SHED             | 1960 | FAIR    | 252   |

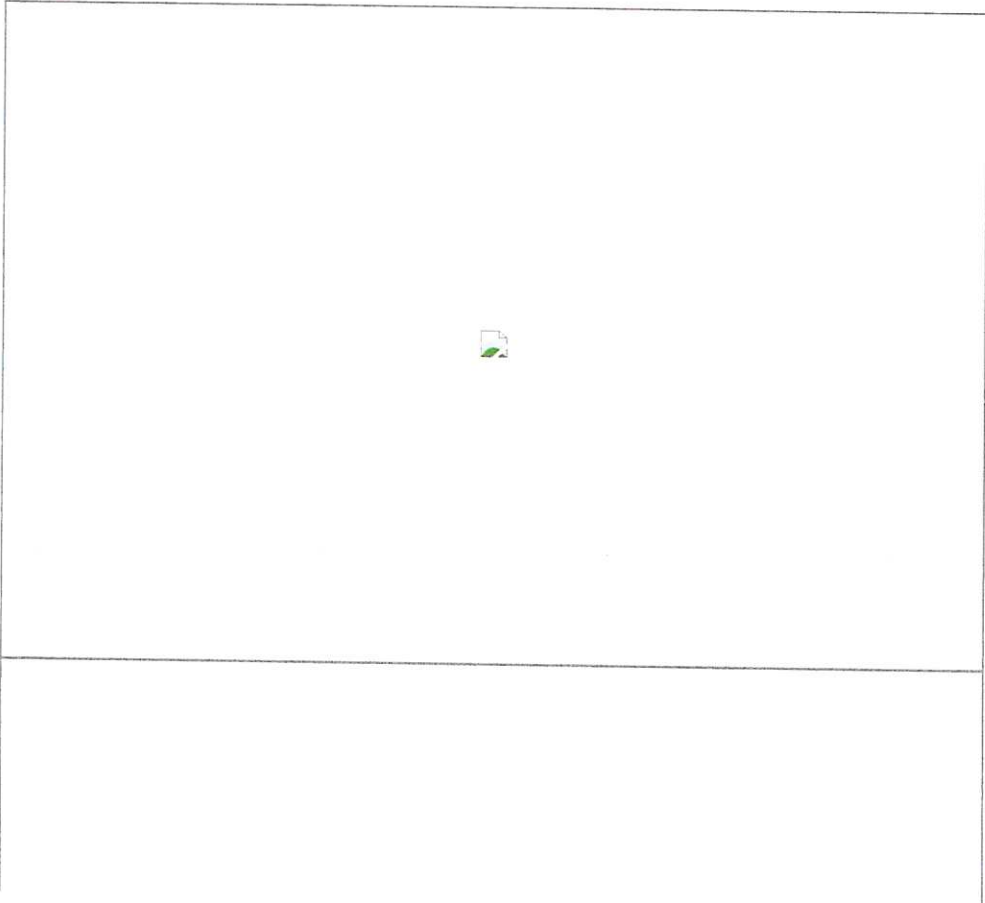
Permits

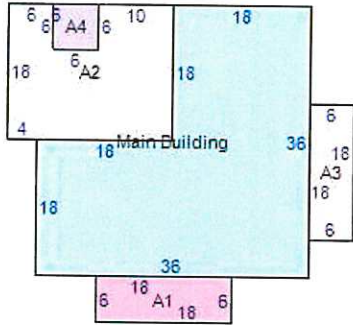
|                        |             |
|------------------------|-------------|
| Permit Date            | 03-MAY-2022 |
| Permit #               | P2022-0144  |
| Purpose                | DEMOLITION  |
| Open/Closed            | O           |
| SQFT                   |             |
| Stories                |             |
| Bathrooms              |             |
| Bedrooms               |             |
| First Floor Sqft       |             |
| Second Floor Sqft      |             |
| Basement Sqft          |             |
| Total Living Area Sqft |             |
| Insulation Date        |             |
| Finalized Date         |             |

**\*\*Our office provides permit information for reference only and does not verify the accuracy. For more information on permits, please contact your local building and zoning department.**

Land

| Line Number | Land Type | Land Code | Acres  | Square Feet |
|-------------|-----------|-----------|--------|-------------|
| 1           | A         | 1         | 1      | 43,560      |
| 2           | A         | 2         | 66.376 | 2,891,339   |





| Item                                            | Area  |
|-------------------------------------------------|-------|
| Main Building                                   | 972   |
| A1 - 11:OPEN FRAME PORCH                        | 108   |
| FR UTIL SH - RS1:FRAME UTILITY SHED             | 252   |
| 1SO POLE M - AP3:ONE SIDE OPEN MTL POLE BLDG    | 1680  |
| STL GR BIN - AG1:STEEL GRAIN BIN W/O DRYING BIN | 7475  |
| STL GR BIN - AG1:STEEL GRAIN BIN W/O DRYING BIN | 15543 |
| STL GR BIN - AG1:STEEL GRAIN BIN W/O DRYING BIN | 11445 |
| BR UTIL SH - RS3:METAL/STN UTILITY SHED         | 100   |
| FR GAR DET - RG1:FRAME OR CB DETACHED GARAGE    | 480   |
| 4SC POLE M - AP1:FOUR SIDE CLOSED MTL POLE BLDG | 2160  |
| A2 - 50/10:UNF BASEMENT/FRAME                   | 360   |
| 4SC POLE M - AP1:FOUR SIDE CLOSED MTL POLE BLDG | 624   |
| 1SO POLE M - AP3:ONE SIDE OPEN MTL POLE BLDG    | 1800  |
| A3 - 11:OPEN FRAME PORCH                        | 108   |
| A4 - 12:ENCL FRAME PORCH                        | 36    |



PARID: H4100132000001  
EVR INVESTMENTS LLC

4160 OXFORD REILY RD

| Tax Year | Action | Code | Date      | Project # | 1st Half  | 2nd half  | Prior Year |
|----------|--------|------|-----------|-----------|-----------|-----------|------------|
| 2021     | PAY    | CHG  | 07-JUL-22 |           | 0.00      | -1,296.44 | .00        |
| 2021     | PAY    | CHG  | 01-FEB-22 |           | -1,296.44 | 0.00      | .00        |
| 2021     | DUP    | ADJ  | 03-JAN-22 |           | 1,429.03  | 1,429.03  | .00        |
| 2021     | DUP    | RLB  | 03-JAN-22 |           | -132.59   | -132.59   | .00        |
| Total:   |        |      |           |           | 0.00      | 0.00      | .00        |



LPA  
Rev. 01/2024

## NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER

Date: 11/7/2024

EVR Investments LLC, an Ohio limited liability company  
325 West Spring St.  
PO Box 301  
Oxford, OH 45056

Re: BUT Oxford Recreational Trail Ph 5  
Parcel Number: 1  
Interest Acquired: SH

---

### THE NOTICE OF INTENT TO ACQUIRE

TO: EVR Investments LLC, an Ohio limited liability company

The City of Oxford, Butler County, Ohio needs your property for a highway project identified as BUT Oxford Recreational Trail Ph 5 and will need to acquire the following from you:

***Parcel 1 SH is a Standard Highway Easement needed for the roadway project. A Standard Highway Easement is a permanent easement being acquired in the City of Oxford, Butler County, Ohio name.***

Ohio law authorizes City of Oxford, Butler County, Ohio to obtain Parcel 1 SH from your property for the public purpose of a highway project. The legal description of your property that City of Oxford, Butler County, Ohio needs for the highway project is set out in the Good Faith Offer that is included with this Notice of Intent to Acquire, that legal description is referred to as **Exhibit A** in the Good Faith Offer.

The Good Faith Offer included with this Notice of Intent to Acquire is City of Oxford, Butler County, Ohio determination of the fair market value of your property. This fair market value (FMV) is what a willing buyer who is under no compulsion to buy and a willing seller who is under no compulsion to sell would value your property on the open market.

You will have a minimum of 30 days from the time you receive the Good Faith Offer included with this Notice of Intent to Acquire to accept or reject the offer. We are available to discuss the

offer with you at any time. If you reject the offer or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

**HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:**

1. By law, City of Oxford, Butler County, Ohio is required to make a good faith effort to purchase Parcel 1 SH.
2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to City of Oxford, Butler County, Ohio establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and City of Oxford, Butler County, Ohio is not required to agree to your demands.
4. You are to be provided a copy of the valuation document during the first negotiation visit by an agent of City of Oxford, Butler County, Ohio.
5. You are to be provided with pertinent parts of the highway plans which are:  
  
Summary Sheet, Right of Way Plan Sheets, Typical Sheets, Plan & Profile Sheets, Cross Section Sheets & Drive Profile (if applicable)
6. The Plan Letter Attachment included with the Good Faith Offer attached to this Notice of Intent To Acquire describes the interest in the real property that is to be acquired from you, the description and location of the real property to be acquired, and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled “When ODOT Needs Your Property”. This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter.
9. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 1 SH, City of Oxford, Butler County, Ohio has the right to file suit to acquire Parcel 1 SH by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures your rights will be fully

protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.

10. When filing the appropriation, the Mayor will deposit the value of the property sought to be acquired with the court. At that time, City of Oxford, Butler County, Ohio gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If you agree to accept the deposited money as full payment, the appropriation case will be closed.
11. If you are not satisfied with the amount of the deposit, you must file an answer with the court in the manner and within the time specified in the summons which is served upon you by the court. Once the answer is filed, you may apply to the court to withdraw the deposited money, subject to the rights of any other parties having an interest in the property. Withdrawing your share of the deposit does not interfere with your right to have a jury determine the FMV of your property. Interest will not accrue on any money deposited under this procedure. If the money withdrawn under this procedure should exceed the final award, the owner will be required to return the excess payment.
12. As part of your answer you may request a trial by jury. After a trial, a jury will decide the amount you are to be awarded for your property that is acquired, for the damage that is caused by the acquisition, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial you may testify and present evidence as to the value of your property.
13. If your property qualifies as an "Agricultural Use" as defined under ORC 163.21 (C)(2), and a jury awards you an amount that is more than 150% of City of Oxford, Butler County, Ohio final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
14. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

### **THE GOOD FAITH OFFER**

The amount offered to you in good faith as just compensation for the acquisition of Parcel 1, SH, of Project BUT Oxford Recreational Trail Ph 5 is:

|                                                |             |
|------------------------------------------------|-------------|
| Real Property To Be Acquired                   | \$78,179.00 |
| Damages To Your Property Which Is Not Acquired | \$0.00      |
| Temporary Construction Easement                | 0           |
| Total Good Faith Offer                         | \$78,179.00 |

Tenant-owned improvements, if any, are to be identified in this Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. None.

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that City of Oxford, Butler County, Ohio may conclude this acquisition of property without obtaining a partial release of such mortgage lien from your lender. In that event, you as the borrower and grantor of the mortgage lien should consult your loan and mortgage documents concerning possible requirements to apply proceeds from a public acquisition to your outstanding loan balance or contact your lender about responsibilities and obligations when part of your property is acquired for public use.

While City of Oxford, Butler County, Ohio may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning this matter, you may contact us at:

O.R. Colan Associates  
8790 Governor's Hill Drive, Suite 101  
Cincinnati, OH 45249  
513-247-0243

Respectfully,



Kyra Clark, Right of Way Agent  
513-247-0243, Extension 7015



**ACKNOWLEDGMENT OF RECEIPT  
OF  
NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER**

Re: BUT Oxford Recreational Trail Ph 5  
Parcel Number: 1  
Interest Acquired: SH

Each of the undersigned acknowledges that a copy of the foregoing Notice of Intent to Acquire and Good Faith Offer was delivered to the undersigned by City of Oxford, Butler County, Ohio. This Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has waived or will waive any objections the undersigned might have, to City of Oxford, Butler County, Ohio efforts to acquire the undersigned's property. Furthermore, the undersigned's signature on this Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has accepted or will accept any of the terms, provision or conditions set out in this Good Faith Offer.

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)



**EXHIBIT A**

LPA RX 871 SH

Page 1 of 2

Rev. 06/09

Ver. Date 10/16/24

PID 117001

**PARCEL 1-SH  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

---

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 27, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 67.376 Acre parcel as of the date this survey was prepared, as conveyed to EVR Investments, LLC as recorded in Official Record 7033, Page 1435 and Official Record 7033, Page 1447 of the Butler County Recorder's Office and being Part of Lot 2664 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on both sides of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the southeast corner of Lot 2082 of Southern Knolls Subdivision #9 as recorded in Plat Envelope 620, Page C at a set iron pin being 24.03 feet left of Station 18+16.85 of the centerline of the BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing said Lot 2082 and with the east line of said Lot 2664, South 01° 57' 46" West, 47.65 feet to a set iron pin being 23.62 feet right of Station 18+17.26 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the east line of said Lot 2664, through the lands of said EVR Investments, LLC for the following 5 courses, North 87° 38' 28" West, 656.70 feet to a set iron pin being 24.63 feet right of Station 11+60.56 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 02° 21' 32" West, 62.00 feet to a set iron pin being 86.63 feet right of Station 11+60.66 of the centerline of BUT-Oxford Area Trail, Phase 5;

## EXHIBIT A

LPA RX 871 SH

Page 2 of 2

Rev. 06/09

thence, North 87° 38' 28" West, 548.66 feet to a set iron pin being 89.84 feet right of Station 5+79.47 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North 02° 21' 32" East, 62.00 feet to a set iron pin being 27.88 feet right of Station 5+76.04 of the centerline BUT-Oxford Area Trail, Phase 5;

thence, North 87° 38' 28" West, 571.61 feet to a set iron pin on the east right of way of said Oxford Reily Road being 21.57 feet right of Station 0+03.41 of the centerline of the BUT-Oxford Area Trail, Phase 5;

thence, with said right of way of Oxford Reily Road for the following two courses, North 02° 38' 18" East, 41.84 feet being 20.27 feet left of Station 0+04.09 of the centerline of the BUT-Oxford Area Trail, Phase 5;

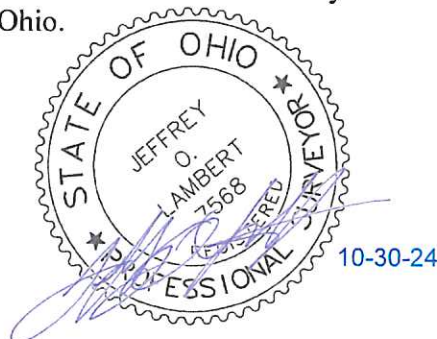
thence, South 87° 49' 42" East, 5.00 feet to the southwest corner of Lot 2196 of Southern Knolls Subdivision #12 as recorded in Plat Envelope 800, Page A being 20.23 feet left of Station 0+09.09 of the centerline of the BUT-Oxford Area Trail, Phase 5;

thence, with the south line of said Southern Knolls #12, #11, #10, and #9, South 87° 49' 42" East, 1771.44 feet to the true point of beginning. Containing in all 2.606 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 2.606 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-132-000-001.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.





## **PLAN LETTER ATTACHMENT**

BUT Oxford Area Trail Phase 5

1 SH

Date of offer: 11/7/2024

To avoid any misunderstanding as to the work to be done, you are being furnished with this plan letter attachment and a print of the right of way plan sheets applicable to your parcel and associated construction plan sheets, if applicable. The following explains the type of acquisition and what to look for on the plans provided. Changes to the plan required by engineering revisions or as agreed to in negotiations will be documented in writing by The City of Oxford.

**The scope of work to be performed under this improvement shall generally consist of the construction of approximately 1.7 miles of multi-use trail from Oxford Reily Road (SR732) to Phase 3 of the trail and approximately 0.7 miles of multi-use trail connection to Chestnut Street.**

The real property needed for the BUT-Oxford Area Trail Phase 5 project requires the acquisition of only a part of your property. The agency needs to acquire from you parcels 1 SH. The acquisition is further explained as follows.

### **Parcel 1 SH**

SH is defined as a Standard Highway Easement. This modifier is used to acquire rights of way for a highway improvement where fee simple title is not required and limitation of access from adjoining land is not desired. You will notice the SH area is colored-in orange on the Summary of Additional Right of Way Sheet 113 of 161 and highlighted in orange on Right of Way Detail Sheets 114 and 115 of 161. The Standard Highway Easement is shown in orange and the SH taking contains 2.606 acres which comes from auditor's parcel H4100-132-000-001, as shown on the Summary of Additional Right of Way Sheet. For this taking, all property rights are being acquired, however, The City of Oxford is reserving to you access rights to your property. This area is located on the northern side of property between the eastern existing Right-of-Way line of Oxford Reily Road and the landowner's easternmost property line and has an irregular configuration and is approximately 1,776.44 feet in length, a minimum width of 110.66 feet, and a maximum width of 41.84 feet and is located between proposed Oxford Area Trail Right-of-Way and Construction Centerline Station 0+03.41, right and Station 18+17.26, right. This taking is needed for construction of a recreational trail.

### **Structures, Improvements and Tenant-Owned Improvements**

There are no improvements within the take area according to the Acquiring Agency's Fair Market Value Estimate.

### Drives

There will be a farm access left right and across the recreational trail between Oxford Area Trail Right-of-Way and Construction Centerline Station 6+13.77 and Station 6+33.10 with 23 lineal feet of 12" Type D conduit under the farm approach on the right-side per.

### New Pavement/Grade/Swale

Per Typical Section Sheets 9 and 10, Plan and Profile Sheets 24 and 25, Cross Section Sheets 39 through 42 of 161, an approximately 11 feet wide Multi-Use Path will be installed along the length of the project. From approximate Construction Centerline Station 0+00 to Station 6+00, on the left there will be a 3:1 fore slope to Station 5+00 and a 3:1 back slope to Station 6+00, and on the right a swale with a fore slope of 3:1 and backslope of 2:1, with a depth varying between 1 and 2 feet, and a bottom width of 2-feet, and at Station 6+50 there will be a 2:1 backslope at Trailhead #1, at Station 7+00 a swale with a fore slope of 3:1 and backslope of 2:1, with a depth varying between 1 and 2 feet, at Station 7+50 there will be a 3:1 back slope on the left and 3:1 fore slope on right, at Station 8+00 there will be a 3:1 fore slope left and right, there will be a pedestrian bridge installed per Sight Plan Sheet 76 of 161 between approximate Stations 8+31.24 and 9+17.76, and from Station 9+50 to Station 18+50, there will be a 3:1 fore slope on the left and on the right there will be a swale with a fore slope of 3:1 and backslope of 2:1, with a depth varying between 1 and 2 feet, and a bottom width of 2-feet, will be installed along the southern edge of the proposed path.

### Drainage

Per Plan and Profile Sheets 24 and 25 of 161, between stations 0+00 and 6+06 there will be a drainage ditch to a conduit under the farm access at Station 6+06, 13 feet right consisting of 23 lineal feet of 12" Type D conduit with concrete headwalls to Station 6+31, 16 feet right a 6'x4'x18" Type C RCP, with filter fabric with the continuation of the drainage ditch to a 6'x4'x18" Type C RCP, with filter fabric at approximate Station 7+40. Then from approximate Station 9+15, right there will be a drainage ditch with Sodding Ditch Protection through your property.

### Fencing

There does not appear to be fencing impacted on this project.

### Items that will have to be moved or destroyed

There are no improvements within the take area according to the Acquiring Agency's Fair Market Value Estimate.

### Field Tiles

The LPA has made every effort to locate field tiles within the limits of the new right of way and to provide outlets for these tiles. However, since field tiles are underground installations, with their location difficult to establish, we do not guarantee that every tile has been located. For this reason, it is requested that you advise us of the location of any

tile omitted from the plans. By doing this, you will be assured that provisions will be made on the plans for re-connection if it is destroyed during construction.

#### Gas, Oil, and/or Water Lines

We would appreciate being advised as to the location and ownership of any gas, water, or oil lines which might appear on the plans.

#### Sanitary Sewage Outlets

State and County health laws do not permit sanitary sewage to outlet into roadside drainage systems.

#### Cost to Cure Items

These are items located partially or totally within an area being acquired as right of way and for which you are being compensated an amount for their purchase in addition to an amount for a cost to cure. A cost to cure is an amount paid to you to cure damage to your remaining property resulting from the acquisition of the cost to cure items.

As soon as possible after you receive compensation you will be responsible for removing any cost to cure items from the right of way area(s) unless you desire The City of Oxford to remove them for you as part of the project. **If The City of Oxford does the removal, The City of Oxford will NOT perform any additional work required to cure damages to your residue property since you will have already been compensated for that work.**

#### Encroachments

There may be encroachments from your property into The City of Oxford's right of way. Encroachments are privately-owned items that occupy public right of way without permission. Private owners are responsible for removing their encroachment items from the right of way as soon as possible. If left in place, encroachments are subject to removal by LPA with the cost for that work charged to the owner. (Ohio revised Code, Section 5515 and 5589)

#### Miscellaneous

Please be advised that after this acquisition is completed, no improvements, including fencing, may be placed in the new permanent right of way without a written permit from The City of Oxford.

RE 25-17  
Revised 01/2014

## RIGHT OF WAY APPRAISAL REPORT

**IDENTIFICATION OF  
SUBJECT PROPERTY:**

4160 Oxford Reily Road  
Oxford, Butler County, Ohio

**IDENTIFICATION OF  
PROJECT/PARCEL:**

BUT-Oxford Trail Phase V  
Parcel 1 – EVR Investments LLC  
PID: 117001  
SJN: N/A  
FPN: N/A

**PREPARED FOR:**

O.R. Colan Associates  
8790 Governor's Hill Dr., Suite 101  
Cincinnati, OH 45249

**PREPARED BY:**

Todd M. Schmutte, MAI  
Beck Consulting, Inc.  
Town Hall on the Green—4B  
5380 Pleasant Avenue  
Fairfield, Ohio 45014  
513.942.5000

**DATE OF VALUE:**

June 21, 2024





### Estimates of Value and Determination of Total Damages, If Uncured

| Allocation of Compensation to the Part Taken |            |              |                                                         |           |           |
|----------------------------------------------|------------|--------------|---------------------------------------------------------|-----------|-----------|
| Land                                         | Parcel No. | Area (Acres) | Description                                             | Amount    |           |
|                                              | 1-SH       | 2.606        | Future Development Land @ \$30000 per acre x 100% - \$1 | \$ 78,179 |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Land Taken               |            |              |                                                         | \$ 78,179 |           |
| Site Improvements                            | 1-SH       | N/A          | Miscellaneous voluntary growth (no compensation)        | \$ -      |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Site Improvements Taken  |            |              |                                                         | \$ -      |           |
| Structures                                   |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Structures Taken         |            |              |                                                         | \$ -      |           |
| Total Allocation to Part Taken               |            |              |                                                         |           | \$ 78,179 |

| Allocation of Compensation to Damages |                                  |      |             |        |    |   |
|---------------------------------------|----------------------------------|------|-------------|--------|----|---|
| Damages                               | Cost-to-Cure/Net Cost-to-Cure    |      |             |        |    |   |
|                                       | Parcel No.                       | Area | Description | Amount |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       | Total Allocation to Cost-to-Cure |      |             |        | \$ | - |
|                                       |                                  |      |             |        |    |   |
|                                       | Uncured Damages                  |      |             |        |    |   |
|                                       | Parcel No.                       | Area | Description | Amount |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
|                                       |                                  |      |             |        |    |   |
| Total Allocation to Uncured Damages   |                                  |      |             | \$     | -  |   |
| Total Allocation to Damages           |                                  |      |             |        | \$ | - |

| Allocation of Compensation to Temporary Easements |            |              |             |        |
|---------------------------------------------------|------------|--------------|-------------|--------|
| Temporaries                                       | Parcel No. | Area (acres) | Description | Amount |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
| Total Allocation to Temporary Damages             |            |              |             | \$ -   |

| Estimate of Total Compensation |                                         |      |  |           |  |
|--------------------------------|-----------------------------------------|------|--|-----------|--|
|                                | Total Allocation to the Part Taken      |      |  | \$ 78,179 |  |
|                                | Damages                                 |      |  |           |  |
|                                | Total Allocation To Cost-to-Cure        | \$ - |  |           |  |
|                                | Total Allocation To Uncured Damages     | \$ - |  |           |  |
|                                | Total Damages                           |      |  | \$ -      |  |
|                                | Total Allocation to Temporary Easements |      |  | \$ -      |  |
| Total Compensation             |                                         |      |  |           |  |

RE 25-6  
Rev. 01-2014

## CERTIFICATE OF APPRAISER

COUNTY Butler

ROUTE Oxford Trail

SECTION Phase 5

PARCEL # 1

PID # 117001

STATE JOB # N/A

FEDERAL PROJECT # N/A

I hereby certify:

That on June 21, 2024, I personally made a field inspection of the property herein appraised, and that I have afforded Shane Vanwinkle, Maintenance Supervisor for the property owner, (513) 280-8481, the opportunity to meet me at the time of the site visit. Mr. Vanwinkle gave permission to visit the property, but did not accompany the appraiser.

I have also, during 2024, personally made a field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein above set forth are true, and the information upon which the opinions expressed herein are based is correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are my personal, impartial, and unbiased professional analysis, opinions, and conclusions. I agree with all statements provided in this report.

That I understand that such appraisal may be used in connection with the acquisition of right-of-way for a transportation project to be constructed by the city of Oxford with the highway to be constructed with the assistance of Federal-aid highway funds or other Federal Funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of Ohio.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised, and no personal interest with respect to the parties involved.

That I, in determining the compensation for the property, have disregarded any decrease or increase in the fair market value of the real property that occurred prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner.



That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of O.R. Colan Associates or the city of Oxford, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as Federal regulation 49 CFR Part 24 and Ohio Administrative Code 5501:2-5-06.

Class of Certification/Licensure ☒ Certified General ☐ Certified Residential ☐ Licensed Residential ☐ Registered Assistant  
☐ Temporary Certification or License  
 Certification License Number 2007005172

This ☒ is within the scope of my Certification or License report

☐ is not within the scope of my Certification or License.

I disclose that:

- ☐ I am an employee of the Ohio Department of Transportation (or Agency), and I am approved to perform appraisal services.
- ☒ I am a consultant approved by the ODOT – Office of Consultant Services to perform appraisal services for ODOT projects and Federally funded projects.
- ☒ Beck Consulting provided an appraisal of the subject property within the three-year period immediately preceding acceptance of the assignment in November 2022 for the city of Oxford regarding the Oxford Trial project.
- ☒ Assistance in this appraisal was provided by Lance R. Brown, MAI, AI-GRS. Mr. Brown provided assistance with comparable verification.

That my opinion of the fair market value of the property being acquired, including temporaries, as of June 21, 2024, is \$78,179 based upon my independent appraisal and the exercise of my professional judgment.



Signature

Todd M. Schmutte, MAI

Typed Name

August 2, 2024

Date Signed

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## 5. PART 1 INTRODUCTION

### 6. EXECUTIVE SUMMARY

**Location:** The subject property is located on the east side of Oxford Reily Road, south of Dana Drive in the city of Oxford, Butler County, Ohio. The property has the address of 4160 Oxford Reily Road, Oxford, Ohio 45056.

**Property Type:** The subject is an agricultural site. Any agricultural improvements are not considered in the scope of the appraisal as they do not contribute to the highest and best use of the subject property. The appraisal is a limited scope appraisal that ignores any land improvements on the site.

#### Land Areas

**Area of Larger Parcel:** The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres.

#### Part Acquired:

| Parcel No. | Area                 | Rights Acquired           |
|------------|----------------------|---------------------------|
| 1-SH       | 2.606 acres (No PRO) | Standard Highway Easement |

**Larger Parcel Before the Take:** The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres. The entire property is contiguous. There are other parcels that are contiguous and held in the same title as the subject property, but they will not be considered with the larger parcel because they are in Oxford Township, in a different zoning, and Oxford utility services may not be available to these properties. Although they reflect unity of location, and unity of title, they do not reflect an integrated highest and best use.

**Residue Property:** In the after situation, the subject property will contain a total of 67.376 acres, with 2.606 acres classified as PRO, leaving a net land area of 64.770 acres. The residue will continue to have similar access after the project. No damage accrues to the residue relative to the before situation.

**Estimated Compensation:** \$78,179

**Identification of Plans Valuation Was Based On:** Plans provided by Bayer Becker with a most recent print date of May 23, 2024, were utilized.



## 7. SPECIAL ASSUMPTIONS OR CONDITIONS

### Hypothetical Conditions:

- It is a hypothetical condition of this appraisal that any decrease or increase in the fair market value of the subject property that occurred prior to the date of valuation, caused by the public improvement project for which the subject property is to be acquired, has been disregarded. ORC 163.59(D) and 49 CFR 24.103(b) compel the appraiser to disregard the proposed public improvement that is the reason for this project. USPAP SR 1-4f requires the appraiser to consider the impact of any proposed public improvements. Therefore, value enhancements or value declines due to speculation about this project or condemnation blight have been disregarded. The use of this condition might have an effect on the assignment results.*

## 8. GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been made with the following general assumptions:

1. The report is considered valid only for whom it was prepared and for the stated purpose and function.
2. That the term market value, as herein used, is defined in this appraisal report.
3. That the date of value to which the opinions expressed in this report applies is set forth on the cover sheet of this report. The appraiser assumes no responsibility for economic or physical factors occurring at some later date that may affect the opinions herein stated.
4. That no opinion is intended to be expressed for legal matters or that would require specialized investigator knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.
5. That no opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.
6. That no engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.
7. The maps, plats, and exhibits included herein are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
8. That no opinion is expressed as to the value of subsurface oil, gas, or mineral rights, and that the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.
9. That the projections included in this report are utilized to assist in the valuation process and are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicted by the appraiser and could affect the future income or value projections.
10. That testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance.
11. Information contained in this report is assumed to be correct but is not guaranteed.

12. Possession of this report or any copy thereof does not carry with it the right of publication. Disclosure of the contents of this report is governed by the Bylaws and Regulation of the Appraisal Institute. Neither all nor any part of the contents of this Report (especially any conclusions as to value, the identity of the Appraiser or the firm with which the appraiser is connected, or any reference to the Appraisal Institute) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication, without the prior written consent and approval of the author.
13. That no detailed soil studies covering the subject property were available to the appraiser. Therefore, premises as to soil qualities employed in this report are not conclusive but have been considered consistent with information available to the appraiser.
14. That the appraiser has personally inspected the subject property and finds no obvious evidence of structural deficiencies except as stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, can be assumed without provision of specific professional or governmental inspections.
15. That no consideration has been given in this appraisal to personal property located on the premises, or to the cost of moving or relocating such personal property; only the real property has been considered.
16. That the appraiser is not qualified to detect the existence of potentially hazardous material which may or may not be present on or near the property, such as the presence of formaldehyde foam insulation, existence of toxic waste, or the existence of asbestos insulation. The existence of such substances may influence the value of the property. No consideration has been given in our analysis to any potential diminution in value should such hazardous materials be found. We urge the client to retain an expert in the field before making a business decision regarding the property.
17. It is assumed any requirements under the Americans with Disabilities Act (ADA) for the subject property have been met. In the event any requirements are currently pending that would require modification to the existing structure, the appraiser reserves the right to amend this report and make any value adjustment considered necessary.

## 9. CERTIFICATION

*I certify that, to the best of my knowledge and belief:*

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Beck Consulting performed an appraisal of the subject property as part of the Oxford Trail project in November 2022.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- Lance R. Brown, MAI, AI-GRS provided significant real property appraisal assistance to the person signing this certification with comparable verification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Todd M. Schmutte, MAI has completed the requirements of the continuing education program of the State of Ohio and Appraisal Institute
- As of the date of this report, Todd M. Schmutte, MAI has completed the Standards and Ethics Education Requirements for Practicing Affiliates of the Appraisal Institute.
- As of the date of this report, Todd M. Schmutte, MAI has completed the continuing education program for Practicing Affiliates of the Appraisal Institute.



Todd M. Schmutte, MAI  
Ohio General Certified Appraiser No. 2007005172

August 2, 2024

Date

## 10. PHOTOS OF THE SUBJECT PROPERTY

Pictures were taken by Todd M. Schmutte, MAI on June 21, 2024.



Aerial photo – looking north (taken from Butler County Auditors site)



Aerial photo – looking west (taken from Butler County Auditors site)





Subject facing southwest



Northern property line facing east



Subject facing southeast



Oxford Reily Road facing south



Oxford Reily Road facing north



Subject facing south from David Drive





Northern property line facing west



Northern property line facing east from David Drive



Subject property facing southeast



Northeast corner of subject property



Subject property facing southwest



1-SH proposed area facing west



## 11. DECLARATION OF REPORTING OPTION

This appraisal report includes the sales comparison approach of the land as if vacant. The cost approach and income approach are not detailed, as these approaches are not applicable to the property type. Any agricultural improvements are not considered in the scope of the appraisal.

## 12. IDENTIFY THE CLIENT AND ANY USERS

The client is the City of Oxford through its agent O.R. Colan Associates. The users of the appraisal may include the client, the property owner, the client's legal counsel and a court of law.

## 13. STATE THE INTENDED USE OF THE APPRAISAL

The appraisal, if recommended by the City of Oxford, may be used as a basis to establish the fair market value of the part taken and damages, if any, to the residue property. The appraisal will be given to the property owner during the negotiation process in compliance with Ohio law and it may be used as evidence in an appropriation case.

## 14. SUMMARIZE THE IDENTITY OF THE REAL ESTATE INVOLVED IN THE APPRAISAL

The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres. The subject property is located on the east side of Oxford Reily Road, south of Dana Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with agricultural improvements that are excluded from this appraisal. The subject property is classified as a single larger parcel. There are other parcels in the immediate area that are contiguous and held in the same title as the subject property but are not considered part of the larger parcel as these parcels are in Oxford Township with different zoning classifications and may not have availability to all public utilities.

## 15. STATE THE REAL PROPERTY INTEREST BEING APPRAISED

The real property interest being appraised is the fee simple interest in the whole property before the taking and the fee simple interest of the residue property after the taking.

## 16. STATE THE PURPOSE OF THE APPRAISAL

The purpose of the appraisal is to estimate compensation to the property owner for the part taken and damages, if any, to the residue property due to the proposed highway project. Compensation is the total of the part taken, damages to the residue property (if any) and any temporary easement takings.

## 17. DEFINITION OF MARKET VALUE

The definition of fair market value utilized by ODOT is based on the Ohio Jury Instruction [CV 609.05 Compensation] and is:

*You will award to the property owner(s) the amount of money you determine to be the fair market value of the property taken. Fair market value is the amount of money which could be obtained on the market at a voluntary sale of the property. It is the amount a purchaser who is willing, but not required to buy, would pay and that a seller who is willing, but not required to sell, would accept, when both are fully aware and informed of all the circumstances involving the value and use of the property. You should consider every element that a buyer would consider before making a purchase. You should take into consideration the location, surrounding area, quality and general conditions of the premises, the improvements thereon and everything that adds or detracts from the value of the property.*

The market value estimated in this appraisal is based on the regulatory requirement for Influence of the Project on Just Compensation, section 5501:2-5-06 (C)(2) of the Ohio Administrative Code, which requires the appraiser do the following:

*To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within reasonable control of the owner.*

## 18. DATES OF THE APPRAISAL

Date of the Report: August 2, 2024

Date of the Value Estimate: June 21, 2024

## 19. SUMMARIZE THE VALUATION PROBLEM AND SCOPE OF WORK NECESSARY FOR THE VALUATION PROBLEM

### The Valuation Problem

The identification of the problem is based on the identification of the client, intended users, the intended use, the purpose of the assignment, the effective date of the opinion, relevant property characteristics and extraordinary assumptions and hypothetical conditions. Each of these items has been discussed above.

The valuation problem has been created as a result of an acquisition by an agency authorized to exercise the right of eminent domain. The exercise of the eminent domain rights by the agency results in an involuntary taking of real property interests. Essentially, the valuation problem to be solved in this appraisal is the amount due to the property owner by reason of the acquisition.

In accordance with legal precedent, the entire property is appraised before the proposed project and the entire property is appraised after the proposed project. The difference between the value of the property before the project and the value after the project is the amount paid to the property owner as compensation for the effect of the project. Appraising the entire property before the project requires the identification of the larger parcel. *The Dictionary of Real Estate Appraisal*, 7<sup>th</sup> edition, published by the Appraisal Institute, defines the larger parcel as follows:

*In condemnation, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.*

The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres. The subject property is located on the east side of Oxford Reily Road, south of Dana Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with agricultural improvements that are excluded from this appraisal. The subject property is classified as a single larger parcel. There are other parcels in the immediate area that are contiguous and held in the same title as the subject property but are not considered part of the larger parcel as these parcels are in Oxford Township with different zoning classifications and may not have availability to all public utilities.

## The Scope of Work Necessary for the Valuation Problem

After defining the valuation problem and identifying the larger parcel, several independent investigations concerning the market within which the subject property is located were conducted. Included was an analysis of the subject property, demographic trends and market demand.

There were several independent sources used to analyze the subject's market area. Market area information was obtained from the Greater Cincinnati Regional Chamber of Commerce, the city of Oxford, Butler County, and information available from other secondary sources.

Site data was prepared subsequent to a physical inspection of the site. Information was obtained from right-of-way plans provided by the client and prepared by Bayer Becker with a most recent print date of May 23, 2024. Other information was provided by the Butler County Auditor, the City of Oxford, the United States Census Bureau, and information available from other secondary sources.

The highest and best use of the subject property is based on the legally permissible, physically possible, economically feasible, and maximally productive use for the subject property. The highest and best use analysis was applied to the subject property as if vacant. The highest and best use in the vacant situation was determined to be single-family residential development.

Market data was gathered from buyers, sellers, agents, other appraisers, as well as analysis of recorded transactions. Preliminary data for sales was gathered from companies that compile and publish public information. Market data was confirmed with individuals directly involved in, or close to, the transactions. The quality of the data was good, increasing the reliability of the conclusions.

A land value as if vacant is developed using the sales comparison approach of the land as if vacant and available for development.

The cost and income approaches are not detailed in this appraisal. Only the underlying land of the subject property is valued as part of the appraisal. All agricultural improvements are excluded from this appraisal as they do not contribute value to the subject property at its highest and best use. Therefore, the cost and income approaches are not utilized.

The proposed project will obtain a standard highway easement containing a total of 2.606 gross and net acres that will reduce the net land area from 67.376 acres to 64.770 acres. The residue will continue to have similar access after the project. No damage accrues to the residue relative to the before situation.

Lance R. Brown, MAI, AI-GRS provided significant professional assistance with comparable verification.

## 20. EXPOSURE TIME

Exposure time for the subject property is based on the marketing time of comparable properties. Based on discussions with buyers, sellers and agents active in this property type, the marketing time for the subject property is estimated to be 12 months. Similar exposure time is adopted for the subject property.

## 21. RIGHT OF ACCOMPANIMENT

|                                                                |                       |
|----------------------------------------------------------------|-----------------------|
| Inspection by:                                                 | Todd M. Schmutte, MAI |
| Date of the Inspection:                                        | June 21, 2024         |
| Identification of the Person<br>Who Accompanied the Appraiser: | N/A                   |
| Relationship to the Owner of the<br>Property:                  | N/A                   |



**22. PART 2 FACTUAL DATA BEFORE THE TAKING****23. IDENTIFICATION OF THE LARGER PARCEL – BEFORE THE TAKING**

The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres. The subject property is located on the east side of Oxford Reily Road, south of Dana Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with agricultural improvements that are excluded from this appraisal. The subject property is classified as a single larger parcel. There are other parcels in the immediate area that are contiguous and held in the same title as the subject property but are not considered part of the larger parcel as these parcels are in Oxford Township with different zoning classifications and may not have availability to all public utilities.

**24. LEGAL DESCRIPTION - BEFORE THE TAKING****TRACT I:**

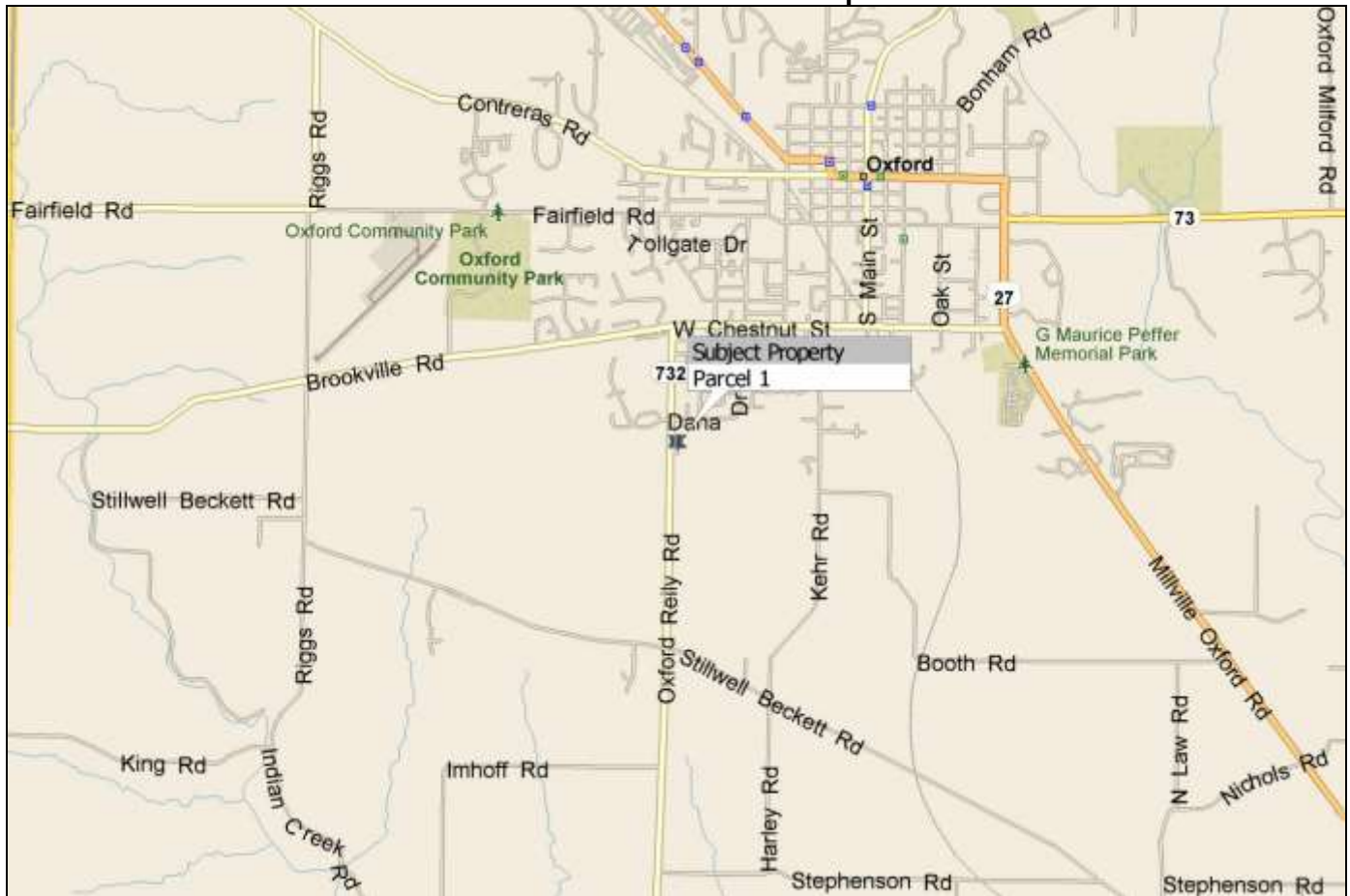
Entire Lot Number Two Thousand Six Hundred Sixty-Four (2664) as the same is known and designated on the Auditor's List of Lots in the City of Oxford, Butler County, Ohio.

## 25. SUMMARIZE AREA, CITY AND NEIGHBORHOOD ANALYSIS

The subject property is in the southern portion of the city of Oxford, Ohio.

The market area description and analysis will provide the reader with an understanding of the role and function of the subject's immediate area within the larger community.

**Market Area Location Map**



“Market Area” is defined by the *Appraisal Institute’s The Dictionary of Real Estate Appraisal, 7<sup>th</sup> edition*, as:

*The geographic region from which a majority of demand comes and in which the majority of competition is located. Depending on the market, a market area may be further subdivided into components such as primary, secondary, and tertiary market areas, or the competitive market area may be distinguished from the general market area.*

The market area of the subject is the city of Oxford, which is further described.

There are four influences that affect value trends; these are social, economic, governmental and environmental.

## Social Influences

Social characteristics present in the subject neighborhood include population.

Based on the 2010 census, the population of the city of Oxford was 21,371 people, of which 10,162 were male and 11,209 were female. The population decreased slightly from 2000, which had a population of 21,943, a decrease of 2.6%. From 1990 to 2000, the population had increased 15.4% from 19,013. Oxford's population within a 1-, 3-, and 5-mile radius of the subject has been and is projected to remain stable or slightly increasing between the 2000 and 2010 census and beyond 2025.

Summarized in the following grids are the demographics within a 1-, 3-, and 5-mile radius of the subject property:

| Population              |               |               |               |
|-------------------------|---------------|---------------|---------------|
|                         | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2010 Population         | 16,939        | 23,443        | 27,657        |
| 2020 Population         | 17,822        | 25,161        | 29,438        |
| 2022 Population         | 17,656        | 25,085        | 29,378        |
| 2027 Population         | 17,574        | 25,051        | 29,317        |
|                         |               |               |               |
| 2010 – 2020 Annual Rate | 0.51%         | 0.71%         | 0.63%         |
| 2020 – 2022 Annual Rate | -0.42%        | -0.13%        | -0.09%        |
| 2022 – 2027 Annual Rate | -0.09%        | -0.03%        | -0.04%        |

In the identified area, the current year population is 29,378. In 2020, the Census count in the area was 29,438. The rate of change since 2020 was -0.09% annually. The five-year projection for the population in the area is 29,317 representing a change of -0.04% annually from 2022 to 2027. Currently, the population is 47.8% male and 52.2% female. The median age in this area is 23.8, compared to U.S. median age of 38.9.

| Households              |               |               |               |
|-------------------------|---------------|---------------|---------------|
|                         | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2010 Households         | 4,170         | 6,634         | 8,198         |
| 2020 Households         | 4,429         | 7,127         | 8,759         |
| 2022 Households         | 4,444         | 7,174         | 8,812         |
| 2027 Households         | 4,427         | 7,178         | 8,811         |
|                         |               |               |               |
| 2010 – 2020 Annual Rate | 0.60%         | 0.72%         | 0.66%         |
| 2020 – 2022 Annual Rate | 0.15%         | 0.29%         | 0.27%         |
| 2022 – 2027 Annual Rate | -0.08%        | 0.01%         | 0.00%         |

The household count in this area has changed from 8,759 in 2020 to 8,812 in the current year, a change of 0.27% annually. The five-year projection of households is 8,811, a change of 0.00% annually from the current year total. The average household size is currently 2.37, compared to 2.39 in the year 2020. The number of families in the current year is 3,852 in the specified area.



| Income                       |               |               |               |
|------------------------------|---------------|---------------|---------------|
|                              | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2022 Median Household Income | \$20,883      | \$40,525      | \$50,690      |
| 2022 Avg Household Income    | \$59,623      | \$79,010      | \$83,641      |
| 2022 Per Capita Income       | \$16,061      | \$24,049      | \$26,394      |

Current median household income is \$50,690 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$60,330 in five years, compared to \$84,445 for all U.S. households. Current average household income is \$83,641 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$100,082 in five years, compared to \$122,155 for all U.S. households. Current per capita income is \$26,394 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$31,392 in five years, compared to \$47,064 for all U.S. households.

## Housing

Currently, 42.7% of the 9,838 housing units in the area are owner occupied; 46.8%, renter occupied; and 10.4% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 9,744 housing units in the area and 10.1% vacant housing units. The annual rate of change in housing units since 2020 is 0.43%. Median home value in the area is \$295,812, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 2.18% annually to \$329,435.

## Economic Influences

Miami University is the dominant economic force in the community. The economic health of this University is sound, its student population is stable, and the future demand for its services is assured. The University provides Oxford with a very predictable annual pattern of demand for the services of the community. Miami University, established in 1809, is state supported and has three campuses: Oxford and branches, Middletown and Hamilton.

The subject property is in a stable neighborhood in the northwestern section of Greater Cincinnati. The property has access to the rest of the MSA through US Route 27. Newer retail development in the area consists of new construction surrounding a Wal-Mart super store northwest of the subject property. There has been new development of office, retail and multi-family uses closer to campus, especially along High Street and Locust Street.

## Governmental Considerations

The City is operated under a Council Manager type of government with seven council members elected at large. There is a 45-person volunteer fire department and life squad and a 30-person police department. The City has a Class Six fire insurance rating. The current City Council's economic policy is tilted towards managed growth. Oxford's main source of revenue is the 1.75% income tax imposed on local salaries.

Oxford is a full-service municipality; it pumps its own water (2.5 million gallons a day capacity), treats its own sewage, and administers its own building, zoning and housing regulations. Refuse collection in Oxford is contracted. It also has a full-staff Parks & Recreation Department.

## Environmental Considerations

Environmental considerations consist of certain features that are contained in or affect the neighborhood or its geographic location. One of the most positive influences in the subject's immediate area is its location in proximity to a major university. The city is isolated from other population centers in the Cincinnati MSA. Other transportation features include rail service within the city limits. Three airports serve the city residents. The Greater Cincinnati/Northern Kentucky International Airport is located in northern Kentucky, about one hour from Oxford. In addition, the Dayton Airport is within one hour as well and serviced by all major mid-west carriers. The Butler County Regional Airport is located within 30 minutes of the city of Oxford.

Oxford has many entertainment and recreational opportunities that are a part of Miami University including the Art Museum, the Center for Performing Arts, the Recreational Sports Complex, to name a few. In addition there are University sports including football and basketball, both of which draw fans from the entire community. Outside the University, the largest recreation facility is Hueston Woods State Park that includes a 94-room lodge, an 18-hole golf course, boating, swimming and hiking. The City of Oxford runs a total of 11 parks, a heated pool, and various sport fields for softball and other field sports. Oxford also has a private nine-hole golf course at the Oxford County Club.

## Conclusion

The subject is just west of the southern portion of campus of Miami University in downtown Oxford. Oxford is a small and prosperous college town dependent upon Miami University for its economic health. The economic health of Miami University is sound, its student population is stable, and the future demand for its services is assured. The University provides Oxford with a very predictable annual pattern of demand for community services. Most of the community's life revolves around the University's calendar.

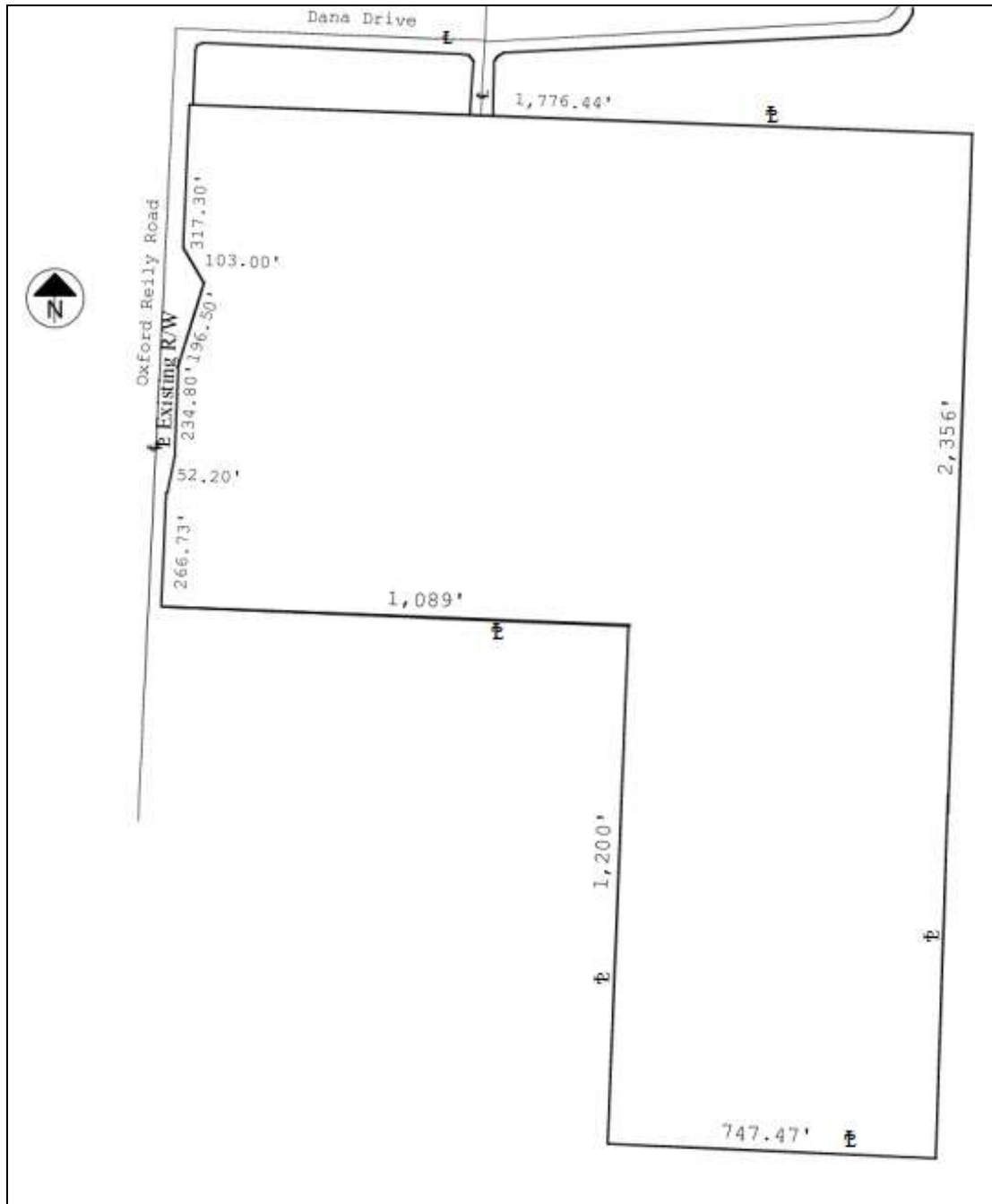
The ongoing growth of Oxford is based on the stability of Miami University. The past focus of Oxford's growth has been on the housing needs of students. The supply for this part of the housing market is now close to balance with only modest future growth anticipated.

## 26. SALE HISTORY OF THE SUBJECT PROPERTY

The subject property has not transferred in the past five years. There was a transfer between related parties in March 2003.

## 27. STATE THE USE OF THE REAL ESTATE EXISTING AS OF THE DATE OF VALUE AND THE USE OF THE REAL ESTATE REFLECTED IN THE APPRAISAL

The current use of the subject property is as farmland. Any agricultural improvements are excluded from the appraisal.

**28. SITE PLAN SKETCH REFLECTING PROPERTY - BEFORE THE TAKING****29. SITE DESCRIPTION – BEFORE THE TAKING**

**Location:** The subject is located on the east side of Oxford Reily Road, south of Dana Drive, in the city of Oxford, Butler County, Ohio.

**Accessibility:** The subject is currently accessible from the Oxford Reily Road frontage and potentially from the southern termination of David Drive.

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Net and Gross Areas:               | The larger parcel contains a total of 67.376 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 67.376 acres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Shape and Dimensions:              | The subject is a trapezoid shaped site with 1,170.53 feet of frontage on the east side of Oxford Reily Road and a depth on the northern property line of 1,776.44 feet. The eastern property line is 2,356 feet deep. The shape and dimensions can be seen on the site plan above.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Topography:                        | The topography of the site is generally level pasture style land with a creek running through the northwestern section of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Floodplain and Definition of Zone: | The subject property is in Flood Zone X, an area outside the floodplain. The subject is contained on FEMA Community Panel No. 39017C0132F, with an effective date of October 19, 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Soil Characteristics:              | It is believed that the site is buildable since it was formerly improved, and other properties in the area are also improved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| On-Site Utilities:                 | The subject property has availability of public water, public sewer, public gas and public electric, but the subject is not currently connected to any public utilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Off-Site Utilities:                | Public water, public sewer, public gas, and public electric are available to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Site Improvements:                 | The subject is an agricultural site with agricultural outbuildings in the northwestern portion of the site, northwest of the pastureland. The agricultural improvements are not considered in the scope of the appraisal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Easements:                         | Based on the title report provided, there are no easements found on the subject property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Encroachments:                     | There do not appear to be any encroachments that encumber the subject property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Restrictions:                      | There are no known deed restrictions that encumber the subject property. Consistent with ODOT Policies and Procedures and Ohio Case Law, the value impact of private restrictions is not considered as part of this appraisal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Zoning:                            | The subject property is zoned R-1B, Single-Family Medium-Density Residential District by the city of Oxford. This district is designed to provide and preserve single-family residential development of a moderately low-density character within and adjacent to areas of similar development. Permitted uses include single-family dwellings, accessory buildings and Type B daycare home facilities. The minimum site size is 7,500 square feet. The maximum building coverage is 35%. The minimum lot width and frontage is 65 feet. The minimum front yard setback is 30 feet. The minimum rear yard setback is 35 feet. The minimum side yard setback is eight feet per side. The maximum building height is 35 feet. |

Highest and Best Use: The highest and best use as if vacant is for single-family residential development.

### 30. BUILDING/FLOOR PLAN SKETCH - BEFORE THE TAKING

The agricultural improvements are not included in the appraisal and therefore a building/floor plan sketch is not provided.

### 31. BUILDING DESCRIPTION - BEFORE THE TAKING

The agricultural improvements are not included in the appraisal and therefore a description is not provided.

### 32. LEGAL AND POLITICAL CONSTRAINTS - BEFORE THE TAKING

(a) Zoning As discussed, the subject property is zoned R-1B which is the Single-Family Medium-Density Residential District in the city of Oxford.

(b) Does property conform to zoning code

Yes [X] No [ ]

The current agricultural use is permitted within the existing zoning classification.

(c) Land Use Plan

The city of Oxford has a comprehensive Land Use Plan. The subject appears in the Urban Neighborhood Future Land Use, which is characterized by a variety of housing types, mixtures of land uses, a walkable design and meaningful green and open spaces.

(d) Assessment and Taxes

The assessment and tax information for the subject property as of 2023, payable in 2024, is detailed below.

| H4100-132.000-001         |    |            |            |
|---------------------------|----|------------|------------|
|                           |    | 35%        | 100%       |
| Land                      | \$ | 36,830     | \$ 105,230 |
| Improvements              |    | 3,680      | 10,520     |
| <b>Total</b>              | \$ | 40,510     | \$ 115,750 |
| <b>Current Assessment</b> |    | \$0.00     |            |
| <b>Total Annual Taxes</b> |    | \$1,622.05 |            |

The subject property is within the CAUV program according to Butler County. The CAUV value is \$413,590. If sold for development, there would be a total recoupment of \$13,550.75 including a CAUV recoupment of \$12,489.17 and an Agricultural District recoupment of \$1,061.58.

### 33. HIGHEST AND BEST USE - BEFORE THE TAKING

- (a) Present use of the property: Currently, the subject property is used as a farm.
- (b) Definition of Highest and Best Use: The reasonably probable and legal use of vacant land or an improved property that is physically possible, legally permissible, appropriately supported, financially feasible, and that results in the highest value.<sup>1</sup>
- (c) The Highest and Best Use as Vacant:

#### Legally Permissible

The subject site is within the zoning jurisdiction of the city of Oxford. The subject is zoned R-1B, Single-Family Medium-Density Residential District and is in the Urban Residential Future Land Use in the current Oxford Land Use Plan. Principal permitted uses include primarily single-family residential. The legally permissible uses include all the uses permitted by the zoning classification.

#### Physically Possible

The subject is a trapezoid containing 67.376 gross and net acres with frontage on the east side of Oxford Reily Road. The subject is at the southern limits of the city of Oxford. Directly south of the subject property is Oxford Township. Directly north is an older subdivision. The physically possible uses for the subject include all the legally permissible uses, primarily single-family residential development.

#### Financially Feasible

The financially feasible uses of the site depend upon the improvements developed and whether or not a positive return can be generated over and above the cost of the improvements, plus the amount paid for the raw ground. The development trends include development surrounding Miami University with some newer single-family residential development. The financially feasible use of the subject property is to hold for future development.

#### Maximally Productive

The maximally productive use of the subject property is to hold for future development for single-family residential use.

#### Ideal Improvement

The ideal improvement of the subject property would be for single-family dwellings on subdivision lots to be created out of the larger parcel.

#### (d) The Highest and Best Use as Improved

The highest and best use as improved is not developed in this report as the subject property is a vacant site.

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<sup>1</sup> *The Appraisal of Real Estate*, 15<sup>th</sup> Edition, published by the Appraisal Institute, Copyright 2020.



### **34. PART 3 – VALUATION BEFORE THE TAKING**

#### **35. ESTIMATE OF LAND VALUE – BEFORE THE TAKING**

The subject property is assumed to be a vacant parcel, and the sales comparison approach is used to estimate its value. The basic steps to the sales comparison approach are as follows.

- 1 The subject site is analyzed, and market data is gathered.
2. The market data is analyzed, verified, and compared with the subject site.
3. An appropriate unit of comparison is selected, and the sales are compared with the subject property based on the unit of comparison.
4. The market value of the property is based on a value conclusion, within a range, which is based on the indicated value from the sale properties, after adjustments for differences.

#### **Unit of Comparison**

The unit of comparison used to estimate the market value of the land is the price per acre of net land area. Properties like the subject property are analyzed based on size, since the size has a direct relationship to the size of the improvements and/or the commercial enterprise that it can contain. Therefore, the size of the property is of primary importance and is given prime weight in the value estimate. This unit of comparison is quoted by realtors and sellers and considered by buyers when purchase decisions are made.

#### **Sales Availability and Search Area**

A total of four sales have been selected to compare with the subject property. Each of the sales are tracts of land purchased for single-family residential development that would compete with the subject property if they were on the market at the same time as the subject.

## Land Sale No. 1

|                 |                                                                                  |
|-----------------|----------------------------------------------------------------------------------|
| Location        | North side of Brookville Road, west of Autumn Drive, Oxford, Butler County, Ohio |
| Tax ID          | H4100-141.000-006, -007 and -008                                                 |
| School District | Talawanda Local School District                                                  |
| Date Inspected  | July 9, 2024                                                                     |

### Sale Data

|                      |                                                                               |
|----------------------|-------------------------------------------------------------------------------|
| Grantor              | Gregory B. Smith, Rebeca A. Smith and Cassandra K. McCartney                  |
| Grantee              | Buck Creek Farm, Inc.                                                         |
| Sale Date            | March 7, 2022                                                                 |
| Deed Book/Page       | 9817/1774 GWD                                                                 |
| Conditions of Sale   | Arms-Length                                                                   |
| Property Rights      | Fee Simple                                                                    |
| Financing            | Cash                                                                          |
| Highest and Best Use | Residential Development                                                       |
| Verification         | Todd M. Schmutte, MAI with Denise Gifford, grantee, (513) 290-1443; 07/2/2024 |

|                   |           |
|-------------------|-----------|
| <b>Sale Price</b> | \$600,000 |
|-------------------|-----------|

### Land Data

|                       |                                                          |
|-----------------------|----------------------------------------------------------|
| Zoning                | R-1B, Single-Family Medium-Density Residential District  |
| Topography            | Generally level                                          |
| Utilities             | All public available                                     |
| Shape                 | Trapezoid                                                |
| Flood Info            | Area outside the floodplain                              |
| Encumbrances          | Normal                                                   |
| Present Use           | Owls Landing subdivision                                 |
| Motivation of Parties | Grantor: to divest; Grantee: for subdivision development |

### Land Size Information

|                   |                             |
|-------------------|-----------------------------|
| Gross Land Size   | 22.014 acres, or 958,930 SF |
| Useable Land Size | 20.182 acres, or 879,128 SF |
| Units             | 86                          |

### Indicators

|                        |          |
|------------------------|----------|
| Sale Price/Usable Acre | \$29,729 |
|------------------------|----------|

### Analysis of Pertinent Data

The buyer purchased this property for the development of Owls Landing, an 86-lot subdivision towards the western edge of the city of Oxford. The property was annexed into the city of Oxford prior to purchase in March 2020. The site had all public utilities available at purchase. Denise Gifford, a realtor from Oxford, bought the property to develop a subdivision geared towards senior citizens with higher incomes, as little to no product of this type exists in the city of Oxford. Todd Homes will build and sell the homes in the subdivision. Five floor plans are available between 1,600 and 2,300 square feet.

Photo – Land Sale 1



Plat – Land Sale 1



## Land Sale No. 2

|                 |                                                                                           |
|-----------------|-------------------------------------------------------------------------------------------|
| Location        | Northwest Corner of Kyles Station Road and Butler Warren Road , Monroe, Butler County, OH |
| Tax ID          | D7000-011.000-003, 004                                                                    |
| School District | Lakota Local School District                                                              |
| Date Inspected  | May 24, 2024                                                                              |

### Sale Data

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| Grantor              | First Financial Bank                                                            |
| Grantee              | Grand Communities, LLC                                                          |
| Sale Date            | March 12, 2024                                                                  |
| Deed Book/Page       | 10068/96 - FD                                                                   |
| Property Rights      | Arms-length                                                                     |
| Conditions of Sale   | Fee Simple                                                                      |
| Financing            | Cash                                                                            |
| Highest and Best Use | Residential Development                                                         |
| Verification         | Lance Brown, MAI, with Jim Cunningham, Broker , (513) 424-2421, on May 29, 2024 |

|                   |             |
|-------------------|-------------|
| <b>Sale Price</b> | \$4,532,500 |
|-------------------|-------------|

### Land Data

|                       |                                                                            |
|-----------------------|----------------------------------------------------------------------------|
| Zoning                | R2-PUD, Stonybrook, Residential Planned Unit Development                   |
| Topography            | Rolling, presents some challenges                                          |
| Utilities             | Public sewer through the property, public water needs to be extended south |
| Shape                 | Irregular                                                                  |
| Flood Info            | Areas of minimal flood hazard                                              |
| Encumbrances          | 50' Gas pipeline easement along Butler Warren Road                         |
| Present Use           | Agriculture                                                                |
| Motivation of Parties | Buyer for residential development                                          |

### Land Size Information

|                   |                                      |
|-------------------|--------------------------------------|
| Gross Land Size   | 126.236 Acres or 5,498,840 SF        |
| Useable Land Size | 122.745 Acres or 5,346,772 SF (Net ) |
| Units             | 219                                  |

### Indicators

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$36,926 |
|-------------------------|----------|

### Analysis of Pertinent Data

The property had been marketed for many years as industrial-use property, and when marketed for residential, it was put under contract within a few months in mid-2021 and it took 2.5 years of zoning hearings to obtain approval for the development from the city of Monroe. During the option period, the buyer paid the seller an additional \$200,000 to extend the contract, which did not come off the price. The buyer will have to install a deceleration lane for Butler Warren Road, and there is a large bridge that will need to be constructed to cross the creek channel. The development is to be completed by both Henry Fischer Homes and Drees Homes. ID: 3878



**Photo – Land Sale 2**



**Plat – Land Sale 2**



### Land Sale No. 3

|                 |                                                                                                 |
|-----------------|-------------------------------------------------------------------------------------------------|
| Address         | South side of Hankins Road and west side of Yankee Road, Liberty Township,<br>Butler County, OH |
| Tax ID          | D2010-020.000-003                                                                               |
| School District | Lakota Local School District                                                                    |
| Date Inspected  | February 1, 2023                                                                                |

#### Sale Data

|                      |                                                                                     |
|----------------------|-------------------------------------------------------------------------------------|
| Grantor              | Double K&B Farms, LLC and Michael A. Grooms, Trustee                                |
| Grantee              | SMS Mason, LLC                                                                      |
| Sale Date            | November 15, 2022                                                                   |
| Deed Book/Page       | 9918/974 - GWD                                                                      |
| Conditions of Sale   | Arms Length                                                                         |
| Property Rights      | Fee Simple, but included a High Tension Line Easement                               |
| Financing            | Cash                                                                                |
| Highest and Best Use | Hold for future development                                                         |
| Verification         | Todd Schmutte, with Michelle Grooms, Broker, (513) 675-7575, on January 26,<br>2023 |

|                   |             |
|-------------------|-------------|
| <b>Sale Price</b> | \$3,000,000 |
|-------------------|-------------|

#### Land Data

|                       |                                                             |
|-----------------------|-------------------------------------------------------------|
| Zoning                | R-1, Single-Family Residential                              |
| Topography            | Level                                                       |
| Utilities             | Public electric and public water                            |
| Shape                 | Irregular                                                   |
| Flood Info            | Area of minimal flooding                                    |
| Encumbrances          | 100-foot HTL easement through the site                      |
| Present Use           | Agricultural land                                           |
| Motivation of Parties | Grantor: To divest; Grantee: To hold for future development |

#### Land Size Information

|                   |                                    |
|-------------------|------------------------------------|
| Gross Land Size   | 100.784 Acres or 4,390,134 SF      |
| Useable Land Size | 99.643 Acres or 4,340,436 SF (Net) |

#### Indicators

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$30,108 |
|-------------------------|----------|

#### Analysis of Pertinent Data

This property was listed for sale for \$3,700,000 by a relative of the property owner. The broker noted that there were multiple parties interested, however the lack of sewer availability dissuaded many potential developers. It is expected that sewer will eventually reach this property but not for at least five to ten years. The buyer purchased the property to hold for future development but intends on leasing the property out for agriculture in the meantime. The property has potential access from both Hankins Road and Yankee Road. ID: 3627



**Photo – Land Sale 3**



**Plat – Land Sale 3**



## Land Sale No. 4

|                 |                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Location        | Southwest side of Blue Rock Road, across from Fort Scott Blvd, Crosby Township, Hamilton County, OH |
| Tax ID          | 530-0040-0263-00                                                                                    |
| School District | Southwest LSD                                                                                       |
| Date Inspected  | 9/15/2022                                                                                           |

### Sale Data

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| Grantor              | Crosby Development, LLC                                                         |
| Grantee              | Sedona Reserve, LLC                                                             |
| Sale Date            | February 18, 2022                                                               |
| Deed Book/Page       | 14615/0567 - LWD                                                                |
| Conditions of Sale   | Arms-Length                                                                     |
| Property Rights      | Fee Simple, but included a High Tension Line Easement                           |
| Financing            | Conventional                                                                    |
| Highest and Best Use | Single-Family Development                                                       |
| Verification         | Lance Brown, MAI, with Tony Hering, Grantee, 513-616-3913, on November 08, 2022 |

|                   |             |
|-------------------|-------------|
| <b>Sale Price</b> | \$1,100,000 |
|-------------------|-------------|

### Land Data

|                       |                                          |
|-----------------------|------------------------------------------|
| Zoning                | Planned unit development, PUD            |
| Topography            | Level to gently rolling                  |
| Utilities             | All public available                     |
| Shape                 | Irregular                                |
| Flood Info            | Areas of minimal flood hazard            |
| Encumbrances          | 100-foot HTL easement through the center |
| Present Use           | Development                              |
| Motivation of Parties | Buyer for development                    |

### Land Size Information

|                   |                                    |
|-------------------|------------------------------------|
| Useable Land Size | 39.917 Acres or 1,738,776 SF (Net) |
| Units             | 103                                |

### Indicators

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$27,557 |
|-------------------------|----------|

### Analysis of Pertinent Data

The property was generally known to be available, and the buyer of the property purchased the property after approvals were in place for the proposed development. The project is known as Sedona Reserves and will include two separate sections of single-family homesites with lot prices between \$70,000 and \$80,000; both sections will be the same product and price points. Ryan Homes will be picking up 12 lots per quarter starting 1Q23. Expected home prices are between \$300,000 and \$450,000. The property was rezoned Planned Unit Development for the proposed 103 lots prior to closing. The zoning had permitted 350 condominiums prior to the change. ID: 3586

**Photo – Land Sale 4**



**Plat – Land Sale 4**





The map displays Hamilton County, Ohio, with its county boundaries and major roads. Four specific sale locations are highlighted with callouts:

- Sale 1:** Brookville Road, near Oxford.
- Sale 2:** Kyles Station Road at Butler Warren Road, near Wetherington.
- Sale 3:** Hankins Road and Yankee Road, near Leasburg.
- Sale 4:** Blue Rock Road, near Fairfield.

The map also shows the Ohio-Pennsylvania border, major highways like I-75 and I-275, and various towns and cities within the county, including Hamilton, Middletown, and Springfield.

**Adjustment Grid—Land Value, Before**

|                        | Subject     | Sale 1      | \$29,729        | Sale 2     | \$36,926        | Sale 3      | \$30,107        | Sale 4       | \$27,557        |
|------------------------|-------------|-------------|-----------------|------------|-----------------|-------------|-----------------|--------------|-----------------|
| Property Rights        | Fee Simple  | Fee Simple  | -               | Fee Simple | -               | HTL         | 3,011           | HTL          | 2,756           |
| Financing              | Cash        | Cash        | -               | Cash       | -               | Cash        | -               | Conventional | -               |
| Conditions of Sale     | Arms Length | Arms Length | -               | Extension  | 1,629           | Arms Length | -               | Arms Length  | -               |
| Buyer Expenditures     | None        | None        | -               | None       | -               | None        | -               | None         | -               |
| Market Conditions      | Jun-24      | Mar-22      | 3,409           | Mar-24     | 533             | Nov-22      | 2,649           | Feb-22       | 3,546           |
| <b>ADJUSTED UNIT</b>   |             |             | <b>\$33,138</b> |            | <b>\$39,088</b> |             | <b>\$35,767</b> |              | <b>\$33,859</b> |
| Location               | Oxford      | Oxford      | -               | Monroe     | (7,818)         | Liberty     | (8,942)         | Crosby       | -               |
| Size (Acres)           | 67.376      | 20.182      | (4,971)         | 122.745    | 3,909           | 99.643      | 3,577           | 39.917       | (1,693)         |
| Shape                  | Irregular   | Trapezoid   | -               | Irregular  | -               | Irregular   | -               | Irregular    | -               |
| Access                 | Average     | Average     | -               | Average    | -               | Average     | -               | Average      | -               |
| Topography             | Level       | Level       | -               | Rolling    | 1,954           | Level       | -               | Level        | -               |
| Utilities              | All Public  | All Public  | -               | All Public | -               | No Sewer    | 3,577           | All Public   | -               |
| Zoning                 | R-1B        | R-1B        | -               | R2-PUD     | -               | R-1         | -               | PUD          | -               |
| <b>NET ADJUSTMENTS</b> |             |             | (4,971)         |            | (1,955)         |             | (1,788)         |              | (1,693)         |
| <b>INDICATED VALUE</b> |             |             | <b>\$28,167</b> |            | <b>\$37,133</b> |             | <b>\$33,979</b> |              | <b>\$32,166</b> |

## Elements Comprising Differences between the Sales and the Subject

The sales detailed above are the best sales available to indicate the market value of the subject property. There are differences between the sales and the subject property for which adjustments are made.

### Property Rights

Each of the four sales represented the transfer of the fee simple interest. Sales 1 and 2 are similar to the subject, requiring no adjustment. Sales 3 and 4 contained high-tension lines and this is inferior to the subject, requiring upward adjustments.

### Financing

All the sales resulted in cash to the seller at the closing. There were no unusual financing conditions or terms that significantly impacted on the prices. Therefore, no adjustment is made.

### Conditions of Sale

Sales 1, 3 and 4 were the result of an arms-length transaction between a buyer and a seller. Therefore, no conditions of sale adjustments are necessary. Sale 2 had the buyer pay an additional \$200,000 to extend the contract for more time to close the sale. An upward adjustment is made to this sale for this contract extension.

### Buyer Expenditures

No buyer expenditure adjustments are required for any of the sales. Any extraordinary costs are included in the price for these sales.

### Market Conditions

The subject property is appraised as of June 21, 2024, while the sales occurred between February 2022 and March 2024. An upward adjustment of 5% annually is made to each of the sales.

### Location

The subject property is on the east side of Oxford Reily Road in the southern portion of the city of Oxford, Butler County. Sale 1 was in the city of Oxford and is at the western edge of the city limits. This location is relatively similar to the subject, requiring no adjustment. Sale 2 is in the city of Monroe in the Lakota Local School District in a far superior area than the subject property, requiring a downward adjustment. Sale 3 is in Liberty Township which is far superior to the subject property, requiring a downward adjustment. Sale 4 is in Crosby Township northwest of I-275 in Hamilton County. The overall location of this sale is relatively similar to the subject, requiring no adjustment.

### Size

The subject contains 67.376 net acres. Sale 1, at 20.182 net acres, is superior to the subject property, requiring a downward adjustment. Sales 2 and 3 are between 99.643 acres and 122.745 acres and each is inferior to the subject property, requiring upward adjustments. Sale 4, at 39.917 net acres, is slightly superior to the subject property, requiring a modest downward adjustment. This adjustment is based on an economies of scale adjustment that larger amounts of a good typically sell for a lower price per unit than a smaller amount of the same good, all other things being equal.



## Shape

The subject property is a trapezoid shaped site suitable for residential development. Each of the four sales were trapezoid or irregular shaped sites suitable for residential subdivision development, similar to the subject property, requiring no adjustment.

## Access

The subject property is directly accessible from the primary road with potential access from a subdivision street. Each of the four sales were directly accessible from one or more heavily traveled roads, requiring no adjustment.

## Topography

The subject property is level to gently rolling. Sales 1, 3 and 4 are generally level and suitable for residential development, similar to the subject property, requiring no adjustment. Sale 2 is rolling and required site work above what is typical, inferior to the subject, requiring an upward adjustment.

## Utilities

The subject property has access to all public utilities. Sales 1, 2 and 4 all had availability to all public utilities, requiring no adjustment. Sale 3 was purchased with the anticipation that public sewer would eventually be extended to the site, but the buyer was aware that no sewer was available in the immediate future. This is inferior to the subject property, requiring an upward adjustment.

## Zoning

The subject property is zoned for single-family residential use. Each of the four sales were zoned for single-family residential use, relatively similar to the subject property, requiring no adjustment.

## Conclusion

The sales reflect an adjusted range of value from \$28,167 per acre to a high of \$37,133 per acre. With consideration given to each of the sales, it is the opinion of the appraiser that a final value conclusion of \$30,000 per acre is appropriate for the subject property. This value conclusion is as follows:

|                                     |          |                    |
|-------------------------------------|----------|--------------------|
| Fee Simple Usable Land Area, Before | 67.376   |                    |
| Land Value per Acre                 | \$30,000 |                    |
| Value of Fee Simple Usable Land     |          | \$2,021,280        |
| Value of PRO                        |          | \$0                |
| Total Value of Land                 |          | <u>\$2,021,280</u> |

### 36. COST APPROACH – BEFORE THE TAKING

The cost approach is not detailed in this report.

### 37. SALES COMPARISON APPROACH – BEFORE THE TAKING

The sales comparison approach was utilized to value the subject property as if vacant at its highest and best use.

### 38. INCOME APPROACH – BEFORE THE TAKING

The income approach is not detailed in this report.

### 39. RECONCILIATION OF VALUE INDICATIONS AND VALUE CONCLUSION – BEFORE THE TAKING

The results of the three generally accepted approaches to value to estimate the subject's market value are as follows.

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Cost Approach:</b>             | <b>N/A</b>         |
| <b>Sales Comparison Approach:</b> | <b>\$2,021,280</b> |
| <b>Income Approach:</b>           | <b>N/A</b>         |

The market value of the land is estimated using the sales comparison approach. Several comparable land sales were detailed and used for comparison with the subject site. The entire site of 67.376 acres of gross and net land were valued as if it were owned in fee and available for development for a value of \$2,021,280, or \$30,000 per acre.

#### Final Value:

In conclusion, sole weight is placed on the sales comparison approach. The cost and the income approaches were not detailed within this appraisal. The final value is for the fee simple interest of the subject property, subject to the assumptions and limiting conditions detailed in the report, as of the effective date of the appraisal, June 21, 2024, and is allocated as follows.

### 40. ALLOCATION OF BEFORE VALUE

|                   |                    |
|-------------------|--------------------|
| Land              | \$2,021,280        |
| Land Improvements | -                  |
| Structures        | -                  |
| Total             | <u>\$2,021,280</u> |

## 41. PART 4 ANALYSIS OF THE TAKE

### 42. DESCRIPTION OF THE TAKING

The proposed project will acquire one standard highway easement.

Parcel 1-SH is a standard highway easement along the northern property line. This acquisition is between 41.84 feet and 103.84 feet along the northern property line. The total area contained within this acquisition is 2.606 acres. 100% of the fee simple rights less \$1.00 is acquired by this acquisition. The city of Oxford has noted that, in the case of future development, new roads will be able to cross the standard highway easement to be acquired which would allow for potential access through the existing subdivision to the north of the subject property.

### 43. THE PART TAKEN

#### Land Taken

| Fee        | Size      | Unit Value | Proportion of Fee | Total Allocation |
|------------|-----------|------------|-------------------|------------------|
| 1-SH       | : 2.606 X | \$30,000 X | 100% - \$1 =      | \$78,179         |
| Total Land |           |            |                   | \$78,179         |

#### Improvements Taken

| Site Improvements Taken                       |                                                  |          |         |      |      |                    |             |
|-----------------------------------------------|--------------------------------------------------|----------|---------|------|------|--------------------|-------------|
|                                               | Item                                             | Quantity | \$/Unit | RCN  | Dep. | Contributory value |             |
| 1-SH                                          | Miscellaneous voluntary growth (no compensation) | N/A      | \$ -    | \$ - | 0%   | \$                 | -           |
| <b>Total Site Improvements to be acquired</b> |                                                  |          |         |      |      |                    | <b>\$ -</b> |
| Structures Taken                              |                                                  |          |         |      |      |                    |             |
|                                               | Item                                             | Quantity |         |      |      |                    |             |
| None                                          |                                                  |          |         |      |      |                    |             |
| <b>Total Structures Taken</b>                 |                                                  |          |         |      |      |                    | <b>\$ -</b> |
| <b>Total Improvements Taken</b>               |                                                  |          |         |      |      |                    | <b>\$ -</b> |

#### Summary of the Part Taken

|                                  |           |
|----------------------------------|-----------|
| Land                             | \$ 78,179 |
| Improvements                     | -         |
| Contributory value of Part taken | \$ 78,179 |

### 44. EFFECT OF THE TAKING

#### The Effect of the Taking on The Residue Property If Left Uncured

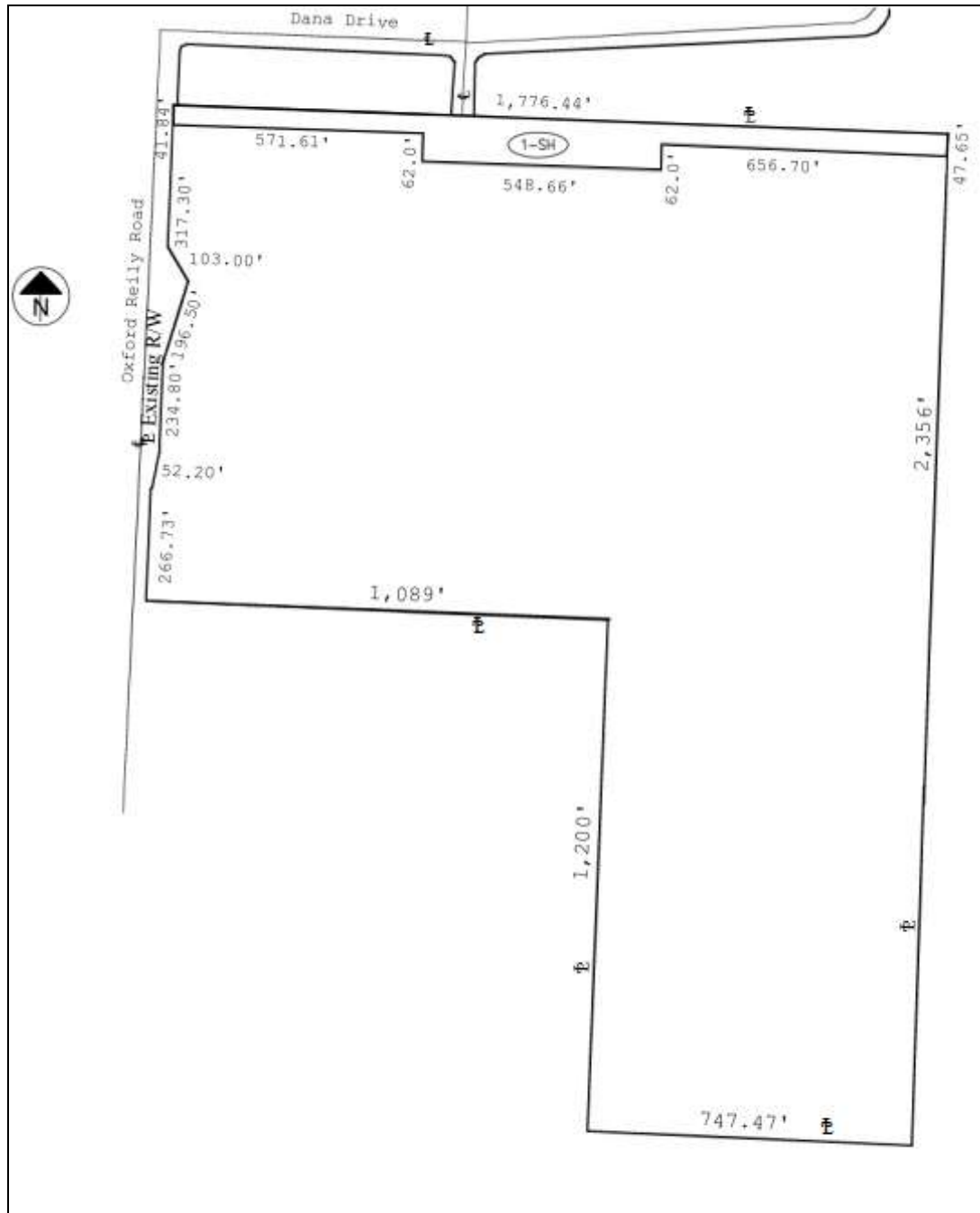
The primary effect of the taking is that the project will acquire 2.606 net acres by standard highway easement along the northern property line. This decreases the net land area of the subject property from 67.376 acres to 64.770 acres. It is legally possible for an extension of David Drive to cross Parcel 1-SH if the subject is developed at its highest and best use.

#### The Effect of the Taking on the Residue Property If Cured

There is no reasonable cure to the subject property as there is no damage to the subject property.

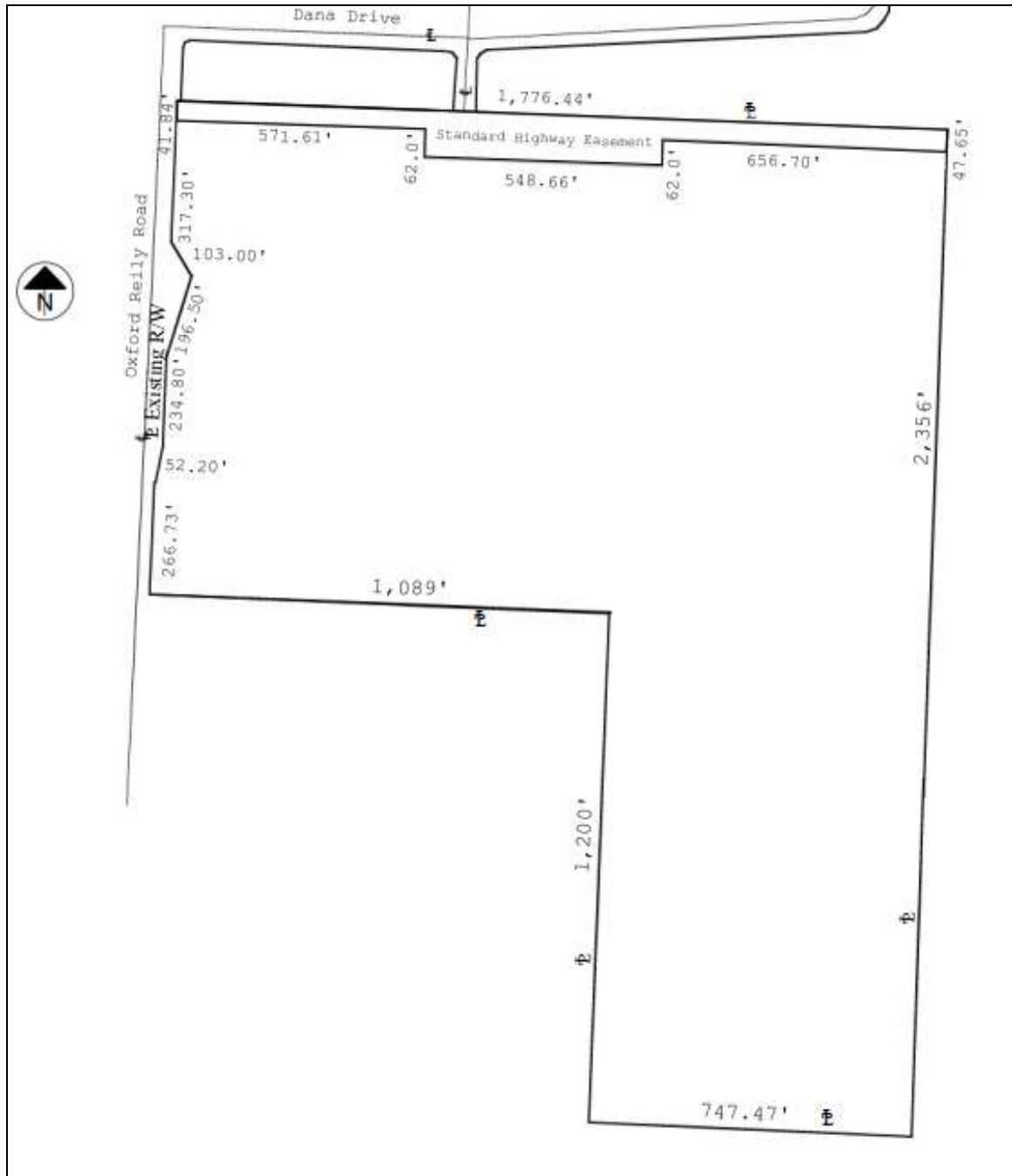
**45. SKETCH OF THE PROPERTY DETAILING THE TAKE AREA**

| Parcel 1      |        |       |
|---------------|--------|-------|
| Record Area   | 67.376 | Acres |
| Total PRO     | -      | Acres |
| Net Area      | 67.376 | Acres |
| 1-SH          | 2.606  | Acres |
| Gross Residue | 67.376 | Acres |
| Net Residue   | 64.770 | Acres |



**SECTIONS 46-75**

As previously discussed, it is the opinion of the appraiser that the acquisitions will not impact the fee simple value of the subject residue beyond the part taken. Please refer to the following sketch, which reflects the residue. Therefore, the scope of this appraisal report is to estimate compensation for the land acquired. This limited scope appraisal report is used when the acquisition is a partial taking and it is readily apparent the taking creates a simplistic valuation problem with no loss in market value of the residue property (damages). Therefore, Sections 46 – 75 (Factual Data After the Take) are not applicable.



**76. PART 9 COMPENSATION ESTIMATE FOR TEMPORARY EASEMENTS**

N/A

**77. PART 10 VALUATION SUMMARY AND COMPENSATION ESTIMATE**

## The Compensation Estimate

|                                      |    |   |           |
|--------------------------------------|----|---|-----------|
| The Part Taken                       |    |   | \$ 78,179 |
| + Damages                            |    |   |           |
| Net Cost to Cure                     | \$ | - |           |
| Damages Uncured                      |    | - |           |
| Total Damages                        |    |   | <u>-</u>  |
| + Temporary Construction Easement(s) |    |   | <u>-</u>  |
| Total Compensation                   |    |   | \$ 78,179 |

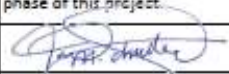


## 78. PART 11 THE ADDENDA

# APPRAISAL SCOPING CHECKLIST

REV. 11-2019

## APPRAISAL SCOPING CHECKLIST

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|
| Owners Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | County         | BUT               |
| EVR Investments, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Route          | Oxford Area Trail |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section        | Phase 5           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Parcel No.     | 1-SH              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Project ID No. | 117001            |
| <b>Appraisal Scope</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Partial or total acquisition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | Partial           |
| <b>Ownership</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Whole parcel determination is complex                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| RE-95 will be required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| RE 22-1 Apportionment will be required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Title report has non-typical appraisal issues (i.e. tenants, fractured ownership, atypical easements)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | See Comments      |
| <b>Regulation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Significant zoning or legal regulations are impacting acquisition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Property is not compliant with legal regulations in the before or after                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| <b>R/W and Construction Plans</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Significant improvements are in the acquisition area (or impacted)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant impact to site improvements (landscaping, vegetation, or screening)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant utilities (i.e. well, septic, service lines, etc.) are in the acquisition area (or impacted)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant issues due to elevation change, topography, or flood plain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| <b>Conclusion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Parcel acquisition cost estimate amount (\$10,000 VA limit or \$65,000 VF limit)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | See Comments      |
| Anticipated damages (access, proximity, internal circuitry, change H&B use, etc.) are expected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Cost-to-Cure should be considered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Specialized Report (parking, drainage, circuitry, etc.) should be considered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Appraisal Format Conclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | LS (see below)    |
| Explanation of appraisal problem. Include discussion of any "Yes" responses above                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| <p>The project involves the installation of a multi-use trail in the City of Oxford, and necessitates the acquisition of one Standard Highway Easement from the subject property. There are no significant issues. No title report was available as of the date of the ASC. Discuss the specifics about the larger parcel due to the ownership in the immediate area.</p> <p>A Land Only narrative is recommended due to the simplistic nature of this taking, but the potential for FMVE to exceed the \$65,000 VF limit. If this estimate is below the limit, the Value Finding (VF) format is recommended.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| <b>Signatures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Agency Approval by<br>Signature, Title, and Date<br>Typed Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <br>Name and Title Scott Otto, P.E., City Engineer, City of Oxford, Ohio                                                                                                                                                                                                                                                                                            |                | 7/24/24<br>Date   |
| Review Appraiser<br>Signature and Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <br>Name Rebecca A. Belcastro                                                                                                                                                                                                                                                                                                                                       |                | 7/18/2024<br>Date |
| Appraiser Acknowledgement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | I have reviewed the right of way plans and other pertinent parts of the construction plans, have driven by the subject, have reviewed this scoping document and I have independently performed my own appraisal problem analysis. I am in agreement regarding the valuation problem, the determination of the complexity of this problem, and I agree that the recommended format is appropriate for use during the acquisition phase of this project. |                |                   |
| Appraiser<br>Signature and Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <br>Name Todd Schmutte                                                                                                                                                                                                                                                                                                                                              |                | 7/18/2024<br>Date |

## APPRAISER QUALIFICATIONS

### QUALIFICATIONS OF TODD M. SCHMUTTE, MAI [tschmutte@e-beck.com](mailto:tschmutte@e-beck.com)

|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EDUCATION:</b>                                        | <p>Bachelor of Business Administration, University of Cincinnati<br/>June 2000; Major: Finance and Real Estate</p> <p>Various courses and exams of professional appraisal organizations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>PROFESSIONAL<br/>EXPERIENCE:</b>                      | <p>02/02 to Present—Vice President, Beck Consulting, Inc.</p> <p>6/98 to 02/02—Account Executive, Pension Corporation of America.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>SPECIALIZATIONS:</b>                                  | <p>Prepare appraisals of all types of real property for mortgage purposes, including the following property types:</p> <ul style="list-style-type: none"><li>• Downtown and suburban office buildings</li><li>• All categories of vacant land</li><li>• Special-purpose properties</li><li>• Multi-family complexes</li><li>• Subdivision analysis/absorption</li><li>• Industrial properties</li><li>• Shopping centers</li></ul> <p>Complete detailed condemnation/eminent domain appraisals, including partial acquisitions and severance damages, for ODOT, Army Corps, and local public authorities.</p> <p>Prepare appraisals of commercial property for real estate tax appeal</p> |
| <b>LICENSES AND<br/>CERTIFICATIONS:</b>                  | <p>Ohio State Certified General Appraiser: Certificate No. 2007005172</p> <p>Ohio Department of Transportation Pre-Qualified for Right-of- Way Acquisitions in Value Analysis and Appraisal issued on April 2, 2015.</p> <p>Kentucky State Certified General Appraiser: Certificate No. 5835</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>BUSINESS &amp;<br/>PROFESSIONAL<br/>AFFILIATIONS:</b> | <p>MAI Designated Member of the Appraisal Institute</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



## APPRAISER LICENSE



## APPRAISER DISCLOSURE STATEMENT

| APPRAISER DISCLOSURE STATEMENT                                                                                                                                                  |                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| In compliance with Ohio Revised Code Section 4763.12 (C)                                                                                                                        |                                                                                                                                                                                                                 |
| 1. Name of Appraiser                                                                                                                                                            | <u>Todd M. Schmutte</u>                                                                                                                                                                                         |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 2. Class of Certification/Licensure:                                                                                                                                            | <input checked="" type="checkbox"/> Certified General<br><input type="checkbox"/> Licensed Residential<br><input type="checkbox"/> Temporary <input type="checkbox"/> General <input type="checkbox"/> Licensed |
| Certification/Licensure Number:                                                                                                                                                 | <u>2007005172</u>                                                                                                                                                                                               |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 3. Scope: This report                                                                                                                                                           | <input checked="" type="checkbox"/> is within the scope of my Certification or License.<br><input type="checkbox"/> is not within the scope of my Certification or License.                                     |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 4. Service Provided By:                                                                                                                                                         | <input checked="" type="checkbox"/> Disinterested & Unbiased Third Party<br><input type="checkbox"/> Interested & Biased Third Party<br><input type="checkbox"/> Interested Third Party on Contingent Fee Basis |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 5. Signature of person preparing and reporting the appraisal                                                                                                                    |                                                                                                                             |
| <b>This form must be included in conjunction with all appraisal assignments or specialized services performed by a state-certified or state licensed real estate appraiser.</b> |                                                                                                                                                                                                                 |

State of Ohio  
Department of Commerce  
Division of Real Estate  
Appraisal Section  
Cleveland (216) 787-3100

ACQUIRING AGENCY'S  
FAIR MARKET VALUE ESTIMATE

OWNER'S NAME

**EVR Investments, LLC**

COUNTY **BUT**  
ROUTE **Oxford Trail**  
SECTION **Phase V**  
PARCEL NO. **1-SH**  
PROJECT I.D. NO. **117001**

|                            | PAR NO. | ITEMS INCLUDED IN THIS ESTIMATE                   |      |          | ORIGINAL | REVISION | REVISION |  |
|----------------------------|---------|---------------------------------------------------|------|----------|----------|----------|----------|--|
| L<br>A<br>N<br>D           | 1-SH    | 2.606 acres @ \$30,000 /ac. (minus \$1) =         |      |          | \$78,179 |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| F<br>E<br>N<br>C<br>E      |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| T<br>R<br>E<br>E<br>S      |         | NO.                                               | KIND | AV. SIZE |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| O<br>T<br>H<br>E<br>R      | 1-SH    | Miscellaneous Voluntary Growth (merged with land) |      |          | \$0      |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| B<br>L<br>D<br>G           |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| D<br>A<br>M<br>A<br>G<br>E |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
|                            |         |                                                   |      |          |          |          |          |  |
| E<br>L                     |         | TOTAL FAIR MARKET VALUE FOR REQUIRED R/W          |      |          | \$78,179 |          |          |  |
|                            |         | OFFER FOR REQUIRED R/W AND EXCESS LAND            |      |          |          |          |          |  |
|                            |         | ADDED COST TO ACQUIRE EXCESS LAND                 |      |          |          |          |          |  |
|                            |         | VALUE                                             | AREA |          |          |          |          |  |

|                                                                                             |             |                                                                                      |               |
|---------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------|---------------|
| The allocation of compensation recommended above is based upon an approved appraisal report |             |                                                                                      |               |
| Trainee's Recommendation                                                                    |             | Recommended                                                                          |               |
| Date                                                                                        | .           |  | Date 8/5/2024 |
| Review Appraiser Typed Name                                                                 |             | Review Appraiser Typed Name Rebecca A. Belcastro                                     |               |
| Recommended                                                                                 |             | Recommended                                                                          |               |
| Date                                                                                        | .           | Date                                                                                 | .             |
| 2 <sup>nd</sup> Review Appraiser                                                            |             | Appraisal Unit Manager                                                               |               |
| Agency Signature Establishing FMVE                                                          |             | Administrative Settlement / Case Settlement                                          |               |
|          | Date 8/9/24 | Date                                                                                 | .             |
| Typed Name & Title Scott Otto, P.E. - City Engineer                                         |             | Typed Name & Title                                                                   |               |
| Agency Name City of Oxford, Ohio                                                            |             | Agency Name                                                                          |               |



| APPRAISAL AND REVIEW RECORD |                       |                 |                  |            |              |             |                            |
|-----------------------------|-----------------------|-----------------|------------------|------------|--------------|-------------|----------------------------|
| FEE/STAFF                   | APPRAISER             | VALUE OF TAKING | DATE APPR SIGNED | TOTAL TAKE | PARTIAL TAKE | TYPE REPORT | TYPE OF SPECIALISTS REPORT |
| FEE                         | Todd M. Schmutte, MAI | \$78,179        | 8/2/2024         |            | X            | RE25-17     | None                       |
|                             |                       |                 | .                |            |              |             |                            |
| REVIEW APPRAISER            | ORIGINAL              |                 | REVISION         |            | REVISION     |             | REVISION                   |
|                             | AMOUNT                | DATE            | AMOUNT           | DATE       | AMOUNT       | DATE        | AMOUNT DATE                |
| Rebecca A. Belcastro        | \$78,179              | 8/5/2024        |                  | .          |              | .           |                            |
|                             |                       | .               |                  | .          |              | .           |                            |

### Reviewer's Reasoning for the Recommendation:

The reviewer has accepted the valuation derived within the appraisal report as it reasonably supports FMVE. The subject property is addressed as 4160 Oxford Reily Road, Oxford, OH 45056 and is alternatively located on the east side of Oxford Reily Road, south of Dana Drive, within the City of Oxford, Butler County, Ohio. The property contains a total of 67.376 acres gross with 0.000 acres of P.R.O. for a net area of 67.376 acres. This area is comprised of a single Auditor's parcel within the Butler County records (H4100-132-000-001) and is considered to be the larger parcel for purposes of this report. The subject is currently an agricultural site that contains several agriculturally utilized structures; however, these improvements have not been considered within this appraisal as they do not contribute to value based on the highest and best used of the subject property. Additionally, the appraisal report was completed as a limited scope and values only the underlying land. Access to the interior of the site is available along the Oxford Riley Road frontage and potentially via the southern terminus of David Drive.

The subject property is zoned R-1B, Single-Family Medium-Density Residential District, under the City of Oxford zoning information. Based on the parameters noted within this information, the subject is considered to be a legal, conforming use in both the "Before" and "After" situations.

The highest and best use of the subject property, as vacant, would be for single-family residential development use as permitted by the current zoning and the site characteristics.

The proposed acquisition from the subject property includes one Standard Highway Easement taking. This taking, known as Parcel 1-SH, contains 2.606 gross and net acres, and is an irregular-shaped, strip-type acquisition that is located along the entire northern property boundary. Compensation for this parcel is warranted at 100% of fee value, minus \$1 to recognize the underlying fee ownership that remains with the property owner. This acquisition is required for the pending improvement project, which is the "*construction of approximately 1.7 miles of multi-use trail from Oxford Reily Road (SR 732) to Phase 3 of the trail and approximately 0.7 mile of multi-use trail connection to Chestnut Street.*" There are no site improvements that require compensation within this area as the area is covered with natural growth which is merged with the underlying land value. Compensation cannot be considered for any items that are encroaching (within the existing P.R.O.).

The subject residue will contain a net residue of 67.376 acres gross with new P.R.O. of 2.606 acres for a net area of 64.770 acres. This residue area is based on the information provided and the effect of the improvement project. The subject will continue to have a very similar configuration, roadway frontage and the same access as before from the abutting roadway(s). There is an overall reduction to the net size, but this does not reduce the current use or development potential for this land. The highest and best use remains the same. The subject property is not considered to be damaged as the result of this project and continues to be a legal, conforming use.

The overall report seems reasonable and supported by the market data. The appraisal report contains no major deficiencies. If there are any minor typographical omissions/errors, they are not considered to affect the validity and/or credibility of the appraisal report. The review appraiser has viewed the property and the comparable sales, reviewed the report and the appraisal is accepted as the basis for determining FMVE.

Rebecca A. Belcastro, Owner / Review Appraiser  
Belcastro Valuation Services, LLC

|         |                      |
|---------|----------------------|
| County  | BUT                  |
| Route   | Oxford Trail         |
| Section | Phase V              |
| Parcel  | 1-SH                 |
| PID #   | 117001               |
| Owner   | EVR Investments, LLC |

This appraisal review template is to be used for the review of R/W Appraisal Reports that have been prepared to estimate compensation to owners for the part taken and damages, if any, to the part not taken. R/W Appraisal Reports prepared for the Department must comply with instructions included in the template for the form RE 25-17 as well as ODOT's Real Estate Manual and with the USPAP.

- |                                                        |   |                                                                                                                                                        |
|--------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Recommended</b> | = | The report meets the many Federal and State requirements (including USPAP) and is recommended as the basis for the acquiring agency's offer.           |
| <input type="checkbox"/> <b>Accepted</b>               | = | The report meets the many Federal and State requirements (including USPAP) but is not recommended as the basis for the acquiring agency's offer.       |
| <input type="checkbox"/> <b>Not Accepted</b>           | = | The report does not meet the many Federal and State requirements (including USPAP) and will not be used as the basis for the acquiring agency's offer. |

1. **State the identity of the client: [SR 4-2(a)]**

The client is the City of Oxford through its agent O.R. Colan Associates.

2. **State the identity of any intended users of this appraisal review: [SR 4-2(a)]**

The intended users of the appraisal review are the City of Oxford through its agent O.R. Colan Associates, the client, client's legal council, a court of law, the property owner, and the report is a public record.

3. **State the intended use of this appraisal review: [SR 4-2(b)]**

The intended use of the reviewer's opinions and conclusions are to assist the City of Oxford through its agent O.R. Colan Associates in establishing F.M.V.E. in compliance with the Uniform Act, Ohio law and the appropriate Federal and State regulations, or, to provide a documented reason as to why the appraisal report is not acceptable, or, is not to be used as a basis to establish F.M.V.E.

4. **State the purpose of the appraisal review: [SR 4-2(c)]**

The purpose of this appraisal review is to:

- (i) determine if the appraisal meets the definition of an appraisal found in 49 CFR 24.2(a)(3) and OAC 5501:2-5-01(B)(3);
- (ii) determine if the appraisal meets the appraisal requirements found in 49 CFR 24.103 and the OAC 5501:2-5-06 (C)(1)(b);
- (iii) determine if the appraisal meets published ODOT procedures regarding the RE 25-17 Summary R/W Appraisal Report format;
- (iv) determine if the appraiser's data, reasoning and support are adequate for the value conclusion(s) reported in the analysis, and;

- (v) if the appraisal report is concluded to be adequate, make a determination if the report is to be recommended as a basis for the establishment of the amount of just compensation which is FMVE.

**5. Identify the work under review: [SR 4-2(d)]**

**(i) Identify the ownership interest of the property that is the subject of the work under review;**

Fee Simple Interest

**(ii) Identify the date of the work under review;**

8/2/2024

**(iii) Identify the effective date of the opinions or conclusions in the work under review;**

6/21/2024

**(iv) Identify the appraiser who completed the work under review.**

Todd M. Schmutte, MAI

**6. State the date of this appraisal review report: [SR 4-2(e)]**

Appraisal Review Report Date: 8/5/2024

**7. State any extraordinary assumptions of this appraisal review and that their use might have affected the assignment results: [SR 4-2(f)]** *(Comment: An extraordinary assumption may be used in a review assignment only if:*

- *it is required to properly develop credible opinions and conclusions;*
- *the reviewer has a reasonable basis for the extraordinary assumption;*
- *use of the extraordinary assumption results in a credible analysis; and*
- *the reviewer complies with the disclosure requirements set forth in USPAP for extraordinary assumptions.)*

No additional Extraordinary Assumptions, other than those considered within the appraisal report, were utilized within this appraisal review.

**State any hypothetical conditions of this appraisal review and that their use might have affected the assignment results: [SR 4-2(f)]** *(Comment: A hypothetical condition may be used in a review assignment only if:*

- *use of the hypothetical condition is clearly required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison;*
- *use of the hypothetical condition results in a credible analysis; and*
- *the reviewer complies with the disclosure requirements set forth in USPAP for hypothetical conditions.)*

No additional Hypothetical Conditions, other than those considered within the appraisal report, were utilized within this appraisal review.

*[Note: The review appraiser's use of extraordinary assumptions or hypothetical conditions without the client's prior knowledge is contrary to the spirit of USPAP. These items should be discussed with the client during the definition of the problem phase of the appraisal review assignment or as soon as the review appraiser becomes aware of the need to incorporate them in the assignment so they can be incorporated into the scope of work. The review appraiser should never wait until the final report to reveal to the client the use of these items in the assignment. The reviewer is required to obtain prior approval from the agency in order to use an extraordinary assumption or hypothetical condition ODOT Real Estate Manual Sec. 4000.05(D)&(E).*

**8. State the scope of work used to develop this appraisal review: [SR 4-2(g)]**

**(i) To identify the extent of the review process, the reviewer has:**

- ☒ Reviewed the right of way plans
- ☒ Reviewed construction plans

- ☒ Viewed subject property
- ☒ Viewed comparable properties
- ☒ Read the appraisal report

(ii) Analyzed the appraisal report for compliance with:

- ☒ Uniform Act/ 42USC CH 61/49 CFR Part 24
- ☒ O.R.C. 163/OAC 5501:2-5-06
- ☒ ODOT Real Estate Manual Sections 4100 to 4500
- ☒ USPAP

(iii) Analyzed the appraisal for:

- ☒ Appraisal theory and techniques
- ☒ Proper before and after analysis
- ☒ Mathematical accuracy
- ☒ Reasonableness and consistency
- ☒ Fair, supportable compensation

### Review of the RE 25-17 Summary R/W Appraisal Report

9. Did the appraiser use the Form RE 25-17(Revised 01-2014)? ☒ Yes ☐ No
10. The appraiser included the Certificate of Appraiser: Form RE 25-6 (Revised 1-2014)? ☒ Yes ☐ No
11. Is the appraiser an approved ODOT consultant, or an approved agency staff appraiser? ☒ Yes ☐ No
12. Is there a copy of the Appraisal Scoping Checklist in the appraisal report? ☒ Yes ☐ No
13. Are the Appraisal Scoping Checklist signed by the appraiser, review appraiser, and agency official? ☒ Yes ☐ No
14. Has the appraiser adequately complied with the scope of work outlined in the Appraisal Scoping Checklist? ☒ Yes ☐ No
15. Are there tenant-owned improvements classified as real property? ☐ Yes ☒ No
  - 15a. If yes, did the appraiser allocate a contributory value to the tenant-owned improvements? ☐ Yes ☐ No ☒ N/A
  - 15b. If yes, how will salvage value be addressed on the form RE 22-1?

### Review of Part 1 – Introduction

16. Did the appraiser include any extraordinary assumptions or hypothetical conditions? ☒ Yes ☐ No
  - 16a. If yes, were the assumptions or conditions agreed to by the client? ☒ Yes ☐ No ☐ N/A

17. Does the use of any assumptions or conditions effect the credibility of the report? ☐ Yes ☒ No
18. Is this a "Limited Scope" Appraisal? ☒ Yes ☐ No ☐ N/A
- 18a. If yes, what are the limitations of the scope?
- Land only
- 18b. If yes, did the appraiser comply with the limitations of the scope? ☒ Yes ☐ No ☐ N/A
19. Did the appraiser adequately comply with Part 1 of the RE 25-17? ☒ Yes ☐ No

#### Review of Part 2 – Factual Data Before The Taking

20. Did the appraiser adequately comply with Part 2 of the RE 25-17? ☒ Yes ☐ No
- 20a. If No, explain below and also conclude whether the appraisal is still credible;

#### Review of Part 3 – Valuation Before The Taking

21. What is the value of the whole property – Before the taking? \$2,021,280.00
22. Has the appraiser considered all relevant and reliable approaches to value? ☒ Yes ☐ No
23. Did the appraiser adequately comply with Part 3 of the RE 25-17? ☒ Yes ☐ No
- 23a. If no, explain below and also conclude whether the appraisal is still credible.

#### Review of Part 4 – Analysis of The Take

24. What is the allocated value of those items in the take area, if any?

|                   |                |
|-------------------|----------------|
| Land              | \$78,179       |
| Site Improvements | \$0            |
| Structures:       | \$0            |
| Total=Part Taken: | <hr/> \$78,179 |

25. Did the appraiser adequately comply with Part 4 of the RE 25-17? ☒ Yes ☐ No
- 25a. If no, explain below and also conclude whether the appraisal is still credible

## Review of Part 5 – Factual Data After The Taking

☒ N/A due to limited scope of work

26. Has the appraiser adequately described the residue in its uncured condition? ☐ Yes ☐ No

26a. What is the effect of the taking on the uncured residue property?

*[Reviewer must discuss changes in H&B Use or changes in intensity of H&B Use]*

27 Did the appraiser consider a cure? ☐ Yes ☐ No

27a. If yes, has the appraiser adequately described the residue in its cured condition? ☐ Yes ☐ No

27b. What is the effect of the taking on the cured residue?

*[Reviewer must discuss changes in H&B Use or changes in intensity of H&B Use]*

28. Did the appraiser adequately comply with Part 5 of the RE 25-17? ☒ Yes ☐ No

28a. If no, explain below and also conclude whether the appraisal is still credible

## Review of Part 6 - Valuation of the Residue Uncured

☒ N/A due to limited scope of work

29. Did the appraiser value the residue uncured? ☐ Yes ☐ No

30. Has the appraiser considered all relevant and reliable approaches to value? ☐ Yes ☐ No

31 What are total damages uncured;

|                          |         |
|--------------------------|---------|
| Value Before the Taking  | \$      |
| Value of the Residue     | (-) \$0 |
| Difference               | \$0     |
| Part Taken               | (-) \$  |
| Total Damages if Uncured | \$0     |

32. Did the appraiser adequately comply with Part 6 of the RE 25-17? ☐ Yes ☐ No

32a. If no, explain below and also conclude whether the appraisal is still credible.



**Review of Part 7 - Feasibility of the Cost-To-Cure**☐ Yes ☐ No

33. Was a Cure considered?

33a. If Yes, briefly describe the cure.

33b. If Yes, Is the cure feasible?

☐ Yes ☐ No

34. Did the appraiser adequately comply with Part 7 of the RE 25-17?

☐ Yes ☐ No

34a. If No, explain below and also conclude whether the appraisal is still credible;

**Review of Part 8 - Valuation of the Residue As Cured**☐ N/A due to limited scope of work

35. Did the appraiser value the residue cured?

☐ Yes ☐ No

36. Has the appraiser considered all relevant and reliable approaches to value?

☐ Yes ☐ No

37. Are there damages remaining after the cure has been considered?

|                               |              |
|-------------------------------|--------------|
| Value of the Residue as Cured | \$ _____     |
| Value of the Residue Uncured  | (-) \$ _____ |
| Value of the Cure             | \$0          |
| <hr/>                         |              |
| Total Damages, if Uncured     | \$ _____     |
| Value of the Cure             | (-) \$0      |
| Remaining Damages Uncured     | \$0          |

37a. Reviewer's explanation of remaining uncured damages

38. How has the Net Cost-to-Cure been addressed?

|                                      |              |
|--------------------------------------|--------------|
| Cost to Cure                         | \$ _____     |
| Items cured but paid for in the take | (-) \$ _____ |
| Net Cost -to-Cure                    | \$0          |

38a. Reviewer's explanation of Net Cost-to-Cure:

39. Did the appraiser adequately comply with Part 8 of the RE 25-17?

☐ Yes ☐ No

39a. If no, explain below and also conclude whether the appraisal is still credible.

## Review of Part 9- Compensation Estimate for Temporary Easements

☒ N/A

40. Did the appraiser adequately and reasonably consider any temporary easements? ☐ Yes ☐ No

41. Was the compensation for the temporary based upon the residue property? ☐ Yes ☐ No

## Review of Part 10 - Valuation Summary and Compensation Estimate

42. Allocate the appraiser's estimate of compensation:

### The Compensation Estimate

|                              |     |                 |
|------------------------------|-----|-----------------|
| <b>The Part Taken</b>        |     | <b>\$78,179</b> |
| <b>Damages</b>               |     |                 |
| Net Cost to Cure             | \$0 |                 |
| Damages Uncured              | \$0 |                 |
| Total Damages                |     | <b>\$0</b>      |
| <b>+ Temporary Easements</b> |     | <b>\$0</b>      |
| <b>Total Compensation</b>    |     | <b>\$78,179</b> |

43. Did the appraiser adequately comply with Part 10 of the RE 25-17? ☒ Yes ☐ No

43a. If no, explain below and also conclude whether the appraisal is still credible.

44. State the reviewer's opinions and conclusions about the work under review,  
Including the reasons for any disagreement. [SR4-2(H)]

*The reviewer's final comments should adequately set forth conclusions about the following:*

- Does the appraisal comply with the USPAP?
- Does the appraisal comply with the real estate appraisal procedures of the Ohio Department of Transportation?
- In the reviewer's opinion, is the estimate of compensation estimated by the appraiser fair and reasonable, adequately supported in compliance with procedure and does it adequately consider compensation for the part taken and damages, if any, to the part not taken in accordance with Ohio laws for compensation?
- Does the reviewer recommend the appraisal report as the basis for the Agency's offer of FMVE to the property owner?

The appraisal complies with USPAP and the real estate appraisal procedures of ODOT. It is the reviewer's opinion that the estimate of compensation provided by the appraiser is fair and reasonable, and accurately supported for the part taken. The reviewer recommends that the report supports the basis for establishing FMVE.

## Reviewer's Certification

### I disclose that:

- ☐ I am an employee of the Ohio Department of Transportation approved to perform appraisal review services.
- ☒ I am a consultant approved by the ODOT Office of Consultant Services to perform appraisal review services for ODOT projects and Federally funded projects.
- ☒ I have not provided any services regarding the subject property within the three-year period immediately preceding acceptance of the assignment, as an appraiser or in any other capacity. *(If this box is not checked then the appraiser must provide an explanation and clearly and conspicuously disclose whatever services have been provided for this property in the past three years.)*
- ☐ No one provided significant real property appraisal review assistance to the person signing this certification. If this box is not checked then the appraiser must explain below:  
*(Nicholas J. Belcastro, MAI, AI-GRS (Certified General: ACG2015004211) assisted the review appraiser with the desk review and field viewing of the subject property and of the comparable data)*

### I certify that, to the best of my knowledge and belief:

- ❖ The statements of fact contained in this report are true and correct.
- ❖ I have physically viewed the subject property and the take area of the subject property of the work under review.
- ❖ I have personally viewed the comparable sales in the field used in the valuation.
- ❖ The Appraisal Report reviewed complies with Sections 4000 through 4500 of the Real Estate Manual promulgated by the Office of Real Estate, Ohio Department of Transportation.
- ❖ That I understand that such appraisal review report may be used in connection with the acquisition of right of way for a transportation project to be constructed by the State of Ohio with the assistance of Federal-Aid Highway Funds or other Federal Funds.
- ❖ That such appraisal review report has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right of way for such purposes; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of Ohio.
- ❖ The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- ❖ I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved.
- ❖ I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- ❖ My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- ❖ My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- ❖ My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- ❖ My analyses, opinions, and conclusions were developed, and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- ❖ That I have not revealed the findings and results of such appraisal review report to anyone other than the proper officials of the Ohio Department of Transportation or officials of the Federal Highway Administration, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

❖ My class of certification is: Certified General Real Estate Appraiser

This appraisal review report:

☒ is within the scope of my certification or licensure

☐ is not within the scope of my certification or licensure

❖ My certification/license number is: 2007004534

Appraisal Reviewer Signature Rebecca A. Belcastro

Typed Name Rebecca A. Belcastro



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                                                                                             |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                                                                                      |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                                                                                           |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                                                      |
| <b>AGENDA TITLE:</b>                    | An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Or Near Gardenia Drive For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct The Oxford Area Trail System Phase V, In The City Of Oxford, Ohio. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                                                                                             |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                                                                                                         |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                                                                                                       |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                                                                                             |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                                                                                                                                                                                                                                 |

---

### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on approximately 11 parcels of land. While most property owners have successfully negotiated fair market value transactions for their property, there are two parcels that have not yet come to an agreement with the City.

The City contracted with O R Colan to oversee fair market value negotiations with property owners impacted by the OATS project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to

design plans to minimize the impact to businesses and properties that will be affected by the project. Of the two properties that have not been resolved, Fair Market Value (FMV) estimates are \$54,999 and \$78,179. Should all the properties settle for FMV, the cost will be \$133,178.

Service Department staff recommend moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The City has encumbered \$6.6M to acquire the necessary ROW for the project and to complete Phase V construction. Staff recommends Council approve an Ordinance to appropriate for public use, all right title and interest in the described parcel for the purpose of acquiring permanent rights of way to construct the infrastructure improvement known as Oxford Area Trail System - Phase V.



## **ORDINANCE NO.**

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ON OR NEAR GARDENIA DRIVE FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT THE OXFORD AREA TRAIL SYSTEM PHASE V, IN THE CITY OF OXFORD, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, BY TWO-THIRDS OF ALL COUNCIL MEMBERS ELECTED CONCURRING THAT:

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 7680 passed February 18, 2025 declared its intention to appropriate certain real property hereinafter described as a permanent and temporary rights-of-way for construction for the OATS Phase V which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

SECTION 2: The City's acquisition of a fee interest and temporary interest in the real property described in Section 3 here below is necessary for public right-of-way, and the construction of public improvements, and the property is hereby appropriated for a public use. Council finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

SECTION 3: That the lands and estates or interests therein to be appropriated, being necessary for a public right-of-way and road improvement, are located on or near Gardenia Drive, Oxford, Ohio 45056, and include the following:

Permanent Easement over 1DSH, PID 117001, hereby attached and incorporated by reference as Exhibit "A"

SECTION 4: The Law Director is hereby authorized and directed to apply to the Court of Common Pleas, Butler County, Ohio for the purposes of assessing the compensation to be paid for said real property.

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$54,999.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW(STAFF)

RE 25-17  
Revised 01/2014

## RIGHT OF WAY APPRAISAL REPORT

### IDENTIFICATION OF SUBJECT PROPERTY:

Eastern terminus of Gardenia Drive and  
northern and eastern terminus of Silverleaf Drive  
Oxford, Butler County, Ohio

### IDENTIFICATION OF PROJECT/PARCEL:

BUT-Oxford Trail Phase V  
Parcel 10 – Lara C. Osborne, Trustee  
PID: 117001  
SJN: N/A  
FPN: N/A

### PREPARED FOR:

O.R. Colan Associates  
8790 Governor's Hill Dr., Suite 101  
Cincinnati, OH 45249

### PREPARED BY:

Todd M. Schmutte, MAI  
Beck Consulting, Inc.  
Town Hall on the Green—4B  
5380 Pleasant Avenue  
Fairfield, Ohio 45014  
513.942.5000

### DATE OF VALUE:

June 21, 2024



| Allocation of Compensation to the Part Taken |            |              |                                                         |           |           |
|----------------------------------------------|------------|--------------|---------------------------------------------------------|-----------|-----------|
| Land                                         | Parcel No. | Area (Acres) | Description                                             | Amount    |           |
|                                              | 10-SH      | 0.123        | Future Development Land @ \$40000 per acre x 100% - \$1 | \$ 4,919  |           |
|                                              | 10-SH2     | 1.252        | Future Development Land @ \$40000 per acre x 100% - \$1 | \$ 50,080 |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Land Taken               |            |              |                                                         |           | \$ 54,999 |
| Site Improvements                            | 10-SH/SH2  | N/A          | Miscellaneous voluntary growth (no compensation)        | \$ -      |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Site Improvements Taken  |            |              |                                                         |           | \$ -      |
| Structures                                   |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
|                                              |            |              |                                                         |           |           |
| Total Allocation to Structures Taken         |            |              |                                                         |           | \$ -      |
| Total Allocation to Part Taken               |            |              |                                                         |           | \$ 54,999 |

| Allocation of Compensation to Damages |                                     |      |             |        |      |
|---------------------------------------|-------------------------------------|------|-------------|--------|------|
| Damages                               | Cost-to-Cure/Net Cost-to-Cure       |      |             |        |      |
|                                       | Parcel No.                          | Area | Description | Amount |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       | Total Allocation to Cost-to-Cure    |      |             |        | \$ - |
|                                       | Uncured Damages                     |      |             |        |      |
|                                       | Parcel No.                          | Area | Description | Amount |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       |                                     |      |             |        |      |
|                                       | Total Allocation to Uncured Damages |      |             |        | \$ - |
|                                       | Total Allocation to Damages         |      |             |        | \$ - |

| Allocation of Compensation to Temporary Easements |            |              |             |        |
|---------------------------------------------------|------------|--------------|-------------|--------|
| Temporaries                                       | Parcel No. | Area (acres) | Description | Amount |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
|                                                   |            |              |             |        |
| Total Allocation to Temporary Damages             |            |              |             | \$ -   |

| Estimate of Total Compensation |                                         |    |    |           |    |
|--------------------------------|-----------------------------------------|----|----|-----------|----|
|                                | Total Allocation to the Part Taken      |    | \$ | 54,999    |    |
|                                | Damages                                 |    |    |           |    |
|                                | Total Allocation To Cost-to-Cure        | \$ |    |           | -  |
|                                | Total Allocation To Uncured Damages     | \$ |    |           | -  |
|                                | Total Damages                           |    |    |           | \$ |
|                                | Total Allocation to Temporary Easements |    | \$ | -         |    |
| Total Compensation             |                                         |    |    | \$ 54,999 |    |

RE 25-6  
Rev. 01-2014

## CERTIFICATE OF APPRAISER

COUNTY Butler

ROUTE Oxford Trail

SECTION Phase 5

PARCEL # 10

PID # 117001

STATE JOB # N/A

FEDERAL PROJECT # N/A

I hereby certify:

That on June 21, 2024, I personally made a field inspection of the property herein appraised, and that I have afforded Lara Osborne, property owner, the opportunity to meet me at the time of the site visit. The property owner did not respond to an inspection letter request dated May 30, 2024.

I have also, during 2024, personally made a field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein above set forth are true, and the information upon which the opinions expressed herein are based is correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are my personal, impartial, and unbiased professional analysis, opinions, and conclusions. I agree with all statements provided in this report.

That I understand that such appraisal may be used in connection with the acquisition of right-of-way for a transportation project to be constructed by the city of Oxford with the highway to be constructed with the assistance of Federal-aid highway funds or other Federal Funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of Ohio.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised, and no personal interest with respect to the parties involved.

That I, in determining the compensation for the property, have disregarded any decrease or increase in the fair market value of the real property that occurred prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner.





That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of O.R. Colan Associates or the city of Oxford, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as Federal regulation 49 CFR Part 24 and Ohio Administrative Code 5501:2-5-06.

Class of Certification/Licensure      ☒ Certified General      ☐ Certified Residential      ☐ Licensed Residential      ☐ Registered Assistant

☐ Temporary Certification or License

Certification License Number      2007005172

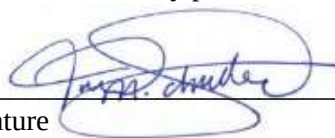
This ☒ is within the scope of my Certification or License report

☐ is not within the scope of my Certification or License.

I disclose that:

- ☐ I am an employee of the Ohio Department of Transportation (or Agency) and I am approved to perform appraisal services.
- ☒ I am a consultant approved by the ODOT – Office of Consultant Services to perform appraisal services for ODOT projects and Federally funded projects.
- ☒ I have not provided any services regarding the subject property within the three-year period immediately preceding acceptance of the assignment, as an appraiser or in any other capacity. If this box is not checked, then the appraiser must provide an explanation and clearly and conspicuously disclose whatever services have been provided for this property in the past three years.
- ☒ Lance R. Brown, MAI, AI-GRS and William King provided significant real property appraisal assistance to the person signing this certification. Mr. Brown and Mr. King assisted with comparable verification.

That my opinion of the fair market value of the property being acquired, including temporaries, as of June 21, 2024, is \$54,999 based upon my independent appraisal and the exercise of my professional judgment.



Signature

Todd M. Schmutte, MAI

Typed Name

August 8, 2024

Date Signed

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**5. PART 1 INTRODUCTION****6. EXECUTIVE SUMMARY**

|                        |                                                                                                                                                                         |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location:              | The subject property is at the eastern terminus of Gardenia Drive and the northern and eastern terminus of Silverleaf Drive in the city of Oxford, Butler County, Ohio. |
| Property Type:         | The subject property is an agricultural site. Any agricultural improvements are not considered in the scope of the appraisal.                                           |
| Land Areas             |                                                                                                                                                                         |
| Area of Larger Parcel: | The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres.                                 |
| Part Acquired:         |                                                                                                                                                                         |

| Parcel No. | Area                 | Rights Acquired           |
|------------|----------------------|---------------------------|
| 10-SH      | 1.375 acres (No PRO) | Standard Highway Easement |

|                                                 |                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Larger Parcel Before the Take:                  | The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres. The entire property is contiguous. There are no other parcels that share unity of title or unity of use with the subject property.                             |
| Residue Property:                               | In the after situation, the subject property will contain a total of 15.081 acres, with 1.375 acres classified as PRO, leaving a net land area of 13.706 acres. The residue will continue to have similar access after the project. No damage accrues to the residue relative to the before situation. |
| Estimated Compensation:                         | \$54,999                                                                                                                                                                                                                                                                                               |
| Identification of Plans Valuation Was Based On: | Plans provided by Bayer Becker with a most recent print date of May 23, 2024, were utilized.                                                                                                                                                                                                           |

## 7. SPECIAL ASSUMPTIONS OR CONDITIONS

### Hypothetical Conditions:

- *It is a hypothetical condition of this appraisal that any decrease or increase in the fair market value of the subject property that occurred prior to the date of valuation, caused by the public improvement project for which the subject property is to be acquired, has been disregarded. ORC 163.59(D) and 49 CFR 24.103(b) compel the appraiser to disregard the proposed public improvement that is the reason for this project. USPAP SR 1-4f requires the appraiser to consider the impact of any proposed public improvements. Therefore, value enhancements or value declines due to speculation about this project or condemnation blight have been disregarded. The use of this condition might have an effect on the assignment results.*

## 8. GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been made with the following general assumptions:

1. The report is considered valid only for whom it was prepared and for the stated purpose and function.
2. That the term market value, as herein used, is defined in this appraisal report.
3. That the date of value to which the opinions expressed in this report applies is set forth on the cover sheet of this report. The appraiser assumes no responsibility for economic or physical factors occurring at some later date that may affect the opinions herein stated.
4. That no opinion is intended to be expressed for legal matters or that would require specialized investigator knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.
5. That no opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.
6. That no engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.
7. That maps, plats, and exhibits included herein are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
8. That no opinion is expressed as to the value of subsurface oil, gas, or mineral rights, and that the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.
9. That the projections included in this report are utilized to assist in the valuation process and are based on current market conditions, anticipated short term supply and demand factors, and a continued stable economy. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicted by the appraiser and could affect the future income or value projections.
10. That testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance.
11. Information contained in this report is assumed to be correct but is not guaranteed.

12. Possession of this report or any copy thereof does not carry with it the right of publication. Disclosure of the contents of this report is governed by the Bylaws and Regulation of the Appraisal Institute. Neither all nor any part of the contents of this Report (especially any conclusions as to value, the identity of the Appraiser or the firm with which the appraiser is connected, or any reference to the Appraisal Institute) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication, without the prior written consent and approval of the author.
13. That no detailed soil studies covering the subject property were available to the appraiser. Therefore, premises as to soil qualities employed in this report are not conclusive but have been considered consistent with information available to the appraiser.
14. That the appraiser has personally inspected the subject property and finds no obvious evidence of structural deficiencies except as stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, can be assumed without provision of specific professional or governmental inspections.
15. That no consideration has been given in this appraisal to personal property located on the premises, or to the cost of moving or relocating such personal property; only the real property has been considered.
16. That the appraiser is not qualified to detect the existence of potentially hazardous material which may or may not be present on or near the property, such as the presence of formaldehyde foam insulation, existence of toxic waste, or the existence of asbestos insulation. The existence of such substances may influence the value of the property. No consideration has been given in our analysis to any potential diminution in value should such hazardous materials be found. We urge the client to retain an expert in the field before making a business decision regarding the property.
17. It is assumed any requirements under the Americans with Disabilities Act (ADA) for the subject property have been met. In the event any requirements are currently pending that would require modification to the existing structure, the appraiser reserves the right to amend this report and make any value adjustment considered necessary.

## 9. CERTIFICATION

*I certify that, to the best of my knowledge and belief:*

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services as an appraiser or in any other capacity regarding the subject property within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- Lance R. Brown, MAI, AI-GRS and William King provided significant real property appraisal assistance to the person signing this certification with comparable verification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Todd M. Schmutte, MAI has completed the requirements of the continuing education program of the State of Ohio and Appraisal Institute
- As of the date of this report, Todd M. Schmutte, MAI has completed the Standards and Ethics Education Requirements for Practicing Affiliates of the Appraisal Institute.
- As of the date of this report, Todd M. Schmutte, MAI has completed the continuing education program for Practicing Affiliates of the Appraisal Institute.



Todd M. Schmutte, MAI  
Ohio General Certified Appraiser No. 2007005172

August 8, 2024  
Date

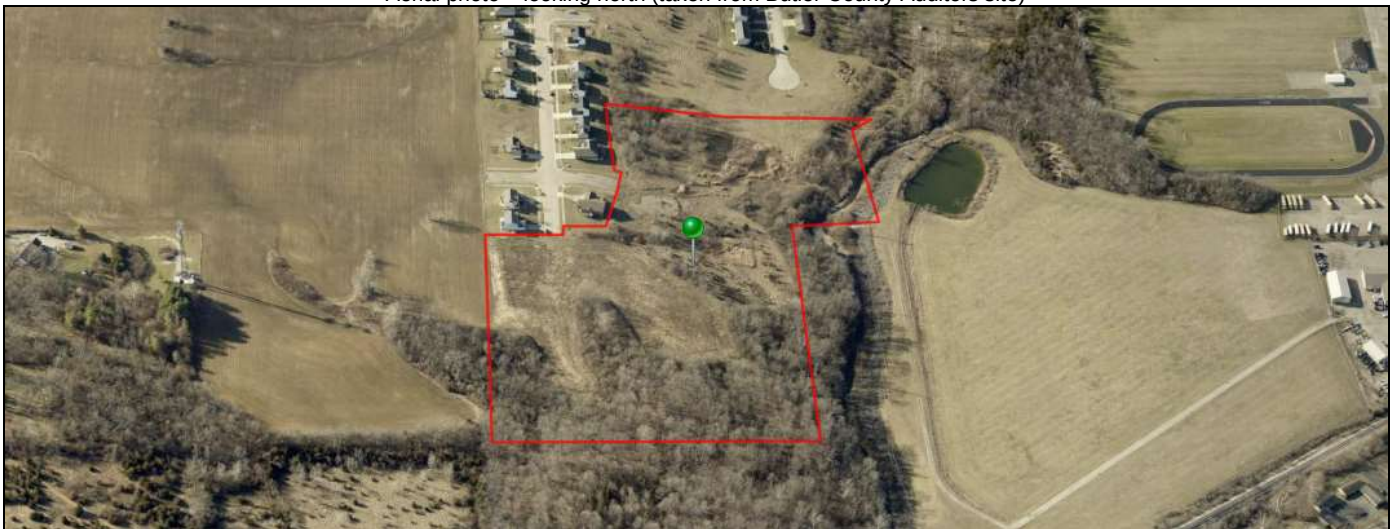


## 10. PHOTOS OF THE SUBJECT PROPERTY

Pictures were taken by Todd M. Schmutte, MAI on June 21, 2024.



Aerial photo – looking north (taken from Butler County Auditors site)



Aerial photo – looking west (taken from Butler County Auditors site)





Western property line facing south



Subject facing east



Subject facing north



Subject facing northwest



Gardenia Drive facing west

## **11. DECLARATION OF REPORTING OPTION**

This appraisal report includes the sales comparison approach of the land as if vacant. The cost approach and income approach are not detailed, as these approaches are not applicable to the property type. Any agricultural improvements are not considered in the scope of the appraisal.

## **12. IDENTIFY THE CLIENT AND ANY USERS**

The client is the City of Oxford through its agent O.R. Colan Associates. The users of the appraisal may include the client, the property owner, the client's legal counsel and a court of law.

## **13. STATE THE INTENDED USE OF THE APPRAISAL**

The appraisal, if recommended by the City of Oxford, may be used as a basis to establish the fair market value of the part taken and damages, if any, to the residue property. The appraisal will be given to the property owner during the negotiation process in compliance with Ohio law and it may be used as evidence in an appropriation case.

## **14. SUMMARIZE THE IDENTITY OF THE REAL ESTATE INVOLVED IN THE APPRAISAL**

The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres. The subject property is located on the eastern terminus of Gardenia Drive and the northern and eastern terminus of Silverleaf Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with any agricultural improvements excluded from this appraisal. The subject property is classified as a single larger parcel. There are no other properties in the immediate area that are contiguous with unity of title or unity of use as the subject property.

## **15. STATE THE REAL PROPERTY INTEREST BEING APPRAISED**

The real property interest being appraised is the fee simple interest in the whole property before the taking and the fee simple interest of the residue property after the taking.

## **16. STATE THE PURPOSE OF THE APPRAISAL**

The purpose of the appraisal is to estimate compensation to the property owner for the part taken and damages, if any, to the residue property due to the proposed highway project. Compensation is the total of the part taken, damages to the residue property (if any) and any temporary easement takings.

## **17. DEFINITION OF MARKET VALUE**

The definition of fair market value utilized by ODOT is based on the Ohio Jury Instruction [CV 609.05 Compensation] and is:

*You will award to the property owner(s) the amount of money you determine to be the fair market value of the property taken. Fair market value is the amount of money which could be obtained on the market at a voluntary sale of the property. It is the amount a purchaser who is willing, but not required to buy, would pay and that a seller who is willing, but not required to sell, would accept, when both are fully aware and informed of all the circumstances involving the value and use of the property. You should consider every element that a buyer would consider before making a purchase. You should take into consideration the location, surrounding area, quality and general conditions of the premises, the improvements thereon and everything that adds or detracts from the value of the property.*

The market value estimated in this appraisal is based on the regulatory requirement for Influence of the Project on Just Compensation, section 5501:2-5-06 (C)(2) of the Ohio Administrative Code, which requires the appraiser do the following:

*To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within reasonable control of the owner.*

## 18. DATES OF THE APPRAISAL

Date of the Report: August 8, 2024

Date of the Value Estimate: June 21, 2024

## 19. SUMMARIZE THE VALUATION PROBLEM AND SCOPE OF WORK NECESSARY FOR THE VALUATION PROBLEM

### The Valuation Problem

The identification of the problem is based on the identification of the client, intended users, the intended use, the purpose of the assignment, the effective date of the opinion, relevant property characteristics and extraordinary assumptions and hypothetical conditions. Each of these items has been discussed above.

The valuation problem has been created as a result of an acquisition by an agency authorized to exercise the right of eminent domain. The exercise of the eminent domain rights by the agency results in an involuntary taking of real property interests. Essentially, the valuation problem to be solved in this appraisal is the amount due to the property owner by reason of the acquisition.

In accordance with legal precedent, the entire property is appraised before the proposed project and the entire property is appraised after the proposed project. The difference between the value of the property before the project and the value after the project is the amount paid to the property owner as compensation for the effect of the project. Appraising the entire property before the project requires the identification of the larger parcel. *The Dictionary of Real Estate Appraisal, 7<sup>th</sup> edition*, published by the Appraisal Institute, defines the larger parcel as follows:

*In condemnation, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.*

The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres. The subject property is located on the eastern terminus of Gardenia Drive and the northern and eastern terminus of Silverleaf Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with any agricultural improvements excluded from this appraisal. The subject property is classified as a single larger parcel. There are no other properties in the immediate area that are contiguous with unity of title or unity of use as the subject property.

### The Scope of Work Necessary for the Valuation Problem

After defining the valuation problem and identifying the larger parcel, several independent investigations concerning the market within which the subject property is located were conducted. Included was an analysis of the subject property, demographic trends and market demand.

There were several independent sources used to analyze the subject's market area. Market area information was obtained from the Greater Cincinnati Regional Chamber of Commerce, the city of Oxford, Butler County, and information available from other secondary sources.

Site data was prepared after a physical inspection of the site. Information was obtained from right-of-way plans provided by the client and prepared by Bayer Becker with a most recent print date of May 23, 2024. Other information was provided by the Butler County Auditor, the City of Oxford, the United States Census Bureau, and information available from other secondary sources.

The highest and best use of the subject property is based on the legally permissible, physically possible, economically feasible, and maximally productive use for the subject property. The highest and best use analysis was applied to the subject property as if vacant. The highest and best use in the vacant situation was determined to be single-family residential development.

Market data was gathered from buyers, sellers, agents, other appraisers, as well as analysis of recorded transactions. Preliminary data for sales was gathered from companies that compile and publish public information. Market data was confirmed with individuals directly involved in, or close to, the transactions. The quality of the data was good, increasing the reliability of the conclusions.

A land value as if vacant is developed using the sales comparison approach of the land as if vacant and available for development.

The cost and income approaches are not detailed in this appraisal. Only the underlying land of the subject property is valued as part of the appraisal. All agricultural improvements are excluded from this appraisal. Therefore, the cost and income approaches are not utilized.

The proposed project will obtain a standard highway easement containing a total of 1.375 gross and net acres that will reduce the net land area from 15.081 acres to 13.706 acres. The residue will continue to have similar access after the project. No damage accrues to the residue relative to the before situation.

Lance R. Brown, MAI, AI-GRS and William King provided significant real property appraisal assistance to the person signing this certification with comparable verification.

## 20. EXPOSURE TIME

Exposure time for the subject property is based on the marketing time of comparable properties. Based on discussions with buyers, sellers and agents active in this property type, the marketing time for the subject property is estimated to be 12 months. Similar exposure time is adopted for the subject property.

## 21. RIGHT OF ACCOMPANIMENT

|                                                                |                       |
|----------------------------------------------------------------|-----------------------|
| Inspection by:                                                 | Todd M. Schmutte, MAI |
| Date of the Inspection:                                        | June 21, 2024         |
| Identification of the Person<br>Who Accompanied the Appraiser: | N/A                   |
| Relationship to the Owner of the<br>Property:                  | N/A                   |

## 22. PART 2 FACTUAL DATA BEFORE THE TAKING

### 23. IDENTIFICATION OF THE LARGER PARCEL – BEFORE THE TAKING

The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres. The subject property is located on the eastern terminus of Gardenia Drive and the northern and eastern terminus of Silverleaf Drive in the city of Oxford, Butler County, Ohio. The subject is an agricultural parcel with any agricultural improvements excluded from this appraisal. The subject property is classified as a single larger parcel. There are no other properties in the immediate area that are contiguous with unity of title or unity of use as the subject property.

### 24. LEGAL DESCRIPTION - BEFORE THE TAKING

Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city:

Beginning at the southwest corner of said lot and being in the center line of Kehr Road; thence from said point North 01°53' West along said center line, 304.50 feet; thence North 89°06' East, 190.00 feet to the southeast corner of Lot #987; thence North 01°53' West, 240.00 feet to the northeast corner of Lot #985; thence North 89°06' East, 453.50 feet to the southeast corner of Lot #1361; thence North 01°00' East, 348.19 feet to a concrete marker; thence South 28°00' East, 52.80 feet; thence South 23°15' East, 15.18 feet; thence North 79°30' East, 282.48 feet; thence South 07°30' East, 201.30 feet; thence South 89°37'30" East, 686.40 feet; thence South 03°08'35", East, 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89°09'12" West, 1689.46 feet to the point of beginning, containing 24.369 acres and subject to the legal right of way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot #812 as conveyed by John R. Harris to Bill Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, Page 195 of the deed records of Butler County, Ohio.

SAVING AND EXCEPTING THEREFROM that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B and C of the plat records of Butler County, Ohio, leaving in Tract II 15.081 acres, more or less, of Part Lot #812, City of Oxford, Ohio.

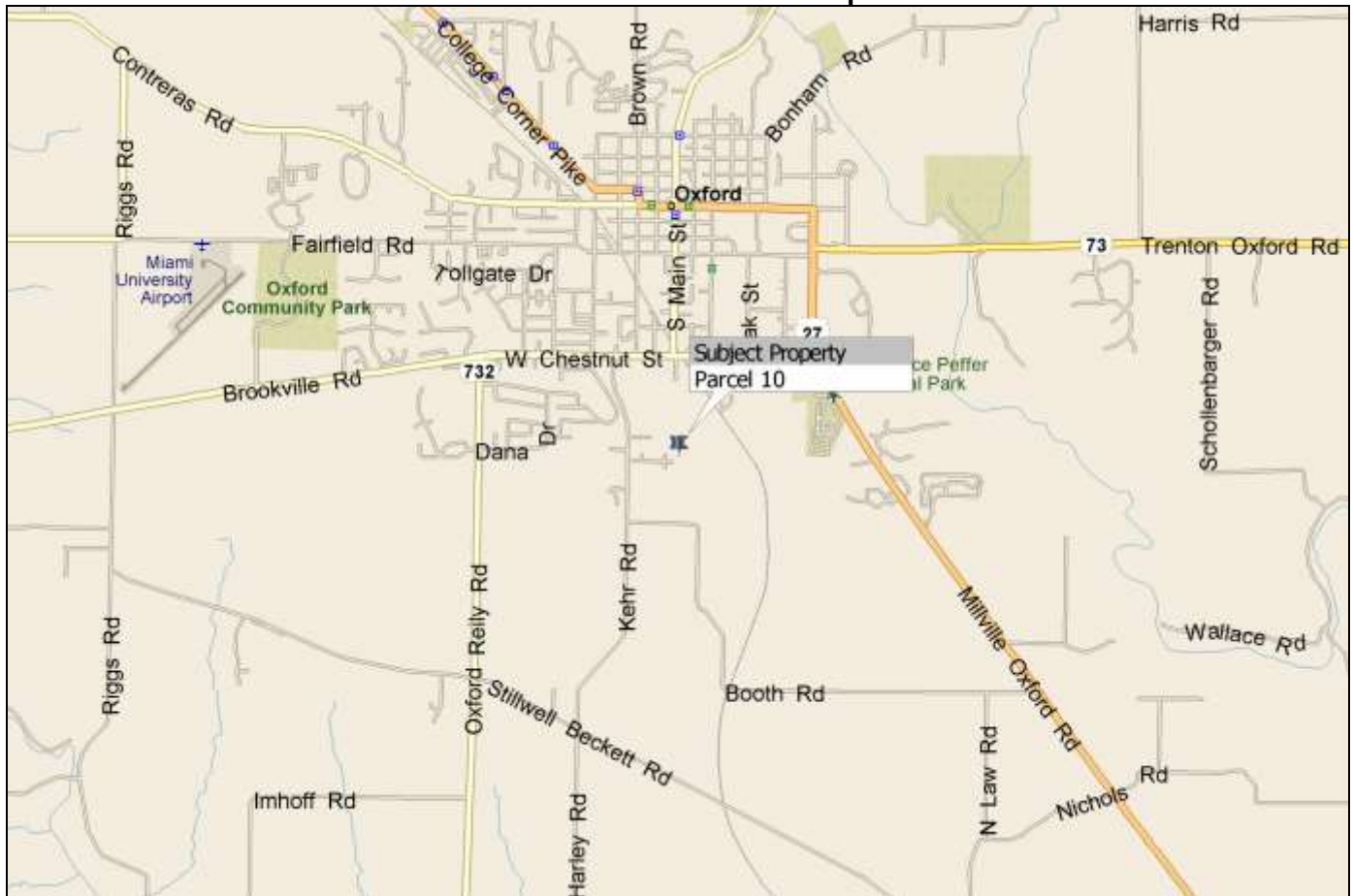


## 25. SUMMARIZE AREA, CITY AND NEIGHBORHOOD ANALYSIS

The subject property is in the southern portion of the city of Oxford, Ohio.

The market area description and analysis will provide the reader with an understanding of the role and function of the subject's immediate area within the larger community.

**Market Area Location Map**



“Market Area” is defined by the *Appraisal Institute’s The Dictionary of Real Estate Appraisal, 7<sup>th</sup> edition*, as:

*The geographic region from which a majority of demand comes and in which the majority of competition is located. Depending on the market, a market area may be further subdivided into components such as primary, secondary, and tertiary market areas, or the competitive market area may be distinguished from the general market area.*

The market area of the subject is the city of Oxford, which is further described.

There are four influences that affect value trends; these are social, economic, governmental and environmental.

## Social Influences

Social characteristics present in the subject neighborhood include population.

Based on the 2010 census, the population of the city of Oxford was 21,371 people, of which 10,162 were male and 11,209 were female. The population decreased slightly from 2000, which had a population of 21,943, a decrease of 2.6%. From 1990 to 2000, the population had increased 15.4% from 19,013. Oxford's population within a 1-, 3-, and 5-mile radius of the subject has been and is projected to remain stable or slightly increasing between the 2000 and 2010 census and beyond 2025.

Summarized in the following grids are the demographics within a 1-, 3-, and 5-mile radius of the subject property:

| Population              |               |               |               |
|-------------------------|---------------|---------------|---------------|
|                         | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2010 Population         | 16,939        | 23,443        | 27,657        |
| 2020 Population         | 17,822        | 25,161        | 29,438        |
| 2022 Population         | 17,656        | 25,085        | 29,378        |
| 2027 Population         | 17,574        | 25,051        | 29,317        |
|                         |               |               |               |
| 2010 – 2020 Annual Rate | 0.51%         | 0.71%         | 0.63%         |
| 2020 – 2022 Annual Rate | -0.42%        | -0.13%        | -0.09%        |
| 2022 – 2027 Annual Rate | -0.09%        | -0.03%        | -0.04%        |

In the identified area, the current year population is 29,378. In 2020, the Census count in the area was 29,438. The rate of change since 2020 was -0.09% annually. The five-year projection for the population in the area is 29,317 representing a change of -0.04% annually from 2022 to 2027. Currently, the population is 47.8% male and 52.2% female. The median age in this area is 23.8, compared to U.S. median age of 38.9.

| Households              |               |               |               |
|-------------------------|---------------|---------------|---------------|
|                         | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2010 Households         | 4,170         | 6,634         | 8,198         |
| 2020 Households         | 4,429         | 7,127         | 8,759         |
| 2022 Households         | 4,444         | 7,174         | 8,812         |
| 2027 Households         | 4,427         | 7,178         | 8,811         |
|                         |               |               |               |
| 2010 – 2020 Annual Rate | 0.60%         | 0.72%         | 0.66%         |
| 2020 – 2022 Annual Rate | 0.15%         | 0.29%         | 0.27%         |
| 2022 – 2027 Annual Rate | -0.08%        | 0.01%         | 0.00%         |

The household count in this area has changed from 8,759 in 2020 to 8,812 in the current year, a change of 0.27% annually. The five-year projection of households is 8,811, a change of 0.00% annually from the current year total. The average household size is currently 2.37, compared to 2.39 in the year 2020. The number of families in the current year is 3,852 in the specified area.



| Income                       |               |               |               |
|------------------------------|---------------|---------------|---------------|
|                              | 1-Mile Radius | 3-Mile Radius | 5-Mile Radius |
| 2022 Median Household Income | \$20,883      | \$40,525      | \$50,690      |
| 2022 Avg Household Income    | \$59,623      | \$79,010      | \$83,641      |
| 2022 Per Capita Income       | \$16,061      | \$24,049      | \$26,394      |

Current median household income is \$50,690 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$60,330 in five years, compared to \$84,445 for all U.S. households. Current average household income is \$83,641 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$100,082 in five years, compared to \$122,155 for all U.S. households. Current per capita income is \$26,394 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$31,392 in five years, compared to \$47,064 for all U.S. households.

## Housing

Currently, 42.7% of the 9,838 housing units in the area are owner occupied; 46.8%, renter occupied; and 10.4% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 9,744 housing units in the area and 10.1% vacant housing units. The annual rate of change in housing units since 2020 is 0.43%. Median home value in the area is \$295,812, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 2.18% annually to \$329,435.

## Economic Influences

Miami University is the dominant economic force in the community. The economic health this University is sound, its student population is stable, and the future demand for its services is assured. The University provides Oxford with a very predictable annual pattern of demand on the services of the community. Miami University, established in 1809, is state supported and has three campuses: Oxford and branches, Middletown and Hamilton.

The subject property is in a stable neighborhood in the northwestern section of Greater Cincinnati. The property has access to the rest of the MSA through US Route 27. Newer retail development in the area consists of new construction of surrounding a Wal-Mart super store northwest of the subject property. There has been new development of office, retail and multi-family uses closer to campus, especially along High Street and Locust Street.

## Governmental Considerations

The City is operated under a Council Manager type of government with seven council members elected at large. There is a 45-person volunteer fire department and life squad and a 30-person police department. The City has a Class Six fire insurance rating. The current City Council's economic policy is tilted towards managed growth. Oxford's main source of revenue is the 1.75% income tax imposed on local salaries.

Oxford is a full-service municipality; it pumps its own water (2.5 million gallons a day capacity), treats its own sewage, and administers its own building, zoning and housing regulations. Refuse collection in Oxford is contracted. It also has a full-staff Parks & Recreation Department.

## Environmental Considerations

Environmental considerations consist of certain features that are contained in or affect the neighborhood or its geographic location. One of the most positive influences in the subject's immediate area is its location in proximity to a major university. The city is isolated away from other population centers in the Cincinnati MSA. Other transportation features include rail service within the city limits. Three airports serve the city residents. The Greater Cincinnati/Northern Kentucky International Airport is located in northern Kentucky, about one hour from Oxford. In addition, the Dayton Airport is within one hour as well and serviced by all major mid-west carriers. The Butler County Regional Airport is located within 30 minutes of the city of Oxford.

Oxford has many entertainment and recreational opportunities that are a part of Miami University including the Art Museum, the Center for Performing Arts, the Recreational Sports Complex, to name a few. In addition there are University sports including football and basketball, both of which draw fans from the entire community. Outside the University, the largest recreation facility is Hueston Woods State Park that includes a 94-room lodge, an 18-hole golf course, boating, swimming and hiking. The City of Oxford runs a total of 11 parks, a heated pool, and various sport fields for softball and other field sports. Oxford also has a private nine-hole golf course at the Oxford County Club.

## Conclusion

The subject is just west of the southern portion of campus of Miami University in downtown Oxford. Oxford is a small and prosperous college town dependent upon Miami University for its economic health. The economic health of Miami University is sound, its student population is stable, and the future demand for its services is assured. The University provides Oxford with a very predictable annual pattern of demand on community services. Most of the community's life revolves around the University's calendar.

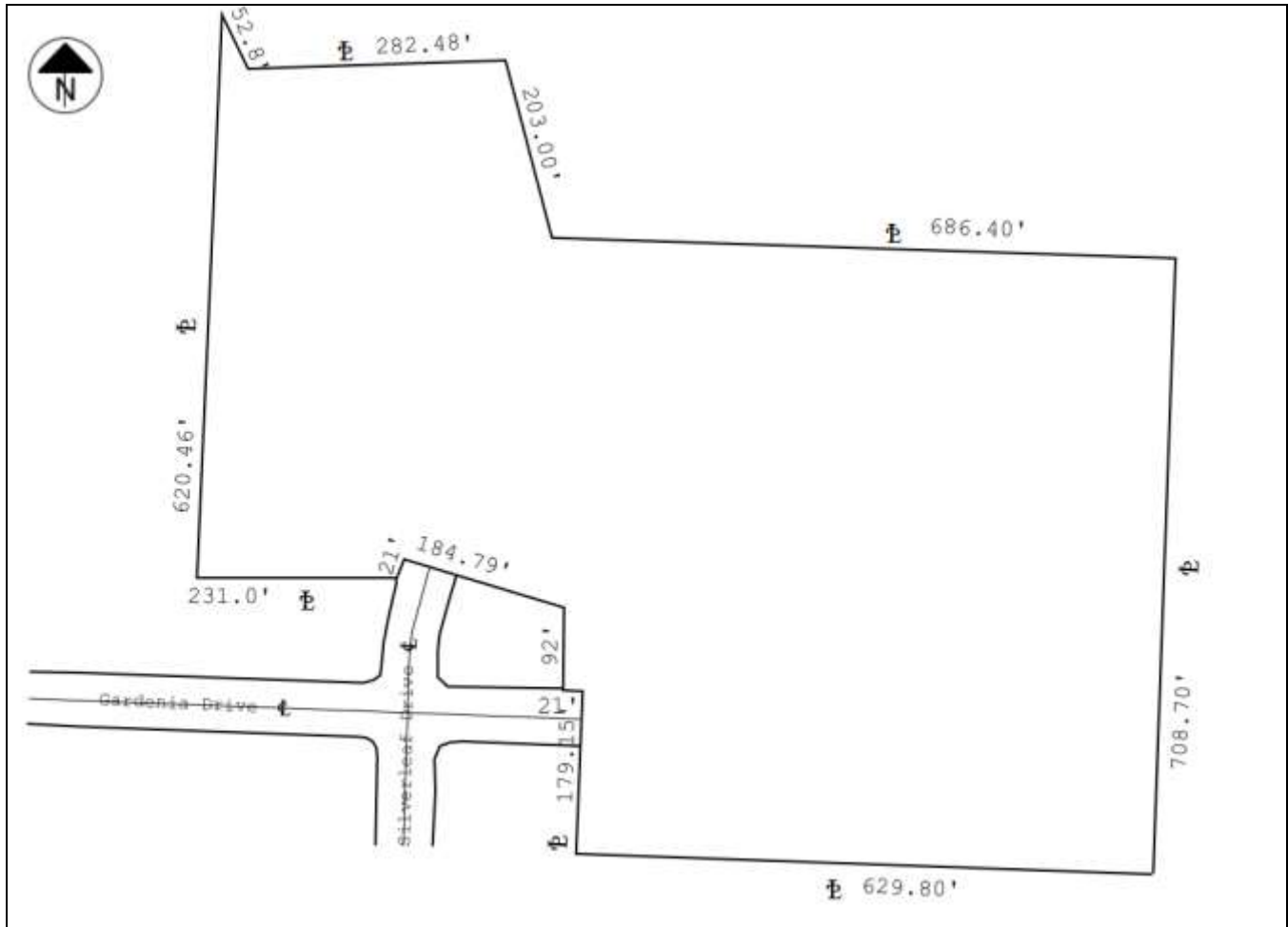
The ongoing growth of Oxford is based on the stability of Miami University. The past focus of Oxford's growth has been on the housing needs of students. The supply for this part of the housing market is now close to balance with only modest future growth anticipated.

## 26. SALE HISTORY OF THE SUBJECT PROPERTY

The subject property was purchased as part of a two-parcel purchase from Bill D. Colwell on May 30, 2021, for \$75,000. This transfer included the subject property containing 15.081 acres as well as five other parcels within the same subdivision (H4000-116.000-023, -027, -28, -29, -030 and -031). The total land area was 20.540 acres and the total purchase price in two different transactions was \$300,000, or \$14,606 per acre. Attempts to contact Ms. Osborne on July 9, 2024, and July 12, 2024, were made and voicemail messages to (773) 732-0749 as well as the inspection letter mailed May 30, 2024, were not responded to. It is unknown whether this transfer is arms length.

## 27. STATE THE USE OF THE REAL ESTATE EXISTING AS OF THE DATE OF VALUE AND THE USE OF THE REAL ESTATE REFLECTED IN THE APPRAISAL

The current use of the subject property is as farmland. The use reflected in this appraisal is residential development land.

**28. SITE PLAN SKETCH REFLECTING PROPERTY - BEFORE THE TAKING****29. SITE DESCRIPTION – BEFORE THE TAKING**

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location:             | The subject is at the eastern terminus of Gardenia Drive as well as the northern and eastern terminus of Silverleaf Drive in the city of Oxford, Butler County, Ohio.                                                                                                                                                                                                                                                                         |
| Accessibility:        | The subject is currently accessible from the terminus of Gardenia Drive as well as two terminuses at the property line of Silverleaf Drive.                                                                                                                                                                                                                                                                                                   |
| Net and Gross Areas:  | The larger parcel contains a total of 15.081 acres, of which 0.000 acres is classified as PRO, leaving a net land area of 15.081 acres.                                                                                                                                                                                                                                                                                                       |
| Shape and Dimensions: | The subject is an irregular shaped site. Beginning on the southern property line the dimensions extend east 629.8 feet, north 708.7 feet, west 686.40 feet, north 203.00 feet, west 282.48 feet, northwest 52.80 feet, and south 620.46 feet, west 231 feet, northeast 21 feet, then east 184.79 feet, south 92 feet, east 21 feet, and south 179.15 feet to the starting point. The shape and dimensions can be seen on the site plan above. |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Topography:                        | The topography of the site is generally level to rolling pasture style land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Floodplain and Definition of Zone: | The subject property is in Flood Zone X, an area outside the floodplain. The subject is contained on FEMA Community Panel No. 39017C0132F, with an effective date of October 19, 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Soil Characteristics:              | It is believed that the site is buildable as other properties in the immediate area are improved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| On-Site Utilities:                 | The subject property has availability of public water, public sewer, public gas and public electric, but the subject is not currently connected to any public utilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Off-Site Utilities:                | Public water, public sewer, public gas, and public electric are available to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Site Improvements:                 | The subject is vacant land with no improvements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Easements:                         | Based on the title report provided, there are no easements found on the subject property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Encroachments:                     | There do not appear to be any encroachments that encumber the subject property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Restrictions:                      | There are no known deed restrictions that encumber the subject property. Consistent with ODOT Policies and Procedures and Ohio Case Law, the value impact of private restrictions is not considered as part of this appraisal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Zoning:                            | The subject property is zoned R-1B, Single-Family Medium-Density Residential District by the city of Oxford. This district is designed to provide and preserve single-family residential development of a moderately low-density character within and adjacent to areas of similar development. Permitted uses include single-family dwellings, accessory buildings and Type B daycare home facilities. The minimum site size is 7,500 square feet. The maximum building coverage is 35%. The minimum lot width and frontage is 65 feet. The minimum front yard setback is 30 feet. The minimum rear yard setback is 35 feet. The minimum side yard setback is eight feet per side. The maximum building height is 35 feet. |
| Highest and Best Use:              | The highest and best use as if vacant is for single-family residential development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### **30. BUILDING/FLOOR PLAN SKETCH - BEFORE THE TAKING**

The subject property is vacant and therefore a building/floor plan sketch is not provided.

### **31. BUILDING DESCRIPTION - BEFORE THE TAKING**

The subject property is vacant and therefore a building/floor plan description is not provided.



### 32. LEGAL AND POLITICAL CONSTRAINTS - BEFORE THE TAKING

- (a) Zoning As discussed, the subject property is zoned R-1B which is the Single-Family Medium-Density Residential District in the city of Oxford.
- (b) Does property conform to zoning code Yes ☒ No ☐  
The current agricultural use is permitted within the existing zoning classification.
- (c) Land Use Plan The city of Oxford has a comprehensive Land Use Plan. The subject appears in the Urban Neighborhood Future Land Use which is characterized by a variety of housing types, mixtures of land uses, a walkable design and meaningful green and open spaces.
- (d) Assessment and Taxes The assessment and tax information for the subject property as of 2023, payable in 2024, is detailed below.

| H4100-116.000-012         |    |            |            |
|---------------------------|----|------------|------------|
|                           |    | 35%        | 100%       |
| Land                      | \$ | 48,100     | \$ 137,420 |
| Improvements              |    | -          | -          |
| <b>Total</b>              | \$ | 48,100     | \$ 137,420 |
| <b>Current Assessment</b> |    | \$0.00     |            |
| <b>Total Annual Taxes</b> |    | \$1,746.32 |            |

The subject property is subject to a nonbusiness credit reduction that lowers the current annual taxes to \$1,746.32.

### 33. HIGHEST AND BEST USE - BEFORE THE TAKING

- (a) Present use of the property: Currently, the subject property is used as farmland.
- (b) Definition of Highest and Best Use: The reasonably probable and legal use of vacant land or an improved property that is physically possible, legally permissible, appropriately supported, financially feasible, and that results in the highest value.<sup>1</sup>
- (c) The Highest and Best Use as Vacant:

#### Legally Permissible

The subject site is within the zoning jurisdiction of the city of Oxford. The subject is zoned R-1B, Single-Family Medium-Density Residential District and is in the Urban Residential Future Land Use in the current Oxford Land Use Plan. Principal permitted uses include primarily single-family residential. The legally permissible uses include all the uses permitted by the zoning classification.

#### Physically Possible

The subject is an irregular shaped parcel containing 15.081 gross and net acres with frontage at the terminus of Gardenia Drive and Silverleaf Drive. The subject is towards the southern limits of the city of Oxford at the current end

<sup>1</sup> The Appraisal of Real Estate, 15<sup>th</sup> Edition, published by the Appraisal Institute, Copyright 2020.

of multiple subdivision streets in the Silverleaf Meadow subdivision. Just west of the subject property across Kehr Road is a proposed eight lot subdivision on the north side of Roberts Drive as well as a potential reformatting of 13 lots on the proposed Hoover Lane off the south side of Roberts Drive that will be reformatted into 25 lots. The physically possible uses of the subject include all the legally permissible uses, primarily single-family residential development and continued agricultural use.

### Financially Feasible

The financially feasible uses of the site depend upon the improvements developed and whether a positive return can be generated over and above the cost of the improvements, plus the amount paid for the raw ground. The development trends include development surrounding Miami University with some newer single-family residential developments. The financially feasible use of the subject property is to hold for future development.

### Maximally Productive

The maximally productive use of the subject property is to hold for future development for single-family residential use.

### Ideal Improvement

The ideal improvement of the subject property would be for single-family dwellings on subdivision lots to be created out of the larger parcel.

### (d) The Highest and Best Use as Improved

The highest and best use as improved is not developed in this report as the subject property is a vacant site.

### **34. PART 3 – VALUATION BEFORE THE TAKING**

#### **35. ESTIMATE OF LAND VALUE – BEFORE THE TAKING**

The subject property is assumed to be a vacant parcel, and the sales comparison approach is used to estimate its value. The basic steps to the sales comparison approach are as follows.

- 1 The subject site is analyzed, and market data is gathered.
- 2 The market data is analyzed, verified, and compared with the subject site.
- 3 An appropriate unit of comparison is selected, and the sales are compared with the subject property based on the unit of comparison.
- 4 The market value of the property is based on a value conclusion, within a range, that is based on the indicated value from the sale properties, after adjustments for differences.

#### **Unit of Comparison**

The unit of comparison used to estimate the market value of the land is the price per acre of net land area. Properties like the subject property are analyzed based on size, since the size has a direct relationship to the size of the improvements and/or the commercial enterprise that it can contain. Therefore, the size of the property is of primary importance and is given prime weight in the value estimate. This unit of comparison is quoted by realtors and sellers and considered by buyers when purchase decisions are made.

#### **Sales Availability and Search Area**

A total of four sales have been selected to compare with the subject property. Each of the sales are tracts of land purchased for single-family residential development that would compete with the subject property if they were on the market at the same time as the subject.



**Land Sale No. 1**

|                 |                                                                                  |
|-----------------|----------------------------------------------------------------------------------|
| Location        | North side of Brookville Road, west of Autumn Drive, Oxford, Butler County, Ohio |
| Tax ID          | H4100-141.000-006, -007 and -008                                                 |
| School District | Talawanda Local School District                                                  |
| Date Inspected  | July 9, 2024                                                                     |

**Sale Data**

|                      |                                                                               |
|----------------------|-------------------------------------------------------------------------------|
| Grantor              | Gregory B. Smith, Rebeca A. Smith and Cassandra K. McCartney                  |
| Grantee              | Buck Creek Farm, Inc.                                                         |
| Sale Date            | March 7, 2022                                                                 |
| Deed Book/Page       | 9817/1774 GWD                                                                 |
| Conditions of Sale   | Arms-Length                                                                   |
| Property Rights      | Fee Simple                                                                    |
| Financing            | Cash                                                                          |
| Highest and Best Use | Residential Development                                                       |
| Verification         | Todd M. Schmutte, MAI with Denise Gifford, grantee, (513) 290-1443; 07/2/2024 |

|                   |           |
|-------------------|-----------|
| <b>Sale Price</b> | \$600,000 |
|-------------------|-----------|

**Land Data**

|                       |                                                          |
|-----------------------|----------------------------------------------------------|
| Zoning                | R-1B, Single-Family Medium-Density Residential District  |
| Topography            | Generally level                                          |
| Utilities             | All public available                                     |
| Shape                 | Trapezoid                                                |
| Flood Info            | Area outside the floodplain                              |
| Encumbrances          | Normal                                                   |
| Present Use           | Owls Landing subdivision                                 |
| Motivation of Parties | Grantor: to divest; Grantee: for subdivision development |

**Land Size Information**

|                   |                             |
|-------------------|-----------------------------|
| Gross Land Size   | 22.014 acres, or 958,930 SF |
| Useable Land Size | 20.182 acres, or 879,128 SF |
| Units             | 86                          |

**Indicators**

|                        |          |
|------------------------|----------|
| Sale Price/Usable Acre | \$29,729 |
|------------------------|----------|

**Analysis of Pertinent Data**

The buyer purchased this property for the development of Owls Landing, an 86-lot subdivision towards the western edge of the city of Oxford. The property was annexed into the city of Oxford prior to purchase in March 2020. The site had all public utilities available at purchase. Denise Gifford, a realtor from Oxford, bought the property to develop a subdivision geared towards senior citizens with higher incomes, as little to no product of this type exists in the city of Oxford. Todd Homes will build and sell the homes in the subdivision. Five floor plans are available between 1,600 and 2,300 square feet.

Photo – Land Sale 1



Plat – Land Sale 1



**Land Sale No. 2**

|                 |                                                                     |
|-----------------|---------------------------------------------------------------------|
| Location        | Northwest corner of Kehr Road and Roberts Drive, Oxford, Butler, OH |
| Tax ID          | H4100-137.000-039                                                   |
| School District | Talawanda Local School District                                     |
| Date Inspected  | June 21, 2024                                                       |

**Sale Data**

|                      |                                                                                  |
|----------------------|----------------------------------------------------------------------------------|
| Grantor              | Cobblestone Community Church, Inc.                                               |
| Grantee              | HPCT Properties, Inc.                                                            |
| Sale Date            | September 03, 2021                                                               |
| Deed Book/Page       | 9717/1928 GWD                                                                    |
| Property Rights      | Arms-Length                                                                      |
| Conditions of Sale   | Fee Simple                                                                       |
| Financing            | Cash                                                                             |
| Highest and Best Use | Residential Development                                                          |
| Verification         | Todd Schmutte, with John Johnson, with grantor, (513) 839-1147, on June 21, 2024 |

|                   |           |
|-------------------|-----------|
| <b>Sale Price</b> | \$139,900 |
|-------------------|-----------|

**Land Data**

|                       |                                                |
|-----------------------|------------------------------------------------|
| Zoning                | R-1B, Single-Family Medium-Density Residential |
| Topography            | Generally level                                |
| Utilities             | All public available                           |
| Shape                 | Irregular                                      |
| Flood Info            | Area outside the floodplain                    |
| Encumbrances          | Normal                                         |
| Present Use           | Vacant land                                    |
| Motivation of Parties | Buyer for subdivision into eight lots          |

**Land Size Information**

|                   |                                 |
|-------------------|---------------------------------|
| Gross Land Size   | 4.572 Acres or 199,156 SF       |
| Useable Land Size | 3.428 Acres or 149,324 SF (Net) |
| Units             | 8                               |

**Indicators**

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$40,811 |
|-------------------------|----------|

**Analysis of Pertinent Data**

This property was sold by the church who retained an easement over the northernmost portion of the site, though that property was included in the sale. The easement area contained 1.144 acres which is the unusable portion of the site. The southern 3.428 acres has since been subdivided into eight lots, four larger lots between 0.504 acres and 0.753 acres along the west side of Kehr Road, while the smaller lots are subdivision lots on the north side of Roberts Drive between 0.187 acres and 0.367 acres. ID: 3890



Photo – Land Sale 2



Plat – Land Sale 2



**Land Sale No. 3**

|                 |                                                                                                   |
|-----------------|---------------------------------------------------------------------------------------------------|
| Address         | West side Princeton-Glendale Road, south of Millikin Road, Liberty Township,<br>Butler County, OH |
| Tax ID          | D2010-002-000-147                                                                                 |
| School District | Lakota Local School District                                                                      |
| Date Inspected  | 9/11/2023                                                                                         |

**Sale Data**

|                      |                                                    |
|----------------------|----------------------------------------------------|
| Grantor              | Princeton Pike Church of God                       |
| Grantee              | S & D Development, LLC                             |
| Sale Date            | June 27, 2022                                      |
| Deed Book/Page       | 9866-217 LWD                                       |
| Conditions of Sale   | Arms-Length                                        |
| Property Rights      | Fee Simple                                         |
| Financing            | Conventional                                       |
| Highest and Best Use | Single-Family Development                          |
| Verification         | William King, with Alan Schmidt, Grantee/developer |

|                   |             |
|-------------------|-------------|
| <b>Sale Price</b> | \$1,773,932 |
|-------------------|-------------|

**Land Data**

|                       |                                                     |
|-----------------------|-----------------------------------------------------|
| Zoning                | R-SE, Residential Suburban Estate                   |
| Topography            | Gently rolling                                      |
| Utilities             | All public available                                |
| Shape                 | Irregular                                           |
| Flood Info            | Area of minimal flooding                            |
| Encumbrances          | Normal                                              |
| Present Use           | Residential development                             |
| Motivation of Parties | Grantor: To divest; Grantee: For future development |

**Land Size Information**

|                   |                                    |
|-------------------|------------------------------------|
| Gross Land Size   | 30.851 Acres or 1,343,870 SF       |
| Useable Land Size | 30.851 Acres or 1,343,870 SF (Net) |

**Indicators**

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$57,500 |
|-------------------------|----------|

**Analysis of Pertinent Data**

The property was generally known to be available, and the buyer contacted the seller directly. The project is known as the Estates at the Wynds of Liberty. Schmidt Homes is one of the developers and feature builder. When fully developed there will be (46) 100 front foot half acre lots. Home prices start in the high \$500,000 range.



Photo – Land Sale 3



Plat – Land Sale 3



**Land Sale No. 4**

|                 |                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Location        | Southwest side of Blue Rock Road, across from Fort Scott Blvd, Crosby Township, Hamilton County, OH |
| Tax ID          | 530-0040-0263-00                                                                                    |
| School District | Southwest LSD                                                                                       |
| Date Inspected  | 9/15/2022                                                                                           |

**Sale Data**

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| Grantor              | Crosby Development, LLC                                                         |
| Grantee              | Sedona Reserve, LLC                                                             |
| Sale Date            | February 18, 2022                                                               |
| Deed Book/Page       | 14615/0567                                                                      |
| Conditions of Sale   | Arms-Length                                                                     |
| Property Rights      | Fee Simple                                                                      |
| Financing            | Conventional                                                                    |
| Highest and Best Use | Single-Family Development                                                       |
| Verification         | Lance Brown, MAI, with Tony Hering, Grantee, 513-616-3913, on November 08, 2022 |

|                   |             |
|-------------------|-------------|
| <b>Sale Price</b> | \$1,100,000 |
|-------------------|-------------|

**Land Data**

|                       |                                          |
|-----------------------|------------------------------------------|
| Zoning                | Planned unit development, PUD            |
| Topography            | Level to gently rolling                  |
| Utilities             | All public available                     |
| Shape                 | Irregular                                |
| Flood Info            | Areas of minimal flood hazard            |
| Encumbrances          | 100-foot HTL easement through the center |
| Present Use           | Development                              |
| Motivation of Parties | Buyer for development                    |

**Land Size Information**

|                   |                                    |
|-------------------|------------------------------------|
| Useable Land Size | 39.917 Acres or 1,738,776 SF (Net) |
| Units             | 103                                |

**Indicators**

|                         |          |
|-------------------------|----------|
| Sale Price/Useable Acre | \$27,557 |
|-------------------------|----------|

**Analysis of Pertinent Data**

The property was generally known to be available, and the buyer of the property purchased the property after approvals were in place for the proposed development. The project is known as Sedona Reserves and will include two separate sections of single-family homesites with lot prices between \$70,000 and \$80,000; both sections will be the same product and price points. Ryan Homes will be picking up 12 lots per quarter starting 1Q23. Expected home prices are between \$300,000 and \$450,000. The property was rezoned Planned Unit Development for the proposed 103 lots prior to closing. The zoning had permitted 350 condominiums prior to the change. ID: 3586



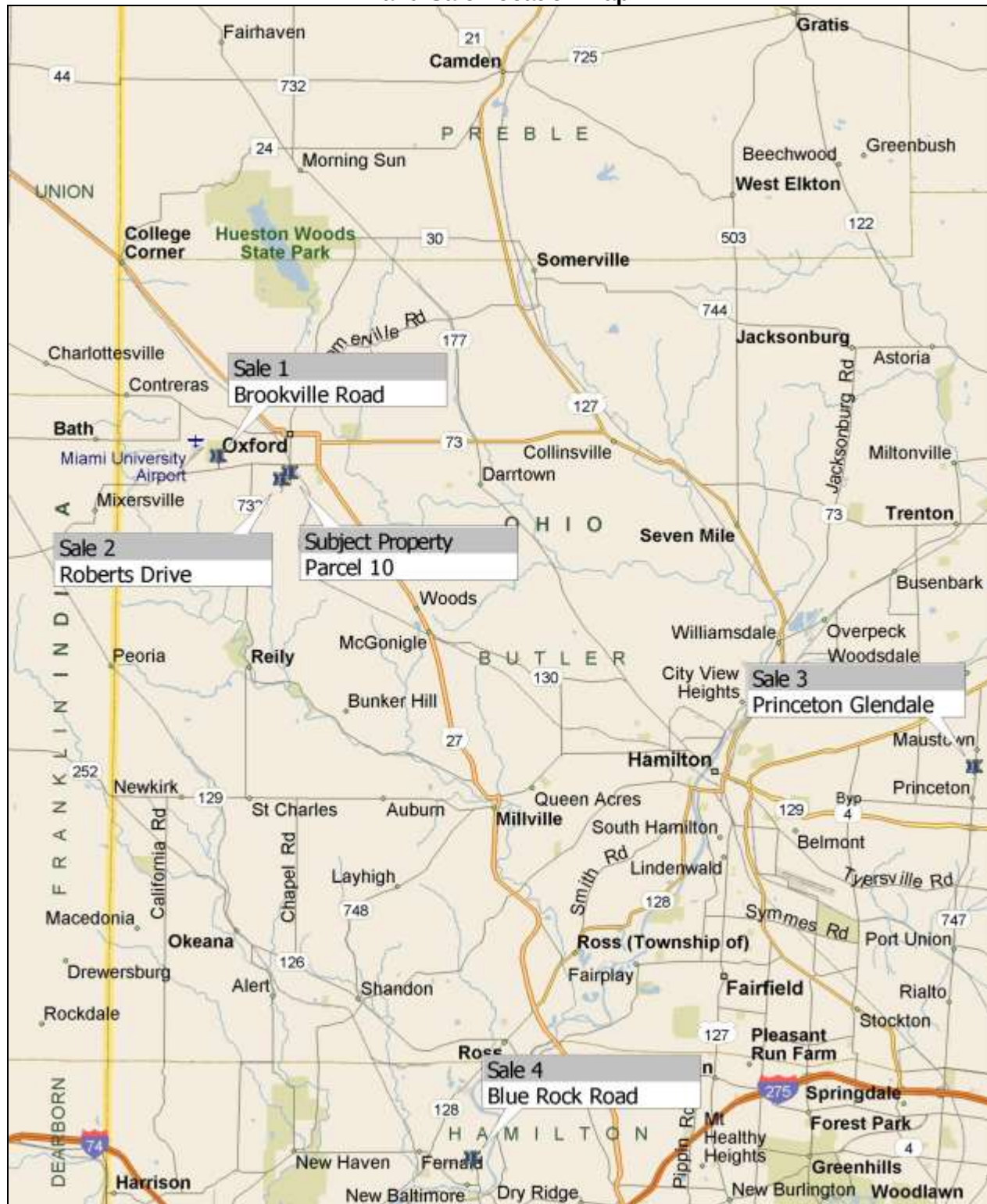
**Photo – Land Sale 4**



**Plat – Land Sale 4**



## Land Sale Location Map



**Adjustment Grid—Land Value, Before**

|                        | Subject        | Sale 1      | \$29,729        | Sale 2      | \$40,811        | Sale 3       | \$57,500        | Sale 4       | \$27,557        |
|------------------------|----------------|-------------|-----------------|-------------|-----------------|--------------|-----------------|--------------|-----------------|
| Property Rights        | Fee Simple     | Fee Simple  | -               | Fee Simple  | -               | Fee Simple   | -               | HTL          | 2,756           |
| Financing              | Cash           | Cash        | -               | Cash        | -               | Conventional | -               | Conventional | -               |
| Conditions of Sale     | Arms Length    | Arms Length | -               | Arms Length | -               | Arms Length  | -               | Arms Length  | -               |
| Buyer Expenditures     | None           | None        | -               | None        | -               | None         | -               | None         | -               |
| Market Conditions      | Jun-24         | Mar-22      | 3,409           | Sep-21      | 5,714           | Jun-22       | 5,915           | Feb-22       | 3,546           |
| <b>ADJUSTED UNIT</b>   |                |             | <b>\$33,138</b> |             | <b>\$46,525</b> |              | <b>\$63,415</b> |              | <b>\$33,859</b> |
| Location               | Oxford         | Oxford      | -               | Oxford      | -               | Liberty      | (15,854)        | Crosby       | -               |
| Size (Acres)           | 15.081         | 20.182      | -               | 3.428       | (4,653)         | 30.851       | 3,171           | 39.917       | 3,386           |
| Shape                  | Irregular      | Trapezoid   | -               | Irregular   | -               | Irregular    | -               | Irregular    | -               |
| Access                 | 3 Subd Streets | Frontage    | 4,971           | Multiple    | -               | Multiple     | -               | Frontage     | 5,079           |
| Topography             | Level          | Level       | -               | Level       | -               | Level        | -               | Level        | -               |
| Utilities              | All Public     | All Public  | -               | All Public  | -               | All Public   | -               | All Public   | -               |
| Zoning                 | R-1B           | R-1B        | -               | R-1B        | -               | R-SE         | -               | PUD          | -               |
| <b>NET ADJUSTMENTS</b> |                |             | 4,971           |             | (4,653)         |              | (12,683)        |              | 8,465           |
| <b>INDICATED VALUE</b> |                |             | <b>\$38,109</b> |             | <b>\$41,872</b> |              | <b>\$50,732</b> |              | <b>\$42,324</b> |

Indicated Value Range:    **\$38,109**       **\$41,872**       **\$42,324**       **\$50,732**

## Elements Comprising Differences between the Sales and the Subject

The sales detailed above are the best sales available to indicate the market value of the subject property. There are differences between the sales and the subject property for which adjustments are made.

### Property Rights

Each of the four sales represented the transfer of the fee simple interest. Sales 1, 2 and 3 are similar to the subject, requiring no adjustment. Sale 4 contained high-tension lines and is inferior to the subject, requiring an upward adjustment.

### Financing

All the sales resulted in cash to the seller at the closing. There were no unusual financing conditions or terms that significantly impacted the prices. Therefore, no adjustment is made.

### Conditions of Sale

All of the sales were the result of an arms-length transaction between a buyer and a seller. Therefore, no conditions of sale adjustments are necessary.

### Buyer Expenditures

No buyer expenditure adjustments are required for any of the sales. Any extraordinary costs are included in the price for these sales.

### Market Conditions

The subject property is appraised as of June 21, 2024, while the sales occurred between September 2021 and March 2022. An upward adjustment of 5% annually is made to each of the sales.

### Location

The subject property is at the eastern terminus of Gardenia Drive and the northern and eastern terminus of Silverleaf Drive in the southern portion of the city of Oxford, Butler County. Sale 1 is in the city of Oxford and is at the western edge of the city limits. This location is relatively similar to the subject, requiring no adjustment. Sale 2 is in the city of Oxford and is at the southern edge of the city limits on the opposite side of Kehr Road from the subject. This location is relatively similar to the subject, requiring no adjustment. Sale 3 is in Liberty Township which is far superior to the subject property, requiring a downward adjustment. Sale 4 is in Crosby Township northwest of I-275 in Hamilton County. The overall location of this sale is relatively similar to the subject, requiring no adjustment.

### Size

The subject contains 15.081 net acres. Sale 1, at 20.182 net acres, is relatively similar to the subject property, requiring no adjustment. Sale 2, at 3.428 acres, is superior to the subject property, requiring a downward adjustment. Sales 3 and 4 are between 30.851 acres and 39.917 acres and each is inferior to the subject property, requiring upward adjustments. This adjustment is based on an economies of scale adjustment that larger amounts of a good typically sell for a lower price per unit than a smaller amount of the same good, all other things being equal.

### Shape

The subject property is irregular shaped site suitable for residential development. Each of the four sales were trapezoid or irregular shaped sites suitable for residential subdivision development, similar to the subject property, requiring no adjustment.

## Access

The subject property is directly accessible from three subdivision streets and, if developed, would be an extension of an existing subdivision. Sales 1 and 4 have access from the primary road for new development, which equates to more development costs, inferior to the subject property, requiring upward adjustments. Sales 2 and 3 have access from interior subdivision streets, similar to the subject, requiring no adjustment.

## Topography

The subject property is generally level. Each of the four sales are generally level and suitable for residential development, similar to the subject property, requiring no adjustment.

## Utilities

The subject property has access to all public utilities. Each of the sales had availability to all public utilities, requiring no adjustment.

## Zoning

The subject property is zoned for single-family residential use. Each of the four sales were zoned for single-family residential use, similar to the subject property, requiring no adjustment.

## Conclusion

The sales reflect an adjusted range of value from \$38,109 per acre to a high of \$50,732 per acre. With consideration given to each of the sales, it is the opinion of the appraiser that a final value conclusion of \$40,000 per acre is appropriate for the subject property. This value conclusion is as follows:

|                                     |          |                  |
|-------------------------------------|----------|------------------|
| Fee Simple Usable Land Area, Before | 15.081   |                  |
| Land Value per Acre                 | \$40,000 |                  |
| Value of Fee Simple Usable Land     |          | \$603,240        |
| Value of PRO                        |          | \$0              |
| Total Value of Land                 |          | <u>\$603,240</u> |

### 36. COST APPROACH – BEFORE THE TAKING

The cost approach is not detailed in this report.

### 37. SALES COMPARISON APPROACH – BEFORE THE TAKING

The sales comparison approach was utilized to value the subject property as if vacant at its highest and best use.

### 38. INCOME APPROACH – BEFORE THE TAKING

The income approach is not detailed in this report.

### 39. RECONCILIATION OF VALUE INDICATIONS AND VALUE CONCLUSION – BEFORE THE TAKING

The results of the three generally accepted approaches to value to estimate the subject's market value are as follows.

|                                   |                  |
|-----------------------------------|------------------|
| <b>Cost Approach:</b>             | <b>N/A</b>       |
| <b>Sales Comparison Approach:</b> | <b>\$603,240</b> |
| <b>Income Approach:</b>           | <b>N/A</b>       |

The market value of the land is estimated using the sales comparison approach. Several comparable land sales were detailed and used for comparison with the subject site. The entire site of 15.081 acres of gross and net land were valued as if it were owned in fee and available for development for a value of \$603,240, or \$40,000 per acre.

#### Final Value:

In conclusion, sole weight is placed on the sales comparison approach. The cost and the income approaches were not detailed within this appraisal. The final value is for the fee simple interest of the subject property, subject to the assumptions and limiting conditions detailed in the report, as of the effective date of the appraisal, June 21, 2024, and is allocated as follows.

### 40. ALLOCATION OF BEFORE VALUE

|                   |                  |
|-------------------|------------------|
| Land              | \$603,240        |
| Land Improvements | -                |
| Structures        | -                |
| Total             | <u>\$603,240</u> |

**41. PART 4 ANALYSIS OF THE TAKE****42. DESCRIPTION OF THE TAKING**

The proposed project will acquire one standard highway easement.

Parcel 10-SH is a standard highway easement at the southeast corner of the subject property. This easement is 139.85 feet wide on the southern property line. The total area contained within this acquisition is 0.123 acres. 10-SH2 is a standard highway easement commencing along the western property line near Gardenia Drive and bisecting the site from the southern property line to the northern property line. This acquisition is between 82.65 feet and 50.49 feet wide. The total area contained within this acquisition is 1.252 acres. 100% of the fee simple rights less \$1 is acquired by these acquisitions. The city of Oxford has noted that, in the case of future development, new roads will be able to cross the standard highway easements to be acquired which would allow for potential access through the existing subdivision to the north of the subject property.

**43. THE PART TAKEN****Land Taken**

| Fee        | Size      | Unit Value | Proportion of Fee | Total Allocation |
|------------|-----------|------------|-------------------|------------------|
| 10-SH      | : 0.123 X | \$40,000 X | 100% - \$1 =      | \$4,919          |
| 10-SH2     | : 1.252 X | \$40,000 X | 100% - \$1 =      | \$50,080         |
| Total Land |           |            |                   | \$54,999         |

**Improvements Taken**

| Site Improvements Taken                       |                                                  |          |         |      |      |                    |
|-----------------------------------------------|--------------------------------------------------|----------|---------|------|------|--------------------|
|                                               | Item                                             | Quantity | \$/Unit | RCN  | Dep. | Contributory value |
| 10-SH/SH2                                     | Miscellaneous voluntary growth (no compensation) | N/A      | \$ -    | \$ - | 0%   | \$ -               |
| <b>Total Site Improvements to be acquired</b> |                                                  |          |         |      |      | <b>\$ -</b>        |
| Structures Taken                              |                                                  |          |         |      |      |                    |
|                                               | Item                                             | Quantity |         |      |      | Contributory value |
| None                                          |                                                  |          |         |      |      | \$ -               |
| <b>Total Structures Taken</b>                 |                                                  |          |         |      |      | <b>\$ -</b>        |
| <b>Total Improvements Taken</b>               |                                                  |          |         |      |      | <b>\$ -</b>        |

**Summary of the Part Taken**

|                                  |           |
|----------------------------------|-----------|
| Land                             | \$ 54,999 |
| Improvements                     | -         |
| Contributory value of Part taken | \$ 54,999 |

**44. EFFECT OF THE TAKING****The Effect of the Taking on The Residue Property If Left Uncured**

The primary effect of the taking is that the project will acquire 1.375 net acres by standard highway easement that bisects the site from the southern property line to the northern property line as well as a second acquisition at the southeast corner. This decreases the net land area of the subject property from 15.081 acres to 13.706 acres. It is legally possible for an extension of Gardenia Drive and Silverleaf Drive to cross Parcels 10-SH and 10-SH2 if the subject is developed at its highest and best use.

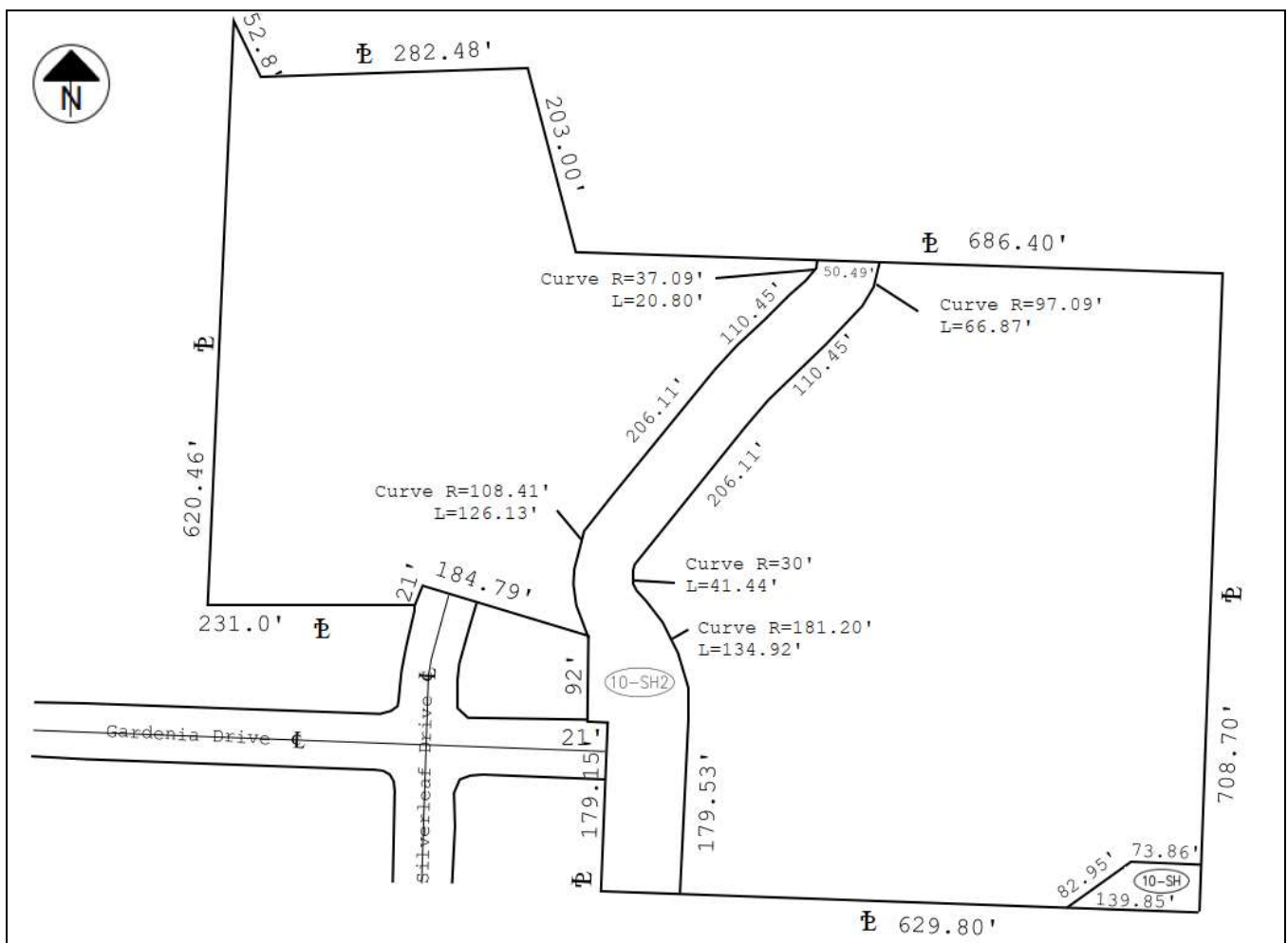


## The Effect of the Taking on the Residue Property If Cured

There is no reasonable cure to the subject property as there is no damage to the subject property.

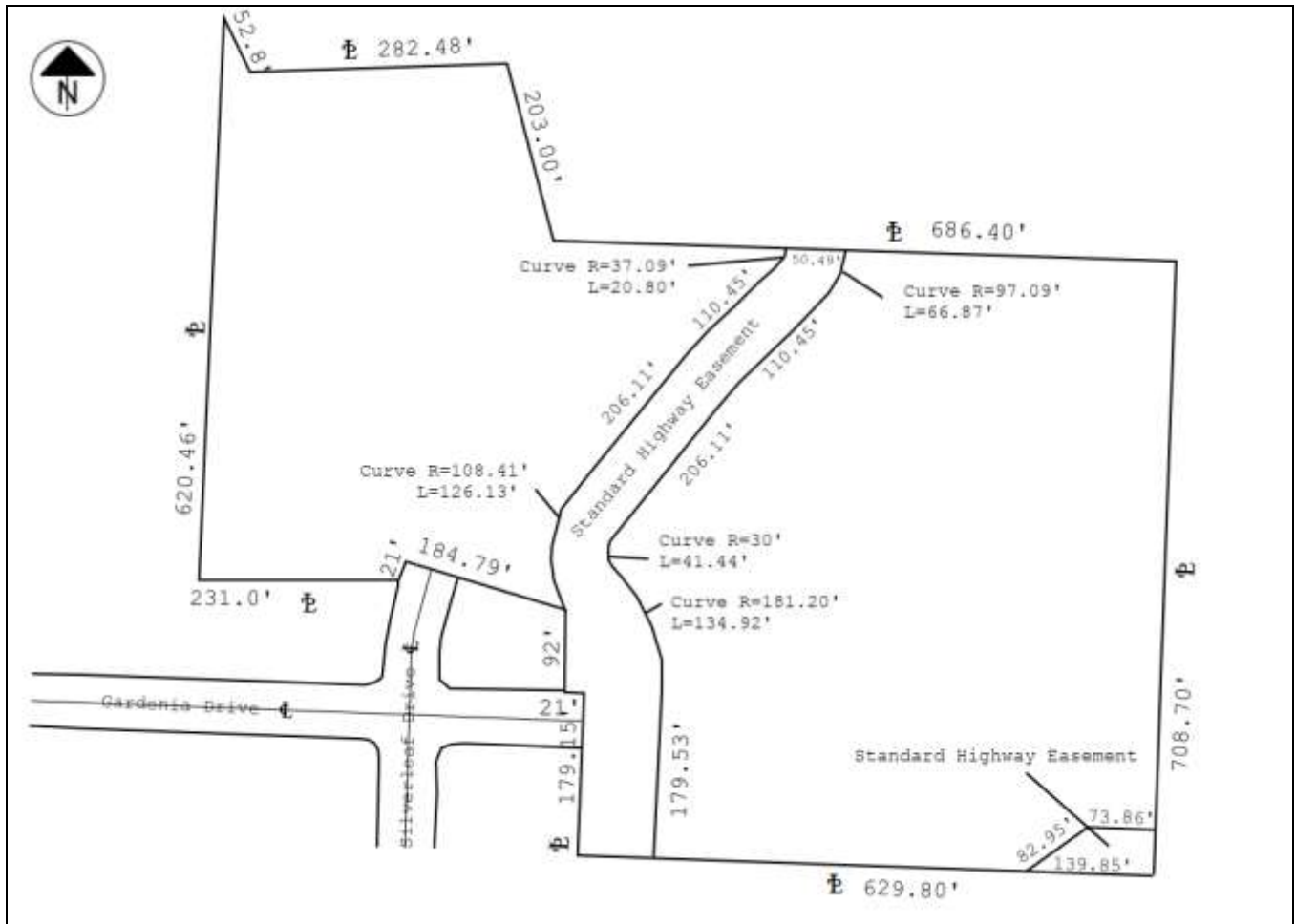
### 45. SKETCH OF THE PROPERTY DETAILING THE TAKE AREA

| Parcel 10     |        |       |
|---------------|--------|-------|
| Record Area   | 15.081 | Acres |
| Total PRO     | -      | Acres |
| Net Area      | 15.081 | Acres |
| 10-SH         | 0.123  | Acres |
| 10-SH2        | 1.252  | Acres |
| Gross Residue | 15.081 | Acres |
| Net Residue   | 13.706 | Acres |



## SECTIONS 46-75

As previously discussed, it is the opinion of the appraiser that the acquisitions will not impact the fee simple value of the subject residue beyond the part taken. Please refer to the following sketch, which reflects the subject property residue. Therefore, the scope of this appraisal report is to estimate compensation for the land acquired. This limited scope appraisal report is used when the acquisition is a partial taking and it is readily apparent the taking creates a simplistic valuation problem with no loss in market value of the residue property (damages). Therefore, Sections 46 – 75 (Factual Data After the Take) are not applicable.



**76. PART 9 COMPENSATION ESTIMATE FOR TEMPORARY EASEMENTS**

N/A

**77. PART 10 VALUATION SUMMARY AND COMPENSATION ESTIMATE**

## The Compensation Estimate

|                                      |    |   |    |        |
|--------------------------------------|----|---|----|--------|
| The Part Taken                       |    |   | \$ | 54,999 |
| + Damages                            |    |   |    |        |
| Net Cost to Cure                     | \$ | - |    |        |
| Damages Uncured                      |    | - |    |        |
| Total Damages                        |    |   |    | -      |
| + Temporary Construction Easement(s) |    |   |    | -      |
| Total Compensation                   |    |   | \$ | 54,999 |

## 78. PART 11 THE ADDENDA

**APPRAISAL SCOPING CHECKLIST**

REV. 11-2019

**APPRAISAL SCOPING CHECKLIST**

| Owners Name                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | County         | BUT               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|
| Lara C. Osborne, Trustee                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Route          | Oxford Area Trail |
|                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section        | Phase 5           |
|                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Parcel No.     | 10-SH1, SH2       |
|                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Project ID No. | 117001            |
| <b>Appraisal Scope</b>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Partial or total acquisition                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | Partial           |
| <b>Ownership</b>                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Whole parcel determination is complex                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| RE-95 will be required                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| RE 22-1 Apportionment will be required                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Title report has non-typical appraisal issues (i.e. tenants, fractured ownership, atypical easements)                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | See Comments      |
| <b>Regulation</b>                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Significant zoning or legal regulations are impacting acquisition                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Property is not compliant with legal regulations in the before or after                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| <b>R/W and Construction Plans</b>                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Significant improvements are in the acquisition area (or impacted)                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant impact to site improvements (landscaping, vegetation, or screening)                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant utilities (i.e. well, septic, service lines, etc.) are in the acquisition area (or impacted)                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Significant issues due to elevation change, topography, or flood plain                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| <b>Conclusion</b>                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Parcel acquisition cost estimate amount (\$10,000 VA limit or \$65,000 VF limit)                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | See Comments      |
| Anticipated damages (access, proximity, internal circuitry, change H&B use, etc.) are expected                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Cost-to-Cure should be considered                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Specialized Report (parking, drainage, circuitry, etc.) should be considered                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | No                |
| Appraisal Format Conclusion                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | LS (see below)    |
| Explanation of appraisal problem. Include discussion of any "Yes" responses above                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| The project involves the installation of a multi-use trail in the City of Oxford, and necessitates the acquisition of two Standard Highway Easements from the subject property. There are no significant issues. Discuss the effect of the placement of the potential path on the subject property. No title report was available as of the date of the ASC. |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| A Land Only narrative is recommended due to the simplistic nature of this taking, but the potential for FMVE to exceed the \$65,000 VF limit. If this estimate is below the limit, the Value Finding (VF) format is recommended.                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| <b>Signatures</b>                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                   |
| Agency Approval by Signature, Title, and Date                                                                                                                                                                                                                                                                                                                | <i>Scott Otto</i>                                                                                                                                                                                                                                                                                                                                                                                                                                      | 7/24/24        |                   |
|                                                                                                                                                                                                                                                                                                                                                              | Name and Title Scott Otto, P.E., City Engineer, City of Oxford, Ohio                                                                                                                                                                                                                                                                                                                                                                                   | Date           |                   |
| Review Appraiser Signature and Date                                                                                                                                                                                                                                                                                                                          | <i>Rebecca A. Belcastro</i>                                                                                                                                                                                                                                                                                                                                                                                                                            | 7/18/2024      |                   |
|                                                                                                                                                                                                                                                                                                                                                              | Name Rebecca A. Belcastro                                                                                                                                                                                                                                                                                                                                                                                                                              | Date           |                   |
| Appraiser Acknowledgement                                                                                                                                                                                                                                                                                                                                    | I have reviewed the right of way plans and other pertinent parts of the construction plans, have driven by the subject, have reviewed this scoping document and I have independently performed my own appraisal problem analysis. I am in agreement regarding the valuation problem, the determination of the complexity of this problem, and I agree that the recommended format is appropriate for use during the acquisition phase of this project. |                |                   |
| Appraiser Signature and Date                                                                                                                                                                                                                                                                                                                                 | <i>Todd Schmutter</i>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 7/18/2024      |                   |
|                                                                                                                                                                                                                                                                                                                                                              | Name Todd Schmutter                                                                                                                                                                                                                                                                                                                                                                                                                                    | Date           |                   |

## APPRAISER QUALIFICATIONS

### QUALIFICATIONS OF TODD M. SCHMUTTE, MAI [tschmutte@e-beck.com](mailto:tschmutte@e-beck.com)

|                                                          |                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EDUCATION:</b>                                        | Bachelor of Business Administration, University of Cincinnati<br>June 2000; Major: Finance and Real Estate                                                                                                                                                                                                  |
|                                                          | Various courses and exams of professional appraisal organizations.                                                                                                                                                                                                                                          |
| <b>PROFESSIONAL<br/>EXPERIENCE:</b>                      | 02/02 to Present—Vice President, Beck Consulting, Inc.                                                                                                                                                                                                                                                      |
|                                                          | 6/98 to 02/02—Account Executive, Pension Corporation of America.                                                                                                                                                                                                                                            |
| <b>SPECIALIZATIONS:</b>                                  | Prepare appraisals of all types of real property for mortgage purposes, including the following property types:                                                                                                                                                                                             |
|                                                          | <ul style="list-style-type: none"><li>• Downtown and suburban office buildings</li><li>• All categories of vacant land</li><li>• Special-purpose properties</li><li>• Multi-family complexes</li><li>• Subdivision analysis/absorption</li><li>• Industrial properties</li><li>• Shopping centers</li></ul> |
|                                                          | Complete detailed condemnation/eminent domain appraisals, including partial acquisitions and severance damages, for ODOT, Army Corps, and local public authorities.                                                                                                                                         |
|                                                          | Prepare appraisals of commercial property for real estate tax appeal                                                                                                                                                                                                                                        |
| <b>LICENSES AND<br/>CERTIFICATIONS:</b>                  | Ohio State Certified General Appraiser: Certificate No. 2007005172                                                                                                                                                                                                                                          |
|                                                          | Ohio Department of Transportation Pre-Qualified for Right-of- Way Acquisitions in Value Analysis and Appraisal issued on April 2, 2015.                                                                                                                                                                     |
|                                                          | Kentucky State Certified General Appraiser: Certificate No. 5835                                                                                                                                                                                                                                            |
| <b>BUSINESS &amp;<br/>PROFESSIONAL<br/>AFFILIATIONS:</b> | MAI Designated Member of the Appraisal Institute                                                                                                                                                                                                                                                            |

## APPRAISER LICENSE





## APPRAISER DISCLOSURE STATEMENT

| APPRAISER DISCLOSURE STATEMENT                                                                                                                                                  |                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| In compliance with Ohio Revised Code Section 4763.12 (C)                                                                                                                        |                                                                                                                                                                                                                 |
| 1. Name of Appraiser                                                                                                                                                            | <u>Todd M. Schmutte</u>                                                                                                                                                                                         |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 2. Class of Certification/Licensure:                                                                                                                                            | <input checked="" type="checkbox"/> Certified General<br><input type="checkbox"/> Licensed Residential<br><input type="checkbox"/> Temporary <input type="checkbox"/> General <input type="checkbox"/> Licensed |
| Certification/Licensure Number:                                                                                                                                                 | <u>2007005172</u>                                                                                                                                                                                               |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 3. Scope: This report                                                                                                                                                           | <input checked="" type="checkbox"/> is within the scope of my Certification or License.<br><input type="checkbox"/> is not within the scope of my Certification or License.                                     |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 4. Service Provided By:                                                                                                                                                         | <input checked="" type="checkbox"/> Disinterested & Unbiased Third Party<br><input type="checkbox"/> Interested & Biased Third Party<br><input type="checkbox"/> Interested Third Party on Contingent Fee Basis |
|                                                                                                                                                                                 |                                                                                                                                                                                                                 |
| 5. Signature of person preparing and reporting the appraisal                                                                                                                    |                                                                                                                             |
| <b>This form must be included in conjunction with all appraisal assignments or specialized services performed by a state-certified or state licensed real estate appraiser.</b> |                                                                                                                                                                                                                 |

State of Ohio  
Department of Commerce  
Division of Real Estate  
Appraisal Section  
Cleveland (216) 787-3100

ACQUIRING AGENCY'S  
FAIR MARKET VALUE ESTIMATE

OWNER'S NAME

COUNTY **BUT**

ROUTE **Oxford Trail**

SECTION **Phase V**

PARCEL NO. **10-SH**

PROJECT I.D. NO. **117001**

**Lara C. Osborne, Trustee**

|                            | PAR NO. | ITEMS INCLUDED IN THIS ESTIMATE                   | ORIGINAL | REVISION | REVISION |  |
|----------------------------|---------|---------------------------------------------------|----------|----------|----------|--|
| L<br>A<br>N<br>D           | 10-SH   | 0.123 acres @ \$40,000 /ac. (minus \$1) =         | \$4,919  |          |          |  |
|                            | 10-SH2  | 1.252 acres @ \$40,000 /ac. (minus \$1) =         | \$50,080 |          |          |  |
|                            |         |                                                   |          |          |          |  |
| F<br>E<br>N<br>C<br>E      |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
| T<br>R<br>E<br>E<br>S      |         | NO. KIND AV. SIZE                                 |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
| O<br>T<br>H<br>E<br>R      | 10-SH   | Miscellaneous Voluntary Growth (merged with land) | \$0      |          |          |  |
|                            | 10-SH2  | Miscellaneous Voluntary Growth (merged with land) | \$0      |          |          |  |
|                            |         |                                                   |          |          |          |  |
| B<br>L<br>D<br>G           |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
| D<br>A<br>M<br>A<br>G<br>E |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
|                            |         |                                                   |          |          |          |  |
| E<br>L                     |         | TOTAL FAIR MARKET VALUE FOR REQUIRED R/W          | \$54,999 |          |          |  |
|                            |         | OFFER FOR REQUIRED R/W AND EXCESS LAND            |          |          |          |  |
|                            |         | ADDED COST TO ACQUIRE EXCESS LAND                 |          |          |          |  |
|                            |         | VALUE AREA                                        |          |          |          |  |

|                                                                                             |             |                                                                                      |               |
|---------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------|---------------|
| The allocation of compensation recommended above is based upon an approved appraisal report |             |                                                                                      |               |
| Trainee's Recommendation                                                                    |             | Recommended                                                                          |               |
| Date                                                                                        | .           |  | Date 8/8/2024 |
| Review Appraiser Typed Name                                                                 |             | Review Appraiser Typed Name Rebecca A. Belcastro                                     |               |
| Recommended                                                                                 |             | Recommended                                                                          |               |
| Date                                                                                        | .           | Date                                                                                 | .             |
| 2 <sup>nd</sup> Review Appraiser                                                            |             | Appraisal Unit Manager                                                               |               |
| Agency Signature Establishing FMVE                                                          |             | Administrative Settlement / Case Settlement                                          |               |
|          | Date 8/9/24 | Date                                                                                 | .             |
| Typed Name & Title Scott Otto, P.E. - City Engineer                                         |             | Typed Name & Title                                                                   |               |
| Agency Name City of Oxford, Ohio                                                            |             | Agency Name                                                                          |               |

| APPRAISAL AND REVIEW RECORD |                       |                 |                  |            |              |             |                            |
|-----------------------------|-----------------------|-----------------|------------------|------------|--------------|-------------|----------------------------|
| FEE/STAFF                   | APPRAISER             | VALUE OF TAKING | DATE APPR SIGNED | TOTAL TAKE | PARTIAL TAKE | TYPE REPORT | TYPE OF SPECIALISTS REPORT |
| FEE                         | Todd M. Schmutte, MAI | \$54,999        | 8/8/2024         |            | X            | RE25-17     | None                       |
|                             |                       |                 | .                |            |              |             |                            |
| REVIEW APPRAISER            | ORIGINAL              |                 | REVISION         |            | REVISION     |             | REVISION                   |
|                             | AMOUNT                | DATE            | AMOUNT           | DATE       | AMOUNT       | DATE        | AMOUNT DATE                |
| Rebecca A. Belcastro        | \$54,999              | 8/8/2024        |                  | .          |              | .           |                            |
|                             |                       | .               |                  | .          |              | .           |                            |

### Reviewer's Reasoning for the Recommendation:

The reviewer has accepted the valuation derived within the appraisal report as it reasonably supports FMVE. The subject property does not have and assigned street address at the present time and is located at the eastern terminus of Gardenia Drive and the northern and eastern terminus points of Silverleaf Drive, within the City of Oxford, Butler County, Ohio. The property contains a total of 15.081 acres gross with 0.000 acres of P.R.O. for a net area of 15.081 acres. This area is comprised of a single Auditor's parcel within the Butler County records (H4100-132-000-012) and is considered to be the larger parcel for purposes of this report. The subject is currently an agricultural site that is being tilled. Any improvements have not been considered within this appraisal as they do not contribute to value based on the highest and best used of the subject property. Additionally, the appraisal report was completed as a limited scope and values only the underlying land. Access to the interior of the site is available via the terminus points of Gardenia Drive and Silverleaf Drive.

The subject property is zoned R-1B, Single-Family Medium-Density Residential District, under the City of Oxford zoning information. Based on the parameters noted within this information, the subject is considered to be a legal, conforming use in both the "Before" and "After" situations.

The highest and best use of the subject property, as vacant, would be for single-family residential development use as permitted by the current zoning and the site characteristics.

The proposed acquisition from the subject property includes two Standard Highway Easement takings that total 1.375 acres. Parcel 10-SH contains 0.123 acres gross and net, and is an irregular-shaped acres located at the extreme southeast corner of the site. Parcel 10-SH2 contains 1.252 acres gross and net, and is a strip-type acquisition that begins near Gardenia Drive and bisects the property from north to south. Compensation for these parcels is warranted at 100% of fee value, minus \$1 to recognize the underlying fee ownership that remains with the property owner. These acquisitions are required for the pending improvement project, which is the "*construction of approximately 1.7 miles of multi-use trail from Oxford Reily Road (SR 732) to Phase 3 of the trail and approximately 0.7 mile of multi-use trail connection to Chestnut Street.*" There are no site improvements that require compensation within these areas as both areas are natural growth which is merged with the underlying land value. Compensation cannot be considered for any items that are encroaching (within the existing P.R.O.).

Following the improvement project, the subject property will contain a net residue of 15.081 acres gross with new P.R.O. of 1.375 acres for a net area of 13.706 acres. This residue area is based on the information provided and the effect of the improvement project. The subject will continue to have a very similar configuration, roadway frontage and the same access as before from the abutting roadway(s). There is an overall reduction to the net size, but this does not reduce the current use or development potential for this land. The highest and best use remains the same. The subject property is not considered to be damaged as the result of this project and continues to be a legal, conforming use.

The overall report seems reasonable and supported by the market data. The appraisal report contains no major deficiencies. If there are any minor typographical omissions/errors, they are not considered to affect the validity and/or credibility of the appraisal report. The review appraiser has viewed the property and the comparable sales, reviewed the report and the appraisal is accepted as the basis for determining FMVE.

Rebecca A. Belcastro, Owner / Review Appraiser  
Belcastro Valuation Services, LLC

|         |                          |
|---------|--------------------------|
| County  | BUT                      |
| Route   | Oxford Trail             |
| Section | Phase V                  |
| Parcel  | 10-SH, SH2               |
| PID #   | 117001                   |
| Owner   | Lara C. Osborne, Trustee |

This appraisal review template is to be used for the review of R/W Appraisal Reports that have been prepared to estimate compensation to owners for the part taken and damages, if any, to the part not taken. R/W Appraisal Reports prepared for the Department must comply with instructions included in the template for the form RE 25-17 as well as ODOT's Real Estate Manual and with the USPAP.

- |                                                        |   |                                                                                                                                                        |
|--------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Recommended</b> | = | The report meets the many Federal and State requirements (including USPAP) and is recommended as the basis for the acquiring agency's offer.           |
| <input type="checkbox"/> <b>Accepted</b>               | = | The report meets the many Federal and State requirements (including USPAP) but is not recommended as the basis for the acquiring agency's offer.       |
| <input type="checkbox"/> <b>Not Accepted</b>           | = | The report does not meet the many Federal and State requirements (including USPAP) and will not be used as the basis for the acquiring agency's offer. |

1. **State the identity of the client: [SR 4-2(a)]**

The client is the City of Oxford through its agent O.R. Colan Associates.

2. **State the identity of any intended users of this appraisal review: [SR 4-2(a)]**

The intended users of the appraisal review are the City of Oxford through its agent O.R. Colan Associates, the client, client's legal council, a court of law, the property owner, and the report is a public record.

3. **State the intended use of this appraisal review: [SR 4-2(b)]**

The intended use of the reviewer's opinions and conclusions are to assist the City of Oxford through its agent O.R. Colan Associates in establishing F.M.V.E. in compliance with the Uniform Act, Ohio law and the appropriate Federal and State regulations, or, to provide a documented reason as to why the appraisal report is not acceptable, or, is not to be used as a basis to establish F.M.V.E.

4. **State the purpose of the appraisal review: [SR 4-2(c)]**

The purpose of this appraisal review is to:

- (i) determine if the appraisal meets the definition of an appraisal found in 49 CFR 24.2(a)(3) and OAC 5501:2-5-01(B)(3);
- (ii) determine if the appraisal meets the appraisal requirements found in 49 CFR 24.103 and the OAC 5501:2-5-06 (C)(1)(b);
- (iii) determine if the appraisal meets published ODOT procedures regarding the RE 25-17 Summary R/W Appraisal Report format;
- (iv) determine if the appraiser's data, reasoning and support are adequate for the value conclusion(s) reported in the analysis, and;

- (v) if the appraisal report is concluded to be adequate, make a determination if the report is to be recommended as a basis for the establishment of the amount of just compensation which is FMVE.

**5. Identify the work under review: [SR 4-2(d)]**

**(i) Identify the ownership interest of the property that is the subject of the work under review;**

Fee Simple Interest

**(ii) Identify the date of the work under review;**

8/8/2024

**(iii) Identify the effective date of the opinions or conclusions in the work under review;**

6/21/2024

**(iv) Identify the appraiser who completed the work under review.**

Todd M. Schmutte, MAI

**6. State the date of this appraisal review report: [SR 4-2(e)]**

Appraisal Review Report Date: 8/8/2024

**7. State any extraordinary assumptions of this appraisal review and that their use might have affected the assignment results: [SR 4-2(f)]** *(Comment: An extraordinary assumption may be used in a review assignment only if:*

- *it is required to properly develop credible opinions and conclusions;*
- *the reviewer has a reasonable basis for the extraordinary assumption;*
- *use of the extraordinary assumption results in a credible analysis; and*
- *the reviewer complies with the disclosure requirements set forth in USPAP for extraordinary assumptions.)*

No additional Extraordinary Assumptions, other than those considered within the appraisal report, were utilized within this appraisal review.

**State any hypothetical conditions of this appraisal review and that their use might have affected the assignment results: [SR 4-2(f)]** *(Comment: A hypothetical condition may be used in a review assignment only if:*

- *use of the hypothetical condition is clearly required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison;*
- *use of the hypothetical condition results in a credible analysis; and*
- *the reviewer complies with the disclosure requirements set forth in USPAP for hypothetical conditions.)*

No additional Hypothetical Conditions, other than those considered within the appraisal report, were utilized within this appraisal review.

*[Note: The review appraiser's use of extraordinary assumptions or hypothetical conditions without the client's prior knowledge is contrary to the spirit of USPAP. These items should be discussed with the client during the definition of the problem phase of the appraisal review assignment or as soon as the review appraiser becomes aware of the need to incorporate them in the assignment so they can be incorporated into the scope of work. The review appraiser should never wait until the final report to reveal to the client the use of these items in the assignment. The reviewer is required to obtain prior approval from the agency in order to use an extraordinary assumption or hypothetical condition ODOT Real Estate Manual Sec. 4000.05(D)&(E).*

**8. State the scope of work used to develop this appraisal review: [SR 4-2(g)]**

**(i) To identify the extent of the review process, the reviewer has:**

- ☒ Reviewed the right of way plans
- ☒ Reviewed construction plans

- ☒ Viewed subject property
- ☒ Viewed comparable properties
- ☒ Read the appraisal report

(ii) Analyzed the appraisal report for compliance with:

- ☒ Uniform Act/ 42USC CH 61/49 CFR Part 24
- ☒ O.R.C. 163/OAC 5501:2-5-06
- ☒ ODOT Real Estate Manual Sections 4100 to 4500
- ☒ USPAP

(iii) Analyzed the appraisal for:

- ☒ Appraisal theory and techniques
- ☒ Proper before and after analysis
- ☒ Mathematical accuracy
- ☒ Reasonableness and consistency
- ☒ Fair, supportable compensation

### Review of the RE 25-17 Summary R/W Appraisal Report

9. Did the appraiser use the Form RE 25-17(Revised 01-2014)? ☒ Yes ☐ No
10. The appraiser included the Certificate of Appraiser: Form RE 25-6 (Revised 1-2014)? ☒ Yes ☐ No
11. Is the appraiser an approved ODOT consultant, or an approved agency staff appraiser? ☒ Yes ☐ No
12. Is there a copy of the Appraisal Scoping Checklist in the appraisal report? ☒ Yes ☐ No
13. Are the Appraisal Scoping Checklist signed by the appraiser, review appraiser, and agency official? ☒ Yes ☐ No
14. Has the appraiser adequately complied with the scope of work outlined in the Appraisal Scoping Checklist? ☒ Yes ☐ No
15. Are there tenant-owned improvements classified as real property? ☐ Yes ☒ No
  - 15a. If yes, did the appraiser allocate a contributory value to the tenant-owned improvements? ☐ Yes ☐ No ☒ N/A
  - 15b. If yes, how will salvage value be addressed on the form RE 22-1?

### Review of Part 1 – Introduction

16. Did the appraiser include any extraordinary assumptions or hypothetical conditions? ☒ Yes ☐ No
  - 16a. If yes, were the assumptions or conditions agreed to by the client? ☒ Yes ☐ No ☐ N/A

17. Does the use of any assumptions or conditions effect the credibility of the report? ☐ Yes ☒ No
18. Is this a "Limited Scope" Appraisal? ☒ Yes ☐ No ☐ N/A
- 18a. If yes, what are the limitations of the scope?
- Land only
- 18b. If yes, did the appraiser comply with the limitations of the scope? ☒ Yes ☐ No ☐ N/A
19. Did the appraiser adequately comply with Part 1 of the RE 25-17? ☒ Yes ☐ No

#### Review of Part 2 – Factual Data Before The Taking

20. Did the appraiser adequately comply with Part 2 of the RE 25-17? ☒ Yes ☐ No
- 20a. If No, explain below and also conclude whether the appraisal is still credible;

#### Review of Part 3 – Valuation Before The Taking

21. What is the value of the whole property – Before the taking? \$603,240.00
22. Has the appraiser considered all relevant and reliable approaches to value? ☒ Yes ☐ No
23. Did the appraiser adequately comply with Part 3 of the RE 25-17? ☒ Yes ☐ No
- 23a. If no, explain below and also conclude whether the appraisal is still credible.

#### Review of Part 4 – Analysis of The Take

24. What is the allocated value of those items in the take area, if any?

|                   |                |
|-------------------|----------------|
| Land              | \$54,999       |
| Site Improvements | \$0            |
| Structures:       | \$0            |
| Total=Part Taken: | <hr/> \$54,999 |

25. Did the appraiser adequately comply with Part 4 of the RE 25-17? ☒ Yes ☐ No
- 25a. If no, explain below and also conclude whether the appraisal is still credible



## Review of Part 5 – Factual Data After The Taking

☒ N/A due to limited scope of work

26. Has the appraiser adequately described the residue in its uncured condition? ☐ Yes ☐ No

26a. What is the effect of the taking on the uncured residue property?

*[Reviewer must discuss changes in H&B Use or changes in intensity of H&B Use]*

27 Did the appraiser consider a cure? ☐ Yes ☐ No

27a. If yes, has the appraiser adequately described the residue in its cured condition? ☐ Yes ☐ No

27b. What is the effect of the taking on the cured residue?

*[Reviewer must discuss changes in H&B Use or changes in intensity of H&B Use]*

28. Did the appraiser adequately comply with Part 5 of the RE 25-17? ☒ Yes ☐ No

28a. If no, explain below and also conclude whether the appraisal is still credible

## Review of Part 6 - Valuation of the Residue Uncured

☒ N/A due to limited scope of work

29. Did the appraiser value the residue uncured? ☐ Yes ☐ No

30. Has the appraiser considered all relevant and reliable approaches to value? ☐ Yes ☐ No

31 What are total damages uncured;

|                          |         |
|--------------------------|---------|
| Value Before the Taking  | \$      |
| Value of the Residue     | (-) \$0 |
| Difference               | \$0     |
| Part Taken               | (-) \$  |
| Total Damages if Uncured | \$0     |

32. Did the appraiser adequately comply with Part 6 of the RE 25-17? ☐ Yes ☐ No

32a. If no, explain below and also conclude whether the appraisal is still credible.

**Review of Part 7 - Feasibility of the Cost-To-Cure**☐ Yes ☐ No

33. Was a Cure considered?

33a. If Yes, briefly describe the cure.

33b. If Yes, Is the cure feasible?

☐ Yes ☐ No

34. Did the appraiser adequately comply with Part 7 of the RE 25-17?

☐ Yes ☐ No

34a. If No, explain below and also conclude whether the appraisal is still credible;

**Review of Part 8 - Valuation of the Residue As Cured**☒ N/A due to limited scope of work

35. Did the appraiser value the residue cured?

☐ Yes ☐ No

36. Has the appraiser considered all relevant and reliable approaches to value?

☐ Yes ☐ No

37. Are there damages remaining after the cure has been considered?

|                               |              |
|-------------------------------|--------------|
| Value of the Residue as Cured | \$ _____     |
| Value of the Residue Uncured  | (-) \$ _____ |
| Value of the Cure             | \$0          |
| <hr/>                         |              |
| Total Damages, if Uncured     | \$ _____     |
| Value of the Cure             | (-) \$0      |
| Remaining Damages Uncured     | \$0          |

37a. Reviewer's explanation of remaining uncured damages

38. How has the Net Cost-to-Cure been addressed?

|                                      |              |
|--------------------------------------|--------------|
| Cost to Cure                         | \$ _____     |
| Items cured but paid for in the take | (-) \$ _____ |
| Net Cost -to-Cure                    | \$0          |

38a. Reviewer's explanation of Net Cost-to-Cure:

39. Did the appraiser adequately comply with Part 8 of the RE 25-17?

☐ Yes ☐ No

39a. If no, explain below and also conclude whether the appraisal is still credible.

## Review of Part 9- Compensation Estimate for Temporary Easements

☒ N/A

40. Did the appraiser adequately and reasonably consider any temporary easements? ☐ Yes ☐ No

41. Was the compensation for the temporary based upon the residue property? ☐ Yes ☐ No

## Review of Part 10 - Valuation Summary and Compensation Estimate

42. Allocate the appraiser's estimate of compensation:

### The Compensation Estimate

|                       |     |          |
|-----------------------|-----|----------|
| The Part Taken        |     | \$54,999 |
| Damages               |     |          |
| Net Cost to Cure      | \$0 |          |
| Damages Uncured       | \$0 |          |
| Total Damages         |     | \$0      |
| + Temporary Easements |     | \$0      |
| Total Compensation    |     | \$54,999 |

43. Did the appraiser adequately comply with Part 10 of the RE 25-17? ☒ Yes ☐ No

43a. If no, explain below and also conclude whether the appraisal is still credible.

44. State the reviewer's opinions and conclusions about the work under review,  
Including the reasons for any disagreement. [SR4-2(H)]

*The reviewer's final comments should adequately set forth conclusions about the following:*

- Does the appraisal comply with the USPAP?
- Does the appraisal comply with the real estate appraisal procedures of the Ohio Department of Transportation?
- In the reviewer's opinion, is the estimate of compensation estimated by the appraiser fair and reasonable, adequately supported in compliance with procedure and does it adequately consider compensation for the part taken and damages, if any, to the part not taken in accordance with Ohio laws for compensation?
- Does the reviewer recommend the appraisal report as the basis for the Agency's offer of FMVE to the property owner?

The appraisal complies with USPAP and the real estate appraisal procedures of ODOT. It is the reviewer's opinion that the estimate of compensation provided by the appraiser is fair and reasonable, and accurately supported for the part taken. The reviewer recommends that the report supports the basis for establishing FMVE.

## Reviewer's Certification

### I disclose that:

- ☐ I am an employee of the Ohio Department of Transportation approved to perform appraisal review services.
- ☒ I am a consultant approved by the ODOT Office of Consultant Services to perform appraisal review services for ODOT projects and Federally funded projects.
- ☒ I have not provided any services regarding the subject property within the three-year period immediately preceding acceptance of the assignment, as an appraiser or in any other capacity. *(If this box is not checked then the appraiser must provide an explanation and clearly and conspicuously disclose whatever services have been provided for this property in the past three years.)*
- ☐ No one provided significant real property appraisal review assistance to the person signing this certification. If this box is not checked then the appraiser must explain below:  
*(Nicholas J. Belcastro, MAI, AI-GRS (Certified General: ACG2015004211) assisted the review appraiser with the desk review and field viewing of the subject property and of the comparable data)*

### I certify that, to the best of my knowledge and belief:

- ❖ The statements of fact contained in this report are true and correct.
- ❖ I have physically viewed the subject property and the take area of the subject property of the work under review.
- ❖ I have personally viewed the comparable sales in the field used in the valuation.
- ❖ The Appraisal Report reviewed complies with Sections 4000 through 4500 of the Real Estate Manual promulgated by the Office of Real Estate, Ohio Department of Transportation.
- ❖ That I understand that such appraisal review report may be used in connection with the acquisition of right of way for a transportation project to be constructed by the State of Ohio with the assistance of Federal-Aid Highway Funds or other Federal Funds.
- ❖ That such appraisal review report has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right of way for such purposes; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of Ohio.
- ❖ The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- ❖ I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved.
- ❖ I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- ❖ My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- ❖ My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- ❖ My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- ❖ My analyses, opinions, and conclusions were developed, and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- ❖ That I have not revealed the findings and results of such appraisal review report to anyone other than the proper officials of the Ohio Department of Transportation or officials of the Federal Highway Administration, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

❖ My class of certification is: Certified General Real Estate Appraiser

This appraisal review report:

☒ is within the scope of my certification or licensure

☐ is not within the scope of my certification or licensure

❖ My certification/license number is: 2007004534

Appraisal Reviewer Signature Rebecca A. Belcastro

Typed Name Rebecca A. Belcastro



LPA  
Rev. 01/2024

## NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER

November 22, 2024

Lara C. Osborne, Trustee  
5790 Stillwell Beckett Rd.  
Oxford, OH 45056-9021

Re: BUT Oxford Recreational Trail Ph 5  
Parcel Number: 10  
Interest Acquired: SH, SH2

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### THE NOTICE OF INTENT TO ACQUIRE

TO: Lara C. Osborne, Trustee

The City of Oxford, Butler County, Ohio needs your property for a highway project identified as BUT Oxford Recreational Trail Ph 5 and will need to acquire the following from you:

***Parcels 10 SH, SH2 are Standard Highway Easements needed for the roadway project. A Standard Highway Easement is a permanent easement being acquired in the City of Oxford, Butler County, Ohio name.***

Ohio law authorizes City of Oxford, Butler County, Ohio to obtain Parcels 10 SH, SH2 from your property for the public purpose of a highway project. The legal description of your property that City of Oxford, Butler County, Ohio needs for the highway project is set out in the Good Faith Offer that is included with this Notice of Intent to Acquire, that legal description is referred to as **Exhibit A** in the Good Faith Offer.

The Good Faith Offer included with this Notice of Intent to Acquire is City of Oxford, Butler County, Ohio determination of the fair market value of your property. This fair market value (FMV) is what a willing buyer who is under no compulsion to buy and a willing seller who is under no compulsion to sell would value your property on the open market.

You will have a minimum of 30 days from the time you receive the Good Faith Offer included with this Notice of Intent to Acquire to accept or reject the offer. We are available to discuss the offer with you at any time. If you reject the offer or we are unable to come to an agreement, we

may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

**HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:**

1. By law, City of Oxford, Butler County, Ohio is required to make a good faith effort to purchase Parcels 10 SH, SH2.
2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to City of Oxford, Butler County, Ohio establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and City of Oxford, Butler County, Ohio is not required to agree to your demands.
4. You are to be provided a copy of the valuation document during the first negotiation visit by an agent of City of Oxford, Butler County, Ohio.
5. You are to be provided with pertinent parts of the highway plans which are:  
  
Summary Sheet, Right of Way Plan Sheets, Typical Sheets, Plan & Profile Sheets, Cross Section Sheets & Drive Profile (if applicable)
6. The Plan Letter Attachment included with the Good Faith Offer attached to this Notice of Intent To Acquire describes the interest in the real property that is to be acquired from you, the description and location of the real property to be acquired, and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled “When ODOT Needs Your Property”. This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter.
9. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 10 SH, SH2, City of Oxford, Butler County, Ohio has the right to file suit to acquire Parcels 10 SH, SH2 by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures your rights will



be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.

10. When filing the appropriation, the Mayor will deposit the value of the property sought to be acquired with the court. At that time, City of Oxford, Butler County, Ohio gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If you agree to accept the deposited money as full payment, the appropriation case will be closed.
11. If you are not satisfied with the amount of the deposit, you must file an answer with the court in the manner and within the time specified in the summons which is served upon you by the court. Once the answer is filed, you may apply to the court to withdraw the deposited money, subject to the rights of any other parties having an interest in the property. Withdrawing your share of the deposit does not interfere with your right to have a jury determine the FMV of your property. Interest will not accrue on any money deposited under this procedure. If the money withdrawn under this procedure should exceed the final award, the owner will be required to return the excess payment.
12. As part of your answer you may request a trial by jury. After a trial, a jury will decide the amount you are to be awarded for your property that is acquired, for the damage that is caused by the acquisition, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial you may testify and present evidence as to the value of your property.
13. If your property qualifies as an “Agricultural Use” as defined under ORC 163.21 (C)(2), and a jury awards you an amount that is more than 150% of City of Oxford, Butler County, Ohio final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
14. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

### **THE GOOD FAITH OFFER**

The amount offered to you in good faith as just compensation for the acquisition of Parcel 10, SH, SH2, of Project BUT Oxford Recreational Trail Ph 5 is:

|                                                |             |
|------------------------------------------------|-------------|
| Real Property To Be Acquired                   | \$54,999.00 |
| Damages To Your Property Which Is Not Acquired | \$0.00      |
| Temporary Construction Easement                | \$0.00      |
| Total Good Faith Offer                         | \$54,999.00 |

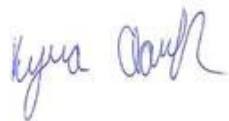
Tenant-owned improvements, if any, are to be identified in this Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. None.

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that City of Oxford, Butler County, Ohio may conclude this acquisition of property without obtaining a partial release of such mortgage lien from your lender. In that event, you as the borrower and grantor of the mortgage lien should consult your loan and mortgage documents concerning possible requirements to apply proceeds from a public acquisition to your outstanding loan balance or contact your lender about responsibilities and obligations when part of your property is acquired for public use.

While City of Oxford, Butler County, Ohio may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning this matter, you may contact us at:

O.R. Colan Associates  
8790 Governor's Hill Drive, Suite 101  
Cincinnati, OH 45249  
513-247-0243

Respectfully,



Kyra Clark, Right of Way Agent  
513-247-0243, Extension 7015

**ACKNOWLEDGMENT OF RECEIPT  
OF  
NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER**

Re: BUT Oxford Recreational Trail Ph 5  
Parcel Number: 10  
Interest Acquired: SH, SH2

Each of the undersigned acknowledges that a copy of the foregoing Notice of Intent to Acquire and Good Faith Offer was delivered to the undersigned by City of Oxford, Butler County, Ohio. This Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has waived or will waive any objections the undersigned might have, to City of Oxford, Butler County, Ohio efforts to acquire the undersigned's property. Furthermore, the undersigned's signature on this Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has accepted or will accept any of the terms, provision or conditions set out in this Good Faith Offer.

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)

## **EXHIBIT A**

LPA RX 871 SH

*KE*

Ver. Date 10/16/24

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PID 117001

**PARCEL 10-SH1  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

---

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 15.081 Acre parcel as of the date this survey was prepared, as conveyed to Lara C. Osborne, TR. as recorded in Official Record 9649, Page 347 of the Butler County Recorder's Office and being Part Lot 812 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the southwest corner of said Part Lot 812 at a found 5/8" iron pin capped "Brosey" being 11.71 feet right of Station 73+29.54 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning with the south line of said Part Lot 812, North 87° 55' 23" West, 139.85 feet to a set iron pin being 25.23 feet right of Station 71+96.60 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the south line of said Part Lot 812 the following two courses: North 54° 53' 38" East, 82.95 feet to a set iron pin being 40.40 feet left of Station 72+62.25 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 87° 49' 17" East, 73.86 feet to a set iron pin at the east line of said Part Lot 812 being 38.29 feet left of Station 73+29.91 of the centerline of BUT-Oxford Area Trail, Phase 5;

## **EXHIBIT A**

LPA RX 871 SH

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thence, with the east line of said Part Lot 812, South 02° 10' 43" West, 50.00 feet to the to the true point of beginning. Containing in all 0.123 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.123 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4000-116-000-012.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



**EXHIBIT A**

LPA RX 871 SH

KC

Ver. Date 10/16/24

Page 1 of 3

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PID 117001

**PARCEL 10-SH2  
BUT-OXFORD AREA TRAIL PHASE 5, CHESTNUT CONNECTOR  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, Butler County, City of Oxford, Section 27, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 15.081 Acre parcel as of the date this survey was prepared, as conveyed to Lara C. Osborne, TR. as recorded in Official Record 9649, Page 347 of the Butler County Recorder's Office and being part of Lot 812 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on both sides of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5, Chestnut Connector.

Beginning at the southeast corner of Lot 3657 of Silverleaf Meadows, Section 1 as recorded in Plat Envelope 3973, Pages A-C at a set iron pin being 52.65 feet left of Station 100+02.07 of the centerline of the BUT-Oxford Area Trail, Phase 5, Chestnut Connector and being the True Point of Beginning;

thence, from the True Point Beginning and with the east line of said Silverleaf Meadows, Section 1 the following three courses: North 02° 04' 02" East, 179.15 feet to the northeast terminus of the right of way of Gardenia Drive;

thence, departing said terminus and with the north right of way of said Gardenia Drive, North 87° 55' 22" West, 23.50 feet;

thence, departing the north right of way of said Gardenia Drive, North 02° 03' 58" East, 92.00 feet to a set iron pin;



## **EXHIBIT A**

LPA RX 871 SH

Page 2 of 3

Rev. 06/09

thence, departing said Silverleaf Meadows, Section 1, and through the lands of said Lara C. Osborne, TR. the following five courses: with a non-tangent curve to the right, having a central angle of  $66^{\circ} 39' 37''$ , a radius of 108.41 feet, an arc length of 126.13 feet, and a chord bearing North  $02^{\circ} 27' 19''$  East, 119.14 feet;

thence, North  $39^{\circ} 15' 02''$  East, 209.07 feet;

thence, with a curve to the right, having a central angle of  $06^{\circ} 34' 25''$ , a radius of 230.00 feet, an arc length of 26.39 feet, and a chord bearing North  $42^{\circ} 32' 15''$  East, 26.37 feet;

thence, North  $45^{\circ} 49' 27''$  East, 110.45 feet;

thence, with a curve to the left, having a central angle of  $32^{\circ} 07' 45''$ , a radius of 37.09 feet, an arc length of 20.80 feet, and a chord bearing North  $29^{\circ} 45' 35''$  East, 20.53 feet to a set iron pin on the south line of Lot 813 being 30.00 feet left of Station 107+75.58 of the centerline of the BUT-Oxford Area Trail, Phase 5, Chestnut Connector;

thence, with said Lot 813, South  $88^{\circ} 07' 41''$  East, 60.49 feet to a set iron pin being 30.00 feet right of Station 107+84.16 of the centerline of the BUT-Oxford Area Trail, Phase 5, Chestnut Connector;

thence, departing said Lot 813 and through the lands of said Lara C. Osborne, TR. the following eight courses: with a curve to the right, having a central angle of  $39^{\circ} 27' 47''$ , a radius of 97.09 feet, an arc length of 66.87 feet, and a chord bearing South  $26^{\circ} 05' 34''$  West, 65.56 feet;

thence, South  $45^{\circ} 49' 27''$  West, 110.45 feet;

thence, with a curve to the left, having a central angle of  $06^{\circ} 34' 25''$ , a radius of 170.00 feet, an arc length of 19.50 feet, and a chord bearing South  $42^{\circ} 32' 15''$  West, 19.49 feet;

thence, South  $39^{\circ} 15' 02''$  West, 209.07 feet;

thence, with a curve to the left, having a central angle of  $79^{\circ} 09' 11''$ , a radius of 30.00 feet, an arc length of 41.44 feet, and a chord bearing South  $00^{\circ} 19' 33''$  East, 38.23 feet;

thence, South  $39^{\circ} 54' 09''$  East, 17.43 feet;

thence, with a curve to the right, having a central angle of  $42^{\circ} 39' 46''$ , a radius of 181.20 feet, an arc length of 134.92 feet, and a chord bearing South  $18^{\circ} 34' 16''$  East, 131.83 feet;



## EXHIBIT A

LPA RX 871 SH

Page 3 of 3

Rev. 06/09

thence, South 02° 45' 37" West, 179.53 feet to a set iron pin on the north line of said Lot 3732 being 30.00 feet right of Station 100+03.05 of the centerline of the BUT-Oxford Area Trail, Phase 5, Chestnut Connector;

thence, with said Lot 3732, North 87° 55' 23" West, 82.66 feet to the true point of beginning. Containing in all 1.252 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 1.252 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4000-116-000-012.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



## **PLAN LETTER ATTACHMENT**

BUT-Oxford Area Trail Phase 5  
**10 SH, SH2**  
**Date of offer: 11/22/24**

To avoid any misunderstanding as to the work to be done, you are being furnished with this plan letter attachment and a print of the right of way plan sheets applicable to your parcel and associated construction plan sheets, if applicable. The following explains the type of acquisition and what to look for on the plans provided. Changes to the plan required by engineering revisions or as agreed to in negotiations will be documented in writing by The City of Oxford.

**The scope of work to be performed under this improvement shall generally consist of the construction of approximately 1.7 miles of multi-use trail from Oxford Reily Road (SR732) to Phase 3 of the trail and approximately 0.7 miles of multi-use trail connection to Chestnut Street.**

The real property needed for the BUT-Oxford Area Trail Phase 5 project requires the acquisition of only a part of your property. The agency needs to acquire from you parcels **10 SH, SH2**. The acquisition is further explained as follows.

### **Parcel 10 SH**

SH is defined as a Standard Highway Easement. This modifier is used to acquire rights of way for a highway improvement where fee simple title is not required and limitation of access from adjoining land is not desired. You will notice the SH area is colored-in orange on the Summary of Additional Right of Way Sheet 113 of 161 and highlighted in orange on Right of Way Detail Sheets 122 and 123 of 161. The Standard Highway Easement is shown in orange and the SH taking contains 0.123 acres which comes from auditor's parcel H4000-116-000-012, as shown on the Summary of Additional Right of Way Sheet. For this taking, all property rights are being acquired, however, The City of Oxford is reserving to you access rights to your property. This area is located on the southeastern corner of your property and has an irregular configuration and is approximately 139.85 feet in length, 50.00 feet at its narrowest point, and 82.95 feet at its widest point and is located between proposed BUT-Oxford Area Trail Phase 5 Right-of-Way Centerline Station 72+04.77, left and Station 73+38.08, left. This taking is needed for construction of a recreational trail.

### **Parcel 10 SH2**

SH is defined as a Standard Highway Easement. This modifier is used to acquire rights of way for a highway improvement where fee simple title is not required and limitation of access from adjoining land is not desired. You will notice the SH area is colored-in orange on the Summary of Additional Right of Way Sheet 113 of 161 and

highlighted in orange on Right of Way Detail Sheets 122 and 123 of 161. The Standard Highway Easement is shown in orange and the SH taking contains 1.252 acres which comes from auditor's parcel H4000-116-000-012, as shown on the Summary of Additional Right of Way Sheet. For this taking, all property rights are being acquired, however, The City of Oxford is reserving to you access rights to your property. This area is located on from the northern side of property transversing to the southern side of your property and the southwestern property line, and has a irregular configuration and is approximately 777.45 feet in length, 60.49 feet at its narrowest point, and 82.65 feet at its widest point and is located between proposed BUT-Oxford Area Trail Phase 5 Chestnut Connector Right-of-Way Centerline Station 100+02.07 and Station 107+84.16, right. This taking is needed for construction of a recreational trail.

### **Structures, Improvements and Tenant-Owned Improvements**

There are no improvements within the take area according to the Fair Market Value Estimate. Miscellaneous Voluntary Growth merged with the land value.

### **Drives**

Your drive is not affected by the project.

### **New Pavement/Grade/Swale**

Per Typical Section Sheets 9 and 10 of 161, Plan and Profile Sheets 31 and 34 of 161, Cross Section Sheets 56, 57, 67 and 68 of 161, an approximately 11 feet wide Multi-Use Path will be installed along the length of the project From Station 71+50 to Station 72+50 there will be 12:1, then a 3:1 fore slope on the northern edge of the proposed path and a 3:1 fore slope with a drainage swale with a 2:1 back slope on the southern edge of the proposed path. At Station 73+00 there will be a 3:1 fore slope on the northern edge of the proposed path and a 3:1 fore slope with a drainage swale with a 2:1 back slope on the southern edge of the proposed path. At Station 73+50 there will be a 12:1, then a 3:1 fore slope on the northern edge of the proposed path and a 3:1 fore slope on the southern edge of the proposed path. And on proposed Chestnut Connector from Chestnut Connector Construction Centerline Station 100+50 to 103+50 there will be a 3:1 fore slope with a 2-foot drainage swale and a 3:1 back slope on the western edge of the proposed path and a 2:1 back slope on the eastern edge of the proposed path. At Station 104+00 there will be a 2:1 fore slope on the western edge of the proposed path and a 3:1 fore slope on the eastern edge of the proposed path. At Station 104+50 there will be a 2:1 fore slope on the western edge of the proposed path and a 2:1 back slope on the eastern edge of the proposed path. From Station 105+00 and 106+00 there will be a 3:1 fore slope, then a 2:1 fore slope with special benching on the western edge of the proposed path and a 2:1 back slope on the eastern edge of the proposed path. At Station 106+50 there will be a 3:1 fore slope on the western edge of the proposed path and a 2:1 back slope on the eastern edge of the proposed path. At Station 107+00 there will be no change on the western edge of the proposed path, and a 2:1 back slope on the eastern edge of the proposed path. At Stations 107+50 and 108+00 there will be a 2:1 back slope on the western edge of the proposed path and an approximate 3:1 fore slope with a 2-foot drainage swale with a 2:1 back slope on the eastern edge of the proposed path.

### Drainage

Per Plan and Profile Sheets 31 and 34 of 161, and Cross Section Sheets 56, 57, 67 and 68 of 161. At Station 72+98, 16 feet right there will be 28 lineal feet of Type D conduit with concrete headwalls installed to Station 72+98, 12 feet left with 10'x4'x18" Type C RCP, with filter fabric. From Station 72+00 to approximately Station 73+31 there will be a drainage swale on the southern edge of the proposed path. And on the proposed Chestnut Connector from Chestnut Connector Construction Approximate Centerline Station 99+88 to 103+50 there will be a 2-foot drainage swale on the western edge of the proposed path. At Stations 107+50 and 108+00 there will be a 2-foot drainage swale on the eastern edge of the proposed path.

### Fencing

There does not appear to be fencing impacted on this project.

### Items that will have to be moved or destroyed

There are no improvements within the take area according to the Fair Market Value Estimate.

### Field Tiles

The LPA has made every effort to locate field tiles within the limits of the new right of way and to provide outlets for these tiles. However, since field tiles are underground installations, with their location difficult to establish, we do not guarantee that every tile has been located. For this reason, it is requested that you advise us of the location of any tile omitted from the plans. By doing this, you will be assured that provisions will be made on the plans for re-connection if it is destroyed during construction.

### Gas, Oil, and/or Water Lines

We would appreciate being advised as to the location and ownership of any gas, water, or oil lines which might appear on the plans.

### Sanitary Sewage Outlets

State and County health laws do not permit sanitary sewage to outlet into roadside drainage systems.

### Cost to Cure Items

These are items located partially or totally within an area being acquired as right of way and for which you are being compensated an amount for their purchase in addition to an amount for a cost to cure. A cost to cure is an amount paid to you to cure damage to your remaining property resulting from the acquisition of the cost to cure items.

As soon as possible after you receive compensation you will be responsible for removing any cost to cure items from the right of way area(s) unless you desire The City of Oxford to remove them for you as part of the project. **If The City of Oxford does the removal, The City of Oxford will NOT perform any additional work required to cure damages to your residue property since you will have already been compensated for that work.**

### Encroachments

There may be encroachments from your property into The City of Oxford's right of way. Encroachments are privately-owned items that occupy public right of way without permission. Private owners are responsible for removing their encroachment items from the right of way as soon as possible. If left in place, encroachments are subject to removal by LPA with the cost for that work charged to the owner. (Ohio revised Code, Section 5515 and 5589)

### Miscellaneous

Please be advised that after this acquisition is completed, no improvements, including fencing, may be placed in the new permanent right of way without a written permit from The City of Oxford.

**TITLE REPORT**
☒ 42 YEAR REPORT    ☐ ABBREVIATED REPORT    ☐ UPDATE
**INSTRUCTION:**

- (1) R.C. 163.01 (E) defines "owner" as "any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated". The City of Oxford expands this definition to include, but is not limited to, all fee owners, life tenants, remaindermen, mortgagees, tenants and subtenants (whether or not a lease is recorded), occupants, possessors, lienholders, easement owners, judgment creditors, etc.
- (2) ODOT procedures require that pertinent attachments be part of the Title Report/Title Chain in compliance with Section 5102.04 (E) of its Real Estate Procedures Manual.

**(1) FEE OR OTHER PRIMARY OWNERS**

| Name                     | Marital Status (Spouse's Name) | Interest |
|--------------------------|--------------------------------|----------|
| Lara C. Osborne, Trustee | N/A                            | Fee      |

Mailing Address: 5790 Stillwell Beckett Rd.  
Oxford, OH 45056-9021

Phone Number: Unknown

Property Address: Gardenia Dr.  
Oxford, OH 45056

**(2) BRIEF DESCRIPTION OF SUBJECT PREMISES**

(From deed to present owner or other instruments containing a valid description. Give deeds of record, include the size of each parcel)

Tract II: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city. Containing 24.369 acres. Save and excepting 5.101 acres of Lot #812. Saving and excepting therefrom that part of said lot that was platted as part of Silverleaf Meadows Subdivision, leaving in Tract II 15.081 acres, more or less, of Par Lot #812, City of Oxford, Ohio. Further identified as Auditor Tax Parcel No. H4000116000012.

15.0810 acres per Butler County Auditor

Auditor Tax Parcel No. H4000116000023 is contagious but is not affected by this project and was not searched as part of this report.

Titel Acquired By: Bk. 9649 Pg. 347

**(3-A) MORTGAGES, LIENS AND ENCUMBRANCES**

| Name & Address & Phone Number                                                                                                        | Date Filed                    | Amount & Type of Lien    |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------|
| Samuel W. Harris, James J. Harris, Dorothy L. Paulick, John R. Harris, Paul J. Harris and Mary Ann Stout to Bill D. Colwell, Trustee | 6/17/1991<br>Bk. 2184 Pg. 344 | \$125,000.00<br>Mortgage |
| Address: Unknown<br>Telephone Number: Unknown                                                                                        |                               |                          |

**(3-B) LEASES**

| Name & Address | Commercial/Residential | Term |
|----------------|------------------------|------|
| None Found     |                        |      |

**(3-C) EASEMENTS**

| Name & Address | Type |
|----------------|------|
| None Found     |      |

(4) **DEFECTS IN TITLE-IRREGULARITIES-COMMENTS** (Record or Off Record)

Copy of Tax Map included with this report.

Found copy of Power of Attorney, filed as Bk. 9468 Pg. 235, for Bill D. Colwell who appointed his wife Nancy S. Colwell as his true and lawful attorney in fact.

Found copy of Plat Vol. 9 Pg. 81 included with this report.

(5) **TAXES AND SPECIAL ASSESSMENTS** (List by auditor's tax parcel number, description, amount, etc.)

County: Butler Township: Oxford School District: TWND CSD

| AUD. PAR. NO(S) | Land                | Building      | Total               | Taxes                    |
|-----------------|---------------------|---------------|---------------------|--------------------------|
| H4000116000012  | <u>\$137,420.00</u> | <u>\$0.00</u> | <u>\$137,420.00</u> | <u>\$963.09 per Half</u> |

No Special Assessments

No Homestead Reduction

1<sup>st</sup> Half: Paid

2<sup>nd</sup> Half: Paid

100% Values Shown

(6) **CAUV (Current Agricultural Use Value)**

Is the property under the CAUV Program: Yes: ☐ No: ☒

Comments:

N/A

This Title Report covers the time period from 5/3/1941 to 10/11/2023. The undersigned hereby verifies that this Title Report is an abstract of the real estate records for that period of time, which reflects all currently relevant instruments and proceedings of record and those of record matters personally known by the undersigned pertaining to Parcel(s) 10-SH1, SH2 and presently standing in the name of Lara C. Osborne, Trustee as the same are entered upon the several public records of Butler County.

Date & Time 10/11/2023 @ 7:59 AM (am/pm)

Signed Kyra Clark

Print Name Kyra Clark, Agent

**UPDATE TITLE BLOCK**

This Title Report covers the time period from \_\_\_\_\_ to \_\_\_\_\_. The undersigned hereby verifies that this Title Report is an abstract of the real estate records for that period of time, which reflects all currently relevant instruments and proceedings of record and those of record matters personally know by the undersigned pertaining to Parcel(s) 10-SH1, SH2 and presently standing in the name of Lara C. Osborne, Trustee as the same are entered upon the several public records of Butler County.

Date & Time \_\_\_\_\_ (am/pm)

Signed \_\_\_\_\_

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

Comments from the agent who prepared the Title Update



DIST 8 CRS BUT-Oxford Area Trail Phase 5 PARCEL 10-SH1, SH2 PID 117001

| Grantor                                                                                                    | Grantee                                                      | Date Signed                                                                                                                                                                                                                                                                                                                                                                                                                                           | Date & Time Recorded | Volume/Page      | Conveyance Fee | Type Instrument   |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------|----------------|-------------------|
|                                                                                                            |                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                  |                |                   |
| Brief Land Description & Remarks                                                                           |                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                  |                |                   |
| Bill D. Colwell by his<br>Power of Attorney Nancy<br>S. Colwell, and Nancy S.<br>Colwell, husband and wife | Lara C. Osborne, Trustee<br><br>Fee                          | 5/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5/11/2021 @ 10:04 AM | Bk. 9649 Pg. 347 | \$225.00       | Warranty Deed     |
| Fee                                                                                                        |                                                              | Tract II: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city.<br><br>Save and Excepting Therefrom 5.101 acres of Lot #812.<br><br>Saving and Excepting Therefrom that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B, C of the plat records of Butler County, Ohio, leaving in Tract II 15.081 acres, more or less, of Part Lot #812, City of Oxford, Ohio. |                      |                  |                |                   |
| Bill D. Colwell, Trustee,<br>and Bill D. Colwell, also<br>known as Bill Colwell,<br>married                | Bill D. Colwell and Nancy<br>S. Colwell, husband and<br>wife | 12/2/2010                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12/8/2010 @ 11:59 AM | Bk. 8289 Pg. 508 | Exempt         | Survivorship Deed |
| Dower released by Nancy<br>S. Colwell                                                                      | Fee                                                          | Tract II: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city.<br><br>Save and Excepting Therefrom 5.101 acres of Lot #812.<br><br>Saving and Excepting Therefrom that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B, C of the plat records of Butler County, Ohio, leaving in Tract II 15.081 acres, more or less, of Part Lot #812, City of Oxford, Ohio. |                      |                  |                |                   |
| Fee                                                                                                        |                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                  |                |                   |

DIST 8

CRS BUT-Oxford Area Trail Phase 5

PARCEL 10-SH1, SH2

PID 117001

| Grantor                                                                                                                                                        | Grantee                                       | Date Signed | Date & Time Recorded | Volume/Page       | Conveyance Fee | Type Instrument |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------|----------------------|-------------------|----------------|-----------------|
| Mary Ann Stout, widowed<br>and not remarried<br><br>Und. 1/6 Int.                                                                                              | Bill D. Colwell, Trustee<br><br>Und. 1/6 Int. | 6/4/1991    | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 647 | \$75.00        | Warranty Deed   |
| Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City.<br>Containing 24.369 acres.                                       |                                               |             |                      |                   |                |                 |
| Save and Excepting therefrom 5.101 acres of Lot 812.                                                                                                           |                                               |             |                      |                   |                |                 |
| And more lands.                                                                                                                                                |                                               |             |                      |                   |                |                 |
| Samuel William Harris,<br>also known as Samuel W.<br>Harris, also known as<br>Samuel Harris, married<br><br>Dower released by<br>Marjorie E. Harris<br><br>Fee | Bill D. Colwell, Trustee<br><br>Und. 1/6 Int. | 5/25/1991   | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 643 | \$75.00        | Warranty Deed   |
| Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City.<br>Containing 24.369 acres.                                       |                                               |             |                      |                   |                |                 |
| Save and Excepting therefrom 5.101 acres of Lot 812.                                                                                                           |                                               |             |                      |                   |                |                 |
| And more lands.                                                                                                                                                |                                               |             |                      |                   |                |                 |
| Paul Jeffrey Harris, also<br>known as Paul J. Harris,<br>married<br><br>Dower released by<br>Rosemary Harris<br><br>Und. 1/6 Int.                              | Bill D. Colwell, Trustee<br><br>Und. 1/6 Int. | 5/30/1991   | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 639 | \$75.00        | Warranty Deed   |
| Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City.<br>Containing 24.369 acres.                                       |                                               |             |                      |                   |                |                 |
| Save and Excepting therefrom 5.101 acres of Lot 812.                                                                                                           |                                               |             |                      |                   |                |                 |
| And more lands.                                                                                                                                                |                                               |             |                      |                   |                |                 |

DIST 8

CRS BUT-Oxford Area Trail Phase 5

PARCEL 10-SH1, SH2

PID 117001

| Grantor                                                           | Grantee                  | Date Signed                                                                                                           | Date & Time Recorded | Volume/Page       | Conveyance Fee | Type Instrument |
|-------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|----------------|-----------------|
| John Richard Harris, also known as John R. Harris, married        | Bill D. Colwell, Trustee | 5/28/1991                                                                                                             | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 635 | \$75.00        | Warranty Deed   |
| Dower released by Nora Harris                                     | Und. 1/6 Int.            | Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City. Containing 24.369 acres. |                      |                   |                |                 |
| Und. 1/6 Int.                                                     |                          | Save and Excepting therefrom 5.101 acres of Lot 812.                                                                  |                      |                   |                |                 |
|                                                                   |                          | And more lands.                                                                                                       |                      |                   |                |                 |
| Dorothy Louise Paulick, also known as Dorothy L. Paulick, married | Bill D. Colwell, Trustee | 5/28/1991                                                                                                             | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 631 | \$75.00        | Warranty Deed   |
| Dower released by William Paulick                                 | Und. 1/6 Int.            | Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City. Containing 24.369 acres. |                      |                   |                |                 |
| Und. 1/6 Int.                                                     |                          | Save and Excepting therefrom 5.101 acres of Lot 812.                                                                  |                      |                   |                |                 |
|                                                                   |                          | And more lands.                                                                                                       |                      |                   |                |                 |
| James J. Harris, married                                          | Bill D. Colwell, Trustee | 5/31/1991                                                                                                             | 6/17/1991 @ 1:16 PM  | Vol. 1726 Pg. 627 | \$75.00        | Warranty Deed   |
| Dower released by Marilyn C. Harris                               | Und. 1/6 Int.            | Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City. Containing 24.369 acres. |                      |                   |                |                 |
| Und. 1/6 Int.                                                     |                          | Save and Excepting therefrom 5.101 acres of Lot 812.                                                                  |                      |                   |                |                 |
|                                                                   |                          | And more lands.                                                                                                       |                      |                   |                |                 |



| DIST                                                                                               | 8                                                     | CRS                                                                                                                                        | BUT-Oxford Area Trail Phase 5 | PARCEL           | 10-SH1, SH2    | PID                     | 117001 |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------|----------------|-------------------------|--------|
| Grantor                                                                                            | Grantee                                               | Date Signed                                                                                                                                | Date & Time Recorded          | Volume/Page      | Conveyance Fee | Type Instrument         |        |
| Estate of Mary Marguerite Harris by Butler County Probate Court, Case No. PC 88-02-0165<br><br>Fee | Samuel W. Harris                                      | 1/1/1989                                                                                                                                   | 2/13/1989 @ 3:59 PM           | Vol. 1657 Pg. 68 | Exempt         | Certificate of Transfer |        |
|                                                                                                    | James J. Harris                                       | Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city. Containing 24.369 acres.                      |                               |                  |                |                         |        |
|                                                                                                    | Dorothy L. Paulick                                    | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    | John Richard Harris                                   | And more lands.                                                                                                                            |                               |                  |                |                         |        |
| Paul Jeffrey Harris<br>Mary Ann Stout<br><br>Und. 1/6 Int. Each                                    | Paul Jeffrey Harris                                   | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    | Mary Ann Stout                                        | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    | Und. 1/6 Int. Each                                    | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    |                                                       | And more lands.                                                                                                                            |                               |                  |                |                         |        |
| Estate of Samuel Albert Harris by Butler County Probate Court, Case No. 35283<br><br>Und. ½ Int.   | Mary Marguerite Harris, widow                         | 5/26/1977                                                                                                                                  | 5/27/1977 @ 3:54 PM           | Bk. 1292 Pg. 23  | Exempt         | Certificate of Transfer |        |
|                                                                                                    | Und. ½ Int.                                           | Tract I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city. Containing 24.369 acres.                      |                               |                  |                |                         |        |
|                                                                                                    |                                                       | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    | Und. ½ Int.                                           | And more lands.                                                                                                                            |                               |                  |                |                         |        |
| Home Federal Savings and Loan Association of Hamilton<br><br>Fee                                   | Samuel A. Harris and Mary Marguerite Harris, his wife | 4/30/1941                                                                                                                                  | 5/3/1941 @ 10:50 AM           | Bk. 348 Pg. 92   | \$8.80         | Warranty Deed           |        |
|                                                                                                    | Fee                                                   | Part of lot numbered one (1) in Section 27, Town 5, Range 1, in said Oxford Township, Butler County, Ohio. Containing 25.55 acres or land. |                               |                  |                |                         |        |
|                                                                                                    |                                                       | And more lands.                                                                                                                            |                               |                  |                |                         |        |
|                                                                                                    |                                                       | And more lands.                                                                                                                            |                               |                  |                |                         |        |

TRANSFERRED  
DATE 5-10-21  
CONVEYANCE 530816  
FEE \$ 225 (15000) K0  
EXEMPT

Roger Reynolds, Butler Co. Auditor  
This conveyance has been examined and the  
grantor has complied with Sec. 319.202 of the O.C.



Recorded: 05/11/2021 10:04 AM Page: 1 of 3  
File # 2021-00027263 Fee Amt: \$42.00  
BUTLER County, Ohio DANNY N. CRANK, Recorder  
BK **9649** PG **347**

## Warranty Deed

**BILL D. COLWELL** by his Power of Attorney **Nancy S. Colwell** recorded in Official  
Record 9468, Page 235 and **NANCY S. COLWELL**, husband and wife, for valuable  
consideration paid, grants and conveys with general warranty covenants to **LARA C.**  
**OSBORNE, TRUSTEE**, the following **REAL PROPERTY**:

### Tract I

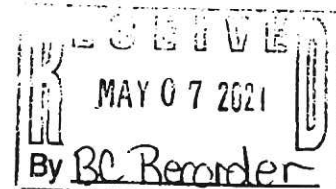
Situate in the City of Oxford, Butler County, Ohio and being a part of Lot #812  
of said city and bounded and described as follows:

Beginning at the southeast corner of Lot #987 of the City of Oxford; thence from  
said point North 01°40' West, 240.00 feet to the northeast corner of Lot #985;  
thence North 86°20' East along the south line of Silverleaf Subdivision, 452.35  
feet to the southeast corner of Lot #1361; thence South 01°52'50" East, 437.35  
feet; thence South 89°09'12" West parallel to and 138.80 feet north of the south  
corporation of the City of Oxford, a distance of 623.50 feet to a point in the  
east right of way line of Kehr Road; thence North 01°53' West along said right  
of way line and 20 feet from the center line, 166.68 feet; thence North 86°20'  
East, 170.00 feet to the point of beginning containing 5.101 acres (222,193 S.F.),  
more or less.

Surveyed November 8, 1979 by J. Paul Albert, Registered Surveyor #2999, Oxford,  
Ohio.

A plat of Survey is filed in Volume 19, Page 29, Butler County Land Surveys.

This instrument was prepared by: Timothy W. Carlson, Attorney at Law, 120 S. Verity Parkway, Middletown, Ohio 45044





SAVING AND EXCEPTING THEREFROM that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B and C of the plat records of Butler County, Ohio, leaving in Tract I 2.793 acres, more or less, of Part Lot #812, City of Oxford, Ohio.

Being the same premises previously conveyed by deed and recorded in Book 8289, Page 508 and Book 1663, Page 195 of the deed records of Butler County, Ohio.

Parcel #H4000-116.000-023

Property Address: Kehr Road, Oxford, Ohio 45056



By AMM at 8:30 am, Apr 19, 2021

Tract II

Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said city:

Beginning at the southwest corner of said lot and being in the center line of Kehr Road; thence from said point North 01°53' West along said center line, 304.50 feet; thence North 89°06' East, 190.00 feet to the southeast corner of Lot #987; thence North 01°53' West, 240.00 feet to the northeast corner of Lot #985; thence North 89°06' East, 453.50 feet to the southeast corner of Lot #1361; thence North 01°00' East, 348.19 feet to a concrete marker; thence South 28°00' East, 52.80 feet; thence South 23°15' East, 15.18 feet; thence North 79°30' East, 282.48 feet; thence South 07°30' East, 201.30 feet; thence South 89°37'30" East, 686.40 feet; thence South 03°08'35", East, 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89°09'12" West, 1689.46 feet to the point of beginning, containing 24.369 acres and subject to the legal right of way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot #812 as conveyed by John R. Harris to Bill Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, Page 195 of the deed records of Butler County, Ohio.

SAVING AND EXCEPTING THEREFROM that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B and C of the plat records of Butler County, Ohio, leaving in Tract II 15.081 acres, more or less, of Part Lot #812, City of Oxford, Ohio.

Prior Instrument References: Book 8289, Page 508 and Book 1726, Pages 627, 631, 635, 639, 643 and 647 of the deed records of Butler County, Ohio.

*This instrument was prepared by: Timothy W. Carlson, Attorney at Law, 120 S. Verity Parkway, Middletown, Ohio 45044*





Parcel #H4000-116.000-012

Property Address: Gardenia Drive, Oxford, Ohio 45056

(Bill D. Colwell previously owned title to the above-described real estate as Bill D. Colwell, trustee. Said property was owned by him as an individual and not as a Trustee under ORC5301.03 and that no trust existed in any prior deed in the chain of title.)

Witness this 30<sup>th</sup> day of April, 2021.

Bill D. Colwell by POA Nancy S. Colwell  
 Bill D. Colwell by POA Nancy S.  
 Colwell, Official Record 9468, Page  
 235

Nancy S. Colwell  
 Nancy S. Colwell

State of Ohio )  
 )ss.  
 County of Butler )

Be it remembered, that on this 30<sup>th</sup> day of April, 2021, before me, the subscriber, a Notary Public in and for said State, personally came Bill D. Colwell by POA Nancy S. Colwell and Nancy S. Colwell, husband and wife, the Grantors in the foregoing deed and acknowledged the signing thereof to be her voluntary act and deed. No oath or affirmation was administered to the signer with regard to the act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.



Timothy W. Carlson  
 Notary Public

TIMOTHY W. CARLSON  
 Attorney At Law  
 Notary Public, State of Ohio  
 My Commission Has No Expiration Date

This instrument was prepared by: Timothy W. Carlson, Attorney at Law, 120 S. Verity Parkway, Middletown, Ohio 45044



TRANSFERRED  
DATE 12/8/10  
CONVEYANCE 8  
FEE \$ 9792.00  
EXEMPT  
Roger Reynolds, Butler Co. Auditor  
conveyance has been examined and the grant  
complied with section 319.202 of the revised c

APPROVED  
BCEO  
BY BSH  
12-8-10

Image ID: 000007737417 Type: OFF  
Recorded: 12/08/2010 at 11:59:12 AM  
Fee Amt: \$52.00 Page 1 of 5  
Workflow# 0000081286-0001  
Butler County, Ohio  
Dan Crank COUNTY RECORDER  
File# 2010-00052849  
BK 8289 PG 508

### SURVIVORSHIP DEED

Bill D. Colwell, Trustee, and Bill D. Colwell, also known as Bill Colwell, married, for valuable consideration paid, grants with general warranty covenants to Bill D. Colwell and Nancy S. Colwell, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 2530 Regina Place, Hamilton, Ohio 45013, the following REAL PROPERTY:

#### TRACT I:

Situate in the City of Oxford, Butler County, Ohio and being a part of Lot #812 of said City and bounded and described as follows: Beginning at the southeast corner of Lot #987 of the City of Oxford; thence from said point North 01° 40' West 240.00 feet to the northeast corner of Lot #985; thence North 86° 20' East along the south line of Silverleaf Subdivision 452.82 feet to the southeast corner of Lot #1361; thence South 01° 52' 50" East 437.35 feet; thence South 89° 09' 12" West parallel to and 138.80 feet north of the south corporation of the City of Oxford a distance of 623.50 feet to a point in the east right-of-way line of Kehr Road; thence North 01° 53' West along said right-of-way line and 20 feet from the center line 166.68 feet; thence North 86° 20' East 170.00 feet to the point of the beginning containing 5.101 acres (222,193 Sq.Ft.), more or less.

Surveyed November 8, 1979 by J. Paul Albert, Registered Surveyor #2999, Oxford, Ohio.

A Plat of Survey is filed in Volume 19, Page 29, Butler County Land Surveys.

SAVE AND EXCEPTING THEREFROM that part of said lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B and C of the Plat

Records of Butler County, Ohio, leaving in TRACT I 2.793 acres, more or less, of Part Lot 812, City of Oxford, Ohio.

Parcel Number: H4000-116.000-023

Prior Instrument Reference: Book 1663, Page 195 of the Deed Records of Butler County, Ohio.

TRACT II:

Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City: Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet; thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning, containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, Page 195 of the Deed Records of Butler County, Ohio.

SAVE AND EXCEPTING THEREFROM that part of said Lot that was platted as part of Silverleaf Meadows Subdivision in Envelope 3973, Pages A, B and C of the Plat Records of Butler County, Ohio, leaving in TRACT II 15.081 acres, more or less, of Part Lot 812, City of Oxford, Butler County, Ohio.

Parcel Number: H4000-116.000-012

Prior Instrument References: Book 1726, Pages 627, 631, 635, 639, 643 and 647 of the Deed Records of Butler County, Ohio.

TRACT III:

Entire Lot Numbered 3732 as the same is known and designated on the list of lots in the City of Oxford, Butler County, Ohio, and being subject to all easements,



Image ID: 000007737418 Type: OFF

Page 2 of 5

File# 2010-00052849

BK 8289 PG 509

Page 2 of 5

conditions and restrictions of record.

Parcel Number: H4000-132.000-015

Prior Instrument References: Volume 1726, Pages 627, 631, 635, 639, 643 and 647 of the Deed Records of Butler County, Ohio.

TRACT IV:

Part of Lot Number Nine (9), east of Walnut Street, as the same is designated upon the recorded plat of the Village of Millville, Butler County, Ohio.

Parcel Number: K4700-034.000-108

Prior Instrument Reference: Volume 1799, Page 475 of the Deed Records of Butler County, Ohio.

TRACT V:

Situate in Section 16, Town 2, Range 3 East, in St. Clair Township, Butler County, Ohio, bounded and described as follows:

Beginning at a point in the north line of the southwest quarter of said Section 16, located 1455.3 feet east of the northwest corner of said point being the northeast corner of a 4.52 acre tract owned by James Crutcher; thence South 4° 05' East along the east line of said Crutcher tract 336.4 feet to the northwest corner of a 75 acre tract owned by the Hamilton Gravel Co.; thence North 87° 57' East along the north line of said tract 2773.9 feet to the southwest corner of a lot formerly owned by Grant Farmer; thence North 6° 00' East along said lot 132.66 feet; thence North 85° 54' East 165.1 feet to the southwest corner of 1.146 acres owned by James Tincher; thence North 3° 37' West along said Tincher land 149.93 feet; thence North 16° 15' West 414.82 feet; thence North 5° 57' 20" East 334.30 feet to the northwest corner of a 3.410 acre tract owned by A. and M. Couch; thence North 16° 03' West 548.2 feet to a point in the south line of 85.92 acres formerly owned by Henry Treiber and witnessed by an iron stake set North 88° 20' East 50.0 feet; thence South 88° 20' West along the south line of said Treiber land 1461.7 feet to a point; thence South 3° 34' East along the east line of the Houserman land 1224.3 feet to a point in the east and west half Section line; thence South 87° 57' West along the half section line 1348.2 feet to the point of beginning, containing 65.346 acres of land, more or less, SAVE AND EXCEPT THEREFROM the following described property conveyed to Harry and Eileen Jung in April 1963, being more specifically described as follows:



Situate in Section 16, Town 2, Range 3 East, in St. Clair Township, Butler County, Ohio, bounded and described as follows: Beginning at a point in the north line of the southwest quarter of said Section 16 located 1455.3 feet east of the northwest corner, said point being the northeast corner of a 4.52 acre tract owned by James Crutcher; thence North 87° 57' East along the half section line 1348.2 feet; thence North 3° 34' West 1224.3 feet; thence North 88° 20' East 1055.2 feet; thence the following courses along the easterly side of an old railroad right-of-way South 5° 11' East 491.4 feet, South 1° 34' West 204.0 feet, South 16° 14' West 166.8 feet, South 17° 34' West 270.0 feet, South 24° 28' 30" West 201.3 feet, South 32° 28' West 128.7 feet, South 36° 33' West 204.3 feet; thence South 87° 57' West 1939.9 feet; thence North 4° 05' West 336.4 feet to the point of the beginning, containing in all 44.422 acres of land, more or less.

The tract conveyed herein contains 20.922 acres, more or less (the "Property").

SUBJECT TO a right-of-way easement twenty feet in width across part of the Property granted by Ernst Goos, et al. to Harry Wallace Jung, et al. by deed recorded in Volume 772, Page 162 of the Deed Records of Butler County, Ohio. Said easement is an extension to and connecting with an existing easement for the benefit of the Property conveyed by Earl G. Harden, et al. to Elizabeth G. Settle in Volume 667, Page 533 of the Deed Records of Butler County, Ohio, and being located immediately adjacent to the north side of a 3.410 acre tract conveyed by Earl G. Harden, et al. to Albert Couch, et al. in Volume 581, Page 217 of the Deed Records of Butler County, Ohio.

TOGETHER WITH an easement dated May 22, 1959, conveyed to Elizabeth B. Settle by the Hamilton Gravel Company for the purpose of ingress and egress over existing gravel roadways owned by the Hamilton Gravel Company on its land. The purpose of said easement was to give Elizabeth B. Settle, her heirs and assigns forever, the right to cross the lands of the Hamilton Gravel Company with trucks and other vehicles (for more particular description, see easement recorded in Deed Record 694, at Page 416, Butler County, Ohio, Recorder's Office).

TOGETHER WITH the right to jointly use a right-of-way for the purpose of ingress and egress to the Property over the existing private road from the junction of said private road with North "B" Street in Section 21, Town 2, Range 3, St. Clair Township, Butler County, Ohio, to a point which connects with the easement hereinabove described and granted to Elizabeth B. Settle by the Hamilton Gravel Company, said right conveyed herein set forth in a deed from Elizabeth B. Settle to



Image ID: 000007737420 Type: OFF

Page 4 of 5

File# 2010-00052849

BK 8289 PG 511

Page 4 of 5

Ernst Goos, et al. recorded in Volume 728, Page 652 of the Deed Records of Butler County, Ohio.

Parcel Number: L4910-016.000-051

Prior Instrument Reference: Book 5317, Page 259 of the Deed Records of Butler County, Ohio.

Bill D. Colwell, Trustee, and Bill D. Colwell and Nancy S. Colwell, his wife, who hereby releases all of her right and expectancy of dower in said premises, have hereunto set their hands this 2<sup>nd</sup> day of December, 2010.

Image ID: 000007737421 Type: OFF  
Page 5 of 5  
File# 2010-00052849  
BK 8289 PG 512

Bill D. Colwell, Trustee  
Bill D. Colwell, Trustee

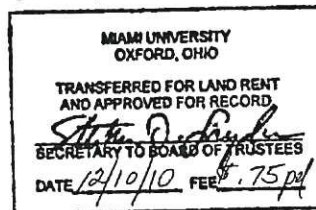
Bill D. Colwell  
Bill D. Colwell

Nancy S. Colwell  
Nancy S. Colwell

STATE OF OHIO, COUNTY OF BUTLER, SS:

This instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2010 by Bill D. Colwell, Trustee, and by Bill D. Colwell and Nancy S. Colwell.

[Signature]  
Notary Public, State of Ohio



This instrument was prepared by:  
Lee H. Parrish, Attorney at Law  
(No title examination.)

Page 5 of 5



# 20375 Know All Men by These Presents:

That<sup>(1)</sup> MARY ANN STOUT, Widowed and not remarried.

of Butler County, Ohio,

in consideration of One Dollar and other valuable consideration

to her paid by BILL D. COLWELL, Trustee

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056  
the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell  
and Convey to the said BILL D. COLWELL, Trustee

his heirs and assigns forever,

the following described Real Estate:<sup>(2)</sup>

An undivided one-sixth (1/6) interest in the following described real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

Continued on reverse

TRANSFERRED

DATE 6-17-94  
CONVEYANCE 1-2246  
FEE \$ 25.00  
EXEMPT

James M. Brown, Butler Co. Auditor  
This conveyance has been examined and the grantor has complied with sections 319, 202 of the revised code.

RECEIVED FOR RECORD  
JOYCE R. TRALL, RECORDER  
BUTLER COUNTY, OHIO

91 JUN 17 PM 1:16

RECORD Deed  
FEE 1400

and all the **Estate, Title and Interest** of the said grantor

Mary Ann Stout

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee

his heirs and assigns forever.

**And the said** MARY ANN STOUT

for herself and her heirs, executors and administrators,  
do hereby **Covenant** with the said BILL D. COLWELL, Trustee

his heirs and assigns,  
that she is the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,**  
**Free and Unincumbered; And further, That she does Warrant and Will**  
**Defend** the same against all claims of all persons whomsoever.



In Witness Whereof, the said MARY ANN STOUT

who hereby release all her right and expectancy of **Dower** in said premises, has hereunto set her hand this  
4th day of June 1991.

Signed and acknowledged in presence of:

Carla J. Davis  
CARLA J. DAVIS  
Judith L. Fairburn  
JUDITH L. FAIRBURN

Mary Ann Stout  
MARY ANN STOUT

State of OHIO County of BUTLER ss.

Be it Remembered, That on this 4th day of June, 1991,

Notary Public

before me, the subscriber, a  
in and for said state, personally came

MARY ANN STOUT

the grantor in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed.



In Testimony Whereof, I have hereunto subscribed my name and affixed my Notarial seal on the day and year last aforesaid.

Judith L. Fairburn  
JUDITH L. FAIRBURN  
Notary Public, State of Ohio  
My Commission Expires August 31, 1995

This instrument was prepared by James G. Robinson, Esq., Oxford, Ohio

(1) Include reference to marital status of grantor.

(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)

TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres, more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

TRACT III: Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20375

Warranty Deed

FROM

TO

1401  
1401  
1401



20374

**Know All Men by These Presents:****That**<sup>(1)</sup>

SAMUEL WILLIAM HARRIS, also known as

SAMUEL W. HARRIS, also known as

SAMUEL HARRIS, Married

of Will County, Illinois ~~County, Ohio~~

in consideration of One Dollar and other valuable consideration

to him paid by BILL D. COLWELL, Trustee

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056

the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell**  
**and Convey** to the said BILL D. COLWELL, Trustee

his heirs and assigns forever,

the following described **Real Estate**<sup>(2)</sup> to wit:An undivided one-sixth interest in the following described  
real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

TRANSFERRED

DATE

CONVEYANCE

FEE \$

EXEMPT

James M. Brown, Butler Co. Auditor  
This conveyance has been examined and the grantor  
has complied with section 319.202 of the revised code.

RECEIVED FOR RECORD  
JOYCE R. HALL, RECORDER  
PUBLIC SHERIFF, OHIO

91 JUN 17 PM 1:16

RECORD DeedFEE 1400



and all the **Estate, Title and Interest** of the said grantor Samuel Harris

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee

his heirs and assigns forever.

**And the said**

SAMUEL HARRIS

for himself and his heirs, executors and administrators,  
does hereby **Covenant** with the said BILL D. COLWELL, Trustee

that he is the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,**  
**Free and Unincumbered; And further, That he does Warrant and Will**  
**Defend** the same against all claims of all persons whomsoever.

In Witness Whereof, the said SAMUEL HARRIS AND MARJORIE E. HARRIS,  
his wife, each of whom

~~we~~ hereby releases all their right and expectancy of **Dower** in said prem-  
ises, have hereunto set their hands this  
25th day of May 1991.

Signed and acknowledged in presence of:

X Shannon  
X John M. Johnson

X Samuel Harris  
Samuel Harris  
X Marjorie E. Harris  
Marjorie E. Harris

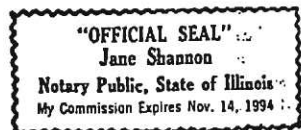
State of ILLINOIS County of Kane ss.  
Be it Remembered, That on this 25th day  
of May, 1991, before me, the subscriber, a  
Notary Public in and for said state, personally came

Samuel Harris and Marjorie E. Harris, his wife

the grantors in the foregoing deed, and acknowledged the signing  
thereof to be their voluntary act and deed.



In Testimony Whereof, I have hereunto subscribed  
my name and affixed my Notarial seal  
on the day and year last aforesaid.



X Jane Shannon

This instrument was prepared by James G. Robinson, Esq., Oxford, OH

(1) Include reference to marital status of grantor.  
(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)

TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North  $89^{\circ} 09' 12''$  East 1689.46 feet to the northeast corner of said Lot; thence South  $03^{\circ} 08' 35''$  East along the east lot line 956.30 feet; thence North  $89^{\circ} 30'$  West 246.00 feet; thence South  $03^{\circ} 08' 35''$  East 400.00 feet to a point in the center line of Booth Road; thence North  $89^{\circ} 30'$  West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North  $01^{\circ} 53'$  West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

TRACT III: Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20374

Warranty Deed

FROM

TO

Land of  
L.H.

1406



20373  
**Know All Men by These Presents:****That** <sup>(1)</sup> PAUL JEFFREY HARRIS, also known as  
PAUL J. HARRIS, MarriedCook  
of ~~Will~~ County, Illinois ~~Cook County~~

in consideration of One Dollar and other valuable consideration

to him paid by BILL D. COLWELL, Trustee

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056  
the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell**  
and Convey to the said BILL D. COLWELL, Trustee

his heirs and assigns forever,

the following described **Real Estate**: <sup>(2)</sup> to-wit:An undivided one-sixth interest in the following described  
real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

TRANSFERRED

DATE

CONVEYANCE

FEES

EXEMPT

James M. Brown, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

RECEIVED FOR RECORD  
JOYCE R. SHALLGARD  
CLERK OF BUTLER COUNTY

91 JUN 17 PM 1:16

RECORD

FEE

Deed

1400

and all the **Estate, Title and Interest** of the said grantor PAUL J. HARRIS

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee

his heirs and assigns forever.

And the said PAUL J. HARRIS

for himself and his heirs, executors and administrators,  
do es hereby **Covenant** with the said BILL D. COLWELL, TRUSTEE

that he is his heirs and assigns,  
the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,**  
**Free and Unincumbered; And further, That he does Warrant and Will**  
**Defend** the same against all claims of all persons whomsoever.

In Witness Whereof, the said  
his wife, each of whom

PAUL J. HARRIS and ROSEMARY HARRIS,

~~whereby~~ release all their right and expectancy of **Dower** in said prem-  
ises, have hereunto set their hands this  
30<sup>th</sup> day of May 19 91.

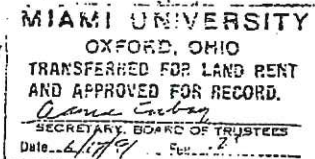
Signed and acknowledged in presence of:

X Donna Skarpinski  
X James J. Allen  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

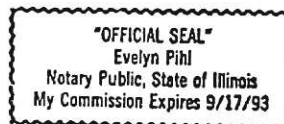
X Paul J. Harris  
Paul J. Harris  
X Rosemary Harris  
Rosemary Harris  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of ILLINOIS County of COOK SS.  
Be it Remembered, That on this 30<sup>th</sup> day  
of May 19 91,  
before me, the subscriber, a  
Notary Public in and for said state, personally came  
Paul J. Harris and Rosemary Harris, his wife

the grantors in the foregoing deed, and acknowledged the signing  
thereof to be their voluntary act and deed.



In Testimony Whereof, I have hereunto subscribed  
my name and affixed my Notarial seal  
on the day and year last aforesaid.



X Evelyn Pihl  
\_\_\_\_\_

This instrument was prepared by James G. Robinson, Esq., Oxford, OH

(1) Include reference to marital status of grantor.

(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)



TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

TRACT III: Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20373

Warranty Deed

FROM

TO

Forney  
L.R.

1400



20372

**Know All Men by These Presents:****That**<sup>(1)</sup>JOHN RICHARD HARRIS, also known as  
JOHN R. HARRIS, Married

of Butler County, Ohio,

in consideration of One Dollar and other valuable consideration

to him paid by BILL D. COLWELL, TRUSTEE

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056  
the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell**  
and Convey to the said BILL D. COLWELL, TRUSTEE

his heirs and assigns forever,

the following described **Real Estate**<sup>(2)</sup> to-wit:  
An undivided one-sixth interest in the following described real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

DATE 6-17-91 TRANSFERRED

CONVEYANCE # 32193  
FEE \$ 45.00  
EXEMPT

James M. Brown, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.02 of the revised code.

RECEIVED FOR RECORD  
JOYCE L. HART, RECORDER  
BUTLER COUNTY, OHIO

91 JUN 17 PM 1:16

RECORD *Deed*  
FEE *140*

and all the **Estate, Title and Interest** of the said grantor JOHN R. HARRIS

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee

his heirs and assigns forever.

**And the said**

JOHN R. HARRIS

for himself and his heirs, executors and administrators,  
does hereby **Covenant** with the said BILL D. COLWELL, Trustee

that he is the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,  
Free and Unincumbered; And further, That he does Warrant and Will  
Defend** the same against all claims of all persons whomsoever.



In Witness Whereof, the said

JOHN R. HARRIS and NORA HARRIS, HIS WIFE, each of whom

do hereby releases all their right and expectancy of Dower in said premises, has hereunto set their hands this

28th day of May 1991.

Signed and acknowledged in presence of:

X Jerry B. Boring  
X Roseanne Sausville

X John R. Harris

X Nora Harris

State of OHIO

County of BUTLER

SS.

Be it Remembered, That on this 28th day of May, 1991,

Notary Public

before me, the subscriber, a in and for said state, personally came

John R. Harris and Nora Harris, his wife



the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed

my name and affixed my Notarial seal on the day and year last aforesaid.

My commission expires:

Ronald L. Meadows  
Notary Public - State of Ohio

This instrument was prepared by James G. Robinson, Esq., Oxford, OH

(1) Include reference to marital status of grantor.

(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)

**TRACT II:** Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

**TRACT III:** Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20372

Warranty Deed

FROM

TO

Amish  
Lark

1400



20371

# Know All Men by These Presents:

That<sup>(1)</sup> DOROTHY LOUISE PAULICK, also known as  
DOROTHY L. PAULICK, Married, of Cook County, Illinois

xx

COUNTY CLERK

in consideration of One Dollar and other valuable consideration

to them paid by BILL D. COLWELL, Trustee

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056  
the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell**  
**and Convey** to the said BILL D. COLWELL, Trustee

his heirs and assigns forever,

the following described **Real Estate**<sup>(2)</sup> to wit:

An undivided one-sixth (1/6) interest in the following described real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

TRANSFERRED

DATE 6-17-91  
CONVEYANCE 12:00  
FEE \$ 10.00  
EXEMPT

James M. Brown, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

RECEIVED FOR RECORD  
JOYCE R. SMALL, RECORDER  
BUTLER COUNTY, OHIO

91 JUN 17 PM 1:16

RECORD *Deed*

FEE *14.00*



and all the **Estate, Title and Interest** of the said grantor Dorothy L. Paulick

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee

his heirs and assigns forever.

**And the said**

DOROTHY L. PAULICK

for herself and her heirs, executors and administrators,  
do hereby **Covenant** with the said BILL D. COLWELL, Trustee

that she is the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,**  
**Free and Unincumbered; And further, That she does Warrant and Will**  
**Defend** the same against all claims of all persons whomsoever.

In Witness Whereof, the said

DOROTHY L. PAULICK and WILLIAM PAULICK, Her husband

each of whom  
~~who~~ hereby release all their right and expectancy of **Dower** in said premises, have hereunto set their hands this  
 28<sup>th</sup> day of May 19 91.

Signed and acknowledged in presence of:

Suzanne K. Wente  
Dr. M. W. Wente  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

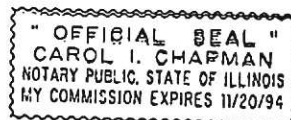
Dorothy L. Paulick  
 Dorothy L. Paulick  
William Paulick  
 William Paulick  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

State of ILLINOIS County of COOK SS.  
 Be it Remembered, That on this 28<sup>th</sup> day  
 of May 19 91,  
 before me, the subscriber, a  
 Notary Public in and for said state, personally came  
 Dorothy L. Paulick and William Paulick, her husband

the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.



In Testimony Whereof, I have hereunto subscribed my name and affixed my Notarial seal on the day and year last aforesaid.



Carol I. Chapman  
 \_\_\_\_\_

This instrument was prepared by James G. Robinson, Esq., Oxford, OH

(1) Include reference to marital status of grantor.  
 (2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)

TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot -line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

TRACT III: Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20371

Warranty Deed

FROM

TO

Foraker  
LH

1405



20370  
**Know All Men by These Presents:****That**<sup>(1)</sup> JAMES J. HARRIS, Married

of Chester County, Ohio

Pennsylvania

in consideration of One Dollar and other valuable consideration

to him paid by BILL D. COLWELL, Trustee

whose address is 6011 Stillwell-Beckett Road, Oxford, OH 45056  
the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell**  
**and Convey** to the said BILL D. COLWELL, Trustee

his heirs and assigns forever,

the following described **Real Estate**:<sup>(2)</sup>

An undivided one-sixth (1/6) interest in the following described real estate:

**TRACT I:** Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

Continued on reverse

TRANSFERRED

DATE 6-17-91  
CONVEYANCE \$307  
FEE \$15.00  
EXEMPTJames M. Brown, Butler Co. Auditor  
This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.RECEIVED FOR RECORD  
JOYCE B. HARRIS  
JUN 17 1991

91 JUN 17 PM 1:16

RECORD *Deed*FEE *15.00*

and all the **Estate, Title and Interest** of the said grantor James J. Harris

either in Law or Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said

BILL D. COLWELL, Trustee his heirs and assigns forever.  
**And the said**

JAMES J. HARRIS

for himself and his heirs, executors and administrators,  
do hereby **Covenant** with the said

BILL D. COLWELL, Trustee

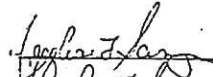
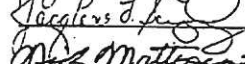
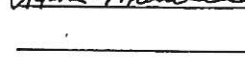
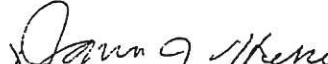
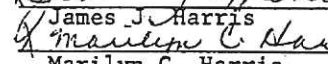
that he is the true and lawful owner of the said premises,  
and has full power to convey the same; and that the title so conveyed is **Clear,**  
**Free and Unincumbered; And further, That he does Warrant and Will**  
**Defend** the same against all claims of all persons whomsoever.

In Witness Whereof, the said

James J. Harris and Marilyn C. Harris, his wife, each of whom

do hereby releases all their right and expectancy of **Dower** in said premises, have hereunto set their hands this  
31 day of May 1991.

Signed and acknowledged in presence of:

  
  
  
  
James J. Harris  
  
Marilyn C. Harris

State of Commonwealth of Pennsylvania County of Chester SS.

Be it Remembered, That on this 31 day of May, 1991,

before me, the subscriber, a Notary Public in and for said state, personally came James J. Harris and Marilyn C. Harris, his wife

the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

MIAMI UNIVERSITY  
OXFORD, OHIO  
TRANSFERRED FOR LAND RENT  
AND APPROVED FOR RECORD.  
Debra A. Barry  
SECRETARY, BOARD OF TRUSTEES  
Date 5/24/91

In Testimony Whereof, I have hereunto subscribed my name and affixed my Notarial seal on the day and year last aforesaid.

Debra A. Barry

Debra A. Barry, Notary Public  
East Goshen Twp., Chester County  
My Commission Expires April 24, 1995  
Member, Pennsylvania Association of Notaries

This instrument was prepared by James G. Robinson, Esq., Oxford, OH

(1) Include reference to marital status of grantor.

(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 310.20)



TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

TRACT III: Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

20370

Warranty Deed

FROM

HARRIS

TO

COLWELL

1400  
1401

4184

VOL 1657 PAGE 68

## PROBATE COURT OF BUTLER COUNTY, OHIO

ESTATE OF MARY MARGUERITE HARRIS, DECEASEDCase No. PC 88-02-0165 Docket                      Page                     

## CERTIFICATE OF TRANSFER

Revised Code, Sec. 2113.61

NO. 2

Decedent died on October 14, 1987 owning the real estate described in this certificate. The persons to whom such real estate passed by devise, descent or election are as follows.

| Name                       | Residence Address                                             | Interest in Real Estate so Passing |
|----------------------------|---------------------------------------------------------------|------------------------------------|
| <u>SAMUEL W. HARRIS</u>    | <u>10 S 181 Alago Road</u><br><u>Naperville, IL 60565</u>     | <u>Undivided one-sixth</u>         |
| <u>JAMES J. HARRIS</u>     | <u>1523 High Meadow Lane</u><br><u>West Chester, PA 19380</u> | <u>Undivided one-sixth</u>         |
| <u>DOROTHY L. PAULICK</u>  | <u>3007 W. Wilson</u><br><u>Chicago, IL 60625</u>             | <u>Undivided one-sixth</u>         |
| <u>JOHN RICHARD HARRIS</u> | <u>609 Pinta Avenue</u><br><u>Middletown, OH 45042</u>        | <u>Undivided one-sixth</u>         |
| <u>PAUL JEFFREY HARRIS</u> | <u>14109 Michael Drive</u><br><u>Orland Park, IL 60462</u>    | <u>Undivided one-sixth</u>         |
| <u>MARY ANN STOUT</u>      | <u>5329 College Corner Pike</u><br><u>Oxford, OH 45056</u>    | <u>Undivided one-sixth</u>         |

RECEIVED FOR RECORD  
JOYCE B. THALL, RECORDER  
BUTLER COUNTY, OHIO

89 FEB 14 AM 9:33

RECORD DeedFEE 1400

[Complete if applicable] The real estate described in this certificate is subject to a charge of \$                      in favor of decedent's surviving spouse,                      in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

MIAMI UNIVERSITY  
OXFORD, OHIO  
TRANSFERRED FOR LAND MENT  
AND APPROVED FOR RECORD.  
SECRETARY, BOARD OF TRUSTEES  
Date 2/8/88 For 128

FORM 12.1 - CERTIFICATE OF TRANSFER

FILED IN REC II

VOL 1657 PAGE 69

The real estate, the transfer of which is memorialized by this certificate, is described as follows [describe below, using extra sheets if necessary. If decedent's interest was a fractional share, be sure to so state]:

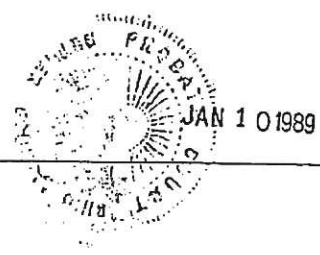
See attached description

THIS CONVEYANCE HAS BEEN EXAMINED AND THE GRANTOR HAS COMPLIED WITH SECTION 319.202 OF THE REVISED CODE

TRANSFERRED  
DATE

89 FEB 13 P3:59

EXEMPT # 0483  
CONVEYANCE # \_\_\_\_\_  
FEE \_\_\_\_\_



Date Issued

H. J. Bruewer  
Probate Judge

AUTHENTICATION

I certify that the above document is a true copy of the original kept by me as custodian of the official records of this Court.



Date

Janette Kiser, Deputy  
Probate Judge/Clerk

APPROVED:

[Signature]  
Attorney for Fiduciary



5 describe  
TRACT I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence south 23° 15' East 15.18 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet; thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

TRACT II: Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the southeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning continuing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land surveys, Volume 9 Page 81.

SAVE AND EXCEPT 1.603 acres conveyed as recorded in Volume 1580 page 50 of the Butler County, Ohio Deed Records.

SAVE AND EXCEPT 5.000 acres conveyed to GEORGEANA REARDON, as recorded in volume 1396 Page 308 of the Butler County, Ohio Deed Records.

EXCEPTING THEREFROM THE FOLLOWING: Situated in Lot 2, Section 34, Town 5, Range 1, Oxford Township, Butler County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin at the northwest corner of a 5.00 acre tract of land found by measuring from the northeast corner of Lot

2, Section 34 along the east line of said section South 0° 26' 51" East 646.92 feet to a point; thence North 88° 10' 51" West 446.00 feet to an iron pin; THENCE FROM THE BEGINNING POINT THUS FOUND South 0° 26' 51" East along the west line of said 5 acre tract of land 709.38 feet to a spike in the center of Booth Road; thence North 88° 13' West along the center of Booth Road 200.00 feet to a spike; thence North 0° 26' 51" West 709.38 feet to an iron pin; thence South 88° 13' East 200.00 feet to the point of beginning containing 3.255 acres of land and being subject to the legal right-of-way of Booth Road and all other easements and restrictions of record which are applicable to or effective against the above described property.

WCL 1657 PAGE 71

A Plat of survey of the herein described property is recorded in Volume 19, Page 231, Butler County Engineer's Record of Land Surveys.

This description was prepared by Daniel R. Brosey, Registered Surveyor #6492 in Ohio.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

Situate in the City of Oxford, Butler County, Ohio and being a part of Lot #812 of said City and bounded and described as follows: Beginning at the southeast corner of Lot #987 of the City of Oxford; thence from said point North 01° 40' West 240.00 feet to the northeast corner of Lot #985; thence North 86° 20' East along the south line of Silverleaf Subdivision 452.82 feet to the southeast corner of Lot #1316; thence South 01° 52' 50" East 437.35 feet; thence South 89° 09' 12" West parallel to and 138.80 feet North of the south corporation of the City of Oxford a distance of 623.50 feet to a point in the east right-of-way line of Kehr Road; thence North 01° 53' West along said right-of-way line and 20 feet from the center line 166.68 feet; thence North 86° 20' East 170.00 feet to the point of the beginning containing 5.101 acres (222,193 Sq. Ft.).

Surveyed November 8, 1979 by J. Paul Albert, Registered Surveyor #2999, Oxford, Ohio.

4184

longwood  
COP/1



# Certificate for Transfer of Real Estate

11925

Revised Code, Sec. 2113.61

Court of Common Pleas, Probate Division, ..... Butler ..... County, Ohio  
In the Matter of .....  
THE ESTATE OF ..... J. A. TILION  
No. 35283 ..... Butler County Auditor

Samuel Albert Harris ..... Certificate for Transfer of Real Estate .....  
Deceased ..... 277 F 1207 00000.00 B

To the Recorder of ..... Butler ..... County, Greeting:

I hereby certify that the records of this Court show that .....  
Samuel Albert Harris ..... a resident of  
Oxford Township ..... in said County, died ..... testate ..... on the  
13th day of ..... July ..... 1962, (1) that his last will  
and testament was filed in the Probate Court, Butler County, Ohio, on  
July 19, 1962, admitted to probate on July 23, 1962 and recorded in  
Volume 84, Page 369 of the Record of Wills in said County,  
and that on the ..... 23rd day of ..... July ..... 1962, (2)

Mary Marguerite Harris  
was appointed by this Court, (3) Executrix  
of the estate of said decedent; that said estate is  
being administered under No. 35283 ..... and a memorandum record of said estate  
can be found in Administration Docket No. ..... 61 ..... Page 49 ..... of the Records  
of the Court of Common Pleas, Probate Division, of ..... Butler ..... County, Ohio.

That said decedent died seized of the following described parcels of real estate  
situated in your County:—

The undivided one-half (1/2) interest in the following described real  
estate, to-wit:

\* TRACT 1: Situate in the City of Oxford, Butler County, Ohio and being  
Lot # 812 of said city; Beginning at the southwest corner of said lot  
and being in the center line of the Kehr Road; thence from said point  
north 01° 53' west along said center line 304.50 feet; thence north 89°  
06' east 190.00 feet to the southeast corner of Lot #987; thence north  
01° 53' west 240.00 feet to the northeast corner of Lot # 985; thence  
north 89° 06' east 453.50 feet to the southeast corner of Lot # 1361;  
thence north 01° 00' east 348.19 feet to a concrete marker; thence south  
28° 00' east 52.80 feet; thence south 23° 15' east 15.18 feet; thence  
south 07° 30' east 201.30 feet; thence south 89° 37' 30" east 686.40  
feet; thence south 03° 08' 35" east 665.28 feet to the northeast corner  
of Lot # 2, Section 34, of Oxford Township; thence south 89° 09' 12"  
west 1689.46 feet to the point of the beginning containing 24.369 acres  
and being subject to the legal right-of-way of the public highway and  
also to any easements of record.

TRACT 2: Lot numbered Nine Hundred Eighty-seven (987) of Harris Addition  
Part "A" as the same is now known and designated on the recorded Plat  
of the City of Oxford, Butler County, Ohio.



1. If testate, "that ..... last will and testament was filed in the Court of Common Pleas, Probate Division, Butler County, Ohio, on  
..... 19 ..... admitted to probate on ..... 19 ..... and recorded in Vol. .... of the Record of Wills in said County."  
2. In case of no administration, insert "an order was made by the Court relieving said estate from administration and ordering delivery of personal  
property and transfer of real estate to the persons entitled thereto, and ..... and cross out lines relative to record, or if under last paragraph  
of Sec. 2113.61 write in pertinent facts.  
3. "Administrator," "Executor" or "Commissioner to execute instruments of conveyance."

TRACT 3: Situate in Lot # 2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot # 2 and in the center line of Kehr Road; thence north  $89^{\circ} 09' 12''$  east 1689.46 feet to the southeast corner of said lot; thence south  $03^{\circ} 08' 35''$  east along the east lot line 956.30 feet; thence north  $89^{\circ} 30'$  west 246.00 feet; thence south  $03^{\circ} 08' 35''$  east 400.00 feet to a point in the center line of Booth Road; thence north  $89^{\circ} 30'$  west along said center line 1474.50 feet to a point in the center line of Kehr Road; thence north  $01^{\circ} 53'$  west 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

Being part of the same premises conveyed from The Home Federal Savings and Loan Association of Hamilton to Samuel A. Harris and Mary Marguerite Harris, husband and wife, by Deed dated April 30, 1941 and recorded in Butler County, Ohio, Deed Records, Volume 348, Page 92.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999.

Butler County Engineer's Record of Land Surveys, Volume 9, Page 81.



That the names of the Deceased and the interests to them passing, are as follows:

| Names                                                                                                                                               | P.O. Address                         | Relationship | Interest Passing |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------|------------------|
| Mary Marguerite Harris                                                                                                                              | 4220 Kehr Road<br>Oxford, Ohio 45056 | Widow        | Entire           |
| RECEIVED FOR RECORD<br>JEAN M. BLAZER, RECORDER<br>BUTLER COUNTY<br>'77 MAY 27 PM 3:54<br>VCL<br>NO 11925<br>5-31 - RECORDED 22 RECORD 0540<br>6-22 |                                      |              |                  |

That the persons inheriting said Real Estate and the interest by each inherited are as follows:

| Names | P.O. Address | Relationship | Interest Passing |
|-------|--------------|--------------|------------------|
| None  |              |              |                  |

It appearing to the satisfaction of this Court that all the provisions of law relative to the transfer of real estate of deceased persons have been fully complied with, it is ordered that such real estate be transferred upon the tax duplicate..... to the names of the persons set forth, and that this certificate be recorded by the

Recorder of Butler County, in the deed records of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court, this 26th day of May, 1977.

Harry J. Walsh  
Judge  
By: Janette Kaiser  
Deputy Clerk



Home Federal Savings and Loan  
Association of Hamilton,

TO

Samuel A. Harris and Mary  
Marguerite Harris, his wife

Know All Men By These Presents:

That Home Federal Savings and Loan Association of Hamilton, a  
corporation organized and existing under the Laws of the United  
States of America,  
in consideration of One Dollar (\$1.00) and other good and valuable  
considerations

to it paid by Samuel A. Harris and Mary Marguerite Harris, his wife,

the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to the said

Samuel A. Harris and Mary Marguerite Harris, their

heirs and assigns forever.

The following described real estate, to wit:-

Situated in the Township of Oxford, Butler County, Ohio, to wit:- The north one half of lot  
numbered Two (2) in Section 34, Town 5 and Range 1, in said Township, and containing 53.17  
acres of land, and being subject to the payment of an annual ground rent of \$11.32 to the  
Treasurer of Miami University on September 14th, of every year.

Also, part of lot numbered one (1) in Section 27, Town 5, Range 1, in said Oxford Township,  
Butler County, Ohio, and beginning at the southeast corner of said lot numbered one (1);  
thence west to the southwest corner thereof; thence north 8 chains 25 links to a stake; thence  
east 9 chains and 75 links to a stake; thence north 1 degree east 4 chains and 95 links to a  
stake on the south bank of Collins Run; thence south 28 degrees east 80 links to a stone;  
thence south 23 degrees 15 minutes east 23 links to a stake; thence north 79 degrees 30 min-  
utes east 4 chains and 28 links to a stake in the center of the road formerly passing through  
said lands; thence south 7 1/2 degrees east 3 chains and 5 links to the southeast corner of a  
lot formerly owned by Benjamin F. Dill; thence east 10 chains and 40 links to the east line  
of said lot numbered one (1); thence south with the east line of said lot 10 chains and 8  
links to the place of beginning, and containing 25.55 acres of land, and being subject to the  
payment of an annual ground rent of \$7.04 to the Treasurer of Miami University on March 28th  
every year. The two tracts above herein described containing in all 78.72 acres of land,  
more or less.

and all the Estate, Title and Interest of the said Home Federal Savings and Loan Association of Hamilton,

cither in Law or in Equity, of, in and to said premises; Together with all the privileges and appurtenances to the same belonging  
and all the rents, issues and profits thereof; To have and to hold the same to the only proper use of the said

Samuel A. Harris and Mary Marguerite Harris, their

heirs and assigns forever:

And the said Home Federal Savings and Loan Association of Hamilton,  
for itself and for its successors and assigns does hereby Covenant with the said

Samuel A. Harris and Mary Marguerite Harris, their

heirs and assigns.

that it is the true and lawful owner of the said premises, and has full power to convey the same; That  
the title so conveyed is Clear, Free and Unincumbered; and further, That it does Warrant and will Defend the  
same against all claim or claims, of all persons whomsoever; except all taxes and assessments on said real estate  
becoming due in June, 1941, and thereafter, which taxes and assessments the grantees herein  
assume and agree to pay.

IN WITNESS WHEREOF the said Home Federal Savings and Loan Association of Hamilton, a corpora-  
tion, by resolution of its Board of Directors, duly adopted, has caused these presents to be  
signed by C. J. Parrish, its President and by C. L. Gebhart, its Treasurer,

this 30th day of April in the year of our Lord one thousand  
nine hundred and forty one.

Signed and acknowledged in presence of us:

Bertha Bezscher as to C.J.P.  
Huntington V. Parrish as to both  
H. Newton as to C.L.G.

Home Federal Savings and Loan Association  
of Hamilton  
By C. J. Parrish, President  
By C. L. Gebhart, Treasurer

The STATE OF Ohio COUNTY OF Butler, ss.

BE IT REMEMBERED, That on the 30th day of April in the year of our Lord one  
thousand nine hundred and forty one before me, the subscriber, a Notary Public  
in and for said County, personally came C. J. Parrish, President of Home Federal Savings and Loan Asso-  
ciation of Hamilton, a corporation, and C. L. Gebhart, Treasurer of said Corporation,  
said Corporation being

the grantor in the foregoing Deed, and acknowledged the signing thereof to be the voluntary act and deed,  
of said corporation and of themselves as such officers thereof, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and

year aforesaid.

Filed May 3rd 1941 at 10:50 A.M.

Recorded May 5th 1941

Fee \$1.00

\$8.80 in U.S.I.R. Stamps attached  
and cancelled.

(Seal) Huntington V. Parrish Notary Public.  
Huntington V. Parrish, Butler County, Ohio.

Earl R. Hogan Recorder

Transferred May 3, 1941.

By Myrtle Sunderland, Deputy



20376 BOOK 2184 PAGE 344  
**Know All Men by These Presents**

**That** BILL D. COLWELL, TRUSTEE

*in consideration of*

ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00)

to him paid by SAMUEL W. HARRIS  
JAMES J. HARRIS  
DOROTHY L. PAULICK  
JOHN R. HARRIS  
PAUL J. HARRIS and  
MARY ANN STOUT

the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell and Convey** to the said

SAMUEL W. HARRIS  
JAMES J. HARRIS  
DOROTHY L. PAULICK  
JOHN R. HARRIS  
PAUL J. HARRIS and  
MARY ANN STOUT,

their heirs and assigns forever

the following described REAL ESTATE: to wit:

TRACT I: Situate in the City of Oxford, Butler County, Ohio and being Lot #812 of said City; Beginning at the southwest corner of said Lot and being in the center line of Kehr Road; thence from said point North 01° 53' West along said center line 304.50 feet; thence North 89° 06' East 190.00 feet to the southeast corner of Lot #987; thence North 01° 53' West 240.00 feet to the northeast corner of Lot #985; thence North 89° 06' East 453.50 feet to the southeast corner of Lot #1361; thence North 01° 00' East 348.19 feet to a concrete marker; thence South 28° 00' East 52.80 feet; thence South 23° 15' East 15.18 feet; thence North 79° 30' East 282.48 feet; thence South 07° 30' East 201.30 feet; thence South 89° 37' 30" East 686.40 feet thence South 03° 08' 35" East 665.28 feet to the northeast corner of Lot #2, Section 34 of Oxford Township; thence South 89° 09' 12" West 1689.46 feet to the point of the beginning containing 24.369 acres and being subject to the legal right-of-way of the public highway and also to any easements of record.

SAVE AND EXCEPTING THEREFROM 5.101 acres of Lot 812 as conveyed by John R. Harris to Bill D. Colwell, Trustee by deed dated April 20, 1989 and recorded in Volume 1663, page 195 of the Deed Records of Butler County, Ohio.

RECORDED  
91 JUN 17 PM 1:16  
1400

and all the Estate, Title and Interest of the said BILL D. COLWELL, TRUSTEE

either in Law or in Equity, of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; **To have and to hold** the same to the only proper use of the said SAMUEL W. HARRIS, JAMES J. HARRIS, DOROTHY L. PAULICK, JOHN R. HARRIS, PAUL J. HARRIS AND MARY ANN STOUT

their heirs and assigns forever.

And the said BILL D. COLWELL, TRUSTEE

for himself and for his heirs, executors and administrators, does hereby

**Covenant** with the said SAMUEL W. HARRIS, JAMES J. HARRIS, DOROTHY L. PAULICK, JOHN R. HARRIS, PAUL J. HARRIS AND MARY ANN STOUT,

their heirs and assigns,

that he is the true and lawful owner of the said premises. and has full power to convey the same: that the title so conveyed, is **Clear, Free and Unincumbered**; and Further, that they do

**Warrant and will Defend** the same against all claim, or claims, of all persons whomsoever.

And the grantors herein further covenant, for themselves, their heirs, executors and administrators, with the grantee or grantees herein, their executors, administrators or assigns, that the interest on the principal note herein, or the interest notes hereinafter described, shall be promptly paid when due, according to tenor thereof; that, so long as this mortgage shall remain unpaid in whole or part, the taxes and assessments levied by the authority of the State, County or Municipal Corporation wherein the property herein described is situated shall promptly be paid, when due and payable according to law, and that, so long as the note or notes herein described shall remain unpaid, in whole or in part, they will keep and maintain insurance against fire, lightning and tornadoes on the buildings on the premises herein described, in the sum of \$----- in some company acceptable to the grantee or grantees, loss if any, payable to grantees or assigns, as their interest may appear, the premium whereof shall be paid by grantors.

And upon breach of these covenants as to taxes, assessments and insurance premiums, and failure of grantors or their heirs, executors or administrators, or assigns of the premises herein described to pay the same, the holders of the notes herein described, or of any of them, are authorized and empowered to pay the same: and for such payment, with interest from the date thereof, the premises herein described, as well as grantors, shall be bound, in the same manner and to the same extent as they are bound for the payment of the notes herein described.

**Provided Nevertheless, That** upon payment of all sums secured by this mortgage, Grantees shall discharge this mortgage.

Provided further that Grantors are not in default, Grantees agree to execute and deliver releases of a part or parts of the within described property from the lien and operation of this mortgage upon payment to Grantees of the sums set forth in a certain CONTRACT TO PURCHASE REAL ESTATE, by and between the Grantors and Grantees.

Grantor shall pay any recordation costs.

then these presents shall be void.

BOOK 2184 PAGE 346

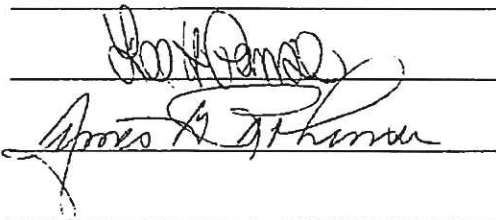
**Provided further**, that if the grantor or grantors shall fail to pay the interest on the principal note herein described, or the interest notes herein described, at maturity, or shall fail to pay the taxes and assessments levied on the property herein described, and suffer the same to become delinquent for non-payment, or shall fail or neglect to pay the premiums on the insurance herein stipulated for, and suffer said policy or policies to become lapsed for non-payment of the premiums thereon, then, in either or all such cases, the principal note herein described, together with interest thereon to the time of such covenant and condition broken, or the interest notes, or so much thereof earned or accrued to such time, shall immediately become due, payable and collectible by the holders thereof, and the same may be immediately enforced by suit at law, or proceedings to foreclose this mortgage, at the option of the holders of the notes herein described, or any of them.

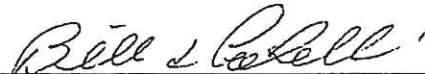
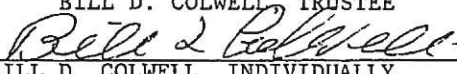
**In Witness Whereof**, the said BILL D. COLWELL, TRUSTEE and

BILL D. COLWELL, INDIVIDUALLY

hereby releases his right and expectancy of dower in said premises,  
has hereunto set his hand this 14th day of June, 1921.

Signed and acknowledge in presence of us:



  
BILL D. COLWELL, TRUSTEE  
  
BILL D. COLWELL, INDIVIDUALLY

The State of

County of Butler

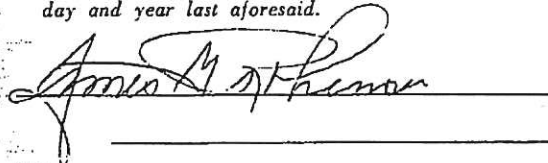
ss.

**Be It Remembered**, That on the 14th day of June, 1921,  
before me, the subscriber a Notary Public in and for said state, personally came  
BILL D. COLWELL, TRUSTEE AND BILL D. COLWELL, INDIVIDUALLY,

the grantor in the foregoing Mortgage, and acknowledged the signing thereof to be his  
voluntary act, for the uses and purposes therein mentioned.

**In Testimony Whereof**, I have hereunto subscribed my  
name and affixed my Notarial seal, on the  
day and year last aforesaid.

JAMES G. ROBINSON, Attorney at Law  
NOTARY PUBLIC-STATE OF OHIO  
My commission has no expiration  
date. Section 147.03, G. C.



This instrument was prepared by James G. Robinson, Esq., Oxford, OH



**TRACT II:** Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of the beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor #2999. (Not a complete field survey--see plat).

Butler County Engineer's Record of Land Surveys, Volume 9 Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

[i] 5.000 acres conveyed by Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Deed Records of Butler County, Ohio.

[ii] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Deed Records of Butler County, Ohio.

[iii] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the estate of Mary Marguerite Harris to William L. Lalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Deed Records of Butler County, Ohio.

**TRACT III:** Entire Lot Numbered Nine Hundred Eighty-Seven (987), as the same is known and designated on the recorded plat of Harris Addition, Part A in the City of Oxford, Butler County, Ohio, subject to easements, conditions and restrictions of record.

No. 20376

# Mortgage

From

COLWELL

To

HARRIS, ET ALS.

|                             |             |      |
|-----------------------------|-------------|------|
| State of Ohio,              | County, ss. | day  |
| Presented for record on the | 19          | , at |
| o'clock, M.                 |             | 19   |
| Recorded                    |             | Page |
| in Mortgage Book No.        |             |      |
| County Recorder.            |             |      |

1400  
Butler County, Ohio  
Jim Albert

### POWER OF ATTORNEY

I, Bill D. Colwell, hereby appoint my wife Nancy S. Colwell as my true and lawful attorney in fact for me and in my name, place and stead to do and perform any of the following acts and things:

1. To deposit in or withdraw from any bank, savings association, credit union or other financial institution, from any broker or other depository or from any other firm, corporation, or association, however organized and wherever situated, any money or credits in my name alone or in my name jointly with others and to execute any documents reasonably necessary to accomplish the foregoing, and to examine or receive related records, including statements of accounts and canceled checks.
2. To sign, endorse or assign any note, check, draft, bill of exchange or other instrument of any nature whatsoever, negotiable or non-negotiable, for deposit, discount, collection or otherwise.
3. To receive, demand, collect and obtain possession of any and all manner of debts, notes, mortgages, claims, obligations or moneys due or belonging to me; and to compound, compromise or settle any of the same; and to execute and deliver releases, discharges, receipts or acknowledgments therefor.
4. To receive all mail addressed to me and to instruct the United States Postal Service to forward all my mail directly to my attorney in fact, including signing any change of address forms or other forms to accomplish the foregoing.
5. To buy for me, to sell for me, and to otherwise deal with on my account all tangible and intangible property of every kind and description.
6. To have access to, enter, place property in, and remove the contents of any safe deposit box rented by me or leased in my name (whether alone or jointly with another) or rented on my behalf by my attorney in fact.
7. To expend funds for my support, care, comfort, health and welfare.
8. To arrange for and pay the costs of medical, dental, nursing, hospital, convalescent and other health care and treatment, including admission to hospitals, nursing homes, rest homes or other care facilities or institutions; to consent to treatment, and to make application for insurance, pension or employee benefits related to such health care and treatment, including, but not limited to, benefits under Social Security, Medicare and Medicaid; to obtain on my behalf copies of medical reports, summaries or other related information concerning me made or taken before or after the date of this instrument, including, but not limited to, records and/or communications, and to execute any written consents on my behalf for the disclosure of such records and communications.



9. To pay any and all debts, claims or obligations, legal or moral, incurred by me or by my attorney in fact for me, or for which I or my property may be liable.
10. To borrow money, and make, execute and deliver any note or other evidence of borrowing and assign, pledge or mortgage any property of mine as security therefor.
11. To vote in person or by proxy (limited or general) all corporate securities having voting power owned by me of record or beneficially with respect to which I have voting power, and to exercise all other rights, options and privileges which I have with respect to any such corporate securities.
12. To prepare, execute and file tax returns (including, without limiting the generality of the foregoing, federal income tax and gift tax returns and Ohio or other state or municipal personal property and income tax returns); to prepare, execute, and file protests and refund claims with respect to any such taxes; to appear and represent me in regard to and to take all actions convenient or appropriate in connection with taxes imposed by any municipal, state, United States or foreign authority or government relating to any tax liability or refund, abatement or credit (including interest or penalties) due or alleged to be due from or to me or any other person or organization, association or trust for which I am responsible for the preparation, signing, executing, verifying, acknowledging or paying of any tax due or filing of a return or report, including without limitation federal or state income or gift tax, for past years and all subsequent years; and for such purposes to inspect or receive copies of any tax returns filed by or for me, reports, or other papers or documents, compromises, or adjustments of any and all claims; and to execute Internal Revenue Service Forms 2848 and 2848-D, and any other forms required by the Internal Revenue Service or any other governmental agency from time to time in regard to the granting of powers of attorney in fact, and to name my attorney in fact or any other person as my attorney in fact thereunder.
13. To continue to carry, purchase, cancel or dispose of fire, casualty, property or income protection, medical, hospital, life, liability or other insurance and to pay any premiums thereon.
14. To employ and discharge attorneys, accountants, investment counsel and other professional advisers and agents.
15. To make application for registration or transfer of registration of any motor vehicle I own individually or jointly and to apply for and receive certificates of title and license plates.
16. To transfer, assign and convey any property or interest in property which I may own to the trustee of any revocable trust or agency account now in existence or hereafter created and to exercise any rights thereunder for my benefit that I have the right to exercise.
17. To exercise any right I may have to disclaim as a disclaimant under Section 1339.60 of the Ohio Revised Code or any law of similar import, in compliance with



Section 2518 of the Internal Revenue Code, thus granting to my attorney in fact all authority to disclaim that I may have.

18. To exercise any rights I may now or hereafter have pertaining to any retirement plans and individual retirement accounts, including but not limited to making withdrawals, electing or altering distribution options, and electing or changing beneficiary designations.

19. To collect all sums due me from the Social Security Administration, Veterans' Benefits, retirement plans or accounts, annuities, receivables, notes, or any other income rights or assets, and to exercise all rights I might have in such assets, including the right to make elections or designations concerning the method of payment of these amounts, electing or altering distribution options, and changing death benefit beneficiaries.

20. To pay my pledges and to make gifts to charitable organizations described in Section 170(c) of the Internal Revenue Code or corresponding provision of any subsequent federal tax laws; to make gifts, outright or in trust, to or for the benefit of my spouse and/or all or one or more of my descendants (even though the donee is my attorney in fact) as my attorney in fact deems necessary or proper for their health, support in reasonable comfort, education, welfare and best interests or as part of my estate planning; to consent to the splitting of gifts under Section 2513 of the Internal Revenue Code of 1986 or corresponding provision of any subsequent federal tax laws; and to pay any gift tax that may arise by reason of such gifts.

21. To sell and enter into a contract or contracts for the sale of all or any part of my personal property of every kind and description, with full power to deliver possession, and to execute any documents necessary to transfer title thereof.

22. To deal as my attorney in fact shall deem fit with any real estate, wherever situate, including but not limited to the following powers:

(a) To bargain, sell and convey, for such price and upon such terms and to such persons as my attorney in fact shall think fit, the whole or any part of the real estate now owned by me or hereafter acquired; to execute deeds and all other documents pertaining thereto; to receive payment of the purchase price, including accepting a note for part payment secured by a mortgage on the real estate conveyed; and to satisfy tax and other liens and normal costs from the proceeds.

(b) To borrow upon the security of the whole or any part of the real estate; to execute and deliver a promissory note therefor together with a mortgage as security for the note; and to execute any other documents pertaining thereto.

(c) To negotiate and execute leases; to deliver possession to the lessee or lessees thereunder; to collect, receive and receipt for all rent thereunder; and to exercise all rights thereunder.

(d) To enter into land contracts, lease/purchase agreements or other contracts for the sale of the whole or any part of real estate now owned or hereafter acquired by me and to execute all documents pertaining thereto; and to exercise all rights thereunder.

(e) To maintain, manage, improve, subdivide, raze, alter, dedicate, vacate and grant or accept easements affecting such real estate.

(f) To execute any deed for real estate owned by my spouse for the purpose of releasing my dower interest in the real estate

The powers granted hereunder shall apply to all real estate in which I currently have an interest or hereafter acquire an interest.

23. To appoint a substitute attorney in fact under this Power of Attorney with all of the powers and authority granted my attorney in fact.

24. Finally (without prejudice to and in enlargement of the authority above conferred) to execute each and every instrument, undertake each and every obligation, and to take from time to time any and all action of whatsoever nature and with relation to any matters whatsoever, whether or not specifically mentioned herein, and to exercise in respect thereto as full and complete power and discretion as I myself might or could do.

My attorney in fact shall exercise or fail to exercise the powers and authorities granted herein in each case as my attorney in fact, in my attorney in fact's own absolute discretion, deems desirable or appropriate under existing circumstances. I hereby ratify and confirm as good and effectual, at law or in equity, all that my attorney in fact, and any agents and attorneys appointed by my attorney in fact, and their agents, associates and substitutes, may do by virtue hereof. However, despite the above provisions, nothing herein shall be construed as imposing a duty on my attorney in fact to act or assume responsibility for any matters referred to above or other matters, even though my attorney in fact may have power or authority to do so.

If any power or authority hereby sought to be conferred upon my attorney in fact should be invalid or unexercisable for any cause or not recognized by any person or organization dealing with my attorney in fact, the remaining powers and authorities given to my attorney in fact hereunder shall nevertheless continue in full force and effect.

This Power of Attorney shall remain in full force and effect and shall not be affected by my disability, it being my intent that the power granted herein shall continue without interruption until my death unless previously revoked by me or as otherwise provided by law. Any person dealing with my attorney in fact may rely without inquiry upon the certification of my attorney in fact that this Power of Attorney has not been revoked.

I expressly agree that all acts done hereunder in good faith by my attorney in fact, prior to the receipt by my attorney in fact or by any party with whom my attorney in fact has dealt

pursuant to this Power of Attorney of actual notice of revocation of this authority, whether by my death or otherwise, shall be binding upon me and upon my heirs and legal representatives.

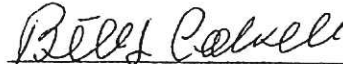
No person relying upon this Power of Attorney in good faith and without actual notice of revocation of this authority shall incur any liability to me or my estate as a result of permitting my attorney in fact to exercise any power or discretion on my behalf granted herein, nor shall any person dealing with my attorney in fact be required to see to the application and disposition of any moneys, stocks, bonds, securities or other property paid to or delivered to my attorney in fact, or my attorney in fact's substitute, pursuant to the provisions hereof.

In the event my attorney in fact heretofore appointed is not readily available or is unwilling or unable to so serve, I constitute and appoint my son David Colwell (or if he is at any time unable or unwilling to serve as an attorney in fact, my son Shane Colwell) and my wife's son Jason Horan (or if he is at any time unable or unwilling to serve as an attorney in fact, my wife's son Vincent Horan) as my attorneys in fact, to jointly have and exercise all of the authority conferred above. Any action shall take the consent of both attorneys in fact then serving. No person or institution shall have the duty to determine whether the first-named attorney in fact is readily available and willing and able to so serve, but may rely solely on the representations of the alternate attorneys in fact that they are authorized to act hereunder.

This Power of Attorney shall be governed by the laws of the State of Ohio and shall be effective from and after the date of execution hereof.

Reproductions of this executed original shall be deemed to be original counterparts of this Power of Attorney.

I have hereunto set my hand this 22<sup>nd</sup> day of March, 2007.

  
Bill D. Colwell

STATE OF OHIO, COUNTY OF BUTLER, SS:

This instrument was acknowledged before me this 22<sup>nd</sup> day of March, 2007 by Bill D. Colwell.



LEE H. PARRISH  
Attorney at Law  
Notary Public, State of Ohio  
my commission has no expiration

  
Notary Public, State of Ohio

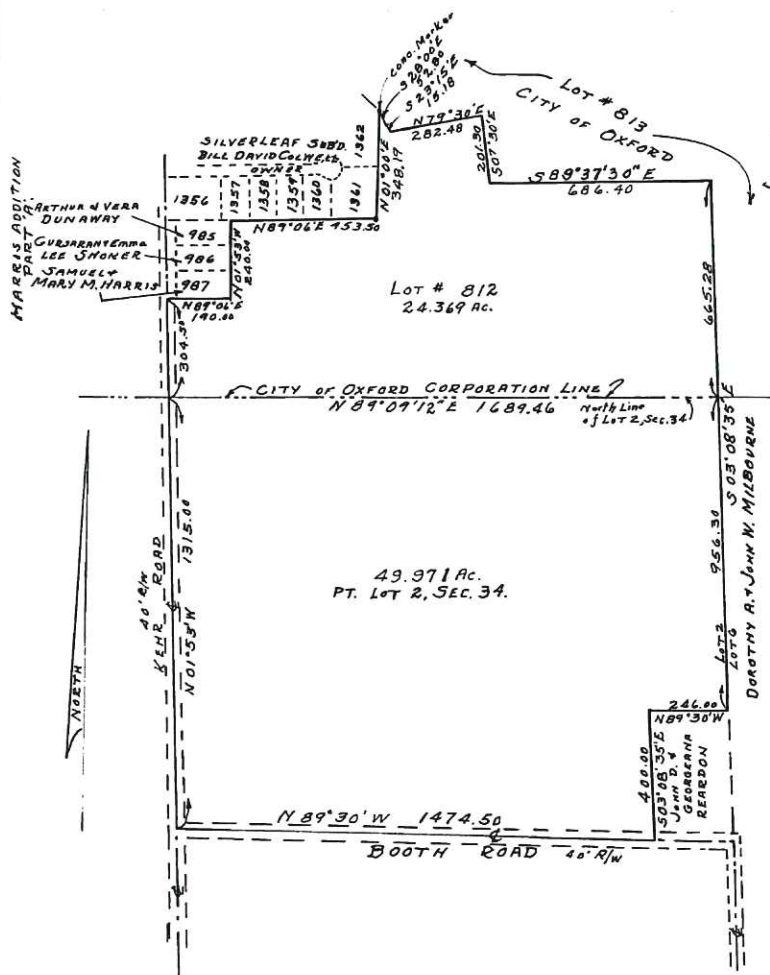
This instrument was prepared by:  
Lee H. Parrish, Attorney at Law



# PLAT

LOT # 812, CITY OF OXFORD, BUTLER Co., OHIO.  
and  
NORTH HALF LOT # 2, SECTION 34, T5, R1E,  
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO.  
Scale 1"=200'  
DEC. 3, 1976.

FOR  
THE SAMUEL A. HARRIS ESTATE.



NOTE: This plat was made from deed records  
and measurements made in the field and is not the  
result of a complete boundary survey.  
Requested by R. Fred Woodruff, Att'y.

J. Paul ALBERT  
Registered Surveyor #2999  
Oxford, Ohio.

**Parcel**

|                       |                                   |
|-----------------------|-----------------------------------|
| Parcel Id             | H4000116000012                    |
| Address               | GARDENIA DR                       |
| Building/Unit #       |                                   |
| Class                 | RESIDENTIAL                       |
| Land Use Code**       | 502 R - RESIDENTIAL, 10-19.999 AC |
| Neighborhood          | R0008016                          |
| Total Acres           | 15.0810                           |
| Taxing District       | H40                               |
| District Name         | OXFORD TWP-O CORP-C L/TWND CSD    |
| Gross Tax Rate        | 75.04                             |
| Effective Tax Rate    | 44.10037                          |
| Non Business Credit   | .091937                           |
| Owner Occupied Credit | N/A                               |

**\*\*Land Use Code is for Auditor assessment purposes only. It is not a true representation of legal zoning designation. For more information on zoning and legal property usage, please contact the local zoning department.**

**Dwelling**

|                                   |
|-----------------------------------|
| Year Built                        |
| Stories                           |
| Construction                      |
| Basement                          |
| Bedrooms                          |
| Full Baths                        |
| Half Baths                        |
| Above Grade Living Area (Sq. Ft.) |
| Finished Basement (Sq. Ft.)**     |
| Total Living Area (Sq. Ft.)       |

**\*\*Finished Basement may be an estimate.**

**\*\*TENTATIVE 2023 VALUE\*\***

|                          |                   |
|--------------------------|-------------------|
| <b>Parcel Identifier</b> | <b>2023 Value</b> |
| H4000116000012           | \$137,420         |

**\*\*Value does not include 2023 new construction.**

**Current Value**

|                      |      |           |
|----------------------|------|-----------|
| Land (100%)          |      | \$137,420 |
| Building (100%)      |      | \$0       |
| Total Value (100%)   |      | \$137,420 |
| CAUV                 |      | \$0       |
| Assessed Tax Year    | 2022 |           |
| Land (35%)           |      | \$48,100  |
| Building (35%)       |      | \$0       |
| Assessed Total (35%) |      | \$48,100  |

**Incentive District Parcels [What is this?](#)**

|                   |             |         |
|-------------------|-------------|---------|
| Parcel identifier | Value Type  | value   |
| H4000116000012    | Base Parcel | 137,420 |
|                   | Total Value | 137,420 |

**Homestead Credits [How do I qualify?](#)**

|                            |    |
|----------------------------|----|
| Owner Occupied Credit      | NO |
| Disabled Veteran Exemption | NO |
| Homestead Exemption        | NO |

### CAUV & Agricultural District [What is this?](#)

|                       |    |
|-----------------------|----|
| CAUV                  | NO |
| Agricultural District | NO |

### Owner and Legal [Future ?](#)

|         |                     |
|---------|---------------------|
| Owner 1 | OSBORNE LARA C TR   |
| Owner 2 |                     |
| Legal 1 | 812 ENT LESS NW COR |
| Legal 2 |                     |
| Legal 3 |                     |
| Future  |                     |

### Taxbill Mailing Address [Can I change my mailing address?](#)

|                |                           |
|----------------|---------------------------|
| Mailing Name 1 | LARA C OSBORNE TR         |
| Mailing Name 2 |                           |
| Address 1      | 5790 STILLWELL BECKETT RD |
| Address 2      |                           |
| Address 3      | OXFORD OH 45056 9021      |

### Transfers (Date represents time of transfer)

| Date      | Sale Amount |
|-----------|-------------|
| 10-MAY-21 | \$75,000    |
| 08-DEC-10 |             |
| 01-JUN-91 | \$225,000   |

### Transfers (Date represents time of transfer)

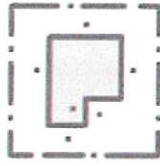
| Date      | Type | Sale Amount  | Trans # | Seller            | Buyer             |
|-----------|------|--------------|---------|-------------------|-------------------|
| 10-MAY-21 | LAND | \$75,000.00  | 53086   | COLWELL BILL D &  | OSBORNE LARA C TR |
| 08-DEC-10 |      |              | 9792    | COLWELL BILL D TR | COLWELL BILL D &  |
| 01-JUN-91 | LAND | \$225,000.00 |         |                   | COLWELL BILL D TR |

### Land

| Line Number | Land Type | Land Code | Acres  | Square Feet |
|-------------|-----------|-----------|--------|-------------|
| 1           | A         | 1         | 1      | 43,560      |
| 2           | A         | 8         | 14.081 | 613,368     |







Sorry, no sketch available  
for this record

| Item | Area |
|------|------|
|      |      |

**Tax Summary**

|                |             |
|----------------|-------------|
| Parcel ID      | Tax Class   |
| H4000116000012 | Residential |

**2022 Full Year Charges as of Duplicate**

|                                   |             |
|-----------------------------------|-------------|
| Original Charge                   | \$3,609.44  |
| Reduction                         | -\$1,488.24 |
| Adjusted Charge                   | \$2,121.20  |
| NonBusiness Rollback              | -\$195.02   |
| Homestead                         | \$.00       |
| Owner Occupancy Rollback          | \$.00       |
| Total Year Real Estate Taxes Only | \$1,926.18  |
| Special Assessment                | \$.00       |
| Total Full Year Current Charges   | \$1,926.18  |
| Total Due                         | \$.00       |

**Payments List**

| Tax Year | Total Tax as of Duplicate | Total Paid  |
|----------|---------------------------|-------------|
| 2021     | \$1,825.22                | -\$1,825.22 |
| 2022     | \$1,916.62                | -\$1,916.62 |
| 2023     | \$.00                     | \$.00       |

**Tax Detail 2020 - 2022**

| Tax Year | Action | Code | Date      | Project # | 1st Half | 2nd half | Prior Year |
|----------|--------|------|-----------|-----------|----------|----------|------------|
| 2022     | PAY    | CHG  | 03-AUG-23 |           | 0.00     | -963.09  | .00        |
| 2022     | PAY    | CHG  | 09-MAR-23 |           | -953.53  | 0.00     | .00        |
| 2022     | PAY    | CHG  | 18-JAN-23 |           | -9.56    | 0.00     | .00        |
| 2022     | DUP    | ADJ  | 17-JAN-23 |           | 1,060.60 | 1,060.60 | .00        |
| 2022     | DUP    | RLB  | 17-JAN-23 |           | -97.51   | -97.51   | .00        |
| 2021     | ADJ    | ADJ  | 27-DEC-22 |           | 0.00     | 0.00     | -5.22      |
| 2021     | ADJ    | RLB  | 27-DEC-22 |           | 0.00     | 0.00     | .50        |
| 2021     | PAY    | CHG  | 04-AUG-22 |           | 0.00     | 0.00     | -907.89    |
| 2021     | PAY    | CHG  | 28-FEB-22 |           | 0.00     | 0.00     | -912.61    |
| 2021     | DUP    | ADJ  | 03-JAN-22 |           | 0.00     | 0.00     | 2,011.88   |
| 2021     | DUP    | RLB  | 03-JAN-22 |           | 0.00     | 0.00     | -186.66    |
| 2020     | ADJ    | ADJ  | 12-DEC-22 |           | 0.00     | 0.00     | -5.36      |
| 2020     | ADJ    | RLB  | 12-DEC-22 |           | 0.00     | 0.00     | .52        |
| 2020     | PAY    | CHG  | 05-AUG-21 |           | 0.00     | 0.00     | -949.50    |
| 2020     | PAY    | CHG  | 16-MAR-21 |           | 0.00     | 0.00     | -954.34    |
| 2020     | DUP    | ADJ  | 22-JAN-21 |           | 0.00     | 0.00     | 2,104.62   |
| 2020     | DUP    | RLB  | 22-JAN-21 |           | 0.00     | 0.00     | -195.94    |
| Total:   |        |      |           |           | 0.00     | 0.00     | .00        |





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                         |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                  |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                       |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                  |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Cobblestone Community Church, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                         |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                                     |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                                   |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                         |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                                                                                                                                                             |

---

### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH COBBLESTONE COMMUNITY CHURCH, INC. FOR THE PURPOSE OF AN EASEMENT FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS**, the Cobblestone Community Church, Inc. owns real property in Oxford, Ohio 45056 and situated in identified as Parcel ID H4100132000014; and

**WHEREAS**, the Cobblestone Community Church, Inc. wishes to grant a permanent construction easement to the City of Oxford (a legal description depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS**, Cobblestone Community Church, Inc. and the City will enter into an Easement Agreement granting the construction easement that will include the area in Exhibit A ; and

**WHEREAS**, the City Manager and Service Director recommend the City Council of the City of Oxford (“Council”) authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and the Cobblestone Community Church, Inc.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder’s Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

## **EXHIBIT A**

LPA RX 871 SH

Page 1 of 6

Rev. 06/09

Ver. Date 10/16/24

PID 117001

**PARCEL 2-SH  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 27 and 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 28.488 Acre parcel as of the date this survey was prepared, as conveyed to Cobblestone Community Church, Inc. as recorded in Official Record 7951, Page 589 of the Butler County Recorder's Office and being Part of Lot 3695 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on both sides of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at a set iron pin on southeast corner of Lot 2082 of the Southern Knolls 9 Subdivision as recorded in Plat Envelope 620, Page C, and being on the west line of said Part Lot 3695 being 24.03 feet left of Station 18+16.85 of the centerline of the BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the west line of said Part Lot 3695 for the following thirty-eight courses, South 89° 34' 22" East, 27.55 feet;

thence, with a non-tangent curve to the right, having a central angle of 42° 35' 03", a radius of 114.04 feet, an arc length of 84.76 feet, and a chord bearing South 66° 15' 39" East, 82.82 feet;

thence, South 44° 58' 07" East, 65.04 feet;

thence, North 45° 01' 53" East, 18.05 feet;



## **EXHIBIT A**

LPA RX 871 SH

Page 2 of 6

Rev. 06/09

thence, South 44° 58' 07" East, 24.23 feet;

thence, South 45° 01' 53" West, 18.05 feet;

thence, South 44° 58' 07" East, 44.97 feet;

thence, with a curve to the right, having a central angle of 94° 21' 15", a radius of 105.54 feet, an arc length of 173.80 feet, and a chord bearing South 02° 12' 30" West, 154.81 feet;

thence, South 49° 23' 08" West, 42.73 feet;

thence, with a curve to the left, having a central angle of 87° 45' 21", a radius of 35.00 feet, an arc length of 53.61 feet, and a chord bearing South 05° 30' 27" West, 48.52 feet;

thence, South 38° 22' 13" East, 7.11 feet;

thence, with a curve to the right, having a central angle of 90° 00' 55", a radius of 85.00 feet, an arc length of 133.54 feet, and a chord bearing South 06° 38' 14" West, 120.22 feet;

thence, South 51° 38' 42" West, 100.92 feet to a set iron pin being 25.00 feet left of Station 25+14.36 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with a curve to the left, having a central angle of 71° 08' 07", a radius of 95.00 feet, an arc length of 117.95 feet, and a chord bearing South 16° 04' 38" West, 110.52 feet;

thence, South 19° 29' 25" East, 79.43 feet;

thence, with a curve to the right, having a central angle of 44° 31' 37", a radius of 213.31 feet, an arc length of 165.77 feet, and a chord bearing South 02° 46' 23" West, 161.63 feet;

thence, South 25° 02' 12" West, 40.38 feet;

thence, South 43° 13' 35" East, 65.02 feet;

thence, North 68° 30' 39" East, 28.16 feet to a set iron pin being 25.00 feet left of Station 31+00.62 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with a curve to the right, having a central angle of 79° 30' 58", a radius of 85.00 feet, an arc length of 117.96 feet, and a chord bearing South 71° 43' 53" East, 108.72 feet;

## **EXHIBIT A**

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thence, South 31° 58' 24" East, 69.96 feet;

thence, with a curve to the left, having a central angle of 137° 18' 43", a radius of 35.00 feet, an arc length of 83.88 feet, and a chord bearing North 79° 22' 15" East, 65.20 feet;

thence, North 10° 42' 53" East, 197.63 feet to a set iron pin being 25.00 feet left of Station 35+95.28 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North 71° 19' 27" West, 26.83 feet;

thence, North 18° 40' 33" East, 20.00 feet;

thence, South 71° 19' 27" East, 25.04 feet;

thence, with a curve to the right, having a central angle of 34° 30' 48", a radius of 85.00 feet, an arc length of 51.20 feet, and a chord bearing North 36° 45' 23" East, 50.43 feet;

thence, North 54° 00' 47" East, 26.68 feet;

thence, with a curve to the right, having a central angle of 30° 54' 47", a radius of 207.27 feet, an arc length of 111.83 feet, and a chord bearing North 69° 28' 10" East, 110.48 feet;

thence, North 01° 57' 52" West, 13.64 feet;

thence, North 88° 02' 08" East, 60.29 feet;

thence, with a curve to the right, having a central angle of 28° 34' 23", a radius of 81.00 feet, an arc length of 40.39 feet, and a chord bearing North 43° 00' 19" East, 39.98 feet;

thence, North 57° 17' 30" East, 11.01 feet;

thence, South 32° 42' 30" East, 40.00 feet;

thence, South 57° 17' 30" West, 11.01 feet;

thence, with a curve to the left, having a central angle of 42° 02' 46", a radius of 41.00 feet, an arc length of 30.09 feet, and a chord bearing South 36° 16' 07" West, 29.42 feet;

thence, South 69° 45' 50" East, 368.68 feet;

## **EXHIBIT A**

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thence, with a curve to the left, having a central angle of  $14^{\circ} 54' 59''$ , a radius of 301.95 feet, an arc length of 78.61 feet, and a chord bearing South  $77^{\circ} 12' 58''$  East, 78.39 feet to a set iron pin on the east line of said Part Lot 3695 being 24.96 feet left of Station 43+08.36 of the centerline of the BUT-Oxford Area Trail, Phase 5;

thence, with said Part Lot 3695, South  $00^{\circ} 44' 45''$  East, passing a set iron pin at 18.56 feet being 6.50 feet left of Station 43+10.35 of the centerline of Oxford Area Trail for a total distance of 20.10 feet to a set iron pin on the north right of way of Roberts Drive being 4.96 feet left of Station 43+10.35 of the centerline of the BUT-Oxford Area Trail, Phase 5;

thence, with a curve to the right, having a central angle of  $15^{\circ} 17' 30''$ , a radius of 322.00 feet, an arc length of 85.94 feet, and a chord bearing North  $77^{\circ} 24' 35''$  West, 85.68 feet to the terminus of Roberts Drive;

thence, departing the north right of way of said Roberts Drive, South  $20^{\circ} 14' 08''$  West, 30.00 feet to the centerline of said Roberts Drive at a set iron pin being 25.00 feet right of Station 42+23.23 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the terminus of said Roberts Drive for the following twenty-two courses, North  $69^{\circ} 45' 50''$  West, 370.00 feet;

thence, with a curve to the left, having a central angle of  $56^{\circ} 13' 24''$ , a radius of 157.27 feet, an arc length of 154.33 feet, and a chord bearing South  $82^{\circ} 07' 28''$  West, 148.21 feet;

thence, South  $54^{\circ} 00' 47''$  West, 26.68 feet;

thence, with a curve to the left, having a central angle of  $43^{\circ} 17' 54''$ , a radius of 35.00 feet, an arc length of 26.45 feet, and a chord bearing South  $32^{\circ} 21' 50''$  West, 25.82 feet to a set iron pin being 25.00 feet right of Station 36+02.35 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South  $10^{\circ} 42' 53''$  West, 204.70 feet;

thence, with a curve to the right, having a central angle of  $137^{\circ} 18' 43''$ , a radius of 85.00 feet, an arc length of 203.71 feet, and a chord bearing South  $79^{\circ} 22' 15''$  West, 158.34 feet;

thence, North  $31^{\circ} 58' 24''$  West, 69.96 feet;

## **EXHIBIT A**

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thence, with a curve to the left, having a central angle of  $79^{\circ} 30' 58''$ , a radius of 35.00 feet, an arc length of 48.57 feet, and a chord bearing North  $71^{\circ} 43' 53''$  West, 44.77 feet to a set iron pin being 25.00 feet right of Station 31+00.62 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South  $68^{\circ} 30' 39''$  West, 28.16 feet;

thence, with a curve to the right, having a central angle of  $136^{\circ} 31' 33''$ , a radius of 85.00 feet, an arc length of 202.54 feet, and a chord bearing North  $43^{\circ} 13' 35''$  West, 157.91 feet;

thence, North  $25^{\circ} 02' 12''$  East, 40.38 feet;

thence, with a curve to the left, having a central angle of  $44^{\circ} 31' 37''$ , a radius of 163.31 feet, an arc length of 126.92 feet, and a chord bearing North  $02^{\circ} 46' 23''$  East, 123.75 feet;

thence, North  $19^{\circ} 29' 25''$  West, 79.43 feet;

thence, with a curve to the right, having a central angle of  $71^{\circ} 08' 07''$ , a radius of 145.00 feet, an arc length of 180.02 feet, and a chord bearing North  $16^{\circ} 04' 38''$  East, 168.68 feet to a set iron pin being 25.00 feet right of Station 25+14.36 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North  $51^{\circ} 38' 42''$  East, 100.92 feet;

thence, with a curve to the left, having a central angle of  $90^{\circ} 00' 55''$ , a radius of 35.00 feet, an arc length of 54.99 feet, and a chord bearing North  $06^{\circ} 38' 14''$  East, 49.50 feet;

thence, North  $38^{\circ} 22' 13''$  West, 7.11 feet;

thence, with a curve to the right, having a central angle of  $87^{\circ} 45' 21''$ , a radius of 85.00 feet, an arc length of 130.19 feet, and a chord bearing North  $05^{\circ} 30' 27''$  East, 117.83 feet;

thence, North  $49^{\circ} 23' 08''$  East, 42.73 feet;

thence, with a curve to the left, having a central angle of  $94^{\circ} 21' 15''$ , a radius of 55.54 feet, an arc length of 91.46 feet, and a chord bearing North  $02^{\circ} 12' 30''$  East, 81.47 feet;

thence, North  $44^{\circ} 58' 07''$  West, 134.24 feet;

thence, with a curve to the left, having a central angle of  $42^{\circ} 35' 03''$ , a radius of 64.04 feet, an arc length of 47.60 feet, and a chord bearing North  $66^{\circ} 15' 39''$  West, 46.51 feet;

**EXHIBIT A**

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thence, North 84° 38' 04" West, 27.17 feet to a set iron pin on the west line of said Part Lot 3695 being 23.62 feet right of Station 18+17.26 of the centerline of the BUT-Oxford Area Trail, Phase 5;

thence, North 01° 57' 41" East, 47.65 feet to the True Point of Beginning. Containing in all 2.914 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 2.914 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-132-000-014.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                           |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                   |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                            |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                 |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                            |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Development, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                   |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                               |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                             |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                   |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD DRE                                                                                                                                                                                                                                                   |

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### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.



**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH SOUTH FARM DEVELOPMENT, INC. FOR THE PURPOSE OF AN EASEMENT FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS**, South Farm Development, Inc. owns real property in Oxford, Ohio 45056 and situated in Lot #3989; and

**WHEREAS**, South Farm Development Inc. wishes to grant a temporary and permanent construction easement in part of Lot #3989 to the City of Oxford (a legal description depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS**, South Farm Development, Inc. and the City will enter into an Addendum to Easement Agreement granting the construction and temporary easements that will include the area in Exhibit A ; and

**WHEREAS**, the City Manager and Service Director recommend the City Council of the City of Oxford (“Council”) authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and South Farm Development, Inc.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder’s Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

**EXHIBIT A**

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Ver. Date 10/16/24

PID 117001

**PARCEL 3-SH  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

---

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

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Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.686 parcel as of the date this survey was prepared, as conveyed to \_\_\_\_\_ as recorded in Official Record \_\_\_\_\_, Page \_\_\_\_\_ of the Butler County Recorder's Office and being Lot 3989 of Southfarm Section 4 as recorded in Official Record \_\_\_\_\_, Page \_\_\_\_\_ and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the southwest corner of said Lot 3989 at a set iron pin being on the north right of way of Robers Drive being 4.96 feet left of Station 43+10.51 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning departing the right of way of said Roberts Drive and with said Lot 3989, North 00° 44' 45" West, 1.54 feet to a set iron pin being 6.50 feet left of Station 43+10.35 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 3989 for the following two courses, with a curve to the left, having a central angle of 37° 12' 09", a radius of 320.50 feet, an arc length of 208.10 feet, and a chord bearing North 76° 20' 49" East, 204.47 feet;

thence, North 57° 44' 44" East, 4.60 feet to a set iron pin on the east line of said Lot 3989 being 6.50 feet left of Station 43+10.35 of the centerline of Oxford Area Trail;

**EXHIBIT A**

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thence, with said Lot 3989, thence, South 03° 15' 17" West, 1.98 feet to the north right of way of Roberts Drive being 4.89 feet left of Station 45+26.12 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with the north right of way of said Roberts Drive for the following two courses, South 57° 47' 03" West, 3.56 feet;

thence, with a curve to the right, having a central angle of 37° 09' 52", a radius of 322.00 feet, an arc length of 208.86 feet, and a chord bearing South 76° 21' 44" West, 205.22 feet to the true point of beginning. Containing in all 0.008 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.008 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-132-000-\_\_.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.

## **EXHIBIT A**

LPA RX 887 T

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Ver. Date 10/16/24

PID 117001

**PARCEL 3-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.686 parcel as of the date this survey was prepared, as conveyed to \_\_\_\_\_ as recorded in Official Record \_\_\_\_\_, Page \_\_\_\_\_ of the Butler County Recorder's Office and being Lot 3989 of Southfarm Section 4 as recorded in Official Record \_\_\_\_\_, Page \_\_\_\_\_ and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Commencing at the southwest corner of said Lot 3989 at a set iron pin being on the north right of way of Robers Drive being 4.96 feet left of Station 43+10.51 of the centerline of BUT-Oxford Area Trail, Phase 5; thence, departing the right of way of said Roberts Drive and with said Lot 3989, North 00° 44' 45" West, 1.54 feet to a set iron pin being 6.50 feet left of Station 43+10.35 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning thus found, with said Lot 3989, North 00° 44' 45" West, 6.50 feet being 12.96 feet left of Station 43+09.68 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 3989 for the following two courses, with a curve to the left, having a central angle of 28° 02' 21", a radius of 314.00 feet, an arc length of 153.66 feet, and a chord bearing North 81° 04' 13" East, 152.14 feet;

thence, North 50° 04' 33" East, 70.10 feet to the east line of said Lot 3989 being 26.38 feet left of Station 45+41.46 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with said Lot 3989 South 03° 15' 17" West, 24.42 feet being 4.89 feet left of Station 45+26.12 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the east line of said Lot 3989 for the following two courses, South 57° 44' 44" West, 4.60 feet;

## **EXHIBIT A**

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thence, with a curve to the right, having a central angle of  $37^{\circ} 12' 09''$ , a radius of 320.50 feet, an arc length of 208.10 feet, and a chord bearing South  $76^{\circ} 20' 49''$  West, 204.47 feet to the true point of beginning. Containing in all 0.042 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.042 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-132-000-\_\_\_\_.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                        |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                 |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                      |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                 |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With South Farm Owners Association, Inc. For The Purpose Of Easements For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                        |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                                    |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                                  |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                        |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD                                                                                                                                                                                                                                                            |

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### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.



**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH SOUTH FARM OWNERS ASSOCIATION, INC. FOR THE PURPOSE OF EASEMENTS FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS**, South Farm Owners Association, Inc. owns real property in Oxford, Ohio 45056, identified by Parcel ID H4100137000040; and

**WHEREAS**, South Farm Owners Association, Inc. wishes to grant a temporary construction easement to the City of Oxford (a legal description depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS**, South Farm Owners Association, Inc. and the City will enter into an Easement Agreement granting the construction and temporary easement that will include the area in Exhibit A ; and

**WHEREAS**, the City Manager and Service Director recommend the City Council of the City of Oxford (“Council”) authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and South Farm Owners Association, Inc.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder’s Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

**EXHIBIT A**

LPA RX 871 SH

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Rev. 06/09

Ver. Date 10/16/24

PID 117001

**PARCEL 4-SH  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

---

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 4.204 Acre parcel as of the date this survey was prepared, as conveyed to South Farm Development, LLC as recorded in Official Record 7389, Page 1792 of the Butler County Recorder's Office and being Lot 3555 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the southwest corner of said Lot 3555 at a set iron pin being on the north right of way of Robers Drive and being 4.89 feet left of Station 45+26.12 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing Roberts Drive, and with the west line of said Lot 3555, North 03° 15' 17" East, 1.98 feet at a set iron pin being 6.50 feet left of Station 45+27.25 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 3555 for the following four courses, North 57° 44' 44" East, 89.01 feet;

thence, with a curve to the left, having a central angle of 33° 39' 45", a radius of 53.50 feet, an arc length of 31.43 feet, and a chord bearing North 40° 54' 52" East, 30.98 feet;

## EXHIBIT A

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thence, with a curve to the right, having a central angle of  $76^{\circ} 36' 18''$ , a radius of 66.80 feet, an arc length of 89.31 feet, and a chord bearing North  $62^{\circ} 23' 09''$  East, 82.81 feet;

thence, with a curve to the left, having a central angle of  $21^{\circ} 23' 41''$ , a radius of 55.58 feet, an arc length of 20.75 feet, and a chord bearing North  $89^{\circ} 46' 58''$  East, 20.63 feet to a set iron pin being 6.42 feet left of Station 47+55.42 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with the east line of said Lot 3555, South  $39^{\circ} 08' 43''$  East, 5.49 feet to the north right of way of Roberts Drive being 1.50 feet left of Station 47+58.04 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with Roberts Drive for the following four courses, with a curve to the left, having a central angle of  $15^{\circ} 41' 54''$ , a radius of 197.89 feet, an arc length of 54.22 feet, and a chord bearing South  $65^{\circ} 37' 44''$  West, 54.05 feet;

thence, thence, South  $57^{\circ} 46' 47''$  West, 117.00 feet;

thence, North  $03^{\circ} 36' 43''$  West, 5.70 feet;

thence, South  $57^{\circ} 47' 03''$  West, 52.69 feet to the west line of said Lot 3555 to the true point of beginning. Containing in all 0.060 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.060 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-040.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.

**EXHIBIT A**

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PID 117001

**PARCEL 4-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 4.204 Acre parcel as of the date this survey was prepared, as conveyed to South Farm Development, LLC as recorded in Official Record 7389, Page 1792 of the Butler County Recorder's Office and being all of Lot 3555 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on both sides of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Commencing at the southwest corner of said Lot 3555 at a set iron pin being on the north right of way of Roberts Drive and being 4.89 feet left of Station 45+26.12 of the centerline of BUT-Oxford Area Trail, Phase 5; thence, departing Roberts Drive, and with the west line of said Lot 3555, North 03° 15' 17" East, 1.98 feet at a set iron pin being 6.50 feet left of Station 45+27.25 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning

thence, from the True Point of Beginning thus found, with said Lot 3555, North 03° 15' 17" East, 24.42 feet being 26.38 feet left of Station 45+41.46 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 3555 for the following four courses, North 69° 35' 57" East, 65.92 feet;

thence, North 38° 51' 36" East, 59.39 feet;

thence, North 56° 30' 22" East, 40.03 feet;

thence, North 89° 40' 48" East, 50.38 feet to the east line of said Lot 3555 feet being 13.80 feet left of Station 47+50.29 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with said Lot 3555, South 39° 08' 43" East, 8.51 feet to a set iron pin being 6.42 feet left of Station 47+55.42 of the centerline of BUT-Oxford Area Trail, Phase 5;

## EXHIBIT A

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thence, departing the east line of said Lot 3555 for the following four courses, with a curve to the right, having a central angle of  $21^{\circ} 23' 41''$ , a radius of 55.58 feet, an arc length of 20.75 feet, and a chord bearing South  $89^{\circ} 46' 58''$  West, 20.63 feet;

thence, with a curve to the left, having a central angle of  $76^{\circ} 36' 18''$ , a radius of 66.80 feet, an arc length of 89.31 feet, and a chord bearing South  $62^{\circ} 23' 09''$  West, 82.81 feet;

thence, with a curve to the right, having a central angle of  $33^{\circ} 39' 45''$ , a radius of 53.50 feet, an arc length of 31.43 feet, and a chord bearing South  $40^{\circ} 54' 52''$  West, 30.98 feet;

thence, South  $57^{\circ} 44' 44''$  West, 89.01 feet to the true point of beginning. Containing in all 0.050 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.050 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-040.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                  |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                          |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                   |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                        |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                   |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With HPCT Properties, Inc. For The Purpose Of Easements For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                          |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                      |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                    |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                          |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD                                                                                                                                                                                                                                              |

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### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH HPCT PROPERTIES, INC. FOR THE PURPOSE OF EASEMENTS FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS**, HPCT Properties, Inc. owns real property in Oxford, Ohio 45056 and situated in Lots #4056, # 4057, #4058, and #4059; and

**WHEREAS**, HPCT Properties, Inc. wishes to grant temporary construction easements in part of Lots #4056, #4057, #4058, and #4059 to the City of Oxford (a diagram depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS**, HPCT Properties, Inc. and the City will enter into an Addendum to an Easement Agreement granting the temporary easements that will include the area in Exhibit A ; and

**WHEREAS**, the City Manager and Service Director recommend the City Council of the City of Oxford ("Council") authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and HPCT Properties, Inc.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder's Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

**EXHIBIT A**

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PID 117001

**PARCEL 5-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.353 Acre parcel as of the date this survey was prepared, as conveyed to HPCT Properties, Inc. as recorded in Official Record 10103, Page 1051 of the Butler County Recorder's Office and being all of Lot 4056 of Heron Pond as recorded in Official Record 9717, Page 1928 and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the intersection of the southwest corner of said Lot 4056 and the north right of way of Roberts Drive at a set iron pin being 6.42 feet left of Station 47+55.42 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning and departing north right of way of said Roberts Drive and with said Lot 4056, North 39° 08' 43" West, 8.51 feet being 13.80 feet left of Station 47+50.29 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 4056 for the following two courses, North 73° 18' 00" East, 32.29 feet;

thence, North 80° 17' 08" East, 39.80 feet to the east line of said Lot 4056 being 20.25 feet left of Station 48+19.31 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with said Lot 4056, South 02° 46' 47" West, 8.01 feet being 12.25 feet left of Station 48+19.12 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the east line of said Lot 4056 for the following four courses, with a curve to the left, having a central angle of 09° 16' 09", a radius of 100.00 feet, an arc length of 16.18 feet, and a chord bearing North 89° 31' 35" West, 16.16 feet;

## **EXHIBIT A**

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thence, with a curve to the left, having a central angle of  $22^{\circ} 27' 30''$ , a radius of 70.00 feet, an arc length of 27.44 feet, and a chord bearing South  $74^{\circ} 36' 36''$  West, 27.26 feet;

thence, with a curve to the right, having a central angle of  $11^{\circ} 59' 15''$ , a radius of 70.00 feet, an arc length of 14.65 feet, and a chord bearing South  $69^{\circ} 22' 28''$  West, 14.62 feet;

thence, with a curve to the left, having a central angle of  $02^{\circ} 27' 53''$ , a radius of 200.00 feet, an arc length of 8.60 feet, and a chord bearing South  $74^{\circ} 08' 09''$  West, 8.60 feet to the true point of beginning. Containing in all 0.010 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.010 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-062.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.

**EXHIBIT A**

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PID 117001

**PARCEL 6-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

---

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.187 Acre parcel as of the date this survey was prepared, as conveyed to HPCT Properties, Inc. as recorded in Official Record 10103, Page 1051 of the Butler County Recorder's Office and being all of Lot 4057 and being all of Lot 4056 of Heron Pond as recorded in Official Record 9717, Page 1928 and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the intersection of the southwest corner of said Lot 4057 and the north right of way of Roberts Drive, being 12.25 feet left of Station 48+19.12 of the centerline of BUT-Oxford Area Trail, Phase 5, and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the north right of way of said Roberts Drive and with said Lot 4057, North 02° 46' 47" East, 8.01 feet being 12.25 feet left of Station 48+19.12 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 4057, South 74° 07' 41" East, 66.73 feet to the east line of said Lot 4057 being 13.62 feet left of Station 48+81.01 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with said Lot 4057, South 02° 46' 47" West, 7.89 feet to the north right of way of said Roberts Drive being 6.00 feet left of Station 48+83.07 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the east line of said Lot 4057 and with the north right of way of said Roberts Drive for the following two course, North 72° 05' 04" West, 44.50 feet;

thence, with a curve to the left, having a central angle of 12° 48' 27", a radius of 100.00 feet, an arc length of 22.35 feet, and a chord bearing North 78° 29' 18" West, 22.31 feet to the true point

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of beginning. Containing in all 0.010 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.010 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-063.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



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PID 117001

**PARCEL 7-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

---

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

---

Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.213 Acre parcel as of the date this survey was prepared, as conveyed to HPCT Properties, Inc. as recorded in Official Record 10103, Page 1051 of the Butler County Recorder's Office and being all of Lot 4058 of Heron Pond as recorded in Official Record 9717, Page 1928 and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the intersection of the southwest corner of said Lot 4058 and the north right of way of Roberts Drive, being 6.00 feet left of Station 48+83.07 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the north right of way of said Roberts Drive and with said Lot 4058, North 02° 46' 47" East, 7.89 feet, being 13.62 feet left of Station 48+81.01 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 4058, South 74° 07' 41" East, 66.73 feet to the east line of said Lot 4058, being 16.00 feet left of Station 49+47.70 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with the east line of South 02° 46' 47" West, 10.36 feet to the north right of way of said Roberts Drive being 6.00 feet left of Station 49+50.40 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, departing the east line of said Lot 4058 and with the north right of way of said Roberts Drive, North 72° 05' 04" West, 67.34 feet to the true point of beginning. Containing in all 0.014 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.014 acres, more or less, subject to all legal easements and rights of way.

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The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-064.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.

**EXHIBIT A**

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PID 117001

**PARCEL 8-T  
BUT-OXFORD AREA TRAIL PHASE 5  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PURPOSE OF TEMPORARY  
FOR 18 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

---

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

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Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 0.367 Acre parcel as of the date this survey was prepared, as conveyed to HPCT Properties, Inc. as recorded in Official Record 10103, Page 1051 of the Butler County Recorder's Office and being all of Lot 4059 of Heron Pond as recorded in Official Record 9717, Page 1928 and being a parcel of land lying on the left side of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the intersection of the southwest corner of said Lot 4059 and the north right of way of Roberts Drive, being 6.00 feet left of Station 49+50.40 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the north right of way of said Roberts Drive and with said Lot 4059, North 02° 46' 47" East, 10.36 feet being 16.00 feet left of Station 49+47.70 of the BUT-Oxford Area Trail, Phase 5;

thence, departing the west line of said Lot 4059 for the following three courses, South 72° 05' 04" East, 7.86 feet;

thence, with a curve to the left, having a central angle of 13° 32' 59", a radius of 245.00 feet, an arc length of 57.94 feet, and a chord bearing South 78° 51' 32" East, 57.80 feet;

thence, with a curve to the left, having a central angle of 37° 19' 51", a radius of 25.06 feet, an arc length of 16.33 feet, and a chord bearing North 75° 40' 30" East, 16.04 feet;

thence, North 77° 57' 06" East, 22.63 feet to the intersection of the west right of way of Kehr Road and north right of way of said Roberts Drive being 13.92 feet left of Station 50+58.18 of the centerline of BUT-Oxford Area Trail, Phase 5;

## **EXHIBIT A**

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thence, departing Kehr Road and with the north right of way of said Roberts Drive for the following four courses, South  $51^{\circ} 24' 50''$  West, 17.84 feet;

thence, with a curve to the right, having a central angle of  $42^{\circ} 57' 09''$ , a radius of 35.00 feet, an arc length of 26.24 feet, and a chord bearing South  $72^{\circ} 53' 24''$  West, 25.63 feet;

thence, with a curve to the right, having a central angle of  $13^{\circ} 32' 59''$ , a radius of 255.00 feet, an arc length of 60.30 feet, and a chord bearing North  $78^{\circ} 51' 32''$  West, 60.16 feet;

thence, North  $72^{\circ} 05' 04''$  West, 5.16 feet to the true point of beginning. Containing in all 0.022 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 0.022 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-137-000-065.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot. Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                         |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                                 |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                          |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                               |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                          |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With Abraham A. & Eulin M. Kuranga Family Trust For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                                                 |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                                             |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                                           |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                                                 |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD                                                                                                                                                                                                                                                                     |

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### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH ABRAHAM A. & EULIN M. KURANGA FAMILY TRUST FOR THE PURPOSE OF AN EASEMENT FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS,** Abaraham A. & Eulin M. Kuranga Family Trust owns real property in Oxford, Ohio 45056, identified as Parcel ID 4100132000015; and

**WHEREAS,** Abaraham A. & Eulin M. Kuranga Family Trust wishes to grant a permanent construction easement to the City of Oxford (a legal description depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS,** Abaraham A. & Eulin M. Kuranga Family Trust and the City will enter into an Easement Agreement granting the construction easement that will include the area in Exhibit A ; and

**WHEREAS,** the City Manager and Service Director recommend the City Council of the City of Oxford (“Council”) authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and Abaraham A. & Eulin M. Kuranga Family Trust.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder’s Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST:



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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

**EXHIBIT A**

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Ver. Date 10/16/24

PID 117001

**PARCEL 9-SH  
BUT-OXFORD AREA TRAIL PHASE 5  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF OXFORD, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Oxford, Butler County, Ohio, its successors and assigns forever.

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

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

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Situated in the State of Ohio, Butler County, City of Oxford, Section 34, Town 5, Range 1, Congress Lands West of The Miami River, and being part of a 40.113 Acre parcel as of the date this survey was prepared, as conveyed to Abraham A. & Eulin M. Kuranga as recorded in Official Record 9474, Page 1261 of the Butler County Recorder's Office and being Lot 3732 in the City of Oxford, Butler County, Ohio and being a parcel of land lying on both sides of the centerline of right of way of the BUT-Oxford Area Trail, Phase 5.

Beginning at the intersection of the east right of way of Kehr Road and the northeast corner of said Lot 3732 at a set iron pin being 51.13 feet left of Station 55+93.11 of the centerline of BUT-Oxford Area Trail, Phase 5 and being the True Point of Beginning;

thence, from the True Point of Beginning, departing said Kehr Road and with said Lot 3732 for the following ten courses, South 87° 55' 58" East, 1057.07 feet to the southeast corner of Lot 3657 of Silverleaf Meadows, Section 1, as recorded in Plat Envelope 3973, Pages A-C;

thence, departing said Lot 3657 and continuing with said Lot 3732, South 87° 55' 23" East, 631.77 feet to a found 5/8 iron pin capped "BROSEY" being 11.71 feet right of Station 73+29.54 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence,

## **EXHIBIT A**

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thence, through said Lot 3732 the following nine courses: South 71° 33' 46" West, 120.35 feet to a set iron pin being 24.75 feet right of Station 71+92.57 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 54° 53' 38" West, 206.91 feet to a set iron pin being 65.43 feet right of Station 70+28.56 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North 35° 06' 22" West, 134.05 feet to a set iron pin being 37.43 feet right of Station 69+18.72 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North 87° 59' 11" West, 1279.53 feet to a set iron pin being 28.65 feet right of Station 55+96.27 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 42° 52' 59" West, 44.43 feet to a set iron pin being 13.00 feet right of Station 55+31.08 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 02° 52' 48" West, 167.72 feet to a set iron pin being 12.48 feet right of Station 53+61.96 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with a curve to the right, having a central angle of 42° 54' 39", a radius of 74.00 feet, an arc length of 55.42 feet, and a chord bearing South 02° 05' 28" West, 54.13 feet to a set iron pin being 13.19 feet right of Station 53+10.49 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, South 02° 55' 45" West, 208.69 feet to a set iron pin being 30.53 feet right of Station 51+21.68 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, North 87° 19' 08" West, 22.67 feet to a set iron pin being on the east right of way of said Kehr Road being 30.53 feet right of Station 51+21.68 of the centerline of BUT-Oxford Area Trail, Phase 5;

thence, with the east right of way of said Kehr Road, North 02° 46' 47" East, 525.59 feet to the true point of beginning. Containing in all 2.787 acres, gross, of which 0.000 acres is PRO (present road occupied), leaving a net take of 2.787 acres, more or less, subject to all legal easements and rights of way.

The above-described area is part of currently assigned Butler County Auditor's Parcel Number H4100-132-000-015.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402), U.S. Foot.

**EXHIBIT A**

LPA RX 871 SH

Page 3 of 3

Rev. 06/09

Iron pins set are 3/4" diameter steel rods, 30" long, with a 2" diameter aluminum cap stamped "PS NO. 7568, BAYER BECKER".

The above description was prepared from a field survey and right of way plans on file at District 8 dated \_\_/\_\_/\_\_ prepared by Bayer Becker under the direction of Jeffrey O. Lambert, Licensed Professional Surveyor #7568 in the State of Ohio.





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                       |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                               |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                        |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                             |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                        |
| <b>AGENDA TITLE:</b>                    | An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With CSX Transportation, Inc. For The Purpose Of An Easement For The Construction Of The (OATS) Oxford Area Trail System Phase V. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Accessible, High-Quality Infrastructure                                                                                                                                                                                                               |
| <b>BUDGETED AMOUNT:</b>                 | \$6,638,000                                                                                                                                                                                                                                           |
| <b>ACCOUNT CODE:</b>                    | 144.490.64702                                                                                                                                                                                                                                         |
| <b>RECOMMENDATION:</b>                  | Approve                                                                                                                                                                                                                                               |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD                                                                                                                                                                                                                                                   |

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### DISCUSSION:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on Oxford Area Trail System (OATS) – Phase V. This project will connect Talawanda High School (OATS Ph. III) and Talawanda Middle School (OATS Ph. IV) as well as construct a northern connector from Phase V to Chestnut Street, Chestnut Fields RTA Station, and a planned Amtrak rail platform. The City has obtained \$3.04M in grants from OKI to help fund the project.

The City has evaluated the need for ROW acquisition on 11 parcels of land and reached agreement with the owners of nine of the eleven parcels. Agreements are approved by the City Council and memorialized in a Table within the Codified Ordinances of the City of Oxford. Where appropriate, the City Council has already approved certain payments to property owners by Resolution.



**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH CSX TRANSPORTATION, INC. FOR THE PURPOSE OF AN EASEMENT FOR THE CONSTRUCTION OF THE (OATS) OXFORD AREA TRAIL SYSTEM PHASE V.**

**WHEREAS**, CSX Transportation, Inc. owns real property in Oxford, Ohio 45056; and

**WHEREAS**, CSX Transportation, Inc. wishes to grant a permanent aerial construction easement to the City of Oxford (a diagram depicting the easement area is attached hereto as Exhibit A); and

**WHEREAS**, CSX Transportation, Inc. and the City will enter into an Addendum to an Easement Agreement granting the construction easement that will include the area in Exhibit A; and

**WHEREAS**, the City Manager and Service Director recommend the City Council of the City of Oxford ("Council") authorize him to accept the construction easement.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:**

**SECTION 1** Council has reviewed the construction easement finds the same to be acceptable in form and finds it is in the best interest of the citizens of Oxford and the CSX Transportation, Inc.

**SECTION 2** The City Manager is authorized to execute the attached construction easement and the addendum and such other documents as may be required in same or substantially similar form in order to create the new easement as depicted in Exhibit A.

**SECTION 3** The Clerk of Council shall cause this easement to be officially recorded at the Butler County Recorder's Office.

**SECTION 4** This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

Date: September 18, 2024  
Description: CSX Transportation, Inc,  
Aerial Easement  
Location: City of Oxford  
Butler County, Ohio



Situated in Section 26, Town 5, Range 1 Congress Lands West of The Miami River, The City of Oxford, Butler County, Ohio being an Aerial Easement from the Bottom of the Pedestrian Bridge 895.65 and no upper bounds over part of the right of way of CSX Railroad and being further described as follows:

Begin at a point found by measuring from the southwest corner of said Section 26, said corner being on a southwest corner of The Village of Oxford land (Lot 796) as recorded in Deed Book 432, Page 169 and a south corporation line of said The City of Oxford; thence, with said section line, said corporation line and said Lot 796, South 87° 49' 40 " East, 1112.32 to the westerly right of way of said CSX Railroad; thence, departing said section line, said corporation line and with said Lot 796 and said westerly right of way of said CSX Railroad, North 29° 24' 23" West, 63.23 feet to the True Point of Beginning;

thence, from the True Point of Beginning, thus found, continuing with the westerly right of way of said CSX Railroad and said Lot 796, North 29° 24' 23" West, 19.00 feet;

thence, departing said Lot 796 and through the lands of said right of way, North 60° 56' 59" East, 61.09 feet to the easterly right of way of said CSX Railroad and a westerly line of the Trustees of Miami University (Pt. Lot 795) as recorded in Deed Book 858, Page 136

thence, with the easterly right of way of said CSX Railroad and said Pt. Lot 795, South 29° 01' 57" East, 19.00 feet;

thence, departing said Pt. Lot 795 and through the lands of said right of way, South 60° 56' 59" West, 60.97 feet to the True Point of Beginning containing 1160 square feet.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

Vertical Elevations based upon ODOT Real Time Network which is based on NAVD88, as determined by NGS.

The above description was prepared from an exhibit made on September 18, 2024, under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.



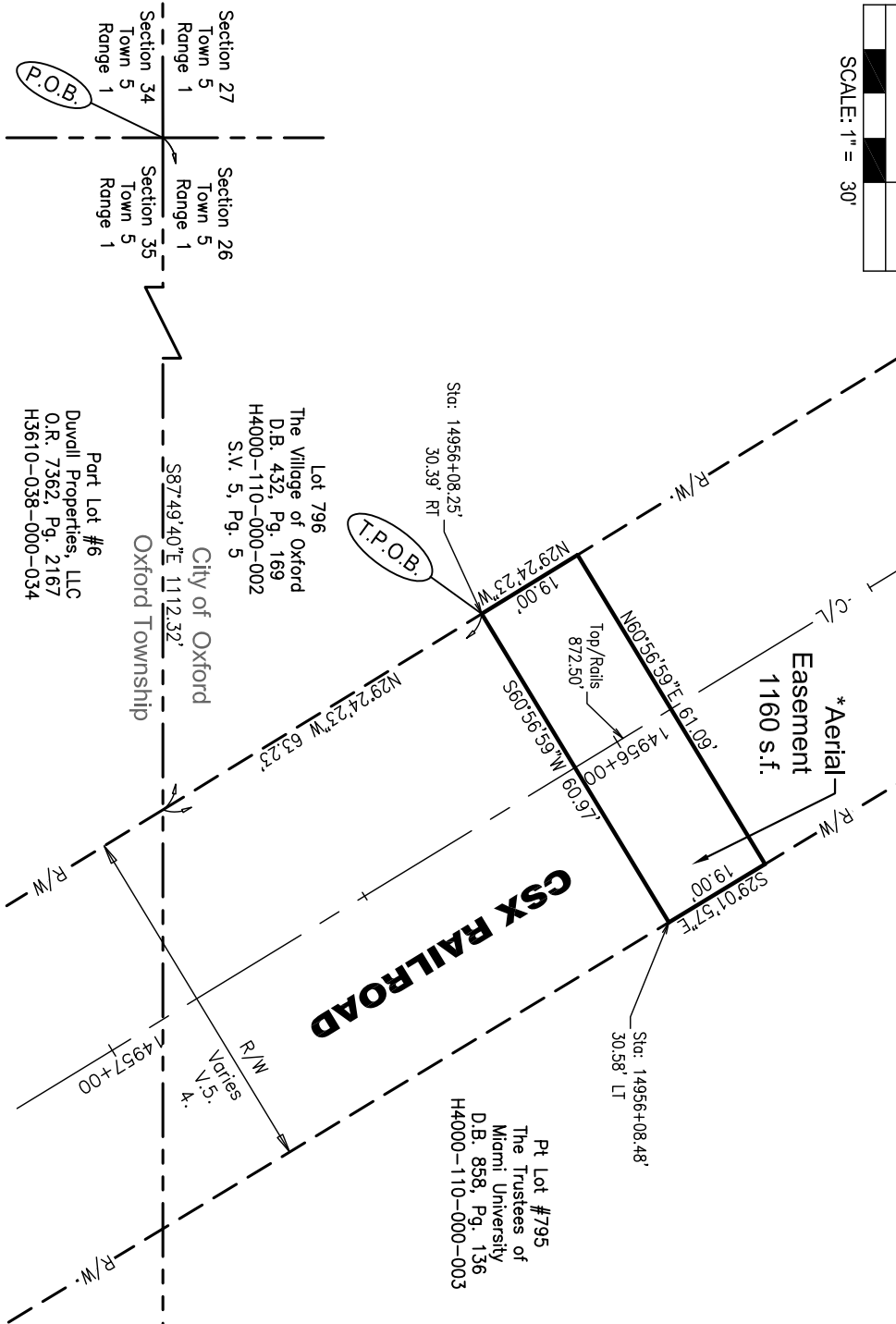
Basis of Bearing:  
State Plane NAD83 (2011)

0 30 45  
SCALE: 1" = 30'

Note: This exhibit was prepared from existing deeds and surveys of record. It does not represent a boundary survey.

\*Aerial Easement from the Bottom of the  
Pedestrian Bridge at 895.65' and no upper  
bounds.

Elevations based upon ODOT Real Time  
Network which is based on NAVD88, as  
determined by NGS.



# CSX TRANSPORTATION, INC. AERIAL EASEMENT

SECTION 26, TOWN 5, RANGE 1  
CONGRESS LANDS WEST OF THE MIAMI RIVER  
THE CITY OF OXFORD  
BUTLER COUNTY, OHIO

## AERIAL EASEMENT EXHIBIT



www.bayerbecker.com  
110 S. College Avenue, Suite 101  
Oxford, OH 45056 - 513.523.4270

|             |               |
|-------------|---------------|
| Drawing:    | 22-0273 ES RR |
| Scale:      | 1"=30'        |
| Drawn by:   | j.o.l.        |
| Checked By: |               |
| Issue Date: | 9-18-24       |



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Police Division                                                                                                                                                                                                                                                                                                                   |
| <b>PREPARED BY:</b>                     | John Jones                                                                                                                                                                                                                                                                                                                        |
| <b>DATE PREPARED:</b>                   | 2/21/2025                                                                                                                                                                                                                                                                                                                         |
| <b>COUNCIL MEETING DATE:</b>            | March 18, 2025                                                                                                                                                                                                                                                                                                                    |
| <b>AGENDA TITLE:</b>                    | An Ordinance Repealing Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department" And Adopting New Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department As A Police Officer." (John Jones, Police Chief) |
| <b>COUNCIL GOAL AREA:</b>               | Essential Operations                                                                                                                                                                                                                                                                                                              |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                                                                                                                                                                   |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                                                   |
| <b>RECOMMENDATION:</b>                  | Approve the Ordinance                                                                                                                                                                                                                                                                                                             |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | JJ DRE                                                                                                                                                                                                                                                                                                                            |

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### DISCUSSION:

Presently, the maximum age for an original appointment to the position of Police Officer with the City of Oxford (as specified in Ordinance No. 3203) is thirty-five (35) years old. This is consistent with past practice and the provisions of Ohio Revised Code 124.21. Deviation from the Ohio Revised Code age limit of thirty-five is permitted if a city establishes a different limit by ordinance. Ordinance No. 3203 allows for the appointment of a previously certified police officer up to the age of fifty (50).

In 2011, the age limit was adjusted to sixty but then changed back to thirty-five (35) for original appointments (persons who've not been to the police academy and obtained certification) in 2013. As recruitment becomes more difficult nationally for police agencies, OPD staff has encountered numerous situations where individuals are seeking original appointment as a police officer, but are over the age of 35. This includes candidates who are retiring from the military, or were certified in other states, who have demonstrated the ability to pass the physical fitness and written exams, but are statutorily prohibited from moving forward in the hiring process. Some area municipal agencies have increased their age limits and some have eliminated a maximum age limit. Age limits generally do not exist in township police

agencies and county sheriff departments. The Police Chief recommends changing the ordinance to have no maximum age restriction for an applicant seeking appointment as an Oxford Police Officer.

## **ORDINANCE NO.**

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 127.12 ENTITLED “MAXIMUM AGE FOR AN ORIGINAL APPOINTMENT TO THE POLICE DEPARTMENT” AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 127.12 ENTITLED “MAXIMUM AGE FOR AN ORIGINAL APPOINTMENT TO THE POLICE DEPARTMENT AS A POLICE OFFICER”.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: In accordance with the provisions of Ohio Revised Code 124.41, which establishes a maximum age of fifty (50) years for original appointments to a police department unless a different maximum age is established by local ordinance, Council hereby repeals Oxford Codified Ordinance Section 127.12 entitled “ Maximum Age For An Original Appointment To The Police Department”, and adopts new Oxford Code of Ordinances Section 127.12 entitled “Maximum Age For An Original Appointment To The Police Department as follows:

### **127.12 MAXIMUM AGE FOR AN ORIGINAL APPOINTMENT TO THE POLICE DEPARTMENT AS A POLICE OFFICER.**

(a) In accordance with the provisions of Ohio R.C. 124.41, which establishes a maximum age of thirty-four years for original appointments to a Police Department unless a different maximum age is established by local ordinance, Council hereby determines that eliminating the maximum age limitation for such appointments to the Oxford Police Department as a Police Officer will benefit the public interest and general welfare of the citizens of Oxford, Ohio.

(b) Notwithstanding any provision of the Ohio Revised Code or Oxford Codified Ordinances to the contrary, there shall be no maximum age restriction for an applicant seeking an initial appointment as a Police Officer with the City of Oxford.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in that formal action were in meetings open to the public, to the extent required by the Charter, by the ordinances of this city, and by any applicable state law.

SECTION 3: This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:  
ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)