

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: February 1, 2011

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 19, 2011

Date Prepared

Agenda Title: Legislative Authority Notice - Transfer permit from Sribalaji Inc DBA Rohan India 339 Foxfire Dr Oxford Ohio 45056 to Butter Brothers Inc DBA Tajmahal 2 339 Foxfire Dr Oxford Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

- D1 - Beer only for on premises consumption or in sealed containers for carry out.
- D2 - Wine and mixed beverages for on premises consumption or in sealed containers for carryout.
- D3 - Spirituous liquor for on premises consumption only until 1:00 a.m.

This permit will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

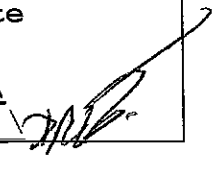
Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

1/28/11 

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1151887		TRFO		BUTTER BROTHERS INC DBA TAJMAHAL 2 339 FOXFIRE DR OXFORD OH 45056
PERMIT NUMBER TYPE				
06 01 2010				
ISSUE DATE				
01 11 2011				
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
09 088		A		F04478
TAX DISTRICT				RECEIPT NO.

RECEIVED
JAN 14 2011

City of Oxford

FROM 01/13/2011

84596130001				SRIBALAJI INC DBA ROHAN INDIA 339 FOXFIRE DR OXFORD OHIO 45056
PERMIT NUMBER TYPE				
06 01 2010				
ISSUE DATE				
01 11 2011				
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
09 088				
TAX DISTRICT				RECEIPT NO.



MAILED 01/13/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/14/2011

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 1151887**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

FOR OFFICIAL USE ONLY
NEW <u>TRANSFER</u>
PERMIT # <u>1151857</u>

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr

OFFICER/ SHAREHOLDERS DISCLOSURE FORM

SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation BUTTER BROTHERS INC	DBA Name TAJMAHAL 2	
Permit Premises Address 339 FOXFIRE DRIVE	City, State OXFORD	Zip Code 45056
Township, if in Unincorporated Area	Tax Identification No. (TIN)	

SECTION B.

1. Is stock publicly traded? If "YES", indicate exchange _____ & Do NOT complete SECTION D.	☐ YES	☒ NO
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.	☐ YES	☒ NO
3. Total Number of shares issued _____		

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <u>Paramjeet Singh</u>		<u>1-5-1950</u>
2) President		
3) Vice-President		
4) Secretary		
5) Treasurer		

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name <u>Paramjeet Singh</u>	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE) <u>100</u>
Residence Address <u>7009 Creek Side Way</u>	Tax Identification No. (if applicable)	
City and State <u>Hammonton NJ 08048</u>	Zip Code <u>08048</u>	
Telephone No. <u>609-484-3165</u>	Date of Birth	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO,

COUNTYss

I, Paramjeet Singh being first duly sworn, according to law, deposes and says that he/she is (Title) PRESIDENT
of the Butter Brothers Inc, a corporation duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) Paramjeet Singh (Print Name and Corporate Title) PARAMJEET SINGH
Sworn to and subscribed in my presence this 15 day of November, 2010

Hansguyen Oct 29, 2012
(Notary Public) (Notary Expiration)

2010 NOV 30 PM 12:44
OHIO DIV. LIQUOR CONTROL
LICENSING-REG. DESK 1

2011 JAN 13 PM 12:41
OHIO DIV. LIQUOR CONTROL
LICENSING SCAN RM 1-B

09 BUTLER	088 OXFORD			POPULATION	23,136
CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	24	19	5	0
C2	1,000	24	20	4	0
D1	2,000	12	12	0	3
D2	2,000	12	12	0	4
D3	2,000	12	12	0	0
D3A	0	0	7	7	0
D4	2,000	12	1	11	0
D5	2,000	12	12	0	3

Ohio Department of Liquor Control 1/19/11

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance

Originating Department

Council Meeting Of : 2/1/2011

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

1/25/2011

Date Prepared

Agenda Title:	2011 Supplemental Budget #1
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Recommendation:	Approve
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Issue 1

ODOT updated estimate of City's portion of SR 732 repaving project

Action Needed:

Revenue Side

- N/A

Expense Side

Capital Improvement 141	11,442.00	Increase for Urban Paving SR 732
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(11,442.00)	
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Issue 2

Distribution of Estate Tax to Oxford Township per agreement received by the City in December of 2010.

Action Needed:

Revenue Side

- N/A

Expense Side

General 110	63,505.81	Payment to Oxford Township Estate Tax
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(63,505.81)	
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Issue 3

Adjusting original 2011 budget to reflect the establishment of Fire/EMS Fund 418

Decrease original revenues & expenditures in General Fund and increase revenues and expenditures in Fire/EMS Fund

Upon passage all expenditures and revenues posted year to date in the General fund will be reversed and posted to Fire/EMS Fund 418

Action Needed:

Revenue Side

General 110	(407,000.00)	Fire & Life Squad Grant, Oxford Township Contract, EMS Billing
Fire/EMS 418	407,000.00	Fire & Life Squad Grant, Oxford Township Contract, EMS Billing

Expense Side

General 110	(1,342,342.00)	150 - Firefighting & Training, 151- EMS & 160 - Emergency Management Services
Fire/EMS 418	1,342,342.00	Fire/EMS

Net Effect on Fund Balance/(s)	-
Increase/(Decrease)	

Issue 4

Adjusting Fire/EMS budget for new revenues and expenses connected with .25% Income Tax and related expenses and additional revenue from Milford Township

Action Needed:

Revenue Side

Fire/EMS 418	977,200.00	Income Tax - \$971,000 and \$6,200 Milford Township
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Expense Side

Fire/EMS 418	38,840.00
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Net Effect on Fund Balance/(s)	938,360.00
Increase/(Decrease)	

Issue 5

Adjusting Fire/EMS budget for prior years outstanding encumbrances funds to be transferred to Fire/EMS Fund from General Fund
Transfer will occur after passage of legislation.

Action Needed:

Revenue Side

Fire/EMS 418	46,899.00	Transferred from General Fund
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Expense Side

General 110	(46,899.00)	Decrease in prior years encumbrances
General 110	46,899.00	Increase in appropriation for transfer to Fire/EMS
Fire/EMS 418	46,899.00	Increase in appropriation for Prior years encumbrances

Net Effect on Fund Balance/(s)	-
Increase/(Decrease)	

Issue 6

Adjusting Fire/EMS budget for revenue to cover first months expenses and advance funds to cover future expenditures
Transfer and advance will occur after passage of legislation and advance will be repaid when funds become available.

Action Needed:

Revenue Side

Fire/EMS 418	80,000.00	Transferred from General Fund
Fire/EMS 418	245,000.00	Advanced from General Fund
General 110	245,000.00	Repayment of advanced from Fire/EMS Fund

Expense Side

General 110	80,000.00	Transfer to Fire/EMS
General 110	245,000.00	Advanced to Fire/EMS Fund
Fire/EMS 418	245,000.00	Repayment of advanced to General Fund

Net Effect on Fund Balance/(s)	-
Increase/(Decrease)	

Issue 7

Adjusting Water Debt Service Fund to account for Bond Refinancing and 2011 new debt payments

Action Needed:

Revenue Side

Water Bond Debt Service 312	3,452,757.95	Bond Proceeds
Water Bond Debt Service 312	(35,939.72)	Decrease in budgeted transfer for current years debt service

Expense Side

Water Bond Debt Service 312	3,360,000.00	Retirement of Outstanding Bonds - Principle
Water Bond Debt Service 312	37,144.17	Retirement of Outstanding Bonds - Interest
Water Bond Debt Service 312	55,613.78	Debt Issuance Costs
Water Bond Debt Service 312	60,000.00	Principle Payment (830,000 - 770,000)
Water Bond Debt Service 312	(95,939.72)	Interest Payment (57,160.28 - 153,100.00)
Water 321	(35,939.72)	Decrease budgeted transfer to Water Bond Debt Service

Net Effect on Fund Balance/(s)	35,939.72
Increase/(Decrease)	

Total Net Effect on Fund Balance/(s)	899,351.91
Increase/(Decrease)	

Breakdown by Fund

General 110	791,836.19
Fire/EMS 418	83,018.00
Capital Improvement 141	(11,442.00)
Water Bond Debt Service 312	-
Water 321	35,939.72

Net Effect on Fund Balance/(s)	899,351.91
Increase/(Decrease)	

Approved By:	Department Head:	Initials	Date
		<i>DE</i>	11/27/11
	City Manager:	<i>DAE</i>	11/28/11

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3130. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2011.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	(407,000.00)
Fire/EMS Fund 418	407,000.00
Fire/EMS Fund 418	977,200.00
Water Bond Debt Service Fund 312	3,452,757.95
Water Bond Debt Service Fund 312	(35,939.72)

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

Capital Improvement Fund 141	11,442.00
General Fund 110	63,505.81
General Fund 110	
Personnel Services	(1,067,172.00)
Other Services & Charges	(275,170.00)
Fire/EMS Fund 418	
Personnel Services	1,067,172.00
Other Services & Charges	275,170.00
Fire/EMS Fund 418	38,840.00
General Fund 110	(46,899.00)
General Fund 110	46,899.00
General Fund 110	80,000.00
General Fund 110	245,000.00
Fire/EMS Fund 418	245,000.00
Water Bond Debt Service Fund 312	3,360,000.00
Water Bond Debt Service Fund 312	37,144.17
Water Bond Debt Service Fund 312	55,613.78
Water Bond Debt Service Fund 312	60,000.00
Water Bond Debt Service Fund 312	(95,939.72)
Water Fund 321	(35,939.72)

SECTION 4: The following transfer(s) be executed:

Transfer from:	
General Fund 110	46,899.00
General Fund 110	80,000.00

Transfer to:	
Fire/EMS Fund 418	46,899.00
Fire/EMS Fund 418	80,000.00

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3130. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2011.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease) in revenues be made:

General Fund 110	(407,000.00)
Fire/EMS Fund 418	407,000.00
Fire/EMS Fund 418	977,200.00
Water Bond Debt Service Fund 312	3,452,757.95
Water Bond Debt Service Fund 312	(35,939.72)

SECTION 3: The following increase/(decrease) in appropriations from unencumbered balances be made:

Capital Improvement Fund 141	11,442.00
General Fund 110	63,505.81
General Fund 110	
Personnel Services	(1,067,172.00)
Other Services & Charges	(275,170.00)
Fire/EMS Fund 418	
Personnel Services	1,067,172.00
Other Services & Charges	275,170.00
Fire/EMS Fund 418	38,840.00
General Fund 110	(46,899.00)
General Fund 110	46,899.00
General Fund 110	80,000.00
General Fund 110	245,000.00
Fire/EMS Fund 418	245,000.00
Water Bond Debt Service Fund 312	3,360,000.00
Water Bond Debt Service Fund 312	37,144.17
Water Bond Debt Service Fund 312	55,613.78
Water Bond Debt Service Fund 312	60,000.00
Water Bond Debt Service Fund 312	(95,939.72)
Water Fund 321	(35,939.72)

SECTION 4: The following transfer(s) be executed:

Transfer from:	
General Fund 110	46,899.00
General Fund 110	80,000.00

Transfer to:	
Fire/EMS Fund 418	46,899.00
Fire/EMS Fund 418	80,000.00

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: January 18, 2011

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

December 20, 2010

Date Prepared

Agenda Title:	An Ordinance to Amend the Oxford Code of Ordinances by Repealing Chapter 1305, International Property Maintenance Code and Adopting New Chapter 1305, International Property Maintenance Code
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Recommendation:	Approval
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Discussion:

Periodically, Staff reviews City codes and regulations and will recommend updates to reflect those changes that have occurred in previous years. This amendment specifically deals with property maintenance issues including rental properties.

Several changes are being recommended. The first change is to modify Section 103.5 to reflect the rental fees that were adopted by City Council during the 2011 budget process. The second change is to modify Section 302.4 to streamline the notification process regarding tall grass. All changes are italicized and in bold, attached.

The current tall grass notification and abatement process is quite lengthy and cumbersome. After grass has exceeded 10" in height, the City will notify the property owner through certified mail. Quite often the City will not receive the Return Receipt until after 30 days have passed; thus, the grass has grown an additional foot. With the proposed process, the City will publish a notice on or about April 15 of each calendar year advising property owners of the tall grass ordinance and the consequences of failing to meet the ordinance. This new process will significantly cut down the waiting period from over 30 days to around 10 days.

Approved By:	<table><tr><td></td><td>Initial</td><td>Date</td></tr><tr><td></td><td>_____</td><td>_____</td></tr><tr><td></td><td>_____</td><td>_____</td></tr><tr><td></td><td>_____</td><td>1/23/11</td></tr></table>		Initial	Date		_____	_____		_____	_____		_____	1/23/11
	Initial	Date											
	_____	_____											
	_____	_____											
	_____	1/23/11											

Department Head:

City Attorney:

City Manager:

ORDINANCE NO.

AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED AND REPEALING ORDINANCE NO. 2904.

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

SECTION 1: The Council for the City of Oxford hereby adopts the International Property Maintenance Code, 2003 edition, as amended, as the Property Maintenance Code of the City of Oxford in the State of Ohio for regulating and governing the conditions and maintenance of all property, buildings, and structures with the additions, insertions, deletions and changes prescribed in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2: That Ordinance No. 2904 of the City of Oxford entitled AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCE NO. 2630 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Council of the City of Oxford hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Exhibit A

103.5 Fee Schedule. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

Rental Housing Permits

Initial Establishment (or if inactive for two years or more)

First Unit	\$100.00	\$100.00 \$110.00
Each additional unit	\$25.00	\$25.00 \$ 30.00
Fraternity	\$300.00	\$300.00 \$ 330.00 for first 50 persons, \$10.00 \$ 15.00 for each additional person

Annual Renewal & Ownership Transfer

First Unit	\$50.00	\$50.00 \$ 55.00
Each additional unit	\$25.00	\$25.00 \$ 30.00
Rooming or Lodging House	\$100.00	\$100.00 \$110.00
Fraternity	\$300.00	\$300.00 \$330.00 for first 50 persons, \$10.00 \$ 15.00 for each additional person

Late Fee **\$10.00 after 60 days expired**

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

(1) All properties within the City of Oxford must be maintained in accordance with § 302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford, which prohibits grass or weed growth in excess of ten inches (10").

(2) If grass or weed growth exceeds ten inches (10"), the City will cause notice to the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City. If the grass or weeds are not brought into compliance within ten (10) days of receiving notice, the City shall cause the weeds or grass to be cut at the owner's expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

(3) If a property is found to be in violation of §302.4, notice shall be issued in the following manner:

a. For properties which are occupied:

i. Notice will be issued by a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:

- 1. The nature of the Code violation; and*
- 2. An order to cut or remove the weeds or grass within ten days; and*
- 3. Statement indicating that should the property owner or current tenant fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and*
- 4. The penalties provided for removing the posting and placard before bringing the property into compliance; and*
- 5. Contact information of the appropriate city agency.*

ii. Such posting and placard shall remain on the property until the property is brought into compliance with §302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford. Removal of the posting and placard before the property complies with § 302.4 shall constitute a violation of this section.

b. For properties which are not currently occupied:

i. If the property owner's address is known, notice will be issued by certified mail, return receipt requested, to the owner's address. If the owner's address is unknown, notice will be published in a newspaper of general circulation in Butler County. The notice shall contain the following information:

- 1. The nature of the Code violation; and*
- 2. An order to cut or remove the weeds or grass within ten days; and*
- 3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54;and*
- 4. Contact information of the appropriate city agency.*

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Fire Department

Originating Department

Council Meeting Of: February 1, 2011

John Detherage

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 27, 2011

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to apply for the 2011 Fire Prevention and Safety Grant with a ten percent (10%) match by the City.

Recommendation: Adopt the Resolution

Discussion:

The City of Oxford Fire Department proposes to provide and install Photoelectric smoke alarms in 4,400 residential rental units in the City. Most of these units are occupied by college students but some are occupied by elderly or low-income residents.

This project would be based on a partnership with the Miami University Greek Community. With their assistance the Fire Department plans to distribute and install 4,400 smoke alarms in rental properties throughout the City, benefiting students and year-round lower income residents. This partnership will provide the manpower needed to complete the project while providing a philanthropic experience for the Greek Community as they along with the Fire Department promote fire safety.

To cover the cost of the equipment the City Manager would apply for a grant in the amount of \$70,400 with a ten percent (10%) match by the City in the amount of \$7,040.00.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JPD 1/27/10

[Signature] 1/29/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE 2011 FIRE PREVENTION AND SAFETY GRANT WITH A TEN PERCENT (10%) MATCH BY THE CITY.

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

SECTION I: The City Manager reports that the City Fire Department propose to apply for funding from the Fire Prevention and Safety Grant Program to enable the Fire Department to purchase 4,400 photoelectric smoke alarms for installation in residential rental units throughout the City. To cover the cost of said equipment, the City Manager will apply for a grant totaling \$70,400.00.

SECTION II: Due to the population size of the City, the Fire Prevention and Safety Grant Program requires the City to provide a ten percent (10%) match of funds. If the Fire Prevention and Safety Grant Program grants the City Fire Department the full amount asked for, the City match will be \$7,040.00.

SECTION III: Council hereby authorizes the City Manager to apply on behalf of the City Fire Department for a grant, in the amount of \$70,400.00 from the Fire Prevention and Safety Grant Program for the purchase of 4,400 photoelectric smoke alarms for installation in residential rental units throughout the City. Further, the City Manager is authorized to take all actions necessary to receive said grant funds if awarded.

SECTION IV: Council authorizes a ten percent (10%) match of funds in an amount not to exceed \$7,040.00.

SECTION V: This resolution shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 1, 2011

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

January 18, 2011
Date Prepared

Agenda Title:	PC-13-2011 Final Subdivision-Campus Commons Subdivision Phase 2 and 3, Paul W. Baer, Trust Properties, Robert Broestl, Applicant/Agent
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Recommendation:	Approval
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Discussion:

The Planning Commission held a Public Hearing on this Final Subdivision proposal on January 11, 2011.

The Applicant seeks approval of the Final Subdivision Plat Phase 2 and 3 of the Campus Commons Subdivision. Based on the submittal, Phase 2 and 3 are approximately 3.221 acres. The Preliminary Subdivision was approved by City Council in 2008; the Final Subdivision of Phase 1 was approved in 2009; and building construction was completed in 2010. The overall layout shows that there are a total of 14 building lots. The Applicant has eliminated one single-family lot along the new Wooster cul-de-sac. This Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan and all the proposed lots in these two phases appears to have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. The conditions of Ordinance #3030 appear to be satisfied at this time as well.

A neighboring property owner spoke and inquired if the Developer would consider two additional items: 1) that any existing, mature trees where Poplar Street will extend northward could be preserved; and, 2) that additional trees be provided in the tree lawn on the west side of Poplar Street.

After further discussion with the Planning Commission, the Applicant was favorable to keeping the same number of trees shown on the landscaping plan, but redistributing them so that some will be provided on the west side of Poplar Street. The Applicant indicated he would try to preserve as many existing trees as possible, but was concerned that the grading and installation of utilities would damage the root systems, making it impossible to guarantee that the existing trees could be retained.

Upon reviewing the application, the Planning Commission found that the Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan and voted 4-0-0 to recommend *APPROVAL* as presented to City Council with the following conditions:

- 1.) That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase 2 and 3.
- 2.) That, the number of trees shown on the landscaping plan is redistributed to provide trees on the west side of Poplar Street.
- 3.) That, the developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.

Approved By:		Initial	Date
	Department Head:	JHC	1/18/2011
	City Attorney:		
	City Manager:	JRE	1/29/11

ORDINANCE NO.

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR CAMPUS COMMONS SUBDIVISION, PHASES TWO AND THREE WITH CONDITIONS.

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

SECTION 1: In accordance with Oxford Code Section 1101.03, the Oxford Planning Commission held a public hearing on January 11, 2011, on the application of Paul W. Baer Trust Properties, L.L.C./Robert Broestl, P.E., for approval of the final subdivision for Campus Commons Subdivision, Phases Two and Three.

SECTION 2: After due deliberation, the Planning Commission recommended the approval of the Final Subdivision application for Campus Commons Subdivision, Phases Two and Three.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Campus Commons Subdivision, Phases Two and Three with the following conditions:

- a) The construction drawings must be approved by all City agencies prior to the commencement of any work for Phases Two and Three.
- b) The trees shown on the landscaping plan are redistributed to provide trees on the west side of Poplar Street.
- c) The developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	February 1, 2011
<u>Case Number</u>	PC-13-20101
<u>Applicant Information</u>	Robert Broestl, P.E. Paul W. Baer Trust Properties LLC
<u>Requested Action</u>	Final Subdivision – Campus Commons, Phase 2 and 3
<u>Summary of Request</u>	To Allow for the Development of Phase 2 and 3 of an Approved Preliminary Subdivision in a R2MS (Single and Two Family Residential) District
<u>Public Hearing Information</u>	On January 11, 2011, a Public Hearing was held at 118 West High Street. A Legal notice of the hearing was published in the Oxford Press on December 10, 2010.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend to City Council <i>APPROVAL</i> of the final subdivision with the following conditions: 1. That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase 2 and 3. 2. That, the number of trees shown on the landscaping plan is redistributed to provide trees on the west side of Poplar Street. 3. That, the developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.
<u>Commission Findings and Conclusions</u>	At the January 11, 2011 meeting, the Planning Commission approved the final subdivision with conditions listed above.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated December 28, 2010 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development dated November 25, 2010 3. Ordinance No. 3079 4. Letter of Agency 5. Final Subdivision Application 6. Applicant Correspondence 7. Deed of Easement – Storm Drain 8. Deed of Easement – Pedestrian Path Across Designated Lots 9. Amendment to Declaration of Covenants, Easements, etc. 10. Approved Preliminary Campus Commons Subdivision Map 11. Phase 2 & 3 Project Plans 12. Phase 2 & 3 Final Plat Exhibit

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-13-2010

Date – January 11, 2011

APPLICATION

Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar St. and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Final Subdivision Phase II & III
Current Use:	Vacant
Current Zoning	R2MS
Surrounding Existing Land Uses:	Single-Family/Multi-Family & Miami University

GENERAL DESCRIPTION

The Applicant seeks approval of the Final Subdivision Plat Phase II and III of the Campus Commons Subdivision. Based on the submittal, Phase II and III are approximately 3.221 acres. The Preliminary Subdivision was approved by City Council in 2008; the Final Subdivision of Phase I was approved in 2009; and building construction was completed in 2010. Along with the approval of the Preliminary Subdivision were outlined conditions needing completion during each phase. The conditions for approval are listed below for reference:

<u>Approved Preliminary:</u>	<u>Phase I</u>	<u>Phase II & III</u>
7.81 gross acres <i>including</i> <i>Campus Courts Apartment Complex</i>	4.589 acre tract	3.221 acre tract
20 two-family residential lots	7 two-family residential lots	13 two-family residential lots
2 single-family residential lots		1 single-family residential lots

City Council approved Planning Commission's recommendation November 18, 2008 with conditions as outlined in Ordinance #3030:

1. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to City's Legal Counsel.
2. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. Vehicular ingress/egress to Lot D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. The Tree Plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place

Extension and Lots D15-D20 and S2 by 2014) . Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.

8. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
9. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

The property is zoned "R2MS" Single and Two-Family Mile Square Residential and is required to have 7,500 sq. ft. lots with 75 foot lot widths. All of the lots as presented in this Final Subdivision application satisfy the zoning requirements.

SURROUNDING NEIGHBORHOOD

The site is located in the Mile Square and is west of the Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

The 2008 Comprehensive Plan focused on connectivity via roadways, sidewalks and walking paths; continuing missing road segments and infill development. To continue the neighborhood qualities of the Mile Square, this proposed subdivision has included street trees, adequate lighting, and tree lawns. Water and sanitary services are also being upgraded for better service.

SUBDIVISION REGULATIONS

This Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan. Subdivision is an administrative review to evaluate the proposed subdivision based on the City's regulations, specifically, the division of parcels, and utility service to the proposed divided lots. The issue centered on any proposed subdivision is whether there would be sufficient municipal services to support the development and whether the development will meet the minimum standards stipulated in the City's regulations.

AGENCY COMMENTS

Requests for Agency Review were sent to the Police, Economic Development, Engineering and Fire Departments. The returned comments are attached for your consideration.

Police Department:	Returned with no comments.
Engineering:	See attached.
Fire:	Returned with no comments.
Econ. Dev.:	Supported the connectivity of Poplar Street.

PUBLIC COMMENT FORMS

Comment forms were sent December 13, 2010 to property owners of record within 200 feet of the subject property. A legal notice was published December 10, 2010, in the Oxford Press. No citizen comments were received.

STAFF ANALYSIS

It appears that this Final Subdivision submittal reflects substantially the approved design and layout of the Preliminary Plan. Additionally, all the proposed lots in these two phases appears to have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. The conditions of Ordinance #3030 appear to be satisfied at this time.

The overall layout shows that there are a total of 14 building lots. The Applicant has eliminated one single-family lot along the new Wooster cul-de-sac. Other than this, there are only few very minor differences between the Preliminary and current submittal.

At the time of this writing, the construction drawings have just begun circulated for approval. Therefore, the securing of all signatures for the construction must be a condition for approval of these two final phases.

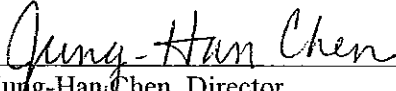
RECOMMENDATION

Staff is recommending the approval of Final Phase II and III of the Campus Commons Subdivision subject to the following condition:

1. That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase II and III.

SUBMITTED

BY:


Jung-Han Chen, Director
Community Development Department

DATE: December 28, 2010

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

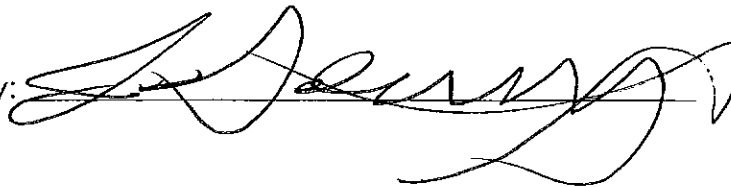
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 12-3-10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

SEE ATTACHED MEMO DATED 12-16-2010

Drawings reviewed by: *A. Popson*

Date: 12-16-2010

11/24@2³⁰pm



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-13-2010
Campus Commons Phase 2 & 3; Final Plat

DATE: December 16, 2010

The following are our comments on the submittal received on November 29, 2010, with a deadline of December 30, 2010 for comments.

Plan Sheet 1/3.

- Refer to notes – bottom right of sheet.
 - Note G has Lot D7 listed in both Phase 1 and Phase 2.
- Refer to the Subdivision Map.
 - Verify the location and length of the storm sewer running across proposed extension of Poplar Street and in between Lots D15 and D16.

Plan Sheet 2/3.

- Refer to the Typical Street Section.
 - Label slope of the “tree lawn”.
- Refer to the Subdivision Map.
 - Verify the location and length of the storm sewer running across proposed extension of Poplar Street and in between Lots D14 (not labeled) and D15 (not labeled). As shown on this sheet, it contradicts the location and length of the proposed storm sewer on Plan Sheet 1/3.

Plan Sheet 2/3.

- Unless this submittal is a draft of the Final Plat, the stamp and signature of the "Surveyor of Record" is required prior to further processing.

If there are questions, contact the writer of this memo in the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: SSalmer

Date: 11/24/10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

 X Review Revisions Other

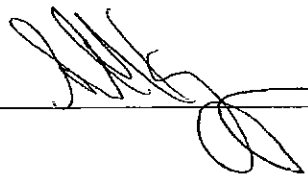
Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

THE CONNECTING STREETS WILL BE A BENEFIT TO THE AREA

Drawings reviewed by: 

ALAN K. GREEN

Date: 12-2-2010

ORDINANCE NO. 3079

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR CAMPUS COMMONS SUBDIVISION, PHASE ONE WITH CONDITIONS.

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

SECTION 1: In accordance with Oxford Code Section 1101.03, the Oxford Planning Commission held a public hearing on July 14, 2009 and August 11, 2009 on the application of Paul W. Baer Trust Properties, L.L.C./Robert Broestl, P.E. for approval of the final subdivision for Campus Commons Subdivision, Phase One.

SECTION 2: After due deliberation, the Planning Commission recommended the approval of the Final Subdivision application for Campus Commons Subdivision, Phase One.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Campus Commons Subdivision, Phase One with the following conditions:

- a) The final approval from the Ohio EPA is received regarding the sanitary sewer.
- b) The Home Owners Association Declarations are reviewed and approved by the Law Director prior to the final recording.
- c) All proper recordings including the Home Owners Association Declarations shall be filed and recorded at the Butler County Recorder's Office within one (1) year or the approval shall be considered null and void.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: September 15, 2009

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



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LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Robert Broestl, Liz Baer-Broestl, and Michael Stegman has permission to represent our interest with the City of Oxford and act on our behalf regarding the Final Subdivision Application for Campus Commons Phase 2 and Phase 3. The future subdivision will be located at our property at S. Poplar Street and Bern Street, Oxford, Ohio 45056.

Thank-you,

Signed:

Kathy D. Carmack

First vice President and Trust Officer

First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust

Paul W. Baer Trust Properties, LLC

Date:

11/18/10

Case No.: PC-13-2010
Date filed: 11/24/10

Final Subdivision Application
City of Oxford, Ohio

Name of Applicant: Paul W. Baer Trust Properties, LLC/Robert Broestl, PE
(Attach a Letter of Agency if the Applicant is not the property owner)
Mailing Address: 30 Park Terrace Court, Walnut Creek, CA 94597
E-mail: rbroestl@bellecci.com
Telephone Number(s): 925-685-4569
Name of Owner(s)/Subdivider: Paul W. Baer Trust Properties, LLC
Mailing Address: c/o Kathy Carmack, First Vice President/Trust Officer, First Financial Bank
300 High Street, Hamilton, OH 45011 E-mail Address: Kathy.Carmack@bankatfirst.com
Name of Subdivision: Campus Commons Phase 2 and Phase 3
Date of Planning Commission preliminary approval: 10 / 14 / 08 Zoning District: R2MS
Number of Lots: 9 Ph.2/5 Ph.3 Total Acreage: 3.221 Acres
Surveyor/Engineer: David Douglas Smith, PS Phone Number: 513-523-4270
Address: Bayer Becker, 318 S. College Avenue, Oxford, OH 45056
Engineer: Robert Broestl, PE, 30 Park Terrace Ct, Walnut Creek, CA 94597 Phone: 925-685-4569

REQUIRED ITEMS FOR SUBMITTAL:

I. Please submit one copy of the plat on mylar and ten copies of the plat on bond. Drawing size must be at least 18" x 24" and should never exceed 24" x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford. Scale should not exceed 1" = 100'.

II. The following information must appear on the plat:

1. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.	
2. A statement dedicating all proposed streets and alleys with their widths and names.	
3. The accurate outline of any portions of the property to be dedicated or granted for public use.	
4. The lines of adjoining streets and alleys with their widths and names.	
5. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.	
6. The locations of all building lines and easements provided for public use, services or utilities.	
7. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.	
8. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.	
9. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.	
10. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner.	
11. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.	

12. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.	
13. Acknowledgement by the owner or owners of the plat restrictions.	
14. One tracing cloth or comparable material of the approved final plat, for the City records.	
15. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.	

III. A list of the names, mailing addresses and parcel numbers of all property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. *Property Owner names will not be included in the agenda packet.

Submit this application, required copies of the final plan containing all required information and the fee (**\$400.00 PLUS \$10.00 PER LOT**), payable to the City of Oxford) to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. All required information must be submitted at least forty five (45) days in advance of the Planning Commission meeting at which action is requested.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Robert Broestl

Date: 11/22/2010

PRINTED NAME: Robert Broestl

FEE / RECEIPT

\$400.00 PLUS \$10.00 PER LOT Fee Paid / Receipt Number: 926268
(\$400 + \$140 = \$540 Fee)

Memorandum

Date: November 21, 2010

To: City of Oxford Planning Department

From: Robert Broestl, PE

Re: Baer Family Trust

Final Subdivision Plan for Campus Commons Phase 2 and Phase 3

The City of Oxford City Council gave preliminary approval of the Campus Commons subdivision on November 18, 2008 (Ordinance No. 3030), with the following conditions:

- a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
- b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
- c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
- d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
- e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
- f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
- g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014). Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during phase 1.
- h. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within two years from the start of Phase 2.
- i. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

Phase 2 and Phase 3 of the Campus Commons Subdivision are located within the City of Oxford Mile Square and are located between S. Campus Avenue on the east and the unimproved right of way for S. Poplar Street on the west. The land to be developed consists of three separate parcels. The combined land area of the three parcels in the Final Plat for Phase 2 and Phase 3 equals 3.221 acres.

The topography of the land is fairly flat, sloping from the northwest to the southeast. A majority of the land consists of grassy fields with trees around the property edges. There are no water courses flowing through or around the property. Existing utilities (sanitary sewer, water and storm drain) are located in the streets and easements directly adjacent to the property.

The proposed development for Phase 2 consists of 8 duplex lots with 75 foot minimum widths with 7,500 square foot minimum lot area and 1 single family lot with 50 foot minimum width and 5,000 square foot minimum lot area. The proposed development for Phase 3 consists of 5 duplex lots. One single family lot was eliminated from Phase 3. The proposed 30 foot wide roads in a 50 foot right of way match or exceed the character of the existing local roads surrounding the development. Twenty (20) feet of property will be dedicate along the western property line for S. Poplar Street from Bern Street to the northern property line and an additional 42.5 feet of right of way will be dedicated for the construction of Bern Street. Poplar Street will be constructed from approximately 170' north of the Rose Avenue/Poplar Street intersection to the northern property line where it connects to existing Poplar Street. Bern Street will be extended to intersect S. Poplar Street. Property for the construction of Wooster Court will also be dedicated.

The existing sanitary sewer flows toward the development from the west down Wooster Place, Oberlin Court (by easement), and Linden Drive, to a sanitary sewer main located in the existing S. Poplar Street right of way. Phase 2 will connect to the 18" sewer line constructed in phase 1 and upsize the sanitary sewer main in S. Poplar Street from a 12" to an 18" line to the sewer manhole at the Bern Street intersection. A sewer main will be constructed in Phase 3 to serve the lots on Wooster Court.

Existing water mains currently exist in the S. Poplar Street and Bern Street right of way. Phase 2 and Phase 3 will utilize these water mains to serve the new lots along S. Poplar Street and Bern Street. New fire hydrants will be added along S. Poplar Street to provide fire protection. A new water main and a fire hydrant will be constructed for the lots on Wooster Court.

The storm water management plan for Phase 2 and Phase 3 includes the construction of one detention basin that will contain the post development storm water run-off flows and meter the flow out to the predevelopment level. The basin is sized to contain the storm water run-off from a 100 year storm. Since the storm water run-off flows will be metered to match the existing flows from the undeveloped land the existing storm drain pipes should be adequately sized to accept the metered flows from the development. The land where the basin is to be constructed is shown on the Final Plat as a storm drain easement to the Home Owners Association for the operation and maintenance of the storm water detention basin.

Deed of Easement

Storm Drain Easement – Phases 2 & 3

KNOW ALL BY THESE PRESENTS that **Paul W. Baer Trust Properties, LLC**, an Ohio limited liability company ("Grantor"), in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants, bargains, sells and conveys, with limited warranty covenants, to **Campus Commons Home Owners' Association, Inc.**, an Ohio nonprofit corporation ("Grantee"), in perpetuity, a nonexclusive easement on and over such part of Grantor's land as is depicted as "H.O.A.S.D.E." (Home Owners' Association Storm Drain Easement) on the Final Record Plat of Campus Commons Subdivision, Phases 2 and 3, City of Oxford, Butler County, Ohio, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio, which burdened land is part of Lots, 3780, 3781, 3782, 3783, 3785, 3786, 3787, 3788 and 3789 of Phases 2 and 3 of such subdivision and Lot 3740 of Phase 1 of such subdivision (recorded in Volume 8169, Page 2065, of the Official Records of Butler County, Ohio) for the purposes of the usage, maintenance and replacement of a storm water detention basin and associated intake and outtake pipes and manholes, all of which shall be undertaken at Grantee's expense.

Provided, however, that the Grantee may further grant use of such detention basin and associated pipes and manholes to only the Grantee's constituent members and/or applicable municipal or governmental entities.

This Easement shall run with the land, benefiting forever the Grantee and its successors, and burdening forever the Grantor, its successors and assigns.

IN WITNESS WHEREOF, Paul W. Baer Trust Properties, LLC, a member-managed Ohio limited liability company, by and through its sole member, has set its hand this ____ day of _____, 20__.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this __ day of _____,
20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee
of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust
Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public -- State of Ohio
Commission Expiration Date:

This Instrument Prepared by:
Michael J. Stegman, Attorney-at-Law
Kohnen & Patton LLP
201 East Fifth Street, Suite 800
Cincinnati, Ohio 45202
(513) 381-0656

Deed of Easement

Pedestrian Path Across Designated Lots

KNOW ALL BY THESE PRESENTS that **Paul W. Baer Trust Properties, LLC**, an Ohio limited liability company ("Grantor"), in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants, bargains, sells and conveys, with limited warranty covenants, to **Campus Commons Home Owners' Association, Inc.**, an Ohio nonprofit corporation ("Grantee"), in perpetuity, a nonexclusive easement on and over such part of Grantor's land as is depicted as _____ on the Final Record Plat of Campus Commons Subdivision, Phases 2 & 3, City of Oxford, Butler County, Ohio, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio, which burdened land is part of Lots 3790 and 3791 of such subdivision, for the purposes of pedestrian foot traffic over such depicted part of the Grantor's land and the maintenance and replacement of the associated pedestrian path, all of which shall be undertaken at Grantee's expense.

Provided, however, that the Grantee may further grant use of such pedestrian path to only the Grantee's constituent members and such members' invitees.

This Easement shall run with the land, benefiting forever the Grantee and its successors, and burdening forever the Grantor, its successors and assigns.

IN WITNESS WHEREOF, Paul W. Baer Trust Properties, LLC, a member-managed Ohio limited liability company, by and through its sole member, has set its hand this ____ day of _____, 20____.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public – State of Ohio
Commission Expiration Date:

This Instrument Prepared by:
Michael J. Stegman, Attorney-at-Law
Kohnen & Patton LLP
201 East Fifth Street, Suite 800
Cincinnati, Ohio 45202
(513) 381-0656

**AMENDMENT TO
DECLARATION OF
COVENANTS, EASEMENTS,
RESTRICTIONS AND
ASSESSMENT LIEN**

This is Amendment to Declaration of Covenants, Easements, Restrictions and Assessment Lien made on or as of the ____ day of _____, 20 __, by Paul W. Baer Trust Properties LLC, an Ohio limited liability company (the "Declarant").

WHEREAS, on November 10, 2009, the Declarant executed a Declaration of Covenants, Easements, Restrictions and Assessment Lien for Campus Common Subdivision, City of Oxford, Butler County, Ohio, which Declaration was recorded on November 10, 2009 in Volume 8171 Page 143, of the Official Records of Butler County, Ohio; and

WHEREAS, the Declaration provided that it would include adjoining land of the Declarant should the Declarant add such land to the development; and

WHEREAS, the Declarant has added such land to the development by recording a Final Record Plat of Campus Commons Subdivision, Phases 2 and 3, City of Oxford, Butler County, Ohio, as recorded in Volume ____, Page ____, of the Official Records of Butler County, Ohio;

NOW, THEREFORE, the Declarant amends the Declaration as follows:

EXHIBIT A to the Declaration is replaced with the Exhibit A attached to this Declaration and made a part of it.

IN WITNESS WHEREOF, the undersigned Declarant has caused this instrument to be executed in its behalf on this ____ day of _____, 20__.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public – State of Ohio
Commission Expiration Date:

Exhibit A

Phase 1

Entire Lots Numbered 3733, 3734, 3735, 3736, 3737, 3738 and 3739, as the same are known and designated on the list of lots for the City of Oxford, Butler County, Ohio, and as set forth on the plat of Campus Commons, Phase 1, as recorded in Volume 8169, Page 2065, of the Official Records of Butler County, Ohio.

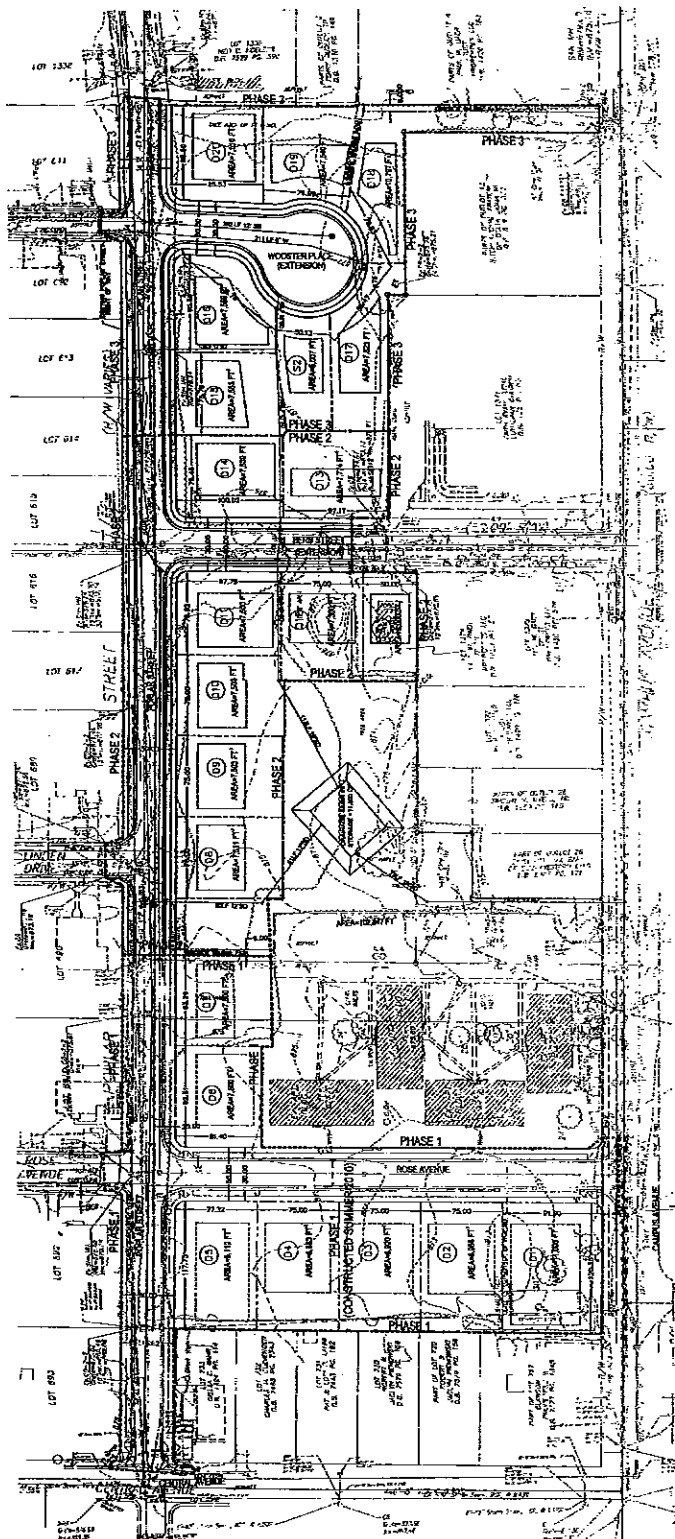
Phase 2 & 3

Entire Lots Numbered 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791 and 3792, as the same are known and designated on the list of lots for the City of Oxford, Butler County, Ohio, and as set forth on the plat of Campus Commons, Phases 2 & 3, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio.

FINAL SUBDIVISION APPLICATION CAMPUS COMMONS SUBDIVISION PHASE 2 & 3 COMPOSED OF 3.221 TOTAL ACRES (140,306.76 SQUARE FEET)

OXFORD, OHIO
 NOVEMBER 2010

SCALE 1" = 80'



PRELIMINARY CAMPUS COMMONS
 SUBDIVISION MAP APPROVED NOVEMBER 18, 2008

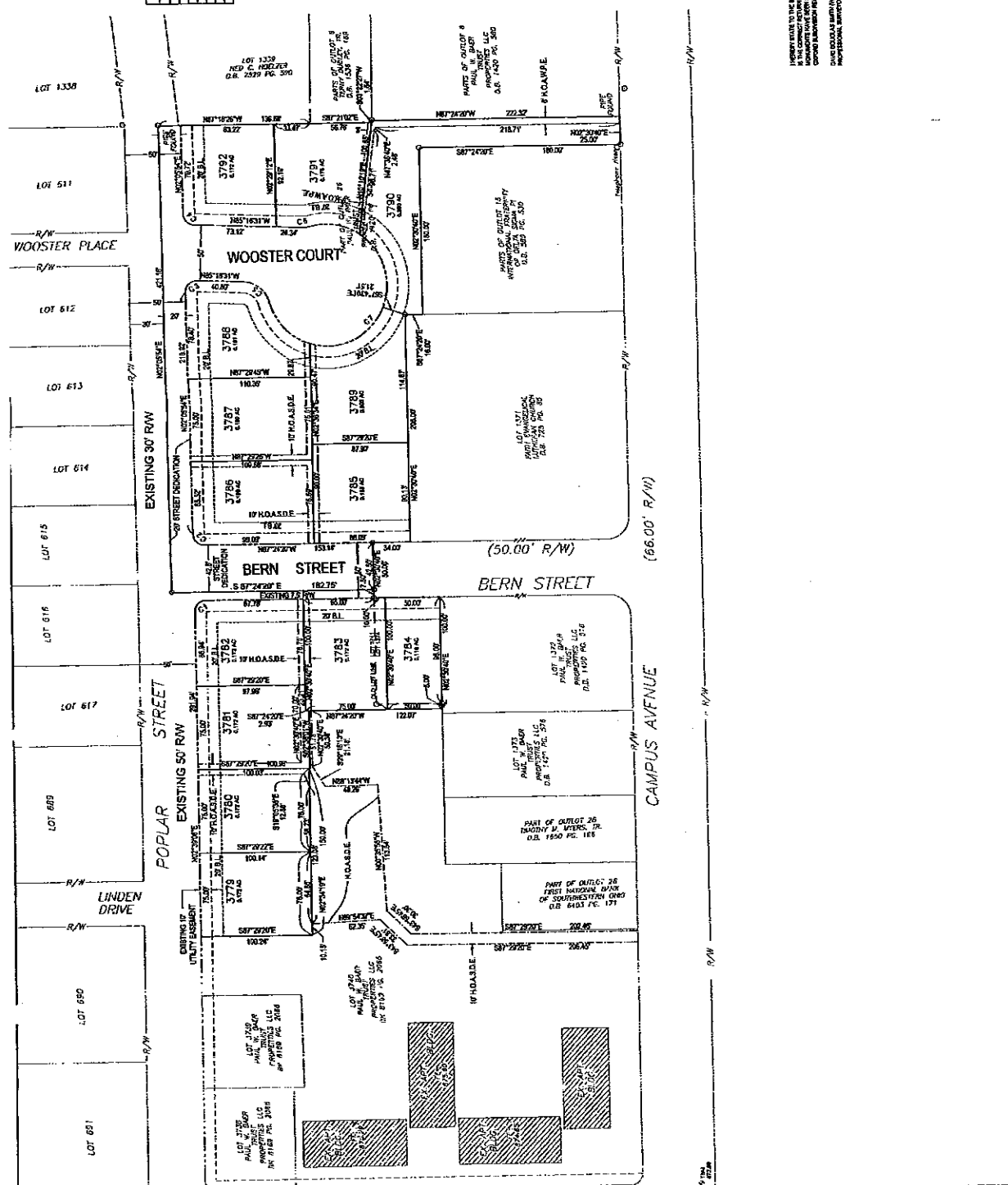
PRELIMINARY CAMPUS COMMONS SUBDIVISION APPROVED BY THE CITY COUNCIL
 ON NOVEMBER 18, 2008. ORDINANCE NO. 2008-005 SUBJECT TO THE FOLLOWING
 CONDITIONS:

1. THE MAPS OF THE PROPOSED CAMPUS COMMONS AND THE RELEVANT AREAS ARE THE SOLE PROPERTY OF THE PROPERTY OWNER AND THE CITY OF OXFORD. NO PART OF THE MAPS SHALL BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE PROPERTY OWNER.
2. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
3. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
4. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
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6. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
7. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
8. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
9. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.
10. THE MAPS SHALL BE KEPT ON FILE IN THE OFFICE OF THE CITY ENGINEER AND LAND PLANNING DEPARTMENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE CITY COUNCIL'S APPROVAL.

OWNER
 PAUL W. BAER TRUST PROPERTIES, LLC
 BY: FIRST FINANCIAL BANK, N.A. TRUSTEE
 OF THE PAUL W. BAER TRUST, TRUSTEES
 SOLE MEMBER



NUMBER	TREE NAME	COMMON	LATIN NAME
1	PACIFIC SUNSET MAPLE		ACER TRUNCATUM PLATANUS WARDEN RED
2	ASH MAPLE		ACER GINNALA
3	PAWNEER CHAMPAGNE		HALLIA FRAGRANS JAC
4	ACORN CHAMPAGNE		HALLIA TORQUOSA
5	MOIST BILLY THE MAG		STRONG RETICULATA NICKY BEP
6	ALUMBIER BRILLANCE	SERVICEBERRY	AMELANCHIER BRANDBLORA AUTUMN BRILLANCE



**LARGER DRAWINGS ARE AVAILABLE IN THE COMMUNITY DEVELOPMENT
DEPARTMENT DURING NORMAL BUSINESS HOURS**

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police
Originating Department

Council Meeting Of: January 18, 2011

Steve Schwein
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 12, 2011
Date Prepared

Agenda Title: An Ordinance Establishing age 60 as the Maximum Age for an Original Appointment to the Oxford Division of Police.

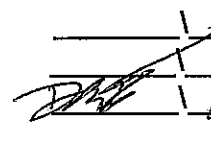
Recommendation: Pass the Ordinance.

Discussion: The Oxford Civil Service Commission abolished the maximum age limit of 35 for appointment to the position of Police Officer approximately ten years ago in favor of physical assessment and medical screening. The return of military service veterans from the Gulf War, and now Iraq, Iran, and Afghanistan who are in every way capable of performing the job of police officer along with a host of other applicants who, in many cases over the age of 35, but physically capable of performing police duties and in many cases already trained, certified, and experienced points out the need to extend the upper age limit.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

 1/12/11

ORDINANCE NO.

AN ORDINANCE ESTABLISHING AGE 60 AS THE MAXIMUM AGE FOR AN ORIGINAL APPOINTMENT TO THE OXFORD POLICE DEPARTMENT.

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 thirty-four (34) years for original appointments to a police department unless a different maximum age is established by local ordinance, Council hereby determines that increasing the maximum age for such appointments to the Oxford Police Department will benefit the public interest and general welfare of the citizens of Oxford, Ohio.

SECTION 2: Council hereby establishes the age of sixty (60) as the maximum age for an original appointment to the Oxford Police Department. No person shall be declared disqualified for such appointment as over age prior to his or her sixty-first (61st) birthday.

SECTION 3: 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 4: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 1, 2011

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

January 24, 2011

Date Prepared

Agenda Title: A resolution authorizing the Chief of Police to trade weapons and if applicable, associated equipment, as well as ammunition, to a federally licensed firearms dealer for ammunition.

Recommendation: Adopt the Resolution

Discussion: The Division of Police has in its possession several weapons and ammunition (see attached list) that are of no use to the police department. In accordance with O.C.C. 127.11(d) (2), we respectfully request to trade these weapons to a federally licensed firearms dealer in exchange for ammunition.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 1/24/11

JRE 1/24/11

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS TRADE TO A FEDERALLY LICENSED FIREARMS DEALER.

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

SECTION 1: In accordance with the Memorandum from the Chief of Police, certain firearms and associated equipment are hereby declared of no evidentiary value and no longer needed for any municipal purpose, and the same may be traded to a federally licensed firearms dealer for ammunition as allowed by Oxford Codified Ordinances, Section 127.11 (D) (2). The items are those as set forth on Attachment 'A' incorporated herein.

SECTION 2: Council hereby authorizes the trade, for ammunition, of those items listed on Attachment 'A' to an authorized law enforcement firearms dealer.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

MEMO

To: Chief S. Schwein
Fr: Property Officer Ron Brooks
Property Technician Mike O'Leary
Re: Weapons & Misc Items for Trade
Dt: 18 January 2011

Sir,

As requested, the following weapons and miscellaneous items are available to be traded for ammunition.

Weapons/Miscellaneous Items for Trade

1. Marlin 30-30 rifle; model .338 w/ mounted Kassnar scope and camouflage Colpin rifle case; serial # 24146699
2. Smith & Wesson 12 gauge shotgun; model 916-A; serial # 6B2890
3. Sig Sauer Mosquito .22 cal handgun w/ plastic storage case, nylon belt holster and one magazine; serial # F014343
4. Hi-Point 9mm Luger handgun; model C9 w/ plastic carrying case, magazine w/ 9 rounds ammunition; serial # P1419419
5. Cobra .45 handgun w/ DeskoSport plastic carrying case, nylon belt holster and one magazinew/ 6 rounds; serial # M006633
6. Glock .357 handgun with plastic carrying case and two magazines (one empty and one full); AMS nylon belt holster; serial # LPL622; box (20) of Gold Dot .357 rounds
7. Cobra .380 handgun; model CA-380 w/ magazine (5 rounds); serial # CP0 62449
8. Remington Wingmaster 12 gauge shotgun; model 870; serial # 663144V (firearm not in working condition)
9. Crossman .22 cal Pell gun; model 38T; serial # 276583049 and one box (50) UMC .22 cartridges

10. Daisy Red Rider BB rifle; model 1938B
11. Daisy Powerline .177 BB handgun; model 15XT; serial # 8L 33136
12. Daisy PRO77 BB handgun; serial # 707D00533 w/ 6000 count container of Copperhead BB's
13. box 550 Federal .22 long rifle rounds and (2) Smith & Wesson .40 cal magazines

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service

Originating Department

Council Meeting Of: January 18, 2011

Michael B. Dreisbach

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 11, 2011

Date Prepared

Agenda Title: An Ordinance Amending Section 935.20, Notice to Cut, Destroy, Or Remove, Providing Single Notice By Publication And Placing A Placard On The Property.

Recommendation: Adopt the Ordinance

Discussion:

The proposed amendment will bring Section 935.20 into concurrence with the proposed change to Chapter 1305, International Property Maintenance Code Section 302.4.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 1/18/11

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 935.20, *NOTICE TO CUT, DESTROY, OR REMOVE*, PROVIDING NOTICE BY PLACING A PLACARD AND POSTING ON THE PROPERTY IF THE PROPERTY IS OCCUPIED AND PROVIDING NOTICE BY CERTIFIED MAIL OR PUBLICATION IF THE PROPERTY IS UNOCCUPIED.

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

SECTION 1: The City Council hereby amends Section 935.20, Notice to cut, Destroy, or Remove to read as follows:

(a) All properties within the City of Oxford must be maintained in accordance with § 935.19 of the Codified Ordinances of the city of Oxford, which prohibits grass or weed growth in excess of ten (10) inches.

(b) Should the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City fail to comply with § 935.19, the City will cause the weeds or grass to be cut at the owner's expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

~~(a)-(c) The owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City, within ten (10) calendar days of the date receiving written notice as set forth in subsection (d) of this Section is sent by the City Manager or designee shall cut or destroy any noxious vegetation upon any such lot or parcel of land and prevent noxious vegetation from exceeding a height of ten (10) inches. Lots or parcels of land include areas within rights of way and between curbs and sidewalks.~~

~~(b)-(d) If an occupied property is in violation of this Section, If such owner, occupant, or person having charge or management of any such lot or parcel of land is a resident or nonresident whose address is known, such written notice shall be sent by certified mail, return receipt requested or served in person by the City Manager or designee. If the address of the owner or person having charge or management of any such lot or parcel is unknown, it shall be sufficient to post such notice on the property ten (10) calendar days before proceeding with the City causing the weeds or grass to be cut at the owner's expense.. If an unoccupied property is in violation of this Section and the property owner's address is known, notice will be issued by certified mail, return receipt requested, to the owner's address. If an unoccupied property is in violation of this Section and the owner's address is unknown, notice will be published in a newspaper of general circulation in Butler County.~~

- (e) Those occupied properties found to be in violation of § 935.19 shall have a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property for a period of ten (10) calendar days. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:

1. The nature of the code violation;
2. An order to cut or remove the weeds or grass within ten (10) calendar days;
3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owners' expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54;
4. The penalties provided for removing the posting and placard before bringing the property into compliance; and
5. Contact information of the appropriate city department.

- (f) Such posting and placard shall remain on the property until the property is brought into compliance with § 935.19 of the Codified Ordinances of the City of Oxford. Removal of the posting and placard before the property complies with § 935.19 shall constitute a violation of this section.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION 3: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: January 18, 2011

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

January 12, 2011

Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City Council has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

May 2010 *Resolution No. 4536 – Declaring the necessity to make improvements*
August 2010 *Resolution No. 4553 – Authorizing a contract to perform the improvements*
December 2010 *Resolution No. 4575 – Determination of the total cost of assessment by lot*

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head:

Initial Date
MBD 1/13/11

City Manager:

[Signature] 1/18/11

ORDINANCE NO.

ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

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

SECTION 1: Pursuant to Ohio Rev. Code 729.07, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection.

SECTION 2: Pursuant to Ohio Rev. Code 729.08, Council published a notice in *The Oxford Press*, beginning December 17, 2010, and ending December 31, 2010, stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspections.

SECTION 3: The Clerk of Council has received no written objections to the assessments.

SECTION 4: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

SECTION 5: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Build price was 67.7432% of estimate