

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/03/09

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

01/23/09
Date Prepared

Agenda Title: **2009 SUPPLEMENTAL BUDGET #1**

Recommendation: **Approve**

Discussion:

Supplements to the 2009 Budget

Hotel Tax Fund

Transfer to General Fund

From fund balance

8,112.53

Remaining amount left in fund from 2007 and 2008 to be transferred to the General Fund. This typically occurs annually at the end of the year.

General Fund

Finance

Refunds

14,700.00

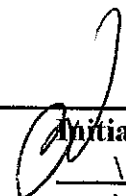
From revenue

Appropriation needed to refund money held in a special restricted account with First Financial Bank, for the agreement dated August 20, 1997 with Ray Day. The agreement pertains to the maintenance or repair of the water lines, pipes, mains, service connections, and appurtenances within the Oxford Mobile Home Park. This money has been held to the full 10 year term. The original deposit required was \$10,000.00. The additional money is the interest accrued and according to the agreement, all interest shall be paid to the Days.

Approved By:

Department Head:
City Manager:

Initial Date


1/23
1

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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 estimated revenues be made:

GENERAL FUND 110	8,112.53
GENERAL FUND 110	14,700.00

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

HOTEL TAX FUND	8,112.53
GENERAL FUND	14,700.00

SECTION 4: The following transfers be executed:

Transfer from:	
HOTEL TAX FUND 120	8,112.53

Transfer to:	
GENERAL FUND 110	8,112.53

SECTION 5: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 6: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 3, 2009

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

January 22, 2009

Date Prepared

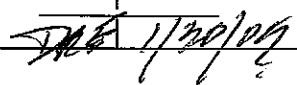
Agenda Title:	Revised Board of Zoning Appeals Rules of Procedure
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Recommendation:	Approval
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Discussion:

The Board of Zoning Appeals has performed an annual review of their Rules of Procedure and is recommending City Council approve with the revisions noted.

The Rules of Procedure document is attached for your review.

Approved By:	Department Head:	Initial	Date
	City Attorney:	JHC	
	City Manager:		
			1/20/09

RESOLUTION NO.

RESOLUTION AMENDING THE BOARD OF ZONING APPEALS RULES OF
PROCEDURE.

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

SECTION 1: The Board of Zoning Appeals Rules of
Procedure previously enacted and amended by Ordinance be and the
same are hereby repealed and the following adopted.

SECTION 2: The Board of Zoning Appeals Rules of
Procedure are attached hereto and incorporated herein as Appendix
"A".

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

MAYOR

ADOPTED: _____
ATTEST: _____

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RULES OF PROCEDURE OF THE BOARD OF ZONING APPEALS OF OXFORD, OHIO

ARTICLE I – MEMBERSHIP

The Board of Zoning Appeals is established by Section 8.08 of the Oxford Charter. Membership consists of five citizens serving three-year, staggered terms.

ARTICLE II - JURISDICTION AND FUNCTION

According to Section 8.09 of Oxford's Charter, "The Board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardships to property owners. The standards in all instances to be applied by the Board shall be established by Ordinance of Council."

~~The standards for~~ **Decision Standards** have been enacted by Council, and they appear as Section ~~1127.02~~ **1139.02(c)(2)** of Oxford's Code of Ordinances. A copy of Section ~~1127.02~~ **1139.02 (c)(2)** appears as Appendix "A" to these Rules and Procedures.

ARTICLE III – OFFICERS

Section 1 - At the first meeting of each year, the Board shall elect one of its members as Chair, one as Vice-Chair, and one as Executive Secretary.

Section 2 - The Chair shall preside at meetings of the Board, call special meetings, and perform such other duties commonly prescribed to such office.

Section 3 - The Vice-Chair shall perform the same duties as the Chair in his/her absence.

Section 4 - In the event the Chair and Vice-Chair are absent from a meeting, the three remaining members shall select a Chair Pro-Tem who shall perform the same duties as the Chair for the balance of the meeting.

Section 5 - The Executive Secretary shall ~~prepare~~ **present** the minutes of each meeting for approval at the next meeting **and attest to the Board's approval of the minutes.**

ARTICLE IV – MEETINGS

Section 1 - The regular meetings of the Board will be held in the ~~Oxford Municipal Building~~ **Oxford Courthouse** at 7:30 p.m. on the third ~~Thursday~~ **Wednesday** of each month on the call of the Chair. The regular meeting date may occasionally change at the direction of the ~~Commission~~ **Board** with public notice **of the meeting**. Special meetings may be called by the Chair, or by two (2) members of the Board, provided that special meetings must be called by the delivering of a written notice thereof to each Board member, or the residence of each member, and to those news media that have requested notification, at least twenty-four (24) hours prior to the time set for the special meeting. Said notice shall contain information as to the date, time, place and purpose of the meeting. No action shall be taken by the Board at a special meeting upon any matter not listed upon said special meeting notice (See appendix "B").

ARTICLE V – VOTING

Section 1 - ~~No resolution decision motion to over-rule ing an action under interpretation of the Zoning Ordinance by the decision~~ of an administrative office of the City shall be adopted except by the affirmative vote of three members of this Board (Section 8.08 of Oxford Charter).

Section 2 - A majority vote of those members present shall be necessary to carry out all other regular business of the Board and a quorum of three members shall be necessary to conduct business and to constitute on official meeting of the Board.

Section 3 - The Chair shall vote in all matters under consideration by the Board.

Section 4 - No Board member shall participate in the discussion or vote in any matter in which the member ~~having such~~ has a personal interest. ~~That person shall step down~~ recuse themselves from the Board for that portion of the meeting in which the member has an interest.

Section 5 - A record shall be made in the minutes showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact.

Section 6 - The Board of Zoning Appeals shall base its decision only upon Section 1129.11 or the Decision Standards in Chapter 1139. A copy of Section 1139.02(c)(2) appears as Appendix A to these Rules of Procedures.

ARTICLE VI - APPEALS PROCEDURE

Section 1 - (By Whom)

- ~~(b)~~ (a) An appeal and supporting documentation as provided for in Chapter 1129 and 1139 of the Planning & Zoning Code may be made to the Board by ~~any person aggrieved any person who has been denied a building permit, or who desires an exception to or variance from the Planning and Zoning Code, or by any officer, department, board or bureau of the City of Oxford affected by a decision of the Zoning Administrator within 30 days of the date of the Zoning Administrator decision.~~
- (b) If the appellant represents the owner or occupant authority of the premises under consideration, the appellant shall document on the appeal that authority to represent that owner or occupant.
- ~~(b)~~ (c) The application for an appeal shall be submitted pursuant to Chapter 1129 and 1139 of the Planning & Zoning Code. The Board will not hear any appeal on an application the Board deems incomplete under Section 1139.02. ~~in such a form as the Board may prescribe and approve. The application shall contain the present use of the building and premises and the proposed use of the building and premises, the appellant's relation to the property, a statement of the reasons the appellant feels that his appeal should be approved, and such other information as may be required by the Board.~~
- ~~(e)~~ The appellant shall furnish the following with the application: However, items (1) and (3) are not jurisdictional, but may be waived or requested by the Board, in its sole discretion, as the nature of the appeal requires.
 - ~~(1)~~ Lot plan, showing the actual shape and dimensions of the lot to be built upon or used, and delineating all lot lines, yard requirements or applicable zoning district regulations, the exact size and location of all existing buildings and accessory buildings, and all proposed additions or new buildings or structures. The lot plan shall be prepared by an Ohio licensed surveyor. The lot plan shall may be waived by the Zoning Administrator prior to the submission of the appeal when such information is not relevant to the hearing of the appeal.

- ~~(2) A list of all properties within 100 feet of all boundaries of the property in question, giving lot numbers, house numbers and streets, owners' names and addresses.~~
- ~~(3) A diagram of the city block and/or area in which the property is located showing all abutting properties, all street frontages, all streets and alleys, and identifying all lots within 100 feet by number and street address. In addition, the block diagram shall show the location of buildings on other properties, the use of neighboring lots, and all measurements, features and information as necessary to provide the Board with the proper information for a proper hearing and determination of the appeal, the Zoning Administrator may waive the submission of any information not relevant to the appeal.~~
- ~~(4) A title containing the name of the appellant, address and lot number of the property concerned in the appeal, shall appear on all information furnished with an appeal and the scale of any drawing when required to be drawn to scale shall be noted on the drawing.~~
- ~~(5) A fee of \$50.00 shall accompany each appeal, as per Section 1127.03 of Oxford's Code of Ordinances.~~
- ~~(6) An appeal shall be considered filed when the fee is paid and a copy of the application is completed, signed, and left at the office of the Zoning Administrator along with all papers and information as required in the application.~~
- (e) (d) Instruction sheets may be prepared and approved by the Board for the guidance of appellants and copies of these Rules of Procedure shall be available to the public without charge at all times in the office of the Zoning Administrator.

Section 3.2 - (Action on Application)

- (a) The Zoning Administrator shall notify by regular mail the appellant and all owners of property within ~~100~~ 200 feet of the property in question as to the date, time, place and purpose of the hearing at least ~~21~~ 10 days prior to the hearing. The notice shall provide a form on which comments may be submitted to the Board of Zoning Appeals. This notice is not jurisdictional and is provided for only as a matter of courtesy. Failure by the Zoning Administrator to mail such notice or failure by a land owner described above to receive such notice shall not invalidate any action resulting from the public hearing.

The Administrator shall also cause an official legal notice, which is jurisdictional, containing the date, time, place and purpose of the hearing to be published ~~twice~~ once in a local newspaper of general circulation at least ~~21~~ 7 days and at least 14 days prior to the hearing. **At least 7 days prior to the public hearing, the applicant shall post a sign provided by the City on the site,, along each, but not in, the public right-of-way that abuts the site and at other locations or intersections near or leading to the site in the right-of-way, at the discretion of the Zoning Administrator. The signs shall state that the site is the subject of a public hearing and shall list the type, time, and place of the hearing, and shall be legible from the public right-of-way. This is a courtesy notice. Failure by the Zoning Administrator to provide such signs as described shall not invalidate any action resulting from the public hearing. Removal of such signs without the authority of the Zoning Administrator, once set, shall be a violation of this Code in addition to any other laws against their removal that may apply.**

- (b) The Zoning Administrator shall transmit to the Board, approximately one week prior to the meeting or as soon thereafter as possible, the appeal application and all papers or information required or necessary for proper hearing of the appeal, and copies as required

shall be sent to all Board members.

Section 4.3 - (Hearings)

- (a) **The Board of Zoning Appeals shall base its review of a variance application upon the complete application, upon any staff report, and upon any relevant and credible public testimony and evidence presented during the adjudication hearing. If the Board of Zoning Appeals finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.**
- (b) **All meetings and hearings shall be open to the public, provided, however, that hearings are adjudicative in nature and are not a forum open to public comment and discussion. Public participation in meetings will be limited as set forth in subsection (c), below.**
- (c) **For the purposes of these Rules of Procedure, a person has standing to testify at an adjudication hearing before the Board, with or without counsel, if that person has a substantial right that will be directly affected, in a manner that is different from the effect on the general public, by the determination under consideration by the Board.**
- ~~(e)~~ (d) **Following the Zoning Administrator's presentation, All interested parties with standing shall be permitted to appear and be heard in person, or by his/her agent or attorney, in opposition to the final order, adjudication, or decision. The Board shall have the right to dismiss the appeal if the appellant or his/her agent or attorney is not present at the hearing.**
- ~~(f)~~ (e) **The interested party with standing shall present his/her position, arguments, and contentions.**
- ~~(g)~~ (f) **The interested party with standing shall be allowed to cross-examine witnesses purporting to refute his/her position, arguments, and contentions.**
- ~~(h)~~ (g) **The interested party with standing shall be allowed to offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments, and contentions.**
- ~~(i)~~ (h) **The interested party with standing shall be allowed to proffer any such opposing evidence and testimony into the record, if the admission of it is denied by the officer or body appealed from.**
- ~~(j)~~ (i) **All testimony adduced shall be given under oath.**
- ~~(k)~~ (j) **The Zoning Administrator will present and explain the case, setting forth the reasons for the Board.**
- ~~(l)~~ (k) **The Board of Zoning Appeals shall have prepared a transcript minutes of the proceedings containing a report of all evidence admitted or proffered by the Board.**
- (l) **Any person with standing shall have the right to ask questions about the subject of the appeal.**
- (m) **At the request of the appellant or the Zoning Administrator and/or on the motion of the Board, the hearing may be postponed for further evidence or information. Such postponement shall be granted or denied in the sole discretion of the Board, and any postponement of a hearing, once commenced, shall be for more than 45 days, except with a written permission of both the Zoning Administrator and the appellant.**
- ~~(n)~~ (n) **The Zoning Administrator or Board shall file with the transcript minutes, conclusions of facts supporting the final order, adjudication, or decision appealed from.**
- (o) **At the conclusion of the hearing or hearings the Board will discuss and vote on each appeal and conduct the business section of the meeting to take care of items on the agenda. The public may not participate in this section of the meeting except upon request of the Chair or any member of the Board.**

- (p) The Board shall keep a record of its proceeding. Findings of Fact shall be included in the minutes of each case of a requested variation or appeal, and the reasons for approving or denying such variation or appeal shall be specified. All records of proceeding findings, determinations and actions of the Board shall be filed immediately in the Zoning Administrator's office and shall be retained for one year.

Section 5 4 - (Following Hearing)

- (a) **The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings of fact upon which its decision is based.**
- ~~(a)~~ (b) The Zoning Administrator and/or the Zoning Administrator's Assistant shall inform the appellant by letter as soon as possible following the hearing of the decision of the Board. ~~and also shall offer a report of the decision for use in the local newspaper within one week following the decision.~~ The Board's decision shall not become final until the expiration of five (5) days from the date such decision is made unless the Board shall certify otherwise.
- (c) **The Zoning Administrator shall issue permits to permit the action for which a variance was sought per Chapter 1139.**
- ~~(b)~~ (d) No order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, **and upon the expiration of such period shall automatically be deemed revoked**, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.
- ~~(c)~~ No appeal upon which a decision has been rendered by the Board, shall be reheard until a new appeal is filed and procedures are followed as in an original appeal. In such re-appeals, the appellant shall indicate his reason for re-appealing and supply such additional information as necessary for the Board to properly hear the new appeal, and if appellant's new application does not contain allegations of a changed, new, or different factual situation, or changes in applicable law, such as might require or might result in a different decision by the Board, the Board may dismiss the appeal upon receipt thereof, without further proceedings
- (e) **No application for a variance that is substantially similar to an application that has been denied or granted, wholly or in part, or revoked, shall be submitted to the BZA for a decision per Chapter 1139.**

APPENDIX "A"

1127.02 STANDARDS FOR DECISIONS

~~A. In order to permit exceptions to and variations from the literal application of the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners, the Board of Zoning Appeals must find in each case brought to it on appeal:~~

~~1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and that the hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situations or conditions of such property. No conforming use of neighboring land, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization for a variance or exception. Nor shall personal hardship, or loss or limitation of possibilities for economic advantage or profit, be considered grounds for the authorization of a variance or exception; and~~

~~2. That the special conditions and circumstances do not result from the actions of the applicant; and~~

~~3. That the variance or exception does not confer special privileges or benefits, but relieves a hardship; and~~

~~4. That literal interpretation of the provisions of the Zoning Code would deprive the applicant of basic rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code and would work unnecessary and undue hardship on the applicant; and~~

~~5. That the variance or exception granted is the minimum variance or exception that will make possible the reasonable use of the land, building, or structure; and~~

~~6. That the grant of the variance or exception will be in harmony with the general intent and purpose of the Zoning Code and that such variance or exception will not be injurious to the area involved or otherwise detrimental to the public welfare; and~~

~~7. That the grant of the variance or exception requested will not permit or allow a use that is otherwise not permitted in the zoning district involved, nor will the grant of the requested variance or exception allow, authorize, or permit any use that is prohibited, either expressly or by implication, by this Zoning Code for the zoning district involved.~~

~~B. In granting any variance or exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards and violation of such conditions and safeguards, when made a part of the terms under which the variance or exception is granted, shall be a violation of the Zoning Code.~~

~~C. The Board of Zoning Appeals may prescribe a reasonable time limit within which the action for which the variance or exception is required shall be begun or completed or both.~~

1139.02(c)(2) Decision Standards (As approved in 12.02.08 Ord. 3036)

~~All variances shall satisfy the Decision Standards of this section. Variances and nonconformities on other land, sites, or structures shall not be considered grounds for a variance.~~

Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code inequitable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.

In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;**
- B. Whether the variance is substantial;**
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would**

- suffer a substantial detriment as a result of the variance;**
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);**
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;**
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;**
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**
- H. Any other relevant factor.**

APPENDIX "B"

RULES AS REQUIRED BY R.C. 121.22, COMMONLY KNOWN AS THE SUNSHINE LAW

SECTION 1: All meetings of the Board of Zoning Appeals, other than authorized Executive Sessions, shall be open to public attendance.

SECTION 2: The Board will fully comply with both the letter and the spirit of R.C. 121.22.

SECTION 3: The regularly scheduled meetings of this body shall be held on the third ~~Thursday~~ **Wednesday** of each month in the ~~Council Chambers in the City Building~~ **Oxford Courthouse**, commencing at 7:30 p.m. The regular meeting date may occasionally change at the direction of the ~~Commission Board~~ with public notice. Within the context of this rule, a special meeting is deemed to be any meeting scheduled or called for a date or place or time other than as herein above specified. Such special meeting, as so defined solely for the purpose of this rule, may be for the purpose of:

- (1) Continuing or commencing a regular meeting of the Board in discussing and acting upon all such business as may come before the Body; or
- (2) A true Special Meeting within the context of parliamentary definition wherein the purpose of the meeting shall be to consider only specific and enumerated matters, and in which action will not be taken on matters unrelated to the matter, or matters, for which such a meeting is held. No special meeting, as defined herein, shall be held unless the Zoning Administrator shall have given at least 24 hours advanced notice of the date, time and place and purpose of such meeting, to those news media that have requested notification except in the event of an emergency. An emergency exists when immediate official action is necessary and in that event the member, or members, calling such a meeting shall immediately notify such news media as have requested notification of the date, time, place and purpose of such meeting.
- (3) Any person may determine the date, time and place of regularly scheduled meetings by phoning or contacting the Zoning Administrator at the City Building.
- (4) Any person may determine the date, time, place and purpose of special meeting, as defined herein, by making such a request, in writing, to the Zoning Administrator and sending forth their name, address and telephone number. The Zoning Administrator shall notify such person of the date, time, place and purpose of special meetings, either by mail or telephone and will in any case endeavor, with all reasonable effort and dispatch, to make such notification immediately.

When time permits reasonable anticipation of timely mail delivery, the Zoning Administrator may notify such person by mail. When, in the judgment of the Zoning Administrator, it seems reasonable to believe mail notification will not be timely, the Zoning Administrator will make all reasonable efforts to contact such person by telephone. Long distance calls will only be placed collect.

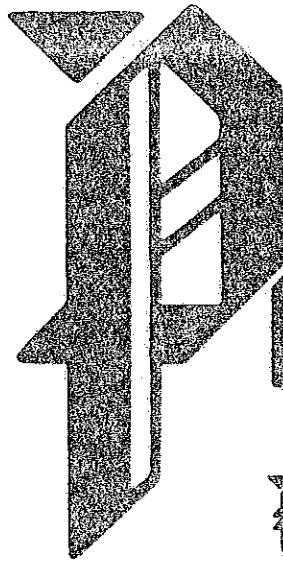
SECTION 4: Any person desiring information as to any specific business to be discussed at a meeting, may obtain advance notification of the proposed discussion by securing a copy of the meeting agenda by any or all of the following methods:

- (1) Agendas for regularly scheduled meetings will be available, without charge, at the Police Department Dispatcher's office on the Saturday, Sunday, Monday or Tuesday preceding the regularly scheduled meeting.
- (2) Agendas for special meetings will be available immediately upon their preparation at the

Police Department Dispatcher's office, without charge.

- (3) Persons paying an annual fee of \$10.00 to the Zoning Administrator, and providing said Zoning Administrator with self-addressed business-size envelopes (approximately 9" x 4"), with sufficient first class postage affixed thereto, will be mailed all Board agendas upon their preparation, for so long as the Zoning Administrator has a supply of the required envelopes. It shall be the sole obligation of the person requesting such mailings, to determine that the Zoning Administrator has sufficient envelopes to continue mailing agendas for so long as such person desires to receive agendas. The fee required hereunder shall be a calendar year fee and shall be due once each calendar year regardless of the date upon which the request for such mailings is filed.

SECTION 5: This Resolution promulgating the foregoing Rules of Procedure shall be effective immediately.



Office of the Mayor

Proclamation

Whereas:

Miami University, a student-centered public university was founded in 1809 and named for the Miami Indian Tribe that inhabited the area now known as the Miami Valley Region of Ohio; and

WHEREAS, Miami University is the nation's tenth oldest public university; and

WHEREAS, Miami University is the largest employer in Butler County, Ohio; and

WHEREAS, for two centuries, Miami University at Oxford, Ohio, has trained, educated, and inspired thousands of students to attain their educational and personal goals, preparing its graduates to serve as professionals and community leaders around the globe; and

WHEREAS, Miami University's Bicentennial Charter Day Ball will be held Saturday, February 21, 2009, at Millett Hall commemorating the chartering of Miami University in 1809; and

WHEREAS, the Bicentennial Charter Day Ball will celebrate not only Miami's rich history, but also the lasting partnership between the City of Oxford and the University; and

WHEREAS, Miami University Alumni in more than 30 cities in the United States and around the world will also celebrate this historic event; and

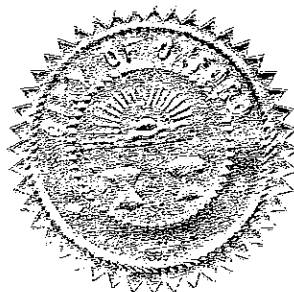
WHEREAS, Miami University will kick-off its Bicentennial year on February 17, 2009 at 4:00 p.m. at Millett Hall.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim Tuesday, February 17, 2009 to be:

'MIAMI UNIVERSITY BICENTENNIAL CHARTER DAY'

in the City of Oxford and encourage all citizens to join in the events planned to reflect on the past, and envision the future for Miami University, its students, faculty, staff, and community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 3rd day of February 2009.



PRUDENCE Z. DANA, MAYOR

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 3, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

January 16, 2009
Date Prepared

Agenda Title: HAPC Meeting Report – January 7, 2009

DISCUSSION:

Request for Review:

None.

Announcements:

Stafford House has plaque placed on the property. Members inquired if the plaque could be corrected to reference the McCullough Family.

New Business:

107 E. Church – Brick Selection. Applicant not present. Commission voted to allow Chair & Vice-Chair to administratively review.

Old Business:

Ms. Dale asked for status of the Bella Place handrail selection and 117 W. Church pillar restoration from the Chairman.

Administrative Findings/Approvals:

None.

Other Business:

Ms. Henderson shared the Historic Marker and Plaque information. The Commission provided some feedback and samples of the markers and language on the plaque will be provided at the next meeting before HAPC formally shares with Council.

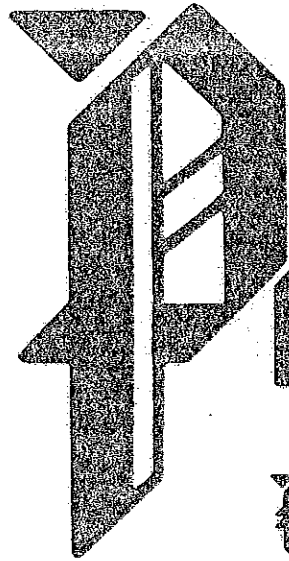
Ms. Kay prepared recommendations for changes to the sign guidelines and will review in detail next month.

Ms. Dale shared that the amendments of Chapter 1331 discussed at length in late 2007 were never adopted and the Commission should discuss at the next meeting if they would still like to forward these onto Council for consideration.

Election of Officers was conducted and Mr. Mike Smith will remain as the Chair and Ms. Henderson the Vice-Chair.

The next regular HAPC meeting is scheduled for February 4, 2008.

Approved By:	Department Head:	Initial Date
	City Attorney:	<u> </u> <u>1/16/09</u>
	City Manager:	<u> </u>



Office of the Mayor

Proclamation

Whereas: African and African Americans have a long, proud tradition of literacy excellence; and

WHEREAS, the NCTE Black Caucus and the National Council of Teachers of English are sponsoring the African American Read-In Chain with the endorsement of the International Reading Association in order to bring public notice to the importance of reading and of African American writers' contributions to the American literacy tradition; and

WHEREAS, this literacy campaign, having begun in 1990 and continued throughout the decades, stands as one of the longest running, publicly supported literacy campaigns in the nation; and

WHEREAS, this event will take place at the King Library from 1:00 p.m. to 4:00 p.m. on February 2, 2009 with organizers and sponsors, Miami University Libraries, and Honorary Co-Chairs.

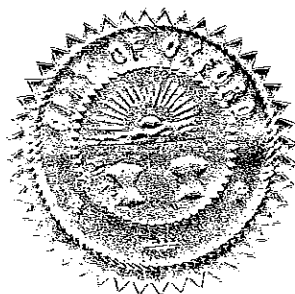
NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim February 2, 2009 as,

'AFRICAN AMERICAN READ-IN CHAIN DAY'

and urge all citizens of all ethnic groups to support this most worthwhile effort to make the celebration of literacy a traditional part of Black History Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 20th day of January, 2009.

PRUDENCE Z. DANA, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/03/09

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

01/23/09
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #2

Recommendation: Approve

Discussion:

Supplements to the 2009 Budget

CDBG Fund

Return advance to General fund 42,370.00

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Capital Improvement Fund

Return advance to General fund 571,000.00

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Internal Service Fund

Return advance to General fund 10,433.98

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Approved By:

Department Head:
City Manager:

Initial Date

WJ 1/26

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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 estimated revenues be made:

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

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

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

SECTION 4: The following advances be executed:

Advance from:

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

Advance to:

GENERAL FUND 110	192,370.00
GENERAL FUND 110	571,000.00
GENERAL FUND 110	10,433.98

SECTION 5: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	192,370.00
GENERAL FUND 110	571,000.00
GENERAL FUND 110	10,433.98

SECTION 6: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: January 20, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

January 2, 2009
Date Prepared

Agenda Title:	PC-26-2008 FINAL SUBDIVISION REPLAT McKee Avenue, Juniper Hill Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots 3727 and 3728, Kathy Nickel, Applicant
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Recommendation:	Approval
------------------------	-----------------

Discussion:

This application is to seek approval of a replat by adding a 10-foot strip of land to an existing lot. The Applicant seeks to purchase this strip of land from the adjoining property owner.

This normally would be approved administratively; however, the property is part of a platted subdivision, which requires Planning Commission/City Council approval. Both lots after the replat will still meet the dimensional requirements of the underlying zoning district.

This application is subject to the following condition:

1. That, all proper recordings are filed and recorded at the Butler County Recorder's office in one year or the approval shall be considered null-and-void.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 1/2/09

[Signature] 1/14/09

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION RE-PLAT OF JUNIPER HILL SUBDIVISION, SECTION TWO.

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 December 11, 2008, on an application from Kathy Nickel, Applicant, for approval of a final subdivision re-plat of Juniper Hill Subdivision, Section Two.

SECTION 2: The Oxford Planning Commission, after due deliberation recommended the approval of a re-plat of Juniper Hill Subdivision, Section Two, to re-plat lots 1957 and 1958 into new lots 3727 and 3728 for the purpose of adding a 10 foot strip of land to an existing lot.

SECTION 3: Oxford City Council hereby accepts the recommendation of the Planning Commission and approves the final subdivision re-plat of Juniper Hill Subdivision, Section Two with the following condition:

- a) All proper recordings shall be filed and recorded at the Butler County Recorder's office within one-year (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:

ATTEST:

DEPUTY 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>	January 20, 2009
<u>Case Number</u>	PC-26-2008
<u>Applicant Information</u>	Kathy Nickel, Applicant Tara Jones, Agent
<u>Requested Action</u>	Final Subdivision Replat
<u>Summary of Request</u>	To allow for the replat of Lots 1957 and 1958 into new Lots 3727 and 3728.
<u>Public Hearing Information</u>	On December 11, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on November 7, 2008.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 to recommend to City Council APPROVAL of this replat request.
<u>Commission Findings and Conclusions</u>	Since this property was part of a platted subdivision, it was necessary to bring this case before the Planning Commission. It is also noted that both lots, after the replat, still meet the dimensional requirements of the underlying zoning district.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated December 9, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Review and Comment form from neighboring property owner 4. Final Subdivision Application 5. Letter of Agency dated October 1, 2008 6. Plat of Survey 7. Photographs

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-26-2008

Date – December 9, 2008

APPLICATION

Applicant:	Kathy Nickel
Location:	208 McKee Ave
Owner:	Kathy Nickel and Robert Fraley
Action Request:	Final Subdivision Replat
Current Use:	Single family, vacant lot
Surrounding Existing Land Uses:	Single Family Residence

DESCRIPTION

The Applicant is seeking approval of a replat by adding a 10 foot strip of land to the existing lot to allow sufficient side yard clearance for an existing residential building in a R1A-Single Family Low Density Residential District. The Applicant is seeking to purchase said strip of land from the adjoining property owner.

COMPREHENSIVE PLAN

Not applicable

ANALYSIS

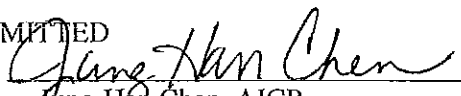
This action could typically be approved administratively; however it is part of a platted subdivision, therefore requiring Planning Commission and City Council's approval. Additionally, there is a temporary strip of land being created to be annexed to an existing lot. Both lots, after the replat still meet the dimensional regulations of the underlying zoning district.

RECOMMENDATION

Staff recommends approval of this re-plat as presented with the following condition:

1. That, all proper recordings are filed and recorded at the Butler County Recorder's in one year or the approval shall be considered null-and-void.

SUBMITTED

BY: 
Jung-Han Chen, AICP
Community Development Director

DATE: November 17, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/17/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-26-2008

Description:

PC-26-2008 **FINAL SUBDIVISION REPLAT, McKee Avenue, Juniper Hill Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots 3727 and 3728, Kathy Nickel, Applicant**

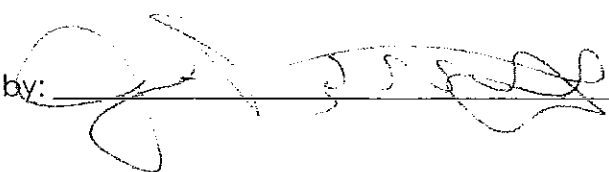
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/2/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/17/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-26-2008

Description:

PC-26-2008 **FINAL SUBDIVISION REPLAT**, McKee Avenue, Juniper Hill Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots 3727 and 3728, **Kathy Nickel, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/2/2008** Note: If no comments are received, we will assume the project meets your department's standards.

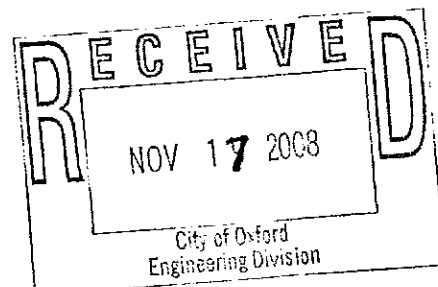
.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

A. Popescu

11-19-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/17/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-26-2008

Description:

PC-26-2008 **FINAL SUBDIVISION REPLAT**, McKee Avenue, Juniper Hill Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots 3727 and 3728, **Kathy Nickel, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/2/2008** 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: SS Sethuraj

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/17/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-26-2008

Description:

PC-26-2008 **FINAL SUBDIVISION REPLAT**, McKee Avenue, Juniper Hill Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots 3727 and 3728, **Kathy Nickel, Applicant**

☒ Review ☐ Revisions ☐ Other

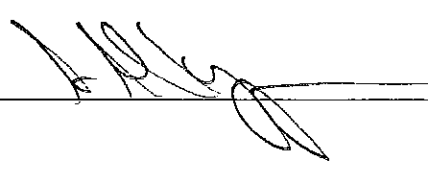
Comments or status update requested by: Lynn Taylor

Please return no later than: **12/2/2008** 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: _____





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

Case No.: PC-26-2008

Date of Hearing: December 9, 2008

PC-26-2008 **FINAL SUBDIVISION REPLAT**, McKee Avenue, Juniper Hill
Subdivision, Section Two, replat of Lots 1957 and 1958 into new Lots
3727 and 3728, **Kathy Nickel, Applicant**

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by December 1, 2008 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: BARBARA + HARDY ESKBAUGH

Address: 309 MCKEE AVE
OXFORD, OH 45056

Telephone: Home: 513-523-8308 Work: NA

COMMENTS:

*WE HAVE NO OBJECTION TO THIS REPLAT OF
LOTS 1957 AND 1958*

Barbara & Eskbaugh
Signature

11/24/2008
Date

W. Hardy Eskbaugh

Case No.: PC-26-2008
Date filed: 10/24/08

Final Subdivision Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: KATHY NICKEL
Mailing Address: 208 MCKEE AVENUE
OXFORD, OHIO 45056
Telephone Number(s): (513) 255-3819

Name of Subdivision: JUNIPER HILL SUBDIVISION
Date of Planning Commission preliminary approval: 12/9/08
Zoning District: R1A
Number of Lots: 2
Total Acreage: 1.065 Acres
Surveyor/Engineer: DANIEL BROSEY - BROSEY SURVEYING COMPANY
Address: 4045 STILLWELL ROAD, HAMILTON, OHIO 45013
Phone Number: (513) 863-0237

DRAWING REQUIREMENTS

Please submit one copy of the plat on mylar and twelve 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'. The following information must appear on the plat:

- a) Boundary lines of the area being subdivided with accurate distances and bearings.
- b) The accurate outline of any portions of the property to be dedicated for public use.
- c) A statement dedicating all proposed public streets and alleys with their names.
- d) The lines of adjoining streets and alleys with their widths and names.
- e) All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor's office.
- f) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets and 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.
- g) The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- h) The location of all survey monuments and bench marks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corners.
- i) The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- j) A vicinity map, drawn to scale, showing the general location within the City.
- k) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
- l) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- m) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
- n) The proposed location and width of streets, alleys lots and easements.

- o) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
- p) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- q) North arrow, scale and date.
- r) The seal, registry number and signature of the public surveyor who prepared the plat.
- s) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

Submit this application, required copies of the preliminary plan containing all required information and the required fee **(\$400.00 PLUS \$100.00 PER LOT)**, made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. All required information must be submitted at least fourteen (14) days in advance of the Planning Commission meeting at which action is requested.

NOTE: Incomplete applications will not be processed.

SIGNATURE OF APPLICANT:

Kathleen A. Dickel

Date: 10/24/08

PRINTED NAME:

KATHLEEN DICKEL

FEE / RECEIPT

\$400.00 PLUS \$100.00 PER LOT Fee Paid / Receipt Number: 14205

ROBINSON & LIPNICKEY CO., L.P.A.

ATTORNEYS AND COUNSELORS AT LAW

PARK PLACE WEST
OXFORD, OHIO 45056-1841
(513) 523-4111
FAX (513) 523-0900

JAMES G. ROBINSON*
SUSAN C. LIPNICKEY
TARA R. JONES**

* Also admitted in Indiana
** Also admitted in Kentucky

*Letter of Agency
for PC-26-2008*

October 1, 2008

FEE AGREEMENT

Kathy Nickel
208 McKee Ave.
Oxford, OH 45056

Re: Lot Split for McKee Avenue

Dear Kathy:

We are pleased that you have selected our firm to serve as counsel for you in the above-captioned matter. This letter contains the terms under which we understand our firm has been retained to represent you. If these terms do not correctly set forth your understanding, please notify us immediately. If you are agreeable to the terms, please sign below, indicating your understanding of these terms, and return this letter to us in the enclosed self-addressed envelope.

Although I will be the attorney at the firm who will primarily be responsible for this matter, other attorneys and staff may also provide legal support services. This permits us to take advantage of their respective expertise in a more economical manner. It is our understanding that you have retained us to assist with and complete a lot split for the property located at 208 McKee Avenue, Oxford.

Legal services will be charged as follows:

There will be a flat fee of [REDACTED] charged for services in assisting and completing the lot split.

In all matters, in addition to attorney fees, the firm must typically incur on behalf of our clients, a variety of out-of-pocket costs, such as filing fees, overnight postage charges, copying costs, delivery fees, and long distance phone charges. **These charges are your responsibility.** As a matter of convenience, the firm may elect to pay these charges upfront and then the charges will be billed to your attention. By executing this document, you agree to pay all fees and costs within 30 days of billing or this law firm may terminate its representation of you.

We will at all times act on your behalf to the best of our ability. However, any statements on our part concerning the outcome of your real estate matter are expressions of our legal judgment, and are not guarantees of results.

You may terminate our representation of your interests by notifying us in writing of your wish to do so. If such termination occurs, your papers and property will be returned to you promptly upon our receipt of payment by you for all advanced costs incurred prior to termination. We will retain our files.

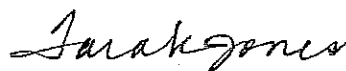
We practice pursuant to the Code of Professional Responsibility for the jurisdictions in which we are licensed. These Codes list and describe several types of conduct or circumstances that allow, or in some cases, require us to withdraw as your counsel. These instances include misrepresentations by you, conflicts of interests with another firm client, non-payment of fees or costs, clients becoming unmanageable or uncooperative, and clients disappearing or abandoning the case. We reserve the right to withdraw should any of these conditions arise.

Finally, this law firm always maintains the highest level of professional standards and confidentiality with respect to its clients.

Please sign and return this letter for our file. Please keep the enclosed copy for your future reference.

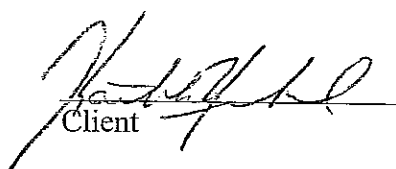
Very truly yours,

ROBINSON & LIPNICKEY CO., LPA



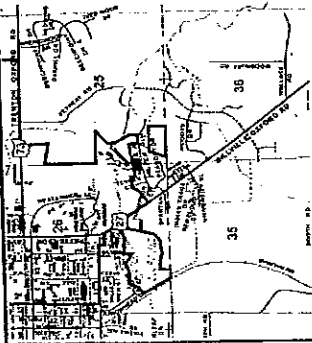
Tara R. Jones

By signing below, I affirmatively state that I understand and agree to the terms and conditions explained in this document. I understand that the law firm of ROBINSON & LIPNICKEY CO., L.P.A. will represent my interests to the best of its ability. I also understand that the fees I pay are not contingent on the outcome of this matter.



Client

10/15/08
Date



VICINITY MAP (1" = 100')

THE CITY OF OXFORD WILL NOT BE RESPONSIBLE FOR ADJUSTING MANHOLES, VALVES, FIRE HYDRANTS, METER PITS, ETC., AS A RESULT OF GRADE CHANGES. THE GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER ADJUSTMENT OF MANHOLES, VALVES, FIRE HYDRANTS, METER PITS, ETC., TO THE ELEVATION OF THE CITY OF OXFORD, DUE TO GRADE CHANGES, PAVING, REPAVING, ETC., INITIATED BY THE GRANTEE.

KNOWN ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, BEING THE OWNERS OF LOTS 1957 AND 1958, JUNIPER HILL SUBDIVISION SECTION 2, CITY OF OXFORD, BUTLER COUNTY, OHIO DOES HEREBY ASSENT TO ADOPT THIS PLAN OF SUBDIVISION TO BE KNOWN AS JUNIPER HILL SUBDIVISION SECTION 2, REPLAT OF LOTS 1957 AND 1958 (NEW LOTS 3727 AND 3728).

EASEMENT ON SAID PLAT, DESIGNATED AS UTILITY EASEMENTS ARE PROVIDED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF POLES, WIRES, CABLES, AND THE NECESSARY ATTACHMENTS IN CONNECTION WITH THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF ELECTRIC, TELEPHONE, CABLE AND OTHER LINES FOR THE CONSTRUCTION AND MAINTENANCE OF SERVICE LINES FOR SUPPLYING GAS, WATER, HEAT AND OTHER PUBLIC OR QUASI PUBLIC UTILITY FUNCTIONS TOGETHER WITH THE NECESSARY LATERAL CONNECTIONS, AND ALSO THE RIGHT TO INGRESS TO AND EGRESS FROM SAID EASEMENTS FOR THE PURPOSES OF THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF SAID EASEMENTS. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE THE CLEARANCE OF THE OVERHEAD OR UNDERGROUND FACILITIES, (2) INFRINGE UPON THE SUPPORT OF SAID FACILITIES, OR (3) IMPAIR THE ABILITY TO MAINTAIN THE FACILITY OR (4) CREATE A HAZARD.

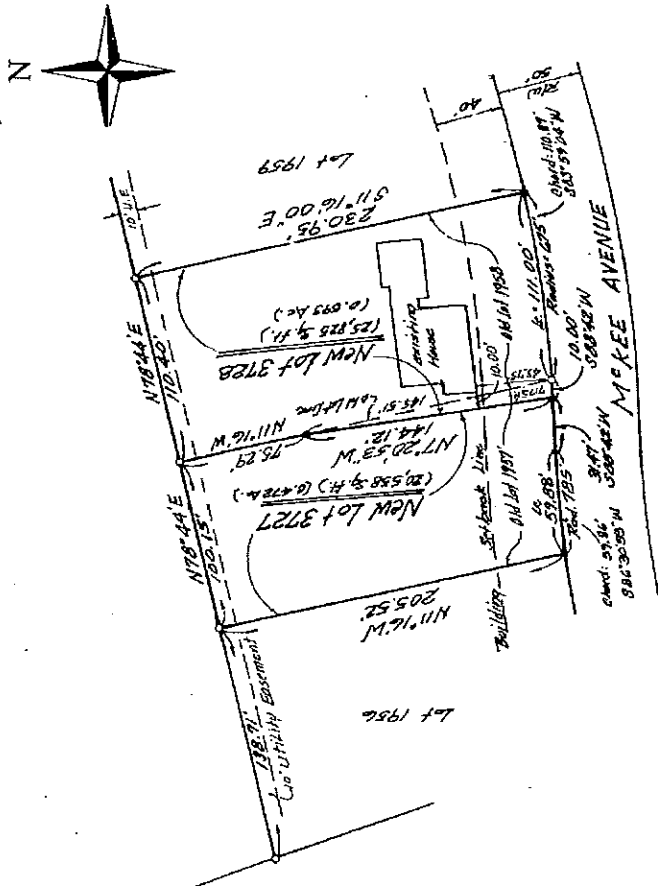
THE ABOVE EASEMENTS ARE ALSO PROVIDED FOR OTHER PUBLIC USES AS DESIGNATED AND SHALL BE USED FOR THE CONSTRUCTION OF STORM WATER DRAINS, OPEN CHANNELS, PUBLIC AND PRIVATE SEWERS, PIPELINES FOR THE SUPPLYING OF GAS, CABLE TELEVISION AND FOR ANY OTHER PUBLIC OR PRIVATE UTILITY OR FUNCTION, CONDUCTED, MAINTAINED OR PERFORMED BY ORDINARY METHODS WITHIN THE SURFACE OF THE EASEMENT AND ACCORDS TO THE DEED OF INGRESS AND EGRESS OVER AND ACROSS LOTS TO AND FROM SAID EASEMENTS.

IN WITNESS WHEREOF WE HAVE SET OUR HAND THIS 21ST DAY OF OCTOBER, A.D., 200

WITNESSES: *John K. Charney* OWNERS #1 (LOT 1957) ROBERT FRALAY
WITNESSES: *Betty F. Fralay* OWNERS #2 (LOT 1958) KATHLEEN A. NICKEL

REPLAT OF LOTS 1957 AND 1958 JUNIPER HILL SUBDIVISION SECTION TWO NEW LOTS 3727 AND 3728 CITY OF OXFORD BUTLER COUNTY, OHIO

Bearings shown hereon are based on an assumed meridian and are used to denote angles only.



OWNERS (NEW LOT 3727)
ROBERT FRALAY
BETTY F. FRALAY
OWNERS (NEW LOT 3728)
KATHLEEN A. NICKEL
BRIAN K. NICKEL

LEGEND
○ Existing Monumentation (Iron Pin, Iron Pipe)
● Monumentation Set (This Survey)

STATE OF OHIO S. S.

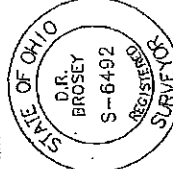
BE IT REMEMBERED THAT ON THIS 21ST DAY OF OCTOBER, 200, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY CAME (OWNER #1) AND (OWNER #2), WHO ACKNOWLEDGED THAT THEY DID SIGN THE FOREGOING INSTRUMENT, AND THAT THE SAME IS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES AND PURPOSES IN SAID INSTRUMENT MENTIONED. IN TESTIMONY WHEREOF, I HEREBY SUBSCRIBE MY NAME AND AFFIX MY NOTARIAL SEAL ON THIS DAY AND YEAR AFORESAID.

JAMES G. KENNEDY, Notary Public for the State of Ohio, My Comm. Expires 12/31/2004

MY COMMISSION EXPIRES

SCALE IN FEET 1"=50'
Date: 10/14/00

PREPARED BY:
BROSEY SURVEYING COMPANY
4045 STILLWELL ROAD
HAMILTON, OHIO 45013 513-463-0337



Daniel R. Brosey
D. R. Brosey, P.S.
Registered Surveyor No. 6492

THE STREET TREES ARE TO BE PLANTED AS PER THE CITY'S LANDSCAPE ORDINANCE BY THE BUILDER OF EACH HOUSE AT THE TIME OF COMPLETION.

ALL LOTS TRANSFERRED SHALL HAVE A MINIMUM WIDTH AND AREA SUBSTANTIALLY THE SAME AS THOSE SHOWN ON THE PLAT, AND ONLY ONE PRINCIPAL BUILDING WILL BE PERMITTED ON ANY SUCH LOT.

ANY FUTURE SPLITTING OF ANY LOT THAT RESULTS IN AN ADDITIONAL BUILDING SITE BEING CREATED SHALL BE BY REPLAT ONLY.

THE CITY OF OXFORD DOES NOT ACCEPT ANY PRIVATE DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE CITY OF OXFORD IS NOT OBLIGATED TO MAINTAIN OR REPAIR ANY CHANNEL, DRAIN, LOT, AND ALL IMPROVEMENTS TO EASEMENTS. THE EASEMENT AREA IS TO BE MAINTAINED BY THE OWNERS OF THE LOT. IN IT SHALL BE MAINTAINED CONINUOUSLY BY THE OWNERS OF THE MATERIAL WITHIN THE EASEMENT. NO STRUCTURES, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD OR CHANGE THE DIRECTION OF THE FLOW OF WATER.

ALL EASEMENTS SHALL BE KEPT CLEAR OF DECKS, POOLS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE UTILITIES. EAVES MAY ENROACH NO MORE THAN 18 INCHES INTO ANY EASEMENT.

ALL BUILDINGS ARE TO BE SERVED BY THE PUBLIC SEWER SYSTEM AND SHALL BE CONSTRUCTED SO AS TO PROVIDE GRAVITY FLOW TO THE SANITARY SEWER MAIN.

APPROVED AND ACCEPTED BY THE CITY OF OXFORD COUNCIL BY ORDINANCE PASSED AT THE MEETING OF _____, 2008.
ORDINANCE # _____

CLERK OF COUNCIL _____ MAYOR _____

PLANNING DIRECTOR _____ DATE _____

ENGINEERING DIRECTOR _____ DATE _____

RECEIVED FOR TRANSFER _____ A.D. 20 _____

TRANSFERRED _____ A.D. 20 _____

AUDITOR, BUTLER COUNTY, OHIO: _____

BY: _____

FILED FOR RECORD _____ DATE _____ TIME _____

RECORDED _____ A.D. 20 _____

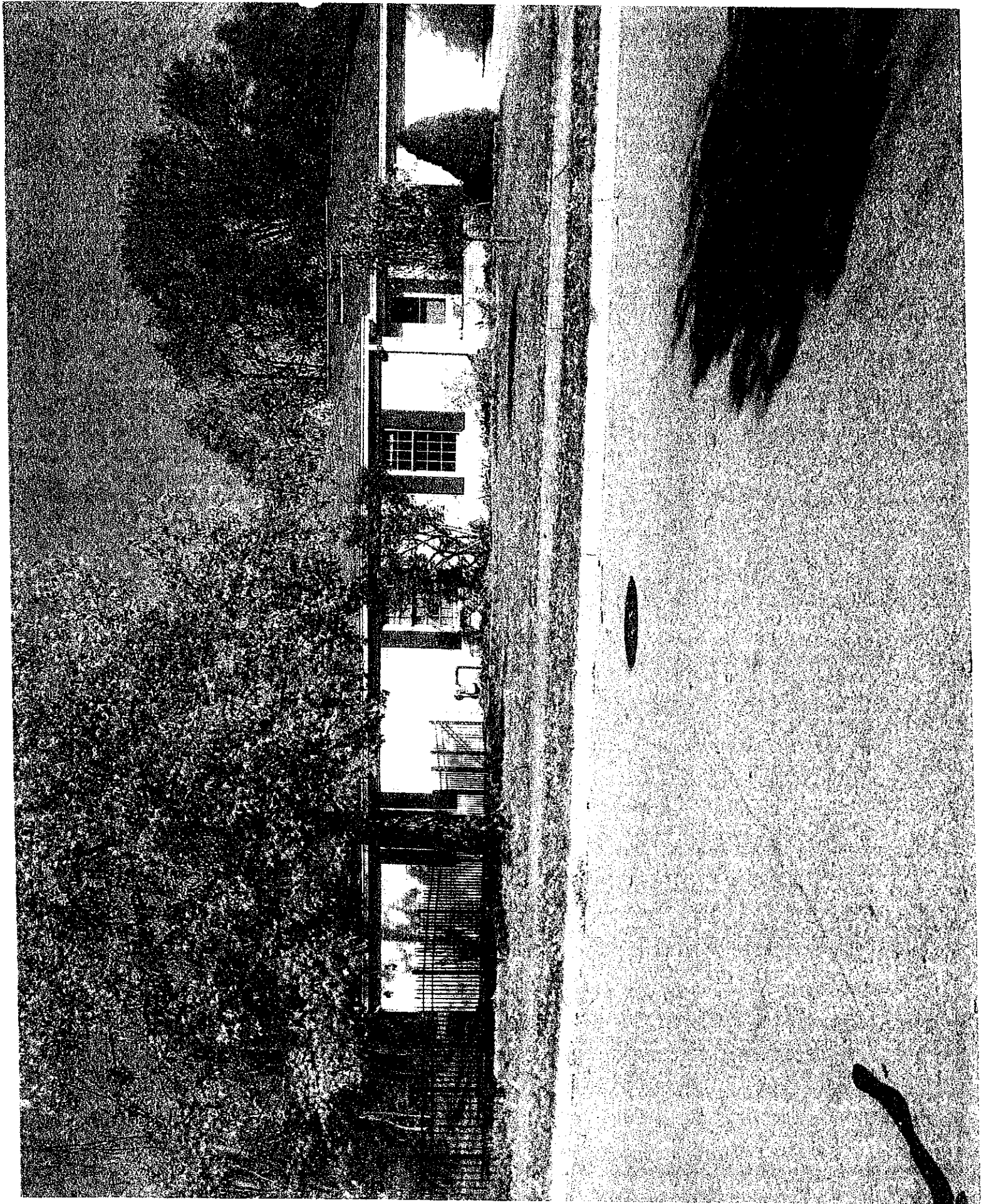
RECORDED, BUTLER CO., OHIO

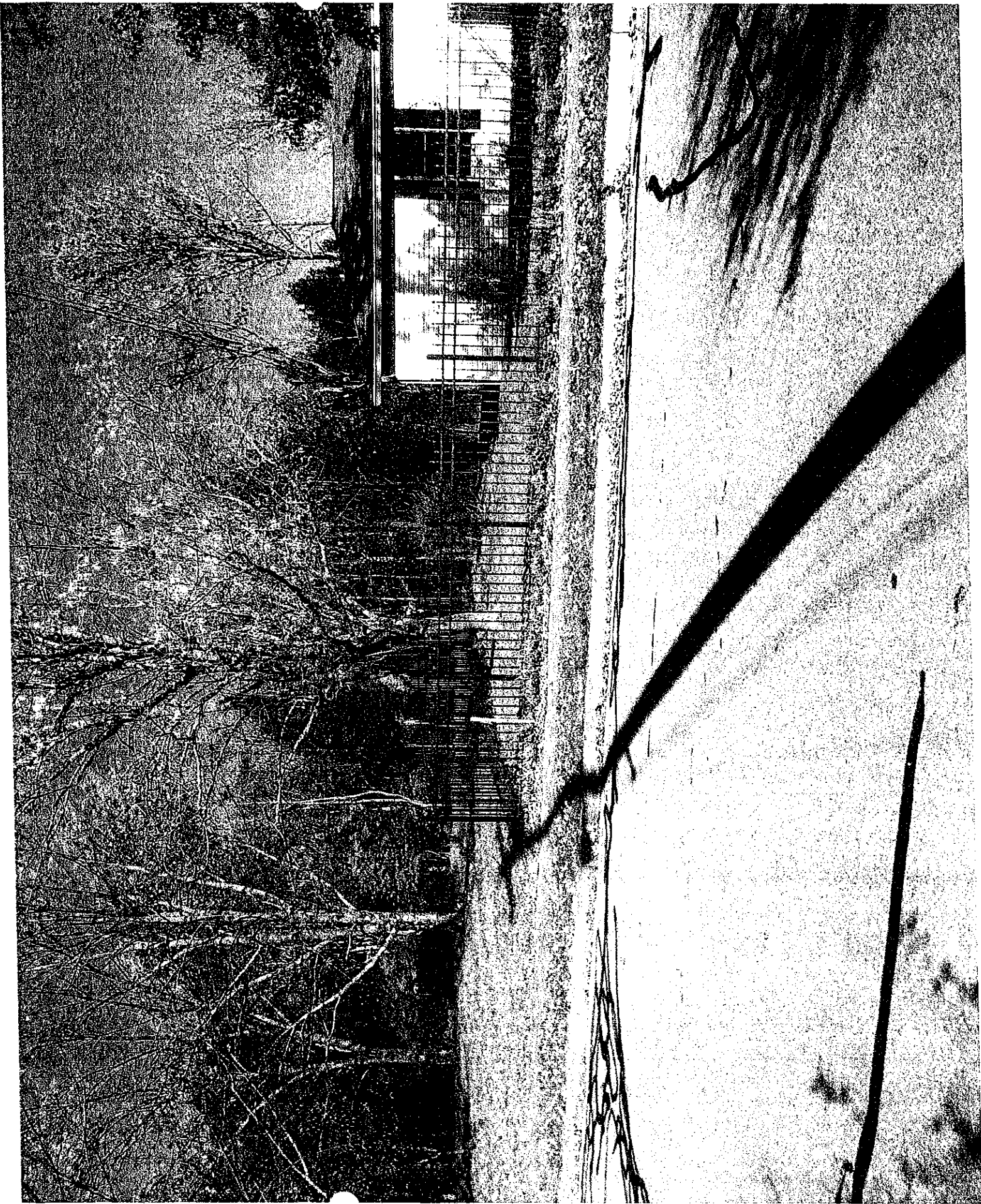
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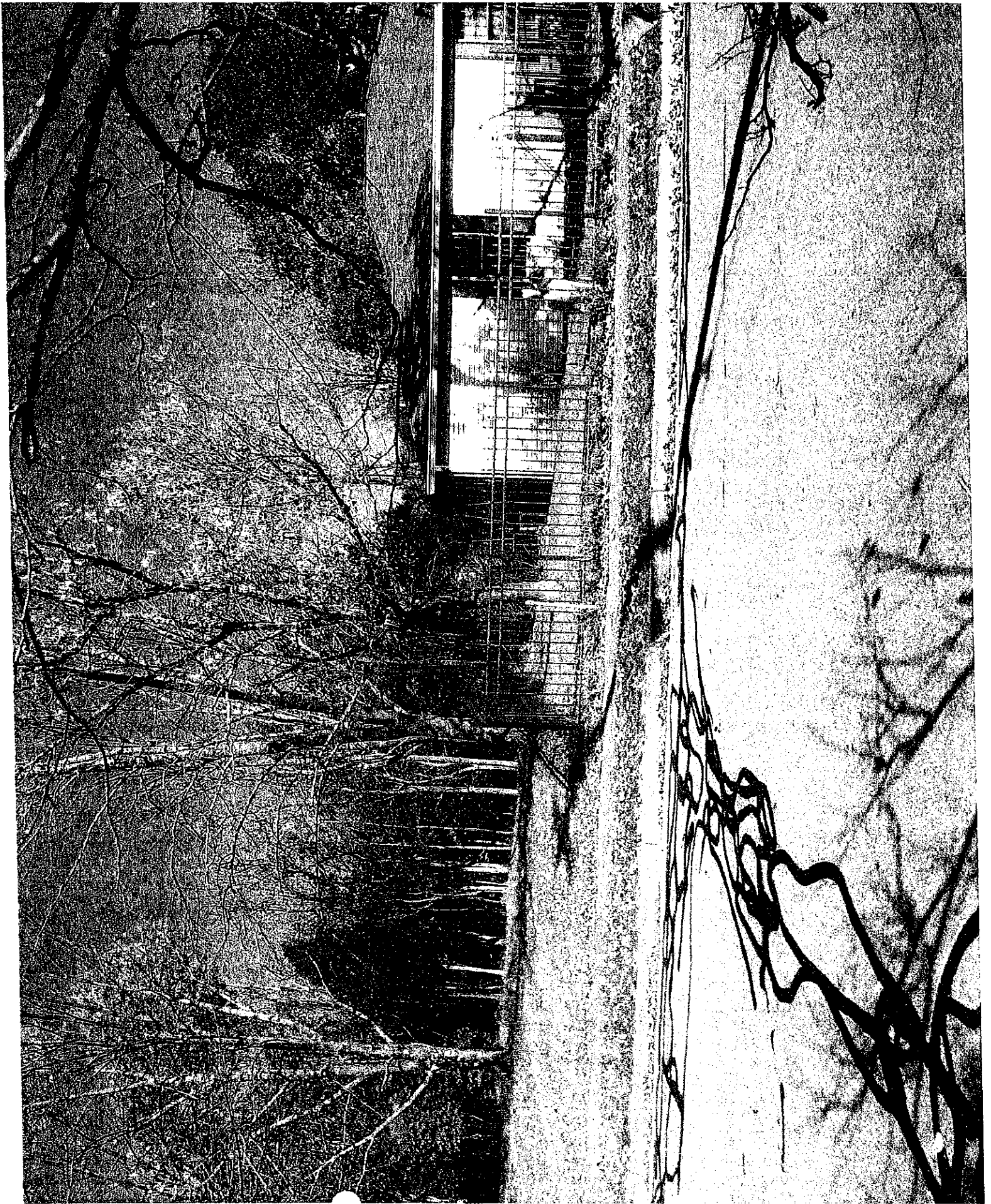
PLAT ENVELOPE _____ PAGES _____

FILE: _____ FEE: _____

I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS THE CORRECT RETURN OF A SURVEY MADE UNDER MY DIRECTION, THAT ALL MONUMENTS ARE AS SHOWN AND THAT ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS HAVE BEEN FULLY COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.







CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 20, 2009

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach
Prepared By

January 12, 2009
Date Prepared

Agenda Title: Ordinance to Approve an Easement for Well Field Protection

Recommendation: Approve

Discussion:

The City's 2009 Operating Budget includes funds for the rehabilitation of a major raw water resource for the City's water utility, Production Well #2 located in the Four Mile Valley aquifer and adjacent to the City's water treatment plant on SR73. Prior to issuing a permit for this project, the Ohio Environmental Protection Agency (OEPA) requires an isolation zone of 300' from the production well. The City may control this zone either as the property owner or through an easement specific for well field protection.

As "Exhibit B" indicates, the City has determined an area of approximately four acres is required to be controlled to help ensure the safety of the production well. This land is owned by Robert G. Sherman Trust. The target area is to the east and contiguous with the City owned parcel where Production Well #2 is located. The City hired Mr. Michael Moorhead (Cert. # 389833) to appraise the value of the target area, and Mr. Moorhead's report indicates a value of \$61,500 for the target area.

Anticipating this expense, the City applied for and was awarded a grant from the Miami Conservancy District in the amount of \$49,900. This funding will pay for approximately 80% of the easement acquisition costs; funds have been appropriated in the 2009 capital improvement budget to pay for the local share of the easement acquisition (\$11,600).

This Ordinance will authorize the City Manager to enter into an Agreement with Robert G. Sherman Trust for the acquisition of a well field protection easement for an area of approximately 4 acres. Restrictions and specifics of the easement language are specified in the Agreement.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
MBD 1/14/09

[Signature] 1/16/09

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE A PERMANENT EASEMENT OVER APPROXIMATELY 4.09 ACRES OF LAND OWNED BY THE ROBERT G. SHERMAN TRUST AT A COST NOT TO EXCEED \$61,500.00, FOR THE PURPOSE OF OBTAINING COMPLIANCE WITH OHIO ENVIRONMENTAL PROTECTION AGENCY REGULATIONS REGARDING THE REOPENING AND OPERATION OF A WELL FIELD NEAR TRENTON-OXFORD ROAD AND FOUR MILE CREEK.

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

SECTION I: In order to reopen and operate a certain well field near Trenton Oxford Road and Four Mile Creek to provide potable water to the City of Oxford, it is necessary to secure compliance with Ohio Environmental Protection Agency (EPA) administrative rules, guidelines, and regulations that require an area of isolation whereby potential sources of ground water contamination are prohibited.

SECTION II: The City Manager recommends that in order to achieve compliance with Ohio EPA regulations, the City of Oxford purchase, at a cost not to exceed \$61,500.00, an easement from the Robert G. Sherman Trust, over approximately 4.09 acres of land owned by the Sherman Trust, as more fully described in the Exhibit "A" and graphically identified in Exhibit "B" as attached hereto.

SECTION III: Council for the City of Oxford hereby accepts the recommendation of the City Manager and authorizes the City Manager to purchase said easement, a draft of which has been attached hereto, at a cost not to exceed \$61,500.00.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA
PREPARED BY: LAW (STAFF)

EASEMENT FOR WELL FIELD PROTECTION

This agreement made and entered onto on this ____ day of January, 2009, by and between, Robert G. Sherman Trustee, U/A March 11, 2005, hereinafter known as "Grantor"; and the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City".

Deleted: The

Deleted: Trust

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WHEREAS, the City desires to reopen and operate a certain well field in or near property belonging to Grantor to provide potable water to the City of Oxford; and

WHEREAS, it is necessary for the City to achieve certain access to property belonging to Grantor for the operation and protection of the well field, including a right of entry, ability to drill, and to remedy erosion issues and irrigation practices; and

WHEREAS, Ohio Environmental Protection Agency administrative rules, guidelines, and regulations require an area of isolation whereby potential sources of ground water contamination are prohibited; and

WHEREAS, the City desires to use certain property of the Grantor to provide said area of isolation.

NOW, THEREFORE, it is hereby agreed that Grantor, for the sum of SIXTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$61,500), and other good and valuable consideration, paid by the City, hereby grants an easement of entry, use, for well field operation and protection purposes over and upon the entirety of the following parcel of land, including subterranean areas, as identified in the legal description attached hereto and incorporated by reference herein as Exhibit "A," (hereinafter "Isolation Easement") and further grants an easement for isolation for well field protection purposes upon the parcel of land, including subterranean areas, as identified in the drawing attached hereto and incorporated by reference herein as Exhibit "B" (hereinafter "Drawing")

It is further covenanted and agreed as follows:

- (1) The Isolation Easement, along with the rights, and privileges herein granted shall be for the benefit of the City of Oxford, State of Ohio, and Butler County, a municipal corporation, and its successors and assigns, and may not be revoked by Grantor or its successors and assigns.
- (2) The Isolation Easement, rights, and privileges shall be perpetual, and shall run with the land.
- (3) Grantor hereby warrants that Grantor has full power and authority to grant this easements and has a good and indefeasible fee simple title to the above-described easement premises, free and clear of all liens and encumbrances that would interfere with the City's express purposes as stated herein. Grantor further agrees to forever defend the above-described easement and rights unto City, City's legal representatives, successors, and assigns against any person or entity lawfully claiming or to claim the easement property or any part of it.

Deleted: these

- (4) Said easements, rights, and privileges stated herein are exclusive, and Grantor covenants that it will not convey any other easement or conflicting rights within the areas covered by this grant.
- (5) This instrument shall be binding on, and shall inure to the benefit of, the heirs, legal representatives, successors, and assigns of the parties hereto. Wherever the term City or Grantor is used herein, the term shall be deemed to include the heirs, legal representatives, successors and assigns of that party.
- (6) Grantor further expressly agrees and grants to the City and its employees, agents, and independent contractors as part of the Isolation Easement, right of way, rights, and privileges herein expressly for the use and purpose of installing and maintaining test wells for the collection and monitoring of groundwater.
- (7) The City shall be allowed to place within the Isolation Easement test wells for measuring water quality. The City will reasonably attempt to locate the test wells in locations outside the area farmed by Grantor. The City shall also be allowed to remedy erosion and address water run off and other water flow issues within the area of the Isolation Easement. City shall pay Grantor reasonable compensation for the fences, or other structures that are not replaceable, and for any vegetation or crops that are damaged or destroyed during the installation of the test wells. City shall also repair or return the surface of the land to reasonably similar circumstances to those prior to any activities, unless said alterations to the surface were the primary purpose of such activities. City shall also have the right to cut and trim trees or shrubbery that encroach upon the easement area, and City shall dispose of all cuttings and trimmings by chipping within the easement area or by loading and hauling away from the easement premises.
- (8) The use of all land within the Isolation Easement shall conform to Ohio Environmental Protection Agency rules, regulations, and guidelines.
- (9) No possible sources of contamination shall be established within the Isolation Easement. Possible sources of ground water contamination include, but are not limited to, septic tanks, leaching beds or wells, sewers, sewage force mains, livestock holding areas, industrial or agricultural activities, and underground tanks. Crops production without the use of herbicide, pesticide and fertilizer is allowed.
- (10) Should the City require the termination of all use of the land within the Isolation Easement, including but not limited to, grain or other agricultural activity within the Isolation Easement, the City shall provide written notice to the Grantor of such termination within thirty (30) days, unless an emergency necessitates the immediate termination of the land use. An emergency shall constitute an immediate threat to the health, safety, or general welfare of the community.
- (11) The Grantor agrees to cooperate with the City of Oxford, State of Ohio, and its employees, agents and independent contractors in enforcing the prohibitions of the Isolation Easement.

Deleted: placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating, and removing a subterranean well and related appurtenances

Deleted: Upon the completion of the construction, installation, repair, maintenance, rebuilding, drilling or removal of the subterranean well and/or any pipelines, and appurtenances, or any repairs, alterations or other remedies to the landscape to remedy erosion, water run-off, or other water flow issues, the City shall replace and restore all fences, walls or other structures that have been relocated or removed during the construction period.

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(12) This Isolation Easement for well field protection purposes is a permanent and perpetual easement and shall bind Grantor, its heirs, assigns, successors, or purchasers.

(13) This Isolation Easement shall be recorded in the Butler County Recorder's office by the City.

GRANTOR: ROBERT G. SHERMAN,
TRUSTEE, U/A MARCH 11, 2005

TITLE: _____

ACKNOWLEDGMENT

STATE OF OHIO)

COUNTY OF BUTLER)

SS:

On this _____ day of January 2009, before me, the undersigned notary public in and for said County and State, personally appeared before me ROBERT G. SHERMAN, TRUSTEE, to me personally known, who, being by me duly sworn, did say that he is TRUSTEE of ROBERT G. SHERMAN, TRUSTEE, U/A MARCH 11, 2005, and that said instrument was signed and sealed on behalf of said entity by proper authority, and said ROBERT G. SHERMAN, TRUSTEE, U/A MARCH 11, 2005, acknowledged said instrument to be his free act and deed.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State the _____ day of _____, 2009.

NOTARY PUBLIC:

My Commission Expires: _____

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GRANTEE: THE CITY OF OXFORD, OHIO

Deleted: WITNESS OR ATTEST:

BY:

Deleted:

Douglas R. Elliott, Jr., City Manager

CITY OF OXFORD ACKNOWLEDGMENT

STATE OF OHIO

)

SS:

COUNTY OF BUTLER

)

On this _____ day of January 2009, before me, the undersigned notary public in and for said County and State, personally appeared before me Douglas R. Elliott, Jr., to me personally known, who, being by me duly sworn, did say that he is City Manger of the City of Oxford, and that said instrument was signed and sealed on behalf of said entity by proper authority, and said Douglas R. Elliott, Jr., acknowledged said instrument to be his free act and deed of said City of Oxford.

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WITNESS MY HAND and notarial seal subscribed and affixed in said County and State the _____ day of _____, 2009.

NOTARY PUBLIC:

My Commission Expires: _____.



DAVID DOUGLAS SMITH, P. S.
REGISTERED LAND SURVEYOR
OHIO - INDIANA - KENTUCKY
WEST VIRGINIA - NEW YORK - VERMONT

DDS SURVEYING, INC.
P.O. BOX 150
OXFORD, OHIO 45056

OFFICE (513) 523-4270
FAX (513) 523-4270
E-MAIL DDS4111@AOL.COM

Legal Description
300 foot Isolation Easement
for the City of Oxford

Situated in Section 25, Town 5, Range 1 Oxford, Township, Butler County, Ohio, being part of the Lands of Robert G. Sherman Tr. As recorded in deed book 7531 page 29 of the Butler County Recorder's Office, being a 300 foot Isolation Easement, and being more particularly described as follows:

Commencing at the northeast corner of said Section 25;

thence with the north line of said Section 25 S 89°48'38" W for 3791.19 feet to a point, said point being the **True Point of Beginning**;

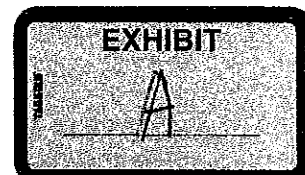
thence through said lands of Robert G. Sherman Tr. S 0°25'01" W for 588.36 feet to a point, said point being on the south line of said lands of Robert G. Sherman Tr.;

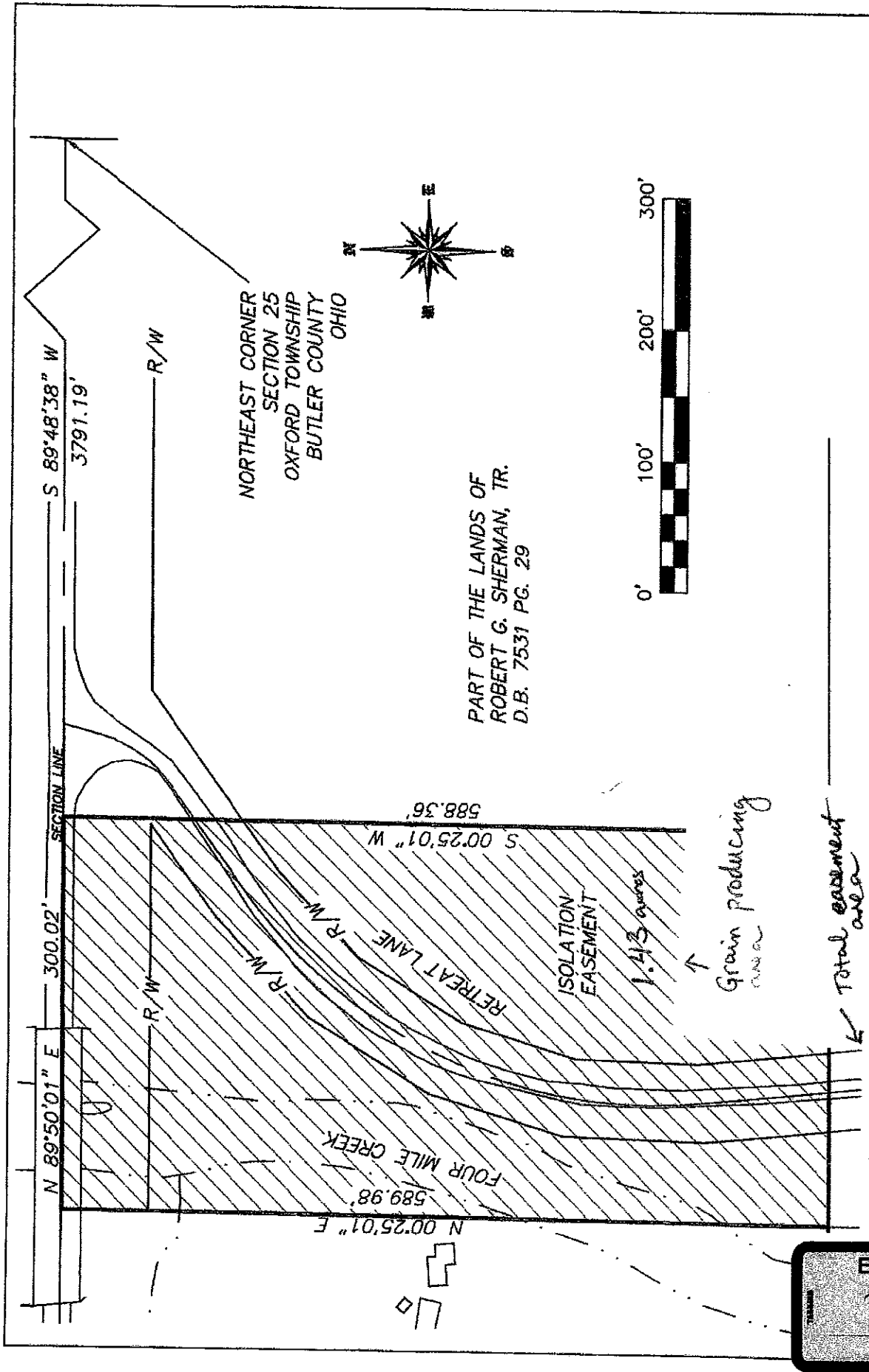
Thence with said south line of lands of Robert G. Sherman Tr. S 89°31'26" W for 302.95 feet to a point said point being on the west line of said lands of Robert G. Sherman Tr.;

Thence with said west line of lands of Robert G. Sherman Tr. N 0°25'01" E for 589.98 feet to a point, said point being on said north line of Section 25;

thence with said north line of Section 25 N 89°50'01" E for 300.02 feet to the **True Point of Beginning**, being subject to all legal highways, easements, restrictions and agreements of record.

Prepared by:
DDS Surveying, Inc.
August 1, 2006
Job # 26083





PROJECT TITLE: PART OF THE LANDS OF ROBERT G. SHERMAN, TR. UA SECTION 25, TOWN 5, RANGE 1 BUTLER COUNTY, OHIO		DATE: 8/1/2008 BY: [Signature] PROJECT NO: 26033		SCALE: 1" = 100' DATE: 8/1/2008 BY: [Signature]	DATE: 8/1/2008 BY: [Signature]
PROJECT SURVEYOR: DAVID DOUGLAS SMITH, P.S. P.O. BOX 150 OXFORD, OHIO 43080 PHONE: 614.451.1111 FAX: 614.451.1112					
EXHIBIT B					

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: 2/03/09

Gail Brahier
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

1/29/09
Date Prepared

Agenda Title: Recreation Advisory Board Meeting - 1/22/09

Recommendation:

N/A

Discussion:

In attendance: Kevin Marks-Chair, Brandy Darby, Shaunna Tafelski, Holli Moorish, Jon Ralinovsky, Ken Bogard - Council Representative.
Staff members present: Gail Brahier, Deanna Barbour

Ms. Brahier updated the Board on the current progress of the OATS trail. She noted the property to the NW of the Community Park will be incorporating a dedicated path which will connect Contreras Rd. to Fairfield Rd. There was discussion that the recent property purchased by the City may be a good location for a 'spoke' within the City to connect to Ryan Drive. Ms. Brahier mentioned there may also be options with the new school location to connect to trail easements off Kehr Rd.

Ms. Brahier distributed the final rendition of the Memorial Tree Plaque and sought Board input regarding pricing. Ms. Moorish suggested \$500 to cover the tree, name plate, and general maintenance. Mr. Marks and Mr. Bogard agreed. Ms. Brahier noted she would submit procedures for purchase to the City Manager and City Council for approval.

Mr. Bogard addressed the Board regarding City Council initiatives for 2009; stating the top three are the new high school, preparing the recently purchased City land for sale, and exploring options for the courthouse. He also noted the City Council has expressed a desire to vote on a location for a future pool, although it will not be developed for several years.

See pg.2

Approved By:

Department Head:

Initial Date
GB 1/30/09

City Attorney:

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Ms. Brahier opened discussion regarding the City July 3rd and 4th event. As part of cost savings, she is recommending the event be consolidated into one day. City Council will decide if it will be the 3rd or 4th.

After discussion, the general consensus of the Recreation Board was to Recommend hosting the event on July 3rd. There was question about the location of the fireworks if MU wanted the event moved from Ditmer Parking Lot. Mr. Bogard asked about the possibility of the Community Park, and Ms. Darby mentioned parking may be an issue. Ms. Brahier said she will investigate alternative locations.

Ms. Brahier advised the Board of the progress on the Dog Park and the Oxford Bicentennial Committee. She noted Ms. Kate Currie will be giving a report to City Council regarding plans for Oxford's Bicentennial in 2010.

Mr. Bogard informed the Board that Oxford is first in recycling in Butler County and will receive a check for \$24,000 from the County.

Ms. Moorish discussed the recent public meeting regarding the design of the new high school. Ms. Moorish said they will be incorporating many windows for use of natural light. She noted their goal is to build to the standards of a silver LEED designation, but may be able to seek the gold level.

*LEED refers to Leadership in Energy and Environmental Design for green building standards.

The next meeting will be at the Oxford Senior Center, 2/19 at Noon.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 3, 2009

Account Code #: 141.720.51443

Budgeted Amount: \$1,881,000

Service Department
Originating Department

Michael Dreisbach
Prepared By

January 23, 2009
Date Prepared

Agenda Title: Settlement of Right of Way Acquisition Case – Donald G. Rile

Recommendation: Approve

Discussion: The Ohio Department of Transportation required the City to acquire all necessary right of way for improvements to US 27 North from Locust St. to Melanee Lane / Merry Day Drive. The City settled the majority of properties, but was forced to acquire some properties through the appropriation process.

Parcel No. 19, 4975 College Corner Pike, owned by Donald G. Rile, is a property in which the City and owner have agreed to an appropriate value for the necessary right of way and easements, and this case may now be settled with the approval of Council. The settlement hinges upon Council approval of Parcel No. 19 as described in the Agreed Joint Entry.

The City has already deposited funds with the Butler County Clerk of Courts in the following amounts:
Parcel No. 19 \$ 8,212.00

The Agreed Joint Entry describes in detail all aspects of the settlement including payments to resolve this matter without additional litigation. This settlement resolves one of the remaining two cases for Phase II of the US27 North improvement project. Funds have been encumbered and are available to settle this matter (EC 070004). It is Staff's recommendation that Council authorize the City Manager to settle this case and deposit the required additional funds with the Butler County Clerk of Courts as described in the Agreed Joint Entry. Should the Council approve this settlement, only one case remains to be resolved for Phase II of this project.

Approved By:

Department Head:

City Manager:

Initial Date
MD 1/27/09

[Signature] 1/30/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEPOSIT ADDITIONAL FUNDS IN THE AMOUNT OF _____ WITH THE BUTLER COUNTY CLERK OF COURTS FOR THE SETTLEMENT OF *CITY OF OXFORD V. DONALD G. RILE TRUSTEE*, CASE NO. CV 2006 01 0140 FOR A TOTAL NOT TO EXCEED THE AMOUNT OF _____.

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

SECTION 1: The Council of the City of Oxford, by prior Resolution, accepting the City Manager's and Law Director's recommendation to enter into a settlement agreement in *City of Oxford v. Donald G. Rile, Trustee* Case No. CV 2006 01 0140 and appropriated additional moneys for such settlement.

SECTION 2: The City Manager and Law Director recommend Council authorize the deposit of additional funds in the amount of _____ with the Butler County Clerk of Courts.

SECTION 3: Council having determined the value of such settlement in furtherance of the US 27 Roadway Improvement project and to the citizens of the City of Oxford hereby accepts the recommendation of the City Manager and Law Director for the additional funds for the compensation of the owner in the above captioned matter.

SECTION 4: Council hereby authorizes the deposit of additional funds in the amount of _____ for a total not to exceed the amount of _____ with the Butler County Clerk of Courts.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 3, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

January 13, 2009
Date Prepared

Agenda Title: Planning Commission Meeting Report – January 13, 2009

Recommendation: N/A

DISCUSSION:

Election of Officers & Appointments to Boards & Commissions

Mr. Bill Brewer - Chair
Ms. Susan Kay – Vice-Chair & HAPC Representative
Mr. Marvin Hurston – Secretary
Mr. Ted Wong - Environmental Commission Representative
Mr. David Prytherch – CIC Representative

Public Hearing

PC-29-2008 ZONING CODE AMENDMENT – Deletion of Section 1141.03(j), Supplemental Regulations, City of Oxford, Applicant

Staff presented Section 1141.03(j), which states, “Any addition to a residential building that results in or enables a new dwelling unit is not permitted.” It is understood that the intent of this section is to ensure that no additional dwelling units would be permissible when the allowable units have been established. However, this section could also be construed to prohibit any additional dwelling being added to a single-family dwelling unit in a two-family district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

The Planning Commission members voiced concern that the provision should be clarified or additional precautions put in place prior to eliminating this regulation. Members of the Commission who were involved with the last Zoning Code rewrite expressed that the intent of this regulation was so that additions to homes were attached and physically part of the primary structure. Additions were not to be permitted as a separate unit connected by a breezeway or some other structural connector. The Commission discussed possibly expanding some of the definitions in the code to help clarify.

Staff withdrew the request to further work on the language.

New Business

Conceptual Review, Paulin Property Planned Development - David Labus, Foundation Development Group, LLC
David Labus presented that they took into consideration the comments received from the Planning Commission and redesigned the proposal. Mr. Labus explained that he felt items were addressed and hoped to move forward. Mr. Labus requested comments from the Commission on their thoughts and any ideas they would like to see added or modified.

The next regular meeting is scheduled for February 10, 2009.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
KAC 1/24/09

