

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South
But 27-14.12 PID # 81769**

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

Initial Date
MBD \ 9/10/13

City Manager:

RRE \ 9/13/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY EDWINA S. GREEN, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit "A", attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Edwina S. Green, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

EXHIBIT A

LPA RX 851 WD

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Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 162-WD
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 1.668 acre tract conveyed to Edwina S. Green as recorded in Official Record 6354, Page 547, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at an stone at the northwest corner of Out Lot 1 in Section 26; Thence, North 87 degrees 27 minutes 38 seconds West along the south line of a 60.620 acre tract of State of Ohio for the use of the President and Trustees of The Miami University (Book 1077, Page 229, in the Butler County Recorder's Office) for a distance of 803.66 feet to a point, said point being 0.32 feet right of centerline of survey station 253+68.30; Thence, South 24 degrees 31 minutes 08 seconds East, for a distance of 223.31 feet to a point, said point being 0.39 feet right of centerline of survey station 251+44.56; Thence, South 30 degrees 07 minutes 23 seconds East, for a distance of 713.84 feet to a point, said point being 0.43 feet right of centerline of survey station 244+30.73, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 89 degrees 16 minutes 30 seconds East, along the grantor's north line, for a distance of 110.65 feet to an iron pin, said pin being 95.00 feet right of centerline of survey station 243+74.25;

5.12.

EXHIBIT A

LPA RX 851 WD

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Rev. 06/09

Thence, South 30 degrees 07 minutes 13 seconds East, across the grantor's tract, for a distance of 104.25 feet to an iron pin, said pin being 95.00 feet right of centerline of survey station 242+70.00;

Thence, South 59 degrees 52 minutes 47 seconds West, across the grantor's tract, for a distance of 10.00 feet to an iron pin, said pin being 85.00 feet right of centerline of survey station 242+70.00;

Thence, South 30 degrees 07 minutes 13 seconds East, across the grantor's tract, for a distance of 252.32 feet to an iron pin on the grantor's south line, said pin being 85.00 feet right of centerline of survey station 240+17.68;

Thence, South 28 degrees 12 minutes 46 seconds West, along the grantor's south line, for a distance of 99.34 feet to a point at the grantor's southwest corner, said point being 0.45 feet right of centerline of survey station 239+65.52;

Thence, North 30 degrees 07 minutes 23 seconds West, along the grantor's west line, for a distance of 465.20 feet to the **TRUE POINT OF BEGINNING**, containing 0.828 acres.

It is understood that the parcel of land described contains, 0.828 acres, more or less, including the present road occupies, 0.541 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-110-000-010.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "LOCKWOOD, LANIER, MATHIAS, & NOLAND, INC.".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Official Record 6354, Page 547 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13

Date

REVIEWED & APPROVED

BY

DATE

1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 162-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO COMPLETE GRADING & CONSTRUCT DRIVE
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF OXFORD, BUTLER," COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 1.668 acre tract conveyed to Edwina S. Green as recorded in Official Record 6354, Page 547, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at an iron pin on the east proposed right of way for U.S. 27, being 85.00 feet right of centerline of survey station 240+17.68, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 30 degrees 07 minutes 13 seconds West, along the east proposed right of way for U.S. 27, for a distance of 252.32 feet to an iron pin, said pin being 85.00 feet right of centerline of survey station 242+70.00;

Thence, North 59 degrees 52 minutes 47 seconds East, along the east proposed right of way for U.S. 27, for a distance of 10.00 feet to an iron pin, said pin being 95.00 feet right of centerline of survey station 242+70.00;

Thence, South 67 degrees 41 minutes 20 seconds East, across the grantor's tract, for a distance of 82.01 feet to a point, said point being 145.00 feet right of centerline of survey station 242+05.00;

Thence, South 30 degrees 07 minutes 13 seconds East, across the grantor's tract, for a distance of 25.00 feet to a point, said point being 145.00 feet right of centerline of survey station 241+80.00;

EXHIBIT A

LPA RX 887 T

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Thence, South 12 degrees 09 minutes 13 seconds West, across the grantor's tract, for a distance of 74.33 feet to a point, said point being 95.00 feet right of centerline of survey station 241+25.00;

Thence, South 30 degrees 07 minutes 13 seconds East, across the grantor's tract, for a distance of 101.16 feet to a point on the grantor's south line, said point being 95.00 feet right of centerline of survey station 240+23.84;

Thence, South 28 degrees 12 minutes 46 seconds West, along the grantor's south line, for a distance of 11.75 feet, to the **TRUE POINT OF BEGINNING**, containing 0.155 acres.

It is understood that the parcel of land described contains, 0.155 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-110-000-010.

All iron pins set are 3/4" x 30" rebar with 2" aluminum cap stamped "ODOT R/W-District 8".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Official Record 6354, Page 547 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

BUT 27 - 10.92 PID: 81769
 PROJECT STATUS REPORT
 9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T , ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: September 17, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

September 5, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of September 4, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, September 4, 2013 meeting were: Chair, Mr. Vince Hand; Vice-Chair, Mr. Kevin Armitage; City Council Representative, Ms. Kate Rousmaniere; and Mr. Wright Gwyn. A quorum was present. Oxford residents Mr. Robert Bell and Mr. Ted Wong were also in attendance. Mr. Bell is on the Oxford Planning Commission and indicated that at the September 10th Planning Commission meeting, he will be formally appointed as the Planning Commission's Representative to the Environmental Commission. Also in attendance were Ms. Suzanne Zazycki, Outreach Coordinator with Miami University's Institute for the Environment and Sustainability (IES), and the following IES Graduate students: Mr. Russell Auwae, Mr. Lemuel Del Valle, Ms. Emma Kirkpatrick, Ms. Amy Stulz, and Ms. Emma Troesch.

Minutes from the August 7, 2013 Commission meetings were unanimously accepted as presented.

The IES Graduate students introduced themselves to the Commission as they are the student team undertaking a Profession Service Project (PSP) on behalf of the Environmental Commission. The PSP regards storm water best management practices (BMPs) in Oxford. The PSP is a two-semester long project. It is tentatively to identify and locate the various existing storm water BMPs present in Oxford. A second component of the PSP is to review public outreach and education programs regarding storm water management that have been utilized by other communities, with the intent of providing Oxford with techniques that have proved successful elsewhere.

Ms. Rousmaniere updated the Commission on the Planning Commission's activities. Ms. Rousmaniere noted that another parcel had requested a variance for lot coverage. The variance was approved with the requirement of implantation of storm water BMPs. This is at least the third recent instance where storm water management requirements had been included in approval of lot variance requests.

Mr. Hand summarized a meeting with Oxford's Service Director regarding possible updates to the city's Storm Water Management Design Manual (the Manual). Staff informed Commissioners on internal progress of the Manual's updates made by Service and Engineering Department personnel. Mr. Hand had prepared a list of deliverables that the Environmental Commission needed to undertake as part of the Manual's update. Commissioners volunteered responsibility for review of various information sources to

(Continued)

Approved By:

Department Head:
City Manager:

Initial

Date

NTD

9/9/13

DRK

9/17/13

identify details of the various storm water BMPs, such as descriptions and examples, general construction specifications, pros and cons, and reference sources. These reviews are to be completed by the October 2nd Commission meeting, with the intention of having the Manual's update ready for potential City Council consideration early in 2014.

Staff alerted Commissioners to a recent report by the Ohio Department of Agriculture (ODA) of a threat to local Black Walnut trees. The Walnut Twig Beetle is a boring insect carrying a fungus that causes the Thousand Cankers Disease (TCD), which can kill Walnut trees. The TCD was first found in Colorado in 2003. There is no known treatment for the TCD. The Walnut Twig Beetle was first confirmed in Ohio late in 2012. Recently, the TCD fungus was identified in Walnut trees in Butler County, the first time the disease has been identified in Ohio. The ODA has reportedly set up additional Walnut Twig Beetle traps in Butler, Warren and Hamilton Counties, suggesting the TCD was identified in the eastern and/or southeastern portion of Butler County.

The Commission adjourned at 8:35 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, October 2, 2013 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: 141.720.51000

Budgeted Amount: \$300,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

Agenda Title: Sanitary Sewer Upgrade in Conjunction with Redevelopment of 419 South Locust St.
(aka previous Wal-Mart site).

Recommendation: Approval

Discussion:

On June 18, 2013, the Oxford City Council adopted Ordinance No. 3221 authorizing a Planned Development on the site previously occupied by a Wal-Mart retail store at 419 S. Locust St.

Section 3 – Sub-section 2 of the Ordinance requires the following condition: “Off-site sanitary improvements shall be made by the City, according to the terms of a cost-sharing agreement to be finalized between the City and the Developer.”

In order to accommodate the additional sanitary sewer needs of the new development, a bottleneck in the sanitary main below the railroad on Chestnut St. must be removed. The proposed project will replace the Chestnut St. sanitary sewer from approximately Ardmore St. to Main St. including the section in the CSX right of way. The City Attorney and attorney for the developer have reached a tentative agreement for Council’s review and consideration. The agreement identifies the costs of improvements at approximately \$250,000 with each party contributing 50% towards the project. The agreement states a completion deadline of April 1, 2015.

This project will effectively upgrade existing 6” (under the RR) and 8” sanitary sewer pipe to a 12” main able to accommodate the additional loading for the proposed development. The Developer will still be responsible to pay all other associated costs with connections to the sanitary sewer system including but not limited to tap fees, inspections charges, and Capacity Benefit Charges.

It is Staff’s recommendation that the City Council authorize the City Manager to sign the attached Sewer Installation and Contribution Agreement.

Approved By:

Department Head: Initial MBD Date 9/10/13

City Manager:

DRE 9/13/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SEWER INSTALLATION AND CONTRIBUTION AGREEMENT WITH RE NVC OXFORD RESIDENTIAL, LLC, AND RE NVC OXFORD COMMERCIAL, LLC (COLLECTIVELY, THE "DEVELOPERS") IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN ORDINANCE NO. 3221 ADOPTED JUNE 18, 2013 AUTHORIZING A PLANNED DEVELOPMENT AT 419 S. LOCUST STREET OXFORD, OHIO 45056.

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

SECTION 1: The City Manager and the Service Director recommend City Council authorize the City Manager to enter into a Sewer Installation and Contribution Agreement with RE NVC Oxford Residential, LLC and RE NVC Oxford Commercial, LLC (collectively, the "Developers") incorporated herein as Attachment "A" in accordance with the conditions set forth in Ordinance No. 3221 adopted June 18, 2013 authorizing a Planned Development at 419 S. Locust Street Oxford, Ohio 45056.

SECTION 2: City Council accepts the recommendation of the City Manager and the Service Director and hereby authorizes the City Manager to enter into a Sewer Installation and Contribution Agreement with RE NVC Oxford Residential, LLC and RE NVC Commercial, LLC (collectively, the "Developers") incorporated herein as Attachment "A" in accordance with the conditions set forth in Ordinance No. 3221 adopted June 18, 2013 authorizing a Planned Development at 419 S. Locust Street Oxford, Ohio 45056.

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)

Attachment "A"

SEWER INSTALLATION AND CONTRIBUTION AGREEMENT

This Sewer Installation and Contribution Agreement ("Agreement") is entered into on this ____ day of _____, 2013 (the "Effective Date") by and between RE NVC Oxford Residential, LLC, an Ohio limited liability company, RE NVC Oxford Commercial, LLC, an Ohio limited liability company (collectively, the "Developers"), and the City of Oxford, Ohio, an Ohio municipal corporation (the "City"). The Developers and the City are sometimes hereinafter individually referred to as a "Party" and collectively referred to as the "Parties".

RECITALS

A. The Developers are redeveloping the former Wal-Mart site located at 419 South Locust Street, Oxford, Ohio (the "Property"), into a mixed-use development consisting of approximately 4.08 acres of commercial development and 7.623 acres of student housing development pursuant to the Final Plan approved by the City under ordinance No. 3221 (collectively, the "Project").

B. The City has determined that certain improvements to the City's existing sanitary sewer system are necessary so that such system will have the capacity to service the Project.

C. The Parties are entering into this Agreement for purposes of memorializing their understanding with respect to the construction and funding of such sanitary sewer improvements.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises and the agreements and covenants herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Construction of Sanitary Sewer Improvements. The City hereby agrees to construct, by no later than April, 1, 2015, the following improvements and such other related sanitary sewer improvements as may be reasonably necessary so that the sanitary sewer system serving the Property will have sufficient capacity to handle the completed Project, with all such improvements being made in accordance with City specifications (the "Sewer Improvements"):

(a) Replace the existing six inch (6") sanitary sewer line in the area marked "A" on Exhibit A attached hereto and incorporated herein by reference with a new twelve inch (12") sanitary sewer line; and

(b) Replace the existing eight inch (8") sanitary sewer line in the area marked "B" on Exhibit A with a new twelve inch (12") sanitary sewer line.

2. Sewer Improvement Costs and Developers' Contribution. The City shall be responsible for the costs of the Sewer Improvements, provided, however, that Developers hereby agree to collectively contribute a total of One Hundred Twenty-Five Thousand Dollars (\$125,000) towards such costs, which amount shall be due and payable within thirty (30) days after all of the following have occurred: (a) the City approves the site development plan for the Project, (b) the City approves the record plat for the Property, and (c) the City issues permits for the Project. Except for usual and customary tap fees and Capacity Benefit Charges in connection with the development of the Project, the Developers shall not be required to make any additional contributions towards the cost of the Sewer Improvements.

3. Miscellaneous.

(a). This Agreement may not be amended or modified except in writing signed by all of the Parties to such document.

(b). This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(c). Each Party has cooperated in the drafting and preparation of this Agreement; hence, in any construction to be made of this Agreement, the same shall not be construed against either Party.

(d). This Agreement is binding upon, and will inure to the benefit of, the Parties and their respective heirs, beneficiaries, legal representatives, successors and assigns.

(e). The recitals set forth above are incorporated herein and are made a part of this Agreement.

(f). This Agreement, including exhibit(s), constitutes the entire agreement of the Parties concerning its subject matter and supersedes all other oral or written understandings, discussions, and agreements.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed and delivered as of the day and year first above written.

DEVELOPERS:

RE NVC Oxford Residential, LLC,
an Ohio limited liability company

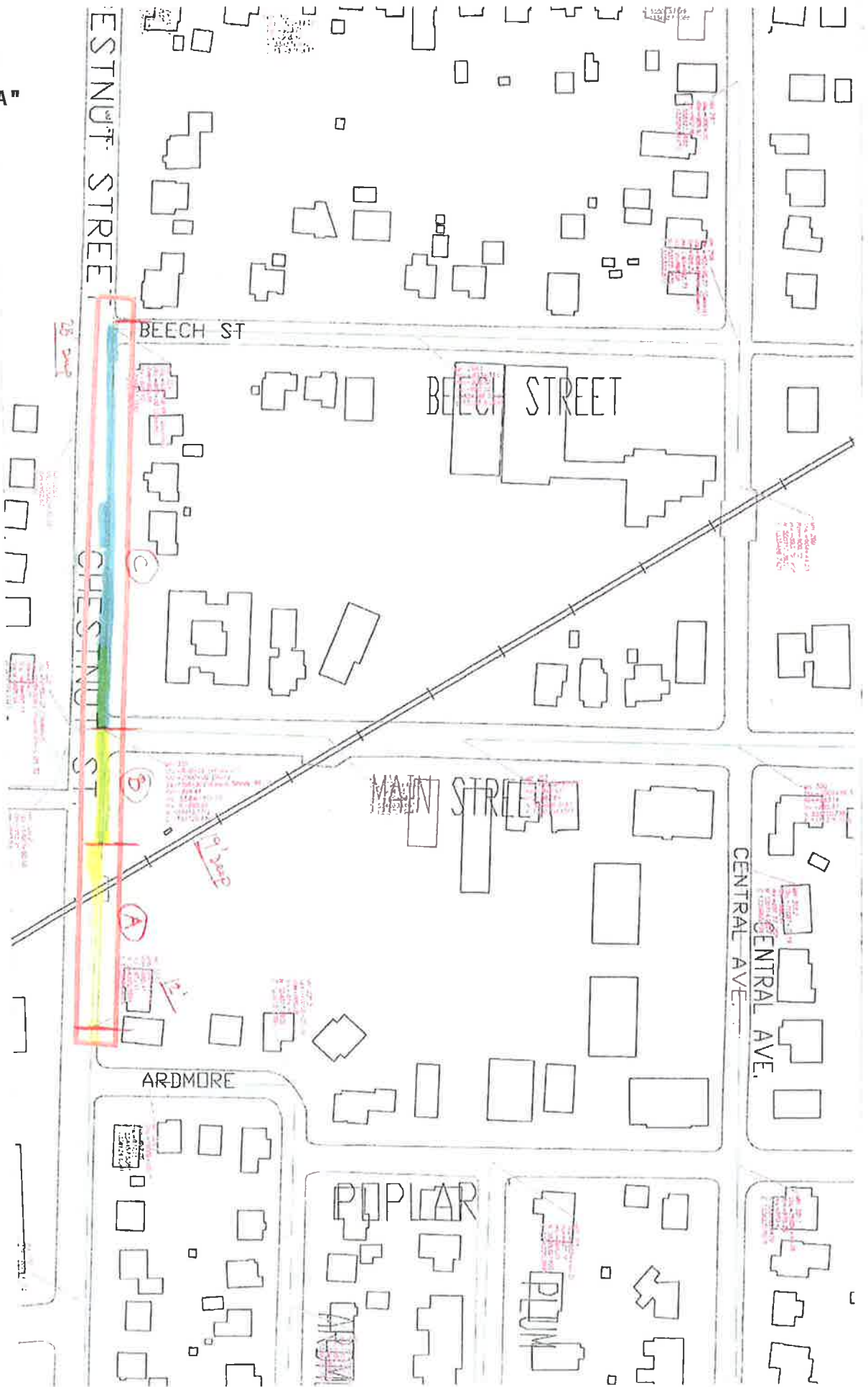
By: _____
Robert L. Fiorita
Authorized Member

CITY:

The City of Oxford, Ohio,
an Ohio municipal corporation

By: _____
Name: _____
Title: _____

Exhibit "A"



4/12/2012
B: SAO

CHESTNUT ST. SANITARY SEWER IMPROVEMENTS

Beech St. to Main St.

DESCRIPTION	QUANTITY	UNIT	MATERIAL UNIT PRICE	LABOR UNIT PRICE	COST
AGGREGATE BASE	11560	TON	\$15	\$20	\$404,800
#57 WASHED STONE AGGREGATE	317	TON	\$15	\$20	\$11,085
ASPHALT CONCRETE	237	CY	\$45	\$45	\$21,330
12" SDR-35 PVC PIPE	475	FEET	\$40	\$15	\$26,125
PRECAST MANHOLE, DEPTH=20'-4"	1	EACH	\$1,900	\$1,000	\$2,900
PRECAST MANHOLE, DEPTH=25'-4"	1	EACH	\$1,900	\$1,000	\$2,900
SANITARY SEWER SERVICES	5	EACH	\$500	\$290	\$3,750
SUB TOTAL					\$472,700

\$520,000

Main St. to West Bore Pit

DESCRIPTION	QUANTITY	UNIT	MATERIAL UNIT PRICE	LABOR UNIT PRICE	COST
AGGREGATE BASE	2135	TON	\$15	\$20	\$74,865
#57 WASHED STONE AGGREGATE	84	TON	\$15	\$20	\$2,940
ASPHALT CONCRETE	63	CY	\$45	\$45	\$5,870
12" SDR-35 PVC PIPE	125	FEET	\$40	\$15	\$6,875
PRECAST MANHOLE, DEPTH=18'-4"	1	EACH	\$1,900	\$1,000	\$2,900
PRECAST MANHOLE, DEPTH=20'-4"	1	EACH	\$1,900	\$1,000	\$2,900
SUB TOTAL					\$96,150

\$106,000

RR Track Bore

DESCRIPTION	QUANTITY	UNIT	MATERIAL UNIT PRICE	LABOR UNIT PRICE	COST
AGGREGATE BASE	1410	TON	\$15	\$20	\$48,350
#57 WASHED STONE AGGREGATE	130	TON	\$15	\$20	\$9,350
ASPHALT CONCRETE	10	CY	\$45	\$45	\$900
12" SDR-35 PVC PIPE	220	FEET	\$40	\$15	\$12,100
30" STEEL ENCASUREMENT, BORED OR JACKED	75	FEET	\$300	\$300	\$24,000
PRECAST MANHOLE, DEPTH=18.38'	1	EACH	\$1,900	\$1,000	\$2,900
PRECAST MANHOLE, DEPTH=18.47'	1	EACH	\$1,900	\$1,000	\$2,900
PRECAST MANHOLE, DEPTH=15.38'	1	EACH	\$1,900	\$1,000	\$2,900
SANITARY SEWER SERVICES	4	EACH	\$500	\$290	\$3,090
MAINTAINING TRAFFIC	1	LUMP			\$2,000
CONSTRUCTION LAYOUT STAKES	1	LUMP			\$1,000
MOBILIZATION	1	LUMP			\$1,000
SUB TOTAL					\$127,600

\$140,000

TOTAL \$596,450.00
CONTINGENCIES (10%) \$59,645.00
GRAND TOTAL \$656,095.00

Costs estimated from ODOT Item Bid Data, supplier quotes and bid loadings on the Significant cost difference could occur due to depth of existing sanitary sewer and assumption of open trench cross section. A geotechnical survey is recommended to verify subsurface conditions. Priority of other underground utilities could affect the cost as well.

A+B = \$246,000

ORDINANCE NO. 3221

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF THE PLANNED DEVELOPMENT AT THE FORMER WAL-MART SITE (419 SOUTH LOCUST STREET) TO ALLOW A DEVELOPMENT WITH COMMERCIAL AND RESIDENTIAL USES WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on May 14, 2013 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Robert Fiorita, Applicant, Agent, Architect, for approval of a Final Planned Development at the former Wal-Mart site, at the corner of South Locust and West Spring Street (419 South Locust Street) to allow a Planned Development with commercial and residential uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Planned Development application for the former Wal-Mart site (419 South Locust Street) with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for the former Wal-Mart Site, at the corner of South Locust and West Spring Street (419 South Locust Street) to allow a development with commercial and residential uses based on the submittals of the applicant that are attached hereto and incorporated herein by reference as Exhibit "A" and made a part of this approval with the following conditions:

1. All aspects of the presentation made by the applicant on May 14, 2013 shall be included as part of the final development approval. The construction of all of the proposed buildings for this development shall substantially reflect the renderings presented by the applicant to the Planning Commission on May 14, 2013.
2. Off-site sanitary improvements shall be made by the City, according to the terms of a cost-sharing agreement to be finalized between the City and the Developer.
3. A marked crosswalk with signage shall be provided at the developer's expense connecting the north side of Wells Mill Drive to the southwest corner of the project, in accordance with City standards. The City Engineer may require, at the developer's expense, additional off-site signage to increase awareness and safety of this marked crosswalk.

4. The proposed sidewalk along Locust Street and associated ramps/crosswalks shall be aligned with other off-site pedestrian facilities.
5. Earthen mounds, as required by the previous Ordinance, (2958) are waived.
6. The 12 parcels shall be consolidated and combined to a maximum of three lots contingent on review and approval of the City Attorney. The residential portion of the site shall be approximately 7.6 acres and the commercial portion shall be approximately 4 acres. The approval of this Final Planned Development shall be effective upon agreement between the Lane Public Library Board of Directors and New Village Communities, LLC to locate a new library building within the Planned Development. No building permits for any structures on the site will be issued until such agreement between the Lane Public Library Board of Directors and New Village Communities, LLC is signed and a copy filed with the City Clerk. The construction of the library building and the two-story commercial building shall be in concurrence with the construction of residential development. No occupancy of any residential dwellings on the site shall be granted until there is substantial completion of the two-story commercial structure exterior shell, the library building exterior shell, and the commercial area site improvements.
7. The internal circulation pattern for all modes shall be made safe and continuous for pedestrian, vehicular, bicycle and wheelchair traffic through direct alignment of different sidewalk segments and connection through ADA compliant ramps and crosswalk markings. These include, but are not limited to:
 - a. East/West connection between North Locust Street entrance and Spring Street entrance, along the northern facades of the northern two commercial buildings.
 - b. East/West connection between the southern Locust Street entrance and the proposed library will be provided along the southern facades of the southern two commercial buildings.
 - c. North/South connection between the westernmost two commercial sites, along with the western facades.
8. The layout and construction of the two westernmost out-buildings shall substantially conform with the perspective aerial and ground views presented to the Planning Commission on May 14, 2013 and is subject to Planning Commission and/or City Council review and approval at a future date prior to the construction. No drive-through for these two outbuildings are approved for this Final Planned Development at this time.

All site improvements, including parking spaces shown on the plan submitted to the Planning Commission on May 14, 2013 shall be constructed and completed at the same time and the pads for the two westernmost outbuildings shall be curbed and grassed for future commercial tenant build-outs.

9. The pedestrian path to Spring Street shall be constructed as presented to the Planning Commission on May 14, 2013.
10. Landscaping improvements shall be installed as presented by the developer to the Planning Commission on May 14, 2013 and the requirement for tree islands at every 7 spaces is waived.
11. The number and size of freestanding signs will conform to the signs proposed and will be limited to property identification. Other signage shall also be limited to that which was presented to the Planning Commission on May 14, 2013.
12. The existing fence along the southern property line shall be maintained and repaired or replaced when necessary.
13. The northern entrance on Locust Street shall be upgraded, including signal, signage, crosswalks, lane markings, and striping on street, to meet City standards at the developer's expense.
14. The modifications proposed in the Traffic Impact Study related to vehicular striping and signal timing shall be approved by the City Engineer and at the developer's expense.
15. The developer shall coordinate with the City of Oxford and the Butler County Regional Transit Authority in locating potential bus stops within and adjacent to the site.
16. The overnight parent-unit shall not be allowed.

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


MAYOR

ADOPTED: June 18, 2013

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: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South But 27-14.12 PID # 81769

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 9/10/13

MBD 9/13/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE A BUSINESS SIGN WITH ILLUMINATED CABINET LOCATED AT 3996 MILLVILLE-OXFORD ROAD OWNED BY CENTURY 21, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate a business sign with illuminated cabinet located at 3996 Millville-Oxford Road; Oxford, Ohio; 45056; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Century 21, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described sign, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

BUT 27 - 10.92 PID: 81769
 PROJECT STATUS REPORT
 9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T , ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: September 17, 2013

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

September 6, 2013
Date Prepared

Agenda Title: High Street (USR 27) Roadway Improvements (Poplar Street to Campus Ave.) – Application for Additional Issue One Funds.

Recommendation: Approve

Discussion:

On September 3, 2013, the Oxford City Council approved Resolution No. 4767 authorizing Staff to apply for a grant from the Ohio Public Works Commission (OPWC) for an amount not to exceed \$518,700. These funds, partnered with local funds of \$111,300 would be used for the reconstruction of High St. (USR 27) from Poplar St. to Campus Ave.

Since passage of the Resolution, the OPWC has contacted the City to advise that an additional \$50,000 may become available for the project. No additional match would be necessary for the project. If the additional funds are approved, it would lower the amount of local funding necessary for construction.

It is Staff's recommendation that City Council authorize the City Manager to apply for and accept the additional grant funding as described in conjunction with the authority of Resolution No. 4767. Therefore, the maximum grant request for the project from OPWC would be \$568,700.

Approved By:

Department Head:

City Manager:

Initial Date
MBD \ 9/06/13

DRK \ 9/13/13

RESOLUTION NO.

A RESOLUTION OF COUNCIL SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR OHIO PUBLIC WORKS COMMISSION ISSUE 1 FUNDS FOR AN ADDITIONAL AMOUNT OF \$50,000.00 TO BE USED FOR THE REHABILITATION OF HIGH STREET BETWEEN POPLAR STREET AND CAMPUS AVENUE AND FOR REPAIRING THE BRICK INTERSECTION OF HIGH STREET AND TALLAWANDA ROAD.

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

SECTION 1: Council having determined the rehabilitation of High Street between Poplar Street and Campus Avenue and the repair of the brick intersection of High Street and Tallawanda Road to be beneficial to the City adopted Resolution No. 4767 on September 3, 2013. Council hereby supports the use of additional grant funds in the amount of \$50,000.00 to assist with the cost of the rehabilitation of High Street between Poplar Street and Campus Avenue and the repair of the brick intersection of High Street and Tallawanda Road.

SECTION 2: Council hereby authorizes the City Manager to submit a grant application to the Ohio Public Works Commission requesting Issue 1 funds for an additional amount of \$50,000.00 for the rehabilitation of High Street between Poplar Street and Campus Avenue and the repair of the brick intersection of High Street and Tallawanda Road.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: 141.720.51000

Budgeted Amount: \$300,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

Agenda Title: Contract for Asphalt Joint Repair on City Streets and City Owned Parking Lots

Recommendation: Approval

Discussion:

The 2013 Operating Budget includes \$300,000 for street, alley, and parking lot maintenance. To date, approximately \$250,000 has been spent on street resurfacing and maintenance so far in 2013. Several city owned parking areas, including those at the Oxford Community Park, Lot 52 (surface lot at the SE corner of Main St. and Church St.), and the Water Treatment Plant are now in need of maintenance.

Upon approval of this contract, voids and cracks will be cleaned and prepared for filling and sealing. Asphalt areas will then be sealed with asphalt emulsion and painted parking lines will be re-applied.

Strawser Construction, Inc. has been awarded the State of Ohio contract for this service through the Dept. of Transportation through Contract # 101 G-14 at a rate of \$2.34 per pound of sealant installed (including surface preparation). Staff has estimated our current needs at 17,120 pounds of ODOT Type III sealant.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Strawser Construction, Inc. for the sealing of pavement joints and cracks at a cost of \$40,060.80. Staff is requesting a contingency amount of \$4,000 (10% of the contract value), therefore the contract amount not to exceed shall be \$44,060.80.

Approved By:

Department Head:

Initial

Date

MBD \ 9/10/13

City Manager:

DRB \ 9/13/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC. FOR THE SEALING OF PAVEMENT JOINTS AND CRACKS AT STATE CONTRACT PRICING AT A COST OF \$40,060.80 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT VALUE OR \$4,000.00 FOR A TOTAL COST NOT TO EXCEED \$44,060.80.

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

SECTION 1: The City Manager and the Service Director recommend Council authorize the City Manager to enter into a contract with Strawser Construction, Inc. for the sealing of pavement joints and cracks at state contract pricing at a cost of \$40,060.80 plus a contingency amount of ten percent (10%) of the contract value or \$4,000.00 for a total cost not to exceed \$44,060.80.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Strawser Construction, Inc. for the sealing of pavement joints and cracks at state contract pricing at a cost of \$40,060.80 plus a contingency amount of ten percent (10%) of the contract value or \$4,000.00 for a total cost not to exceed \$44,060.80.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South
But 27-14.12 PID # 81769**

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

Initial Date
MBD 9/10/13

City Manager:

MBD 9/13/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY BRUCE E. PERRY AND DIANE K. PERRY, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate certain permanent right-of-way in real estate described in Exhibit "A", attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Bruce E. Perry and Diane K. Perry, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

5.9.

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 158-WD
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of Lot No. 956 of Juniper Hills Subdivision which is a 0.513 acre tract conveyed to Bruce E. Perry and Diana K. Perry as recorded in Official Record 5418, Page 611, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at an iron pin (found) at the southwest corner of said Lot No. 956 of Juniper Hills Subdivision as recorded in Plat Book 16, Page 30, in the Butler County Recorder's Office, said point being 29.47 feet right of centerline of survey station 228+98.12, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right having a radius of 11429.16 feet, a central angle of 00 degrees 56 minutes 52 seconds, an arc length of 189.08 feet, and a chord that bears North 31 degrees 41 minutes 39 seconds West, for a distance of 189.08 feet to a point at the grantor's northwest corner, said point being 30.00 feet right of centerline of survey station 230+87.53;

Thence, South 86 degrees 17 minutes 50 seconds East, along the grantor's north line, for a distance of 48.83 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 230+59.41;

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

Thence, with a curve to the left having a radius of 11389.16 feet, a central angle of 00 degrees 52 minutes 07 seconds, an arc length of 172.64 feet, and a chord that bears South 31 degrees 47 minutes 42 seconds East, for a distance of 172.64 feet to an iron pin on the grantor's south line, said pin being 70.00 feet right of centerline of survey station 228+85.71;

Thence, South 74 degrees 45 minutes 50 seconds West, along the grantor's south line, for a distance of 41.82 feet to the **TRUE POINT OF BEGINNING**, containing 0.166 acres.

It is understood that the parcel of land described contains, 0.166 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-020.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "LOCKWOOD, LANIER, MATHIAS, & NOLAND, INC.".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Official Record 5418, Page 611 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED
BY: *[Signature]*
DATE: 1-25-13

BUT 27 - 10.92 PID: 81769
PROJECT STATUS REPORT
9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T , ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South
But 27-14.12 PID # 81769**

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 9/10/13

DRB 9/13/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY BRUCE E. PERRY AND DIANE K. PERRY, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate certain permanent right-of-way in real estate described in Exhibit "A", attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Bruce E. Perry and Diane K. Perry, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 156-WD
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of Lot No. 957 Juniper Hills Subdivision which is a 0.466 acre tract conveyed to Bruce Edward Perry and Diane Kay Perry as recorded in Deed Book 7867, Page 90, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at a point at the southwest corner of said Lot No. 957 of Juniper Hills Subdivision as recorded in Plat Book 16, Page 30, in the Butler County Recorder's Office, said point being 30.34 feet right of centerline of survey station 227+39.22, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right having a radius of 11429.16 feet, a central angle of 00 degrees 47 minutes 38 seconds, an arc length of 158.36 feet, and a chord that bears North 32 degrees 33 minutes 54 seconds West, for a distance of 158.35 feet to an iron pin (found) at the grantor's northwest corner, said pin being 29.47 feet right of centerline of survey station 228+98.12;

Thence, North 74 degrees 45 minutes 50 seconds East, along the grantor's north line, for a distance of 41.82 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 228+85.71;

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

Thence, with a curve to the left having a radius of 11389.16 feet, a central angle of 00 degrees 42 minutes 54 seconds, an arc length of 142.12 feet, and a chord that bears South 32 degrees 35 minutes 13 seconds East, for a distance of 142.11 feet to an iron pin on the grantor's south line, said pin being 70.00 feet right of centerline of survey station 227+42.72;

Thence, South 52 degrees 01 minutes 39 seconds West, along the grantor's south line, for a distance of 40.15 feet to the **TRUE POINT OF BEGINNING**, containing 0.138 acres.

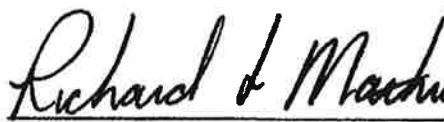
It is understood that the parcel of land described contains, 0.138 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-021.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "LOCKWOOD, LANIER, MATHIAS, & NOLAND, INC."

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Deed Book 7867, Page 90 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: 

DATE: 1-25-13

BUT 27 - 10.92 PID: 81769
 PROJECT STATUS REPORT
 9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T , ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: September 17, 2013

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 3, 2013

Date Prepared

Agenda Title: Legislative Authority Notice - New permit for Dakotas of Oxford LLC DBA Dakotas of Oxford 325 S. College Avenue Oxford, Ohio 45056

Recommendation: n/a

Discussion:

The permit is for:

D5I - Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until two thirty a.m. (Restaurant meeting certain criteria)

Council received this notice without comment on July 2, 2013. The list of owners has changed and a new notice needs to come before Council.

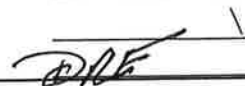
This permit will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

Approved By:

Initial Date

Department Head:

City Manager:

 7/13/13

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

1914727		NEW		DAKOTAS OF OXFORD LLC DBA DAKOTAS OF OXFORD 325 S COLLEGE AV OXFORD OH 45056	RECEIVED SEP 03 2013 City of Oxford
PERMIT NUMBER		TYPE			
ISSUE DATE					
06 11 2013					
FILING DATE					
D51		PERMIT CLASSES			
09	088	A	A14773		
TAX DISTRICT		RECEIPT NO.			

FROM 09/03/2013

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 09/03/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/04/2013

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 NEW 1914727

(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

1914727 PERMIT NBR
DAKOTAS OF OXFORD LLC
DBA DAKOTAS OF OXFORD
325 S COLLEGE AV
OXFORD OH 45056

PATRICK C MCALLISTER	08/28/2013	ACTIVE	PRESIDENT	MNMB5%V5%M
DAVID WESPISER	08/28/2013	ACTIVE	VICE PRES.	MNMB5%V5%M
ED STEELE	08/28/2013	ACTIVE	SECRETARY	MNMB5%V5%M
ROBERT CIAMPA	08/28/2013	ACTIVE		5% MEMSHIP
JAMES CLAWSON	08/28/2013	ACTIVE		5% MEMSHIP
BRIAN KELLY	08/28/2013	ACTIVE		5% MEMSHIP
BERTHA WESPISER	08/28/2013	ACTIVE		5% MEMSHIP
MCSTEELE MANAGEMENT LLC	08/28/2013	ACTIVE		MNMB5%V5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 3, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

August 20, 2013
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 has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

<i>Feb. 2012</i>	<i>Resolution No. 4727 – Declaring the necessity to make improvements</i>
<i>June 2012</i>	<i>Resolution No. 4744 – Authorizing a contract to perform the improvements</i>
<i>July 2012</i>	<i>Resolution No. 4757 – Determination of the total cost of assessment by lot</i>

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 \ 8/23/13

City Manager:

DRG \ 8/30/13

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 July 19, 2013 and ending August 2, 2013 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 shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 5: 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 6: 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)

Address	Direction	Street Name	Property Owner	Parcel #	Uninc'd Ft Curb	ESTIMATED		Uninc'd Ft Curb	ACTUAL		Actual Cost	Difference
						Square Foot Sidewalk	Square Ft Drive Apron		Square Feet Sidewalk	Square Ft Drive Apron		
College Quantities as of 6/3/13												
131	W	High	Barry Krauth	H4100004000130	35	50	325	35	50	325 (remove only)	\$3,859.75	-\$105.25
100	S	College	Drushtal J Benjamin	H4100004000093	30	150		30	150		\$1,690.50	-\$229.50
129	W	Walnut	Tres Walnut LLC	H4100004000127	70	783		70	520		\$4,913.50	-\$2,597.50
110	S	College	Oxford Crisis and Referral	H4000004000094	35	275		35	275		\$2,542.25	-\$387.75
115	S	College	Harper Pointe Inc	H4100004000121	15	150		15	150		\$1,485.00	-\$212.25
122	S	College	Tres Walnut LLC	H4000004000096	76			76			\$2,116.60	-\$87.40
123	S	College	Ward Phillip W Tr	H4100004000118	50	125	154	50	125	154	\$3,136.80	-\$470.20
201	W	Collins	Frederick Thomas A & Lewis Amanda	H4000004000101	68	325	72 (remove only)	68	325	72 (remove only)	\$4,106.30	-\$356.70
215	S	College	Tres Walnut LLC	H4100004000111		75			75		\$427.50	-\$97.50
222	S	College	Tri Development Co	H4000004000107	40	75	143	40	75	143	\$2,256.50	-\$572.50
Chestnut Quantities as of 6/3/13												
903		Marilyn	Raymond Tucker	H4100118000083	74	96		74	96		\$2,608.10	-\$209.90
417	W	Chestnut	Susan Sherwin	H4100118000087	91	80	90	91	80	90	\$3,593.35	-\$325.65
405	W	Chestnut	Christopher or Mary Mullins	H4100118000089	31	32		31	32		\$1,045.75	-\$77.25
329	W	Chestnut	Christopher Prijevi	H4100118000090	80			80			\$2,228.00	-\$92.00
311	W	Chestnut	Jackson or Cynthia Smeltz	H4100118000093	30	16	85	30	16	85	\$1,496.20	-\$165.80
331	W	Chestnut	Tekowanda-Leland School District	H4000115000094	99	288	64	99	288	64	\$4,740.45	-\$564.55
303	W	Chestnut	Tekowanda-Leland School District	H4000115000094	287	325	0	287	325	0	\$7,332.45	-\$595.55
13	W	Chestnut	Iti Bitti Company LLC	H4000115000019	35	130	0	35	130	0	\$1,715.75	-\$209.25
11	W	Chestnut	Sasser Tari & Duke Steven F.	H4000115000020	49	175	0	49	175	0	\$2,362.15	-\$283.85
1	W	Chestnut	Dudley Terry & Tom TRS	H4000115000012	64	330	0	64	330	0	\$3,663.40	-\$502.60
815		Erin	Kettlewell, Albert	H4100122000099	8			8			\$222.80	-\$9.20
622	W	Chestnut	Burbante, Diana	H4100122000097	10	170	78	10	170	78	\$1,770.10	-\$333.90
606	W	Chestnut	Fischer, Theresa	H4100122000088	11	40		11	40		\$534.35	-\$64.65
508	W	Chestnut	Allegree, Alex & Holly	H4100122000007	70	50	85	70	50	85	\$2,804.00	-\$256.00
410	W	Chestnut	Hering, Todd	H4100122000002	50	125		50	125		\$2,105.00	-\$220.00
406	W	Chestnut	Nelson, Melissa & Maurice	H4100122000001	50	50		50	50		\$1,677.50	-\$122.50
324	W	Chestnut	Weida, Dustin	H4100105000020	43	150	54	43	150	54	\$2,414.35	-\$314.65
316	W	Chestnut	Rupp, Dawn	H4100105000021	72	175	36	72	175	36	\$3,243.90	-\$357.10
230	W	Chestnut	Hoelzer Rentals, Inc	H4000105000025	111	125	54(remove only)	111	125	54(remove only)	\$4,073.85	-\$182.15
212	W	Chestnut	Nash, Leonard & Bernice	H4100105000026	62	225		62	225		\$3,009.20	-\$363.80
208	W	Chestnut	Augsburger, Anthony & Scott	H4100105000027	91	455	66	91	455	66	\$5,570.05	-\$781.95
818	S	College	Davidson, Dave	H4100105000115	38	250	30	38	250	30	\$2,684.30	-\$407.70
Total											\$98,724.00	\$87,217.45

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South
But 27-14.12 PID # 81769**

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 9/10/13

MBD 9/17/13

7

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY SHERYL ANNE LANCASTER, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit "A", attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Sheryle Anne Lancaster, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

5.7

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 151-WD
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 0.390 acre tract conveyed to Sheryle Anne Lancaster as recorded in Deed Volume 1714, Page 653, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at a point at the southeast corner of said section 26, said point be witnessed by an iron pin (found) that bears South 86 degrees 05 minutes 40 seconds East 59.89 feet; Thence, with the south line of said section 26, North 88 degrees 24 minutes 26 seconds West, for a distance of 842.91 feet to a point, said point being 31.09 feet right of centerline of survey station 222+73.19; Thence, with the south line of said section 26, North 89 degrees 37 minutes 27 seconds West, for a distance of 36.10 feet to a point, said point being 1.08 feet right of centerline of survey station 222+93.26; Thence, North 33 degrees 26 minutes 42 seconds West, for a distance of 30.15 feet to a point, said point being 1.07 feet right of centerline of survey station 223+23.41; Thence, South 88 degrees 45 minutes 55 seconds West, for a distance of 53.18 feet to a point on the west existing right of way for U.S. 27, said point being 43.95 feet left of centerline of survey station 223+51.74, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

Thence, South 88 degrees 45 minutes 55 seconds West, along the grantor's south line, for a distance of 13.05 feet to an iron pin, said pin being 55.00 feet left of centerline of survey station 223+58.69;

Thence, North 33 degrees 24 minutes 36 seconds West, across the grantor's tract, for a distance of 114.88 feet to an iron pin, on the grantor's north line, said pin being 55.00 feet left of centerline of survey station 224+73.57;

Thence, North 75 degrees 08 minutes 42 seconds East, along the grantor's north line, for a distance of 11.58 feet to a point, on the grantor's north line, said point being 44.02 feet left of centerline of survey station 224+69.89;

Thence, South 33 degrees 26 minutes 42 seconds East, along the west existing right of way for U.S. 27, for a distance of 118.15 feet to the **TRUE POINT OF BEGINNING**, containing 0.030 acres.

It is understood that the parcel of land described contains, 0.030 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-112-000-010.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "LOCKWOOD, LANIER, MATHIAS, & NOLAND, INC."

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Deed Volume 1714, Page 653 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


Richard F. Mathias
Ohio Registered Surveyor S-7798



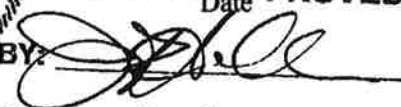
1-23-13
REVIEWED & APPROVED
BY: 
DATE: 1-23-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 151-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF OXFORD, BUTLER," COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 0.390 acre tract conveyed to Sheryle Anne Lancaster as recorded in Deed Volume 1714, Page 653, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at an iron pin on the west proposed right of way for U.S. 27, said pin being 55.00 feet left of centerline of survey station 223+58.69, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 88 degrees 45 minutes 55 seconds West, along the grantor's south line, for a distance of 10.15 feet to a point, said point being 63.59 feet left of centerline of survey station 223+64.09;

Thence, North 27 degrees 41 minutes 58 seconds West, across the grantor's tract, for a distance of 36.09 feet to a point, said point being 60.00 feet left of centerline of survey station 224+00.00;

Thence, North 33 degrees 24 minutes 36 seconds West, across the grantor's tract, for a distance of 50.00 feet to a point, said point being 60.00 feet left of centerline of survey station 224+50.00;

Thence, North 56 degrees 35 minutes 24 seconds East, across the grantor's tract, for a distance of 5.00 feet to a point on the west proposed right of way for U.S. 27, said point being 55.00 feet left of centerline of survey station 224+50.00;

Thence, South 33 degrees 24 minutes 36 seconds East, along the west proposed right of way, for a distance of 91.31 feet to the **TRUE POINT OF BEGINNING**, containing 0.012 acres.

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

It is understood that the parcel of land described contains, 0.012 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-112-000-010.

All iron pins set are 3/4" x 30" rebar with 2" aluminum cap stamped "ODOT R/W-District 8".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Deed Volume 1714, Page 653 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

BUT 27 - 10.92 PID: 81769
 PROJECT STATUS REPORT
 9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T, ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 17, 2013

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

September 11, 2013
Date Prepared

HAPC MEETING REPORT – SEPTEMBER 4, 2013

Requests for Review (Certificate of Appropriateness):

HAPC-10-2013 – Scott Webb, Applicant/Agent -- An awning with included sign lettering was approved for a new business at 5 South Beech Street, for Hush Intimate Apparel. The Schlenk Block building where the awning will be attached is a historic building on the HAPC inventory. The building was built in the 1880s and still retains original materials and design.

Old Business

214 W. Church – Staff noted that the remodel project was complete but that the owner requested a change in the design/color of the front door.

New Business

--The Commission discussed street furniture design guidelines, related to some of the new sidewalk usage furniture in front of businesses on High Street.

--The Commission discussed the apparent new business operating out of the alley behind Quiznos on West High Street. Staff noted that zoning did not allow new alley businesses and is working with the owner on a resolution.

Upcoming Dates To Remember

September 18, 2013 – The annual Historic Marker Ceremony will be held at Oxford Community Arts Center from 5:00 to 7:00 p.m. Two markers will be given. Anyone is welcome to attend. Featured speaker will be Steve Gordon.

October 3, 2013 – The Ohio Historic Preservation Office will be holding a workshop from 10 a.m. to 2 p.m. at the Oxford Community Arts Center. The title is “How to Conduct a Community Historic Survey.” The cost, including lunch, is \$40.00.

Administrative Approvals

HAPC-ADM-09-2013 – Klusty Signs, Applicant/Agent-- Sign face changes for Brick Street at 36 East High Street.

Next Meeting

The next HAPC meeting will take place on October 2, 2013.

Department Head:
City Attorney:
City Manager:

JHC 9/11/13
AKK 9/12/13

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 3, 2013

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

August 16, 2013

Date Prepared:

Agenda Title:	PC-12-2013 Conditional Use Permit Application, 410 E. Church Street, Pi Kappa Alpha Fraternity, Addition to an Existing Fraternity in a R2MS (Single and Two-Family Mile Square Residential) District, Terrance Raulin, Applicant
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Recommendation: Approval with Conditions

Discussion:

The Applicant is requesting approval of a proposed addition to an existing fraternity house, located at 410 E. Church Street.

Based on the Applicant's narrative, the intent is to improve the common space of the building, the overall exterior appearance, increase the square footage per occupant, but not significantly increase the overall number of occupants on the property. The current occupancy is limited to 39 and the proposed addition could increase up to 44 based on the narrative. The existing single-story "west wing" would be increased to two stories at the front elevation and would also extend further south toward the street.

The site plan and rendering illustrates the proposed addition as viewed from Church Street. This is merely a Conditional Use permit application for the proposed addition and other site improvements. No detailed building plans have been submitted for code compliance review at this point.

Staff spent a great amount of time working with the Applicant identifying problems and issues related to the proposed addition; traffic/vehicle management, parking encroachment and lot coverage. The Applicant has been responsive to staff concerns. Staff has generally felt that the Housing Corporation and the Chapter Advisor have been very cooperative during annual inspections and have maintained and upgraded their property on an on-going basis.

The Commission asked for any public comments and no public comments were submitted. After the Public Hearing, the Commission discussed with the Applicant and Chapter Advisor in length specific issues related to lot coverage and off-street parking. The Commission felt that the recommendations and on-going working relationship between Staff and the Applicant were very beneficial in assisting this project to move forward. The Commission went through the Conditional Use Decision Standards and voted 5-0-0 to recommend the approval of this Conditional Use Permit application to City Council subject to the following conditions:

1. Prior to occupancy the owner shall remove private parking striping that is located in the alley right-of-way, remove any encroaching or obscuring trees/vegetation, re-surface the alley to correct the alley alignment and paint the alley right-of-way to the satisfaction of the Police Chief and Service Director; prior to occupancy of the building. All of this work shall be required only on the alley portion adjacent to the subject property.

2. Prior to the issuance of a building permit, the owner shall submit drawings for an improved trash and recycling collection facility to be reviewed and approved according to the revised ordinance currently in process through City Council (PC Case 10-2013).
3. The increased lot coverage shall be mitigated by implementing a storm water best management practice for at least the portion of the site equivalent to the square footage of the increase.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC, 8/27/13
DLE, 9/20/13

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF AN EXISTING FRATERNITY IN A R2MS (SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL) DISTRICT AT 410 E. CHURCH STREET, OXFORD, OHIO 45056 WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on August 13, 2013 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Terrance Raulin, Applicant, for a conditional use permit to allow for the expansion of an existing Fraternity in a R2MS (Single and Two-Family Mile Square Residential) District at 410 E. Church Street, Oxford, Ohio 45056.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow for the expansion of an existing Fraternity in a R2MS (Single and Two-Family Mile Square Residential) District at 410 E. Church Street, Oxford, Ohio 45056 with the following conditions:

1. The owner shall remove private parking striping located in the alley right-of-way, remove any encroaching or obscuring trees/vegetation, re-surface the alley to correct the alley alignment and paint the alley right-of-way to the satisfaction of the Police Chief and the Service Director; prior to occupancy of the building.
2. Prior to the issuance of a building permit, the owner shall submit drawings for an improved trash and recycling collection facility to be reviewed and approved according to newly adopted Oxford Codified Ordinance Section 1141.04 entitled Environmental Regulations.
3. The increased lot coverage shall be mitigated by implementing a storm water best management practice for at least the portion of the site equivalent to the square footage of the expansion.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow for the expansion of an existing Fraternity in a R2MS (Single and Two-Family Mile Square Residential) District at 410 E. Church Street, Oxford, Ohio 45056 in accordance with the conditions set forth above.

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>	September 3, 2013
<u>Case Number</u>	PC-12-2013
<u>Applicant Information</u>	Terrance Raulin Dodd Hall Housing Corporation
<u>Requested Action</u>	Conditional Use, 410 E. Church Street, Pi Kappa Alpha Fraternity
<u>Summary of Request</u>	Addition/Renovation of an Existing Fraternity in an R2MS District
<u>Public Hearing Information</u>	On August 13, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on July 26, 2013. Courtesy notices were mailed to adjacent property owners on July 19, 2013.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval of the Conditional Use with conditions.
<u>Commission Findings and Conclusions</u>	The Planning Commission had a lengthy discussion regarding issues with the parking lot arrangement, alley encroachment and trash pickup. The Applicant and Chapter Advisor were responsive to the Commission's concerns. Staff referred to their good relationship with the Applicant and Chapter Advisor, noting that the fraternity has always maintained and upgraded their property on an on-going basis, and agreed that they could continue their working relationship and move forward with the project. The Planning Commission agreed with the conditions outlined in the staff report, and recommended approval to City Council.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated August 8, 2013 2. Interoffice Review Transmittal Sheets 3. Property Notifications Map 4. Conditional Use Permit Application Dated June 28, 2013 5. Supporting Documents 6. Site Plan 7. Existing and Proposed Floor Plans/Elevation 8. Surrounding Property Photographs

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-12-2013

Date – August 13, 2013

APPLICATION

Applicant:	Terrance Raulin
Location:	410 E. Church Street
Owner:	Dodd Hall Housing Corporation
Agent:	Terrance Raulin/President
Action Request:	Conditional Use Permit Application – Addition/Renovation of a Fraternity in a R2MS Zone
Current Use:	Fraternity
Surrounding Existing Land Uses:	Fraternity / Residential Rental / Gravel Parking

DESCRIPTION

Applicant Terry Raulin comes before the Planning Commission to request a Conditional Use Permit for expansion and renovation of the Pi Kappa Alpha fraternity building at 410 East Church Street. According to County Auditor records, the current building has existed since the late 1960s. There is no record of a variance; conditional or special use permit for a fraternity use at this address, therefore the applicant was required to go through this process prior to submitting a building permit application. The property is zoned R2MS (Single and Two-Family Mile Square Residential) which allows fraternity houses as a conditional use. The current occupancy permit is for 39 persons.

Based on the applicant's written explanation, the intent is to improve the common spaces of the building, the overall exterior appearance, increase the square footage per occupant, but **not** to significantly increase the overall number of occupants on the property. The occupancy may increase up to 44, according to the letter from the applicant. The existing single-story "west wing" would be increased to two stories at the front elevation, and also be extended further south toward the street (23'). The expanded portion would not be any closer to the side (west) property line than the current building.

The site plan submitted depicts the building footprint and different land cover surfaces. The artist's rendering depicts the finished project as viewed from Church Street. The rendering appears as if some architectural details will be added to the existing east wing in order to match the addition. A west side elevation drawing has also been submitted to show the wall openings as viewed from the side property. Complete construction and site plans have not been drawn at this time, but will be required if the project moves forward toward a building permit application.

SURROUNDING NEIGHBORHOOD

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and notice has been placed in the newspaper. At the time of this writing, **no public comments have been submitted in response to the public notices.**

The property is surrounded by a mixture of different types of residential uses common near campus. There is a fraternity house directly to the east and a five unit apartment building to the west. There is

university parking lot across the street to the south, and an alley with nearby vacant land and surface parking to the north (not owned by the fraternity).

COMPREHENSIVE PLAN (2008)

There are no specific strategies or objectives directly referring to fraternities in the most recent Comprehensive Plan. However, there are indirect references that staff found helpful, which are included below with staff comments:

Housing Chapter – Objectives and Strategies excerpt (page 7.4)

Objective 1: Improve housing conditions in the Mile Square

Objective 3: Improve rental housing

(Staff comment- the owner will likely be modernizing the building as part of the project, which could increase building/life safety)

University and Community Chapter – Objectives excerpt (page 11.3)

Objective 2 – Foster model university-community collaboration

UC 2.6. Develop ongoing programs to help students learn the responsibilities of being good citizens and neighbors.

UC 2.7. Strengthen sense of community between students/nonstudents.

(Staff comment- fraternities commonly achieve this goal by requiring certain responsibilities in caring for the home/property as well as doing general community service)

ZONING CODE REGULATIONS EXCERPTS

§1143.05 R2MS SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL DISTRICT

(a) Purpose. This district is designed to preserve and encourage a mix of single-family and two-family residences in the established residential areas of historically significant character.

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

"Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."

§1143.05(b)(2)L: Conditional Uses in R2MS:

STAFF FINDINGS: Fraternity and sorority houses are specifically listed as a Conditional Use in the R2MS District.

§1143.05(c): R2MS Site Development Regulations:

STAFF FINDINGS: Lot size, building setbacks, and building height appear to be satisfied. However, **building coverage and total lot coverage are not satisfied.** A maximum of 25% of the site is allowed to be covered by enclosed buildings. The detached shed was recently added last year, placed on top of pavement area. The proposed front addition increases the building coverage by 5.25%, bringing the total building coverage to 28%.

A maximum of 40% of the lot is allowed to be covered by buildings and any other hard surface such as paving (called total lot coverage). Roughly half of the land to be covered by the addition is already a brick patio area. However, the existing total lot coverage is 66.5%, which is 26.5% more than required. The total lot coverage would increase to approximately 70% not including any potential new hardscape areas associated with a site/landscape plan (not yet submitted). While the total lot coverage is considerably more than required, the building front is set back from the street 16 feet more than required (36 instead of 20 feet). Additionally, the side setbacks are nearly double the minimum required (14 instead of 7.5 feet).

§1147.03(b)(19) Use Regulations & Potential Concerns:

(19) Fraternity and sorority houses.

A. Potential Concerns

1. Aesthetic Concerns:
 - a. Historical characteristics of existing structures
 - b. Residential scale and character
 - c. Yards and landscaping
 - d. Walls and fences
2. Activities Areas:
 - a. Porches and patios
 - b. Locations of recreational areas and courts
 - c. Locations of accessory structures
3. Vehicle Management:
 - a. Site access
 - b. Required parking
 - c. Emergency access
 - d. Deliveries
 - e. Occasional and excess parking management
4. Adequate Public Utilities:
 - a. Water
 - b. Sewer
 - c. Storm water management
 - d. Other services
5. Nuisance:
 - a. Waste/trash management
 - b. Noise and off-site impact
 - c. Lighting and off-site impact

B. Requirements:

1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

STAFF FINDINGS: The list of specific concerns above is excerpted from the zoning code as a list for just for fraternity and sorority houses. There is also a general list for all conditional uses. ***See the attached code Section 1147.02(c)(2) for the complete list.*** This fraternity house is within a zoning district and vicinity where fraternity houses are common. The building is not historic, in the sense of Oxford's typical historic building from the early 1900s or late 1800s. This particular one was built in the 1960s. The addition would continue the existing architectural design and material. Vehicle management and trash facilities are concerns from the list above that the Planning Commission may wish to address as part of this review.

§1149.02: Vehicle Management; Applicability of Regulations:

- (a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site.

§1149.03: Vehicle Management; General Regulations:

- (c) All off street parking spaces shall contain a rectangular area a minimum of 9 feet wide and 20 feet long, except that parallel parking spaces shall be a minimum of 22 feet long.

...

- (e) Fraternity and Sorority uses are required to provide 2 spaces for every five beds.

§1149.04 Vehicle Management; Residential Regulations:

(a) Location.

- (1) 1 parking space may be located in a required front yard. All other parking spaces required or provided in excess of the minimum requirement shall not be located in the required front yard.
- (2) 1 required parking space may be a stacked space. All other required off-street parking spaces shall have direct access to a driveway or alley, without crossing another space.
- (3) Parking spaces shall not be located within 3 feet of any lot line.
- (4) Unenclosed parking spaces shall not be located within 3 feet of any principal structure.

STAFF FINDINGS: Regarding Vehicle Management code conflicts, the use is required to have at least 16 parking spaces, based on 40 beds. There are 22 shown on the site plan, which is more than required. The spaces are required to be 20 feet long and are only 16 feet long on the site plan. City code also does not allow stacked spaces for this use. The spaces should be at least three feet from the lot lines and are shown as zero on the west property line.

The size, location and number of parking spaces are an existing situation. However, some improvement could be made for public safety purposes. There is encroachment into the alley public right of way. [See attached aerial photo below] The parking space striping encroaches into the alley 2-4 feet and **the alley curves around a brushy area** near the fraternity's dumpster. Additionally, because of the "change to the structure" proposed, Section 1149.02 requires full compliance with all Vehicle Management regulations (size, location, stacking).



§1147.04(j) Trash/Recycling Collection Facility

This section of City Code has recently gone through the first reading of a revision. Staff recommends that the fraternity upgrade the collection facility to comply with the new code.

STAFF FINDINGS: There is a concrete pad and remnants of a masonry enclosure on the northeast corner of this site.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments. The following comments have been received:

Police:	Returned without comment (except that working with OPD regarding parking)
Fire:	Returned without comment
Engineering:	Three questions returned back to applicant
Econ. Dev.	Returned without comment

DECISION CRITERIA

A copy of the Conditional Use Permit Decision Standards is attached.

ANALYSIS

Although detailed construction and site/elevation/floor plans have not been submitted, there was adequate information for staff to conduct an analysis of what impacts should be addressed as part of the Conditional Use Permit. Although, a significant increase in occupancy is not proposed, the existing issue of parking, and the less prominent issues of trash and lot coverage should be addressed as part of this Planning Commission review. These are common challenges that come up at one time or another over the life cycle of nearly all residential developments. Building and lot coverage are also zoning code conflicts noted in the site plan.

Parking: The Community Development Department, Service Department and Police Department have looked at the site and are recommending that the fraternity make improvements adjacent to

the rear property line to rectify the encroachment. The corners have been recently staked by a surveyor; therefore the real boundary is known. A correction would ensure that the public right of way is kept open for all users. In recent years, large sport utility type vehicles have been parked on the site, which encroach into the alley. An improvement in the alignment coupled with enforcement by the City would discourage alley encroachment and generally improve access and safety adjacent to this site. An additional solution could be to alter the fenced patio area for more parking space, which may be a less desirable option for the fraternity. An overall improvement to this issue is an inter-departmental approach that we believe the property owner will accept as part of the fraternity expansion. We believe the majority of this correction can be handled at the staff level, but the Commission is also welcome to attach any necessary detailed conditions it believes appropriate. The Commission has the power, per Section §1147.02(d) to waive or modify regulations such as parking stall size or location, due to the fact that code requires compliance because of the change to the structure proposed.

Trash/Recycling: A new enclosure should be built which complies with the new regulations and guidelines. Related improvements may also be pedestrian access, recycling space and a re-alignment of the dumpster for ease of access for the service truck. Depending on the enclosure size and alignment, there may be some impact on parking spaces. Additionally, the building expansion may provide the necessary storage space for items currently stored in the shed next to the dumpster. Therefore the shed may not be needed in the long term which could result in flexibility in the location/size of the nearby dumpster and parking spaces.

Building and Lot Coverage: The building and lot coverage issues are also zoning code conflicts that the Planning Commission has the power to waive or modify. Per Section §1147.02(d) it could impose more strict regulations and any additional conditions, guarantees and safeguards it deems necessary to satisfy the purposes of this Zoning Code. The owner could strive to mitigate the impact of at least the additional increase of lot coverage by either reducing lot coverage from other portions of the site or by implementing a storm water best management practice with at least the run off from a portion of the site equivalent to the increased lot coverage. This could be done by pervious landscape pavers, roof water into rain gardens or other similar type solutions.

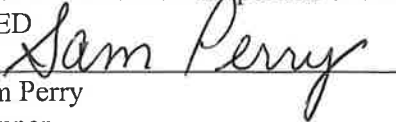
RECOMMENDATION

The Community Development Department recommends that the Planning Commission accept the applicant's proposal for the fraternity expansion as presented, with the following conditions:

1. Prior to occupancy the owner shall remove private parking striping that is located in the alley right of way, remove any encroaching or obscuring trees/vegetation, re-surface the alley to correct the alley alignment and paint the alley right of way, to the satisfaction of the Police Chief and Service Director; prior to occupancy of the building. All of this work shall be required only on the alley portion adjacent to the subject property.
2. Prior to issuance of a building permit, the owner shall submit drawings for an improved trash and recycling collection facility to be reviewed and approved according to the revised ordinance currently in process through City Council (PC Case 10-2013).
3. The increased lot coverage shall be mitigated by implementing a storm water best management practice for at least the portion of the site equivalent to the square footage of the increase.

SUBMITTED

BY:


Sam Perry
Planner

Community Development Department

DATE: August 8, 2013

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 17, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-12-2013 CONDITIONAL USE, 410 E. Church Street, Pi Kappa Alpha Fraternity, addition to an existing fraternity in an R2MS (Single and Two-Family Mile Square Residential) District, **Terrance A. Raulin, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/13** 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: 7-26-13

John Detherage

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 17, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-12-2013 CONDITIONAL USE, 410 E. Church Street, Pi Kappa Alpha Fraternity, addition to an existing fraternity in an R2MS (Single and Two-Family Mile Square Residential) District, **Terrance A. Raulin, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/7/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 7-17-13
V.P.

Drawings reviewed by: _____

V. Popescu

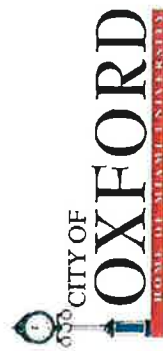
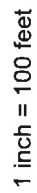
Date: 7-17-13

VICTOR POPESCU

PRINTED NAME

Property notifications

 Subject Properties
 200 Ft. Buffer
 Oxford Corporation Limit
 Parcel
 16.5' Vacated ROW
 Building Footprint
 Paved Roadway



The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

Case No.: PC-12-2013
Date Filed: 6-28-13

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: TERRANCE A. RAULIN
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 8019 CYPRESS TREE CIRCLE
WEST CHESTER, OHIO 45069 Email Address: traulin@fuse.net
Telephone Number(s): (513) 874-2448 (Home) (513) 827-4252 (Cell)
Name of Property Owner (if other than Applicant): DODD HALL HSG CORP (ITKA) - T. RAULIN, Pres
Location of Property: 410 E. CHURCH ST. OXFORD, OHIO 45056
Legal Description: LOT 496, CITY OF OXFORD, BUTLER COUNTY, OHIO
Zoning District: R2-M8
Total Area: .379 Acres / 16,517.6 Square Feet (circle one)
Existing Use Description: FRATERNITY
Proposed Use Description: FRATERNITY- RENOVATION / ADDITION / IMPROVEMENT

SUBMISSION REQUIREMENTS

The required fee of \$400.00 plus actual postage, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following: (SEE ATTACHMENTS)

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs - NONE
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located: (SEE ATTACHMENTS)

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

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.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. 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.

Terrance A. Raulin
Signature of Applicant

TERRANCE A. RAULIN
Printed Name

Date: 6/27/13

FEE / RECEIPT

\$400 Fee plus Postage Paid / Receipt Number: 18943.41

Introduction

My name is Terrance Raulin, and I am the Housing Corporation President of Pi Kappa Alpha Fraternity at 410 East Church Street, Oxford, Ohio.

We are requesting approval for a proposed addition at said address. Our 1966 structure is no longer adequate for our chapter which finished the 2012-13 school year at 130 members. Our purpose is not to greatly increase our house capacity, but rather to upgrade its curbside appearance and public areas. This would also include a library, conference room, additional bathrooms and handicapped accessible areas.

Our proposed 2-story addition would be built over our current 1-story living/meeting room and also extend southward 23' with a width of 37.7'. This would bring the front of the addition exactly even with our current 2-story dormitory structure. The new square footage of building to lot coverage would be 867.1 square feet or an additional 5.25%. This would bring our total building and shed percent to 28.16%. (Recommended is 25%.) Please consider a variance on this. Please note also that we need no new signage.

We are currently permitted for 39 residents. Our addition would net 3 more dormitory rooms and an anticipated 42-44 capacity. This allows for more 1-person rooms, which today's students prefer. Our fraternity is currently in excellent standing with the city of Oxford, Miami University and Pi Kappa Alpha National.

I believe our addition would meet the intent, purpose and spirit of Oxford's Zoning Ordinance as described in Chapter 1123 of the Comprehensive Plan. The "Pikes" appreciate your consideration. I am readily available to answer any questions not addressed in our attached submission.

“Decision Standards” Responses

- A. We are currently zoned a fraternity in district R2-MS. We are not requesting a proposed use change.
- B. The use and site will satisfy the general intent of this Zoning Code. No change from current use.
- C. The use and site will be compatible with the Comprehensive Plan as we are a fraternity in a district zoned for fraternities.
- D. The size and shape of the site meet all but one of the site development regulations set forth on page 63, chapter 1143.05 of the Zoning Code. We would exceed the 25% building to lot ratio by several percent. We ask a variance on this point.
- E. The use will not be hazardous or disturbing as land use will not change. Current use Fraternity.
- F. The use (Fraternity) will not involve activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors or other emissions.
- G. The only accessory uses will be directly related to the operation of the fraternity.
- H. The use and site will be adequately serviced by the current public facilities and services.
- I. The addition/development to the site will not require any additional public expenditures.
- J. The site not only will be designed, constructed and maintained in the desired appearance and general character, but will result in an improved facility with better curb appeal.
- K. There will be no change to the on-site traffic or traffic accessing the site.
- L. The proposed construction will not result in the destruction, loss or damage to any natural, scenic or historic features.
- M. All necessary permits and licenses can be obtained. Following zoning approval, only a building permit should be required.

SITE PLAN

LOT 496
CITY OF OXFORD
BUTLER COUNTY, OHIO

LOT 496 (TOTAL)	16517.6 (SQ FT)	0.379 ACRES
DESCRIPTION	AREA (SQ FT)	LOT PERCENTAGE
MAIN BUILDING	3650.6	22.10%
SHED	133.5	0.81%
CONCRETE	2774.0	16.79%
BRICK	1309.3	7.93%
ASPHALT	3118.9	18.88%
ADDITION	867.1	5.25%

LEGEND:

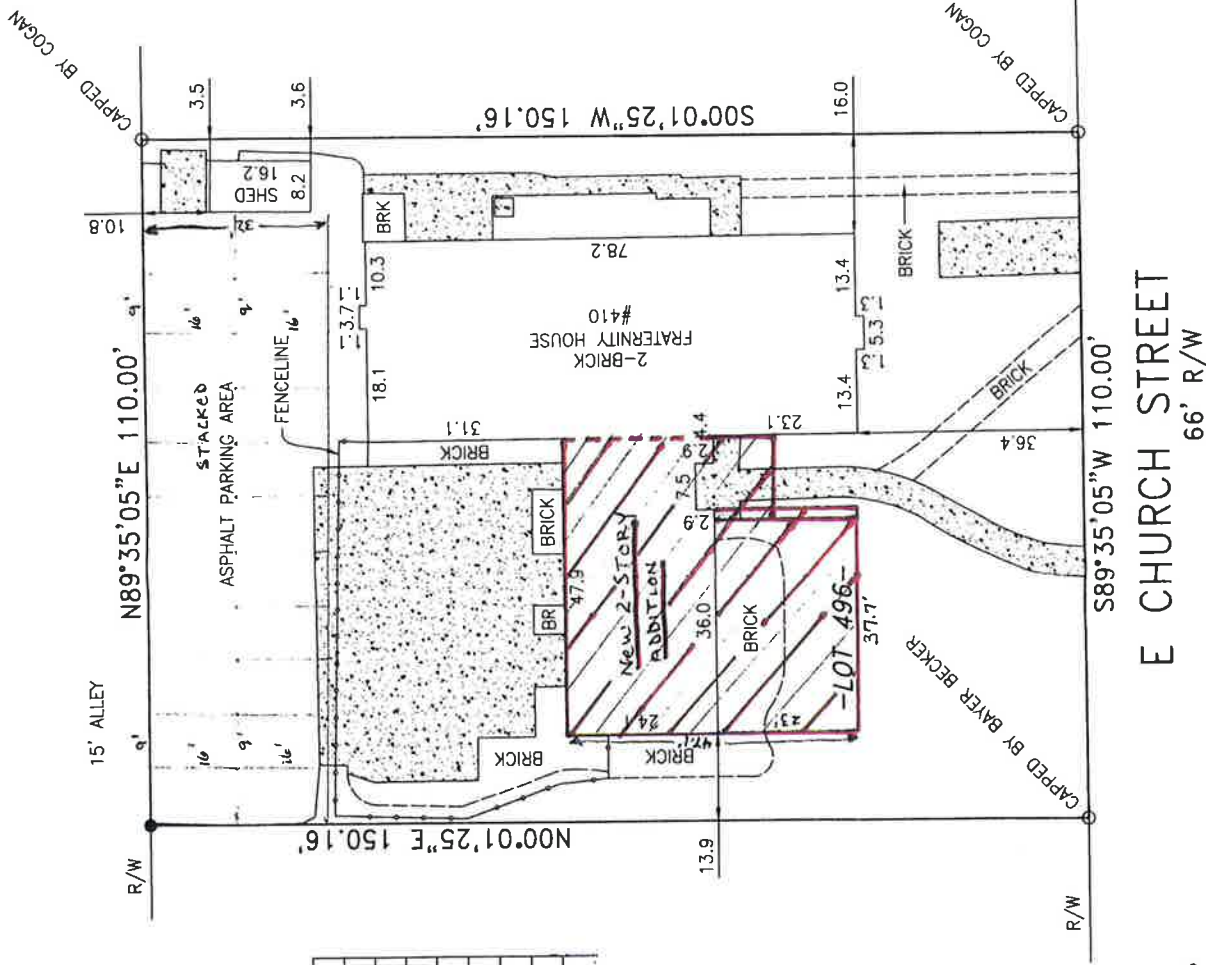
- O - EXISTING IRON PIN (SPECIFICS SHOWN HEREON)
- - SET IRON PIN WITH CAP #7684
- - CONCRETE

I hereby state to the best of my knowledge, information and belief that the accompanying plat is the correct return of a field survey made under my direction.

Todd K. Turner, P.S.
Registered Surveyor #7684 in Ohio

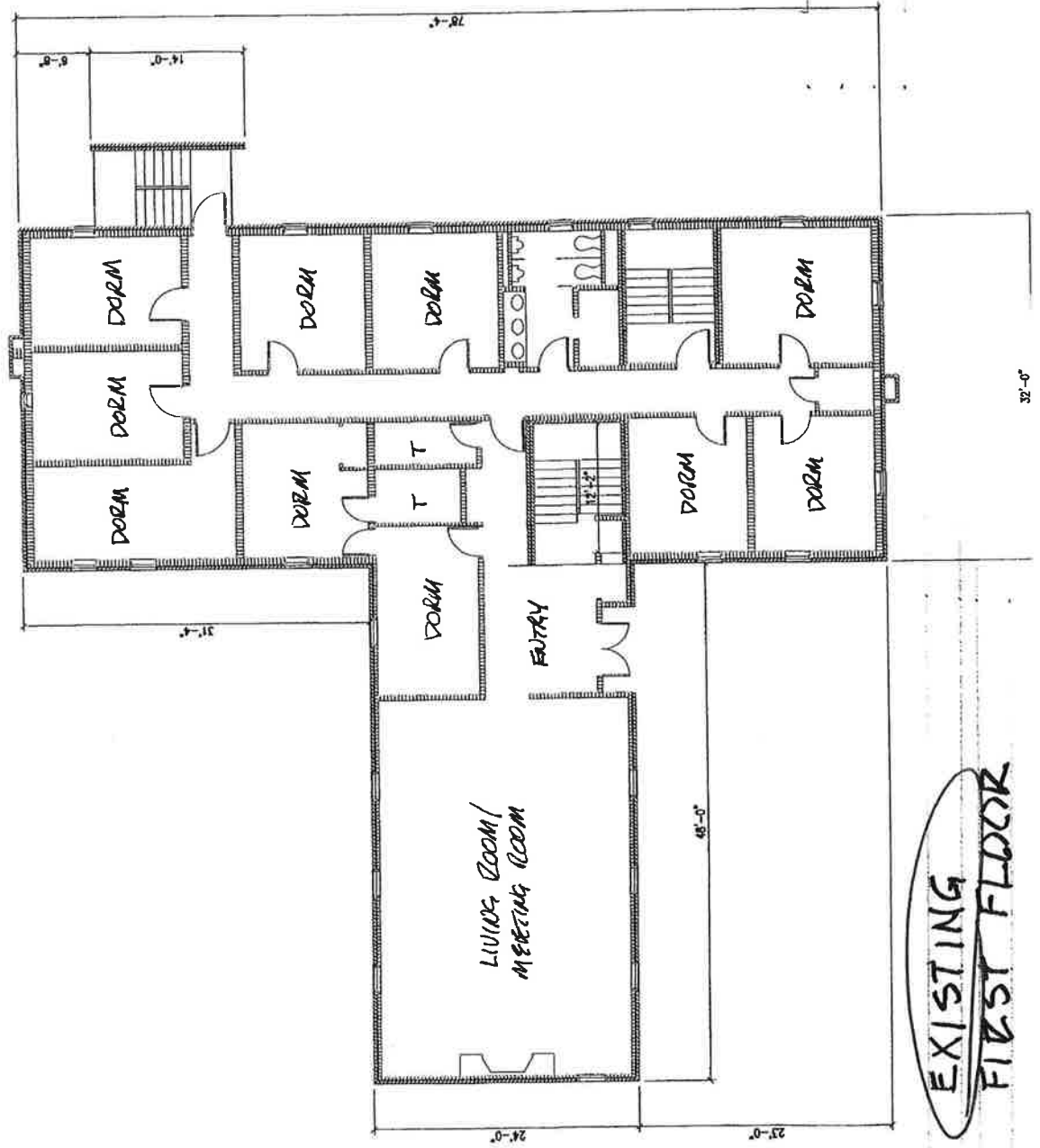


* NOTE: ORIGINAL TURNER SURVEY WAS ALTERED BY TERRANCE RAULIN TO SHOW ADDITION & PARKING.

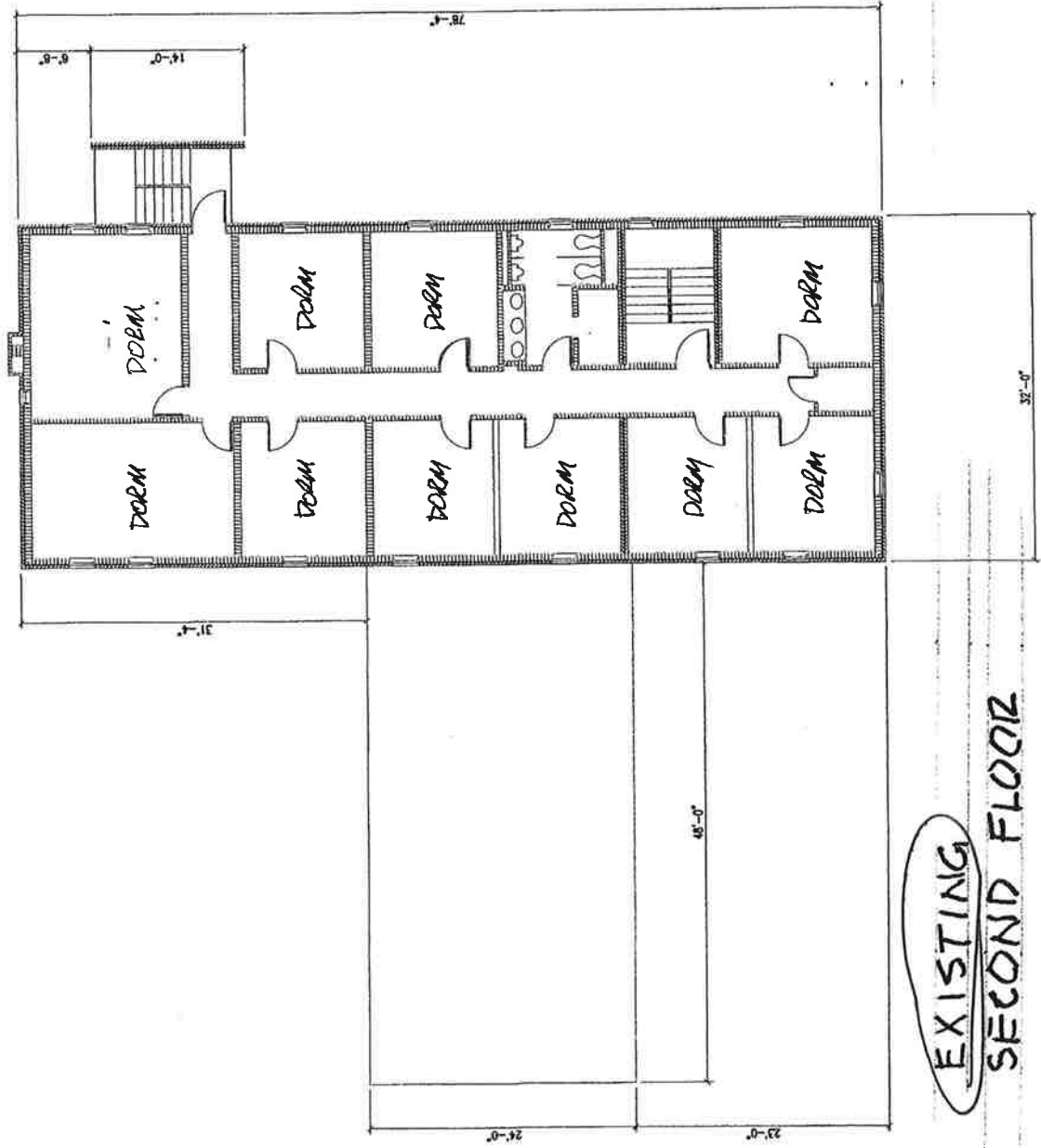


PREPARED FOR:
DODD HALL INC
C/O STEVEN ROHE
7592 TRILLIUM CT
CINCINNATI, OHIO 45241
TRI-STATE LOCATION SERVICES
4839 OLD TOWER COURT
FAIRFIELD, OHIO 45014
PHONE: 513-829-7722
DRAWN BY: CLN
DATE: 05/31/13
JOB # 94479

E CHURCH STREET
66' R/W



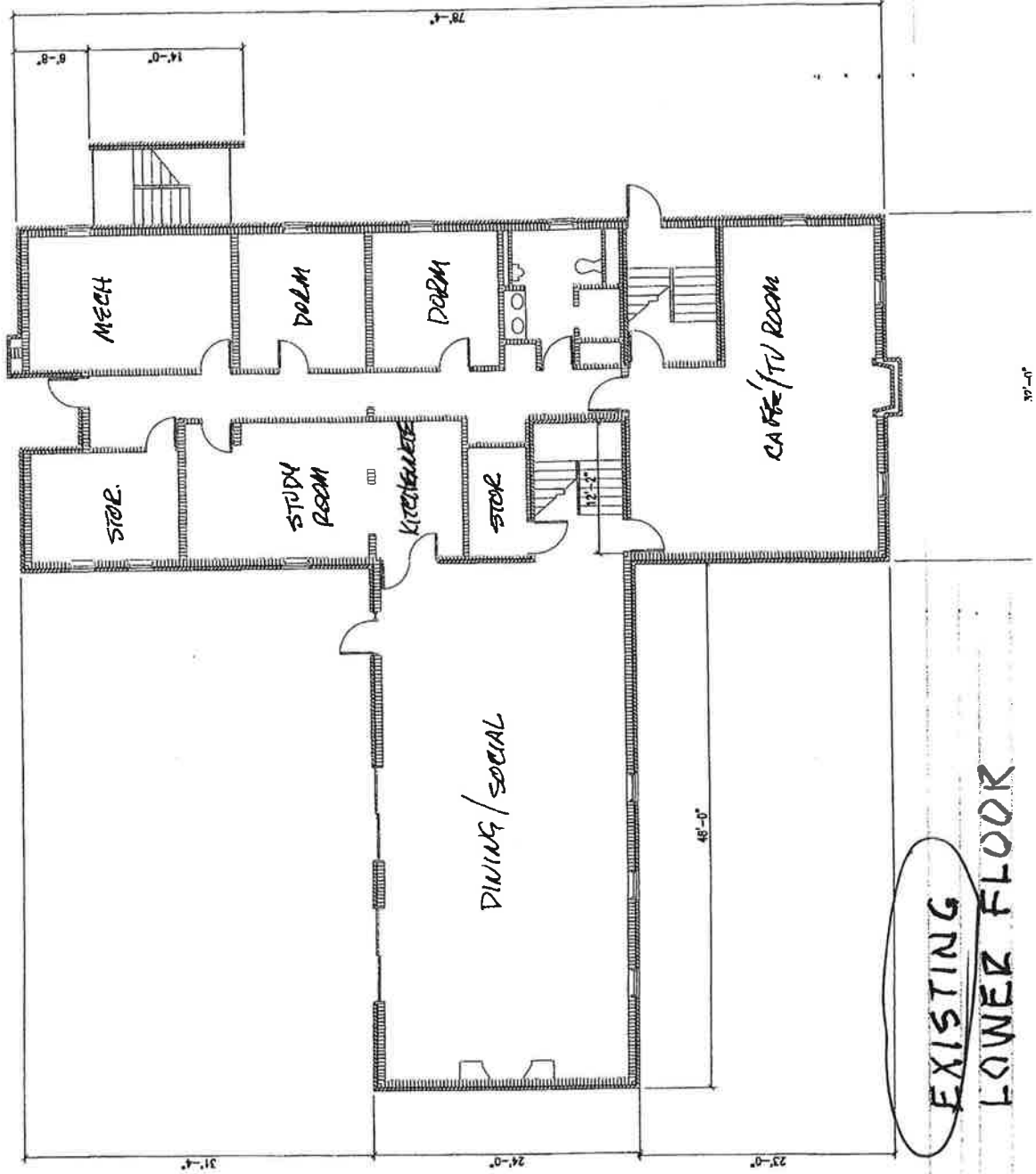
EXISTING
FIRST FLOOR



PIKE
HOUSE

EXISTING
SECOND FLOOR

PIKE
HOUSE



EXISTING
LOWER FLOOR



CURRENT WEST (LEFT SIDE) ELEVATION



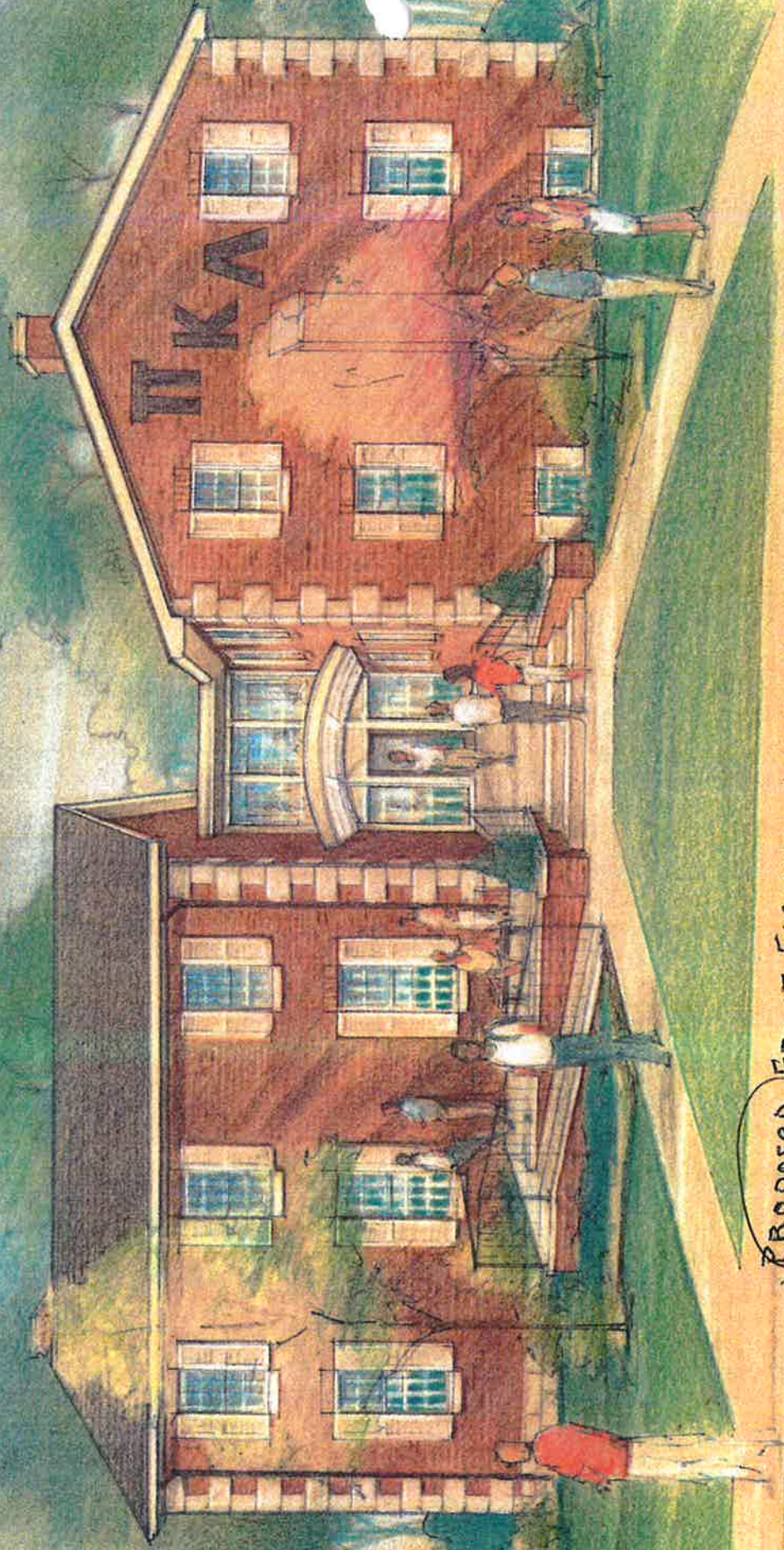
CURRENT FRONT ELEVATION

PI KAPPA ALPHA

FRATERNITY

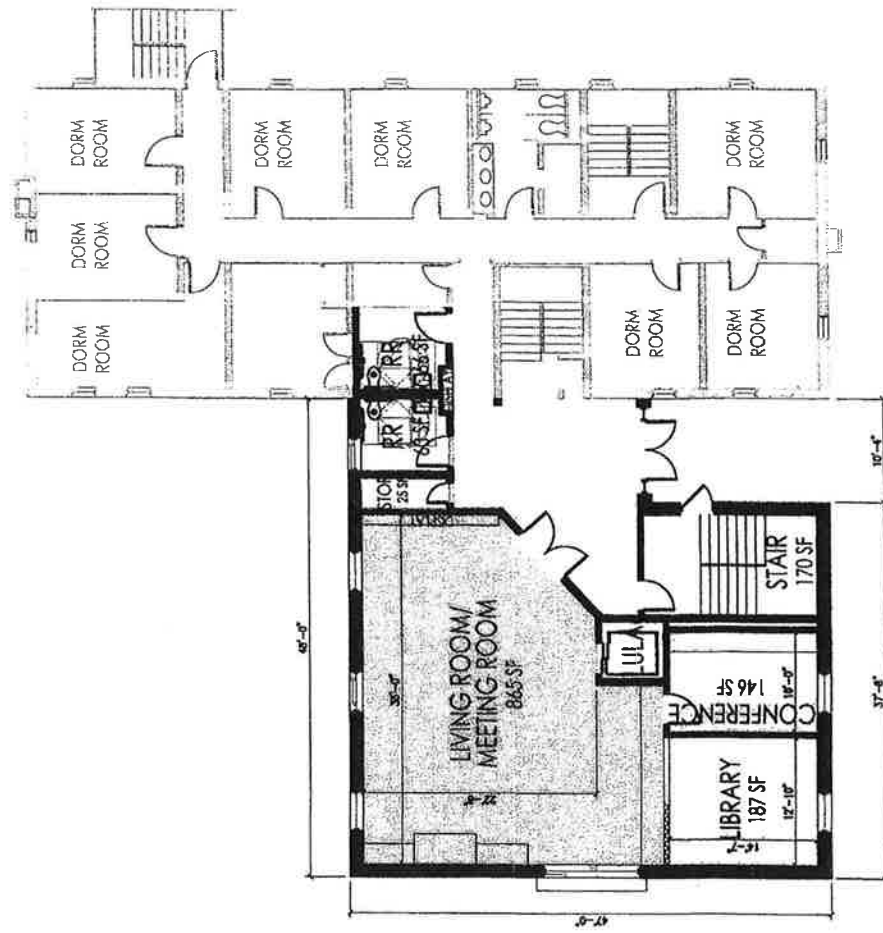
Existing

PROPOSED ELEVATIONS, FLOOR PLANS, ETC PACKET



PROPOSED FRONT ELEVATION - TKA FRATERNITY

410 E. CHURCH ST. DULUTH, MN

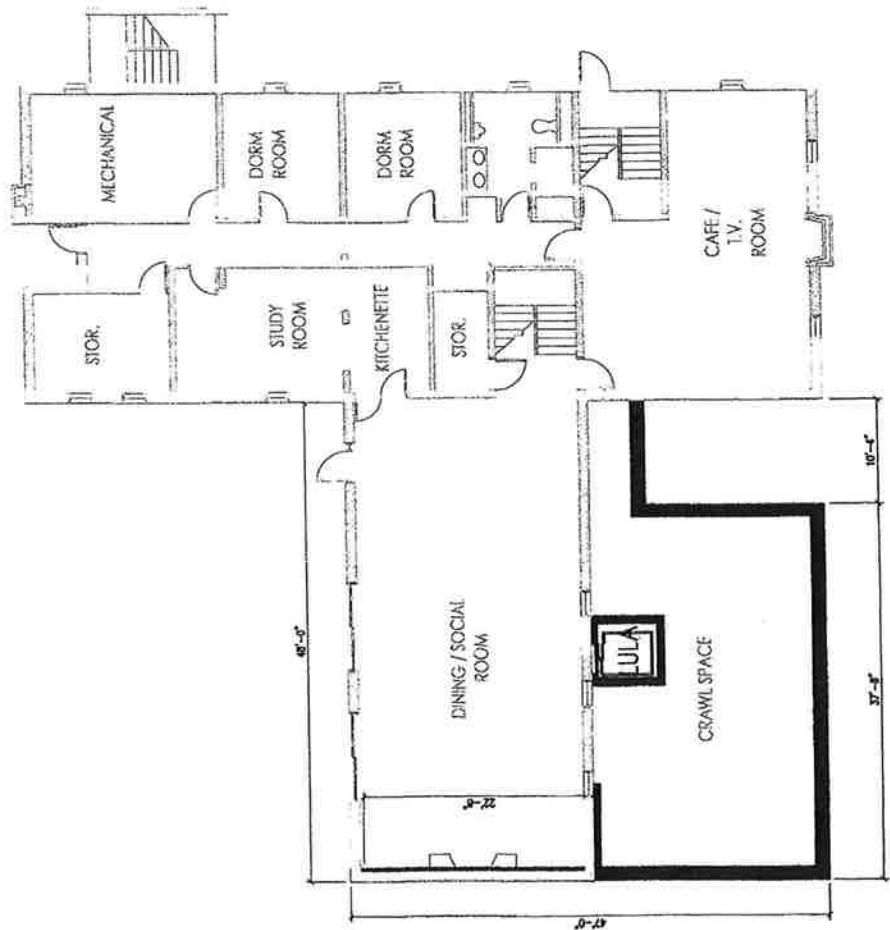


25
DATE
DWG

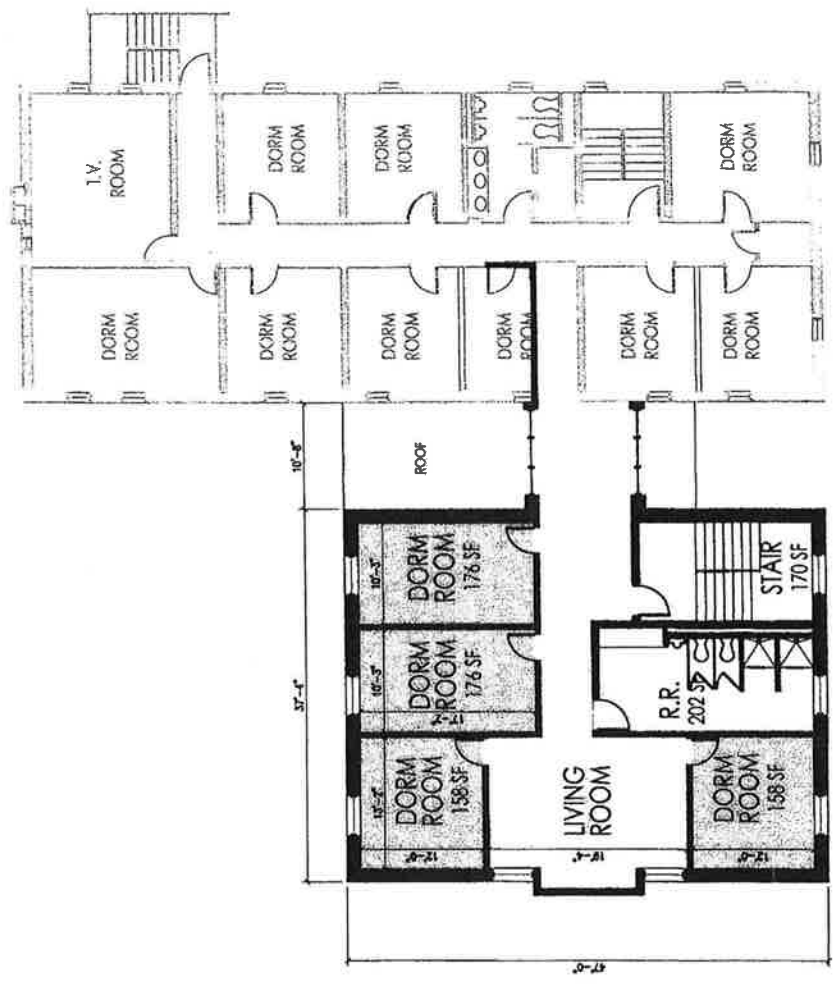


LOWER
LEVEL
FLOOR
PLAN



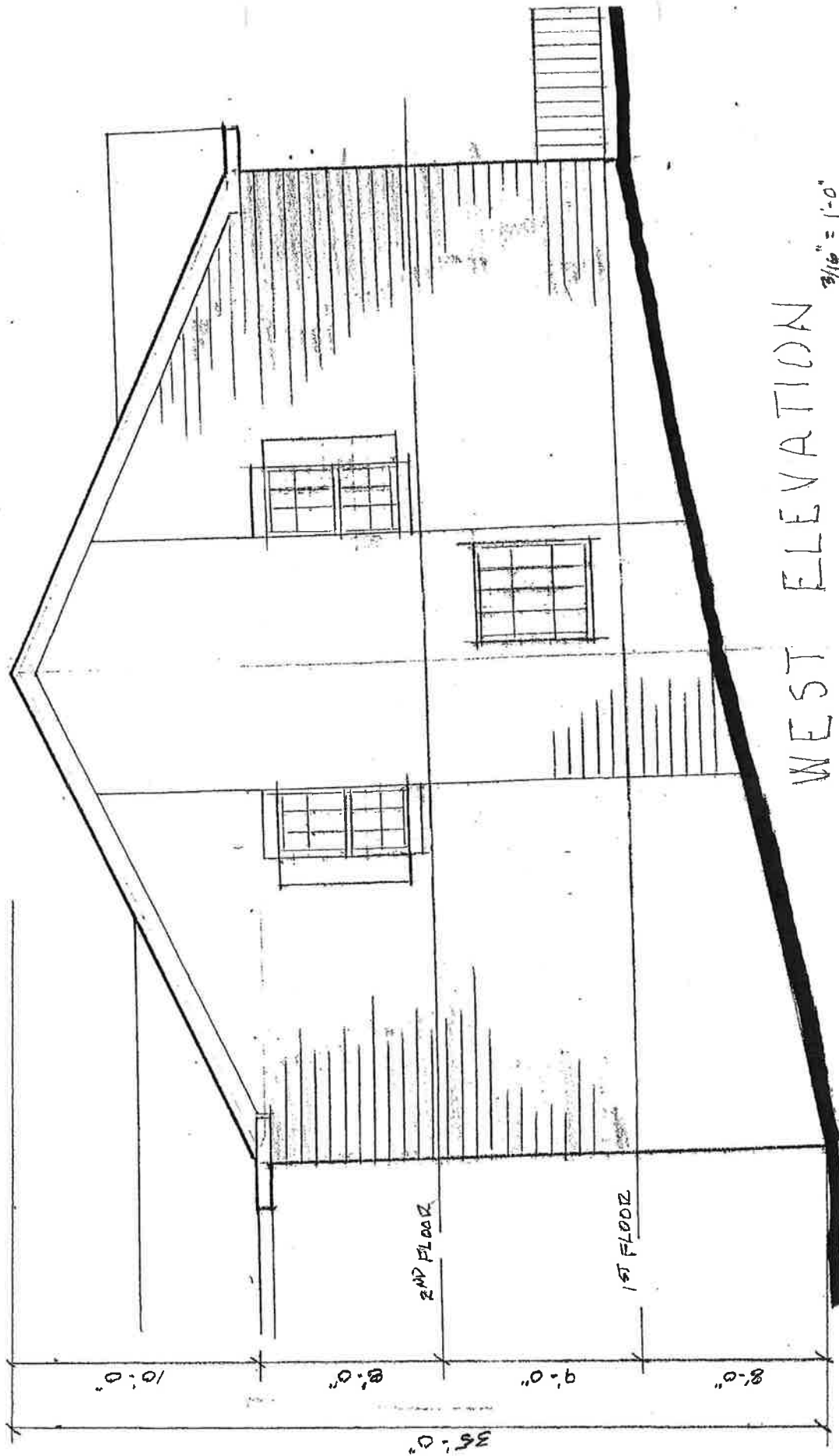



PIKE HOUSE
new addition
PI Kappa Alpha Fraternity, Inc., Oxford, Ohio



SECOND
FLOOR
PLAN





PROPOSED ADDITION



SURROUNDING

PHI DELTA THETA FRA

PROPERTY TO OUR
IMMEDIATE EAST

MAINLY SIDE, SOME REAR
VIEW

PARCEL 169



PHI DELTA THETA FRAT

FRONT & SIDE VIEW

NW
CORNER OF E. CHURCH
TALAWANDA

PARCEL 169



SINGLE FAMILY RES.

ACROSS CHURCH ST. TO
SOUTH

SE CORNER OF E. CHURCH
BISHOP LOTS 35 & 40

MIAMI PARKING LOTS IN
DISTANCE. PARCELS 39 & 40

PARCEL 38 VACANT



MULTI-FAMILY
STUDENT RENTAL

PROPERTY TO OUR
IMMEDIATE WEST

NE CORNER OF E. CHURCH
& BISHOP

PARCEL 166

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 17, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 10, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US 27 South
But 27-14.12 PID # 81769**

Recommendation: Approve

Discussion: The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South from just north of Chestnut St. to just south of Southpointe Crossing. Improvements will widen the roadway and create turning lanes at critical intersections in conjunction with paved shoulders on both sides of the highway. Upgrades will also include the construction of curb & gutter, a stormwater sewer system, concrete sidewalks on both sides of the roadway, improved street lighting, traffic signalization improvements, and the addition of street tree plantings in the future.

The City has evaluated the need for ROW acquisition on approximately 37 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are at least 10 parcels that have not yet come to an agreement with the City. Seven additional parcels are close to settling their ROW cases.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by the US27 South project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the ten properties that have not been resolved, Fair Market Value (FMV) estimates range from \$5,390 to \$45,000. Should all of the properties settle for FMV, the cost is estimated at \$ 174,621.

Service Department staff recommends moving forward with appropriation proceedings so that the City may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. Construction is expected to take up to two construction seasons to reach completion.

The City has previously encumbered approximately \$1.5M to acquire the necessary ROW for this project. Funds expended by the City will be reimbursed by ODOT utilizing Federal earmarks designated for the construction of this project.

It should be noted that if the seven parcel owners that are close to an agreement don't sign, the City will be forced into additional appropriation actions to meet our obligation to ODOT to provide the necessary ROW for the project.

Approved By:

Department Head:

Initial Date
MBD \ 9/10/13

City Manager:

DBE \ 9/13/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY BRUCE E. PERRY AND DIANE K. PERRY, WITH INTEREST BY OTHERS, FOR THE WIDENING OF MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: This Council hereby declares the necessity and intention to appropriate certain property in accordance with Chapter 163 of the Ohio Revised Code for the purpose of widening and improving Millville-Oxford Road, which is a road open to the public without charge.

SECTION 2: This Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit "A", attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Bruce E. Perry and Diane K. Perry, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION 3: The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above- described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION 4: 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)

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 159-WD
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of Lot No. 954 in Juniper Hills Subdivision which is a 0.408 acre tract conveyed to Bruce Edward Perry and Diane Kay Perry as recorded in Official Record 6593, Page 1660, in the Butler County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at a point at the southwest corner of said Lot No. 954 of Juniper Hills Subdivision as recorded in Plat Book 16, Page 30, in the Butler County Recorder's Office, said point being 30.00 feet right of centerline of survey station 230+87.53, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right having a radius of 11429.16 feet, a central angle of 00 degrees 46 minutes 56 seconds, an arc length of 156.02 feet, and a chord that bears North 30 degrees 49 minutes 45 seconds West, for a distance of 156.02 feet to a point at the grantor's northwest corner, said point being 30.00 feet right of centerline of survey station 232+43.96;

Thence, North 86 degrees 28 minutes 04 seconds East, along the grantor's north line, for a distance of 44.88 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 232+23.53;

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

Thence, with a curve to the left having a radius of 11389.16 feet, a central angle of 00 degrees 49 minutes 14 seconds, an arc length of 163.12 feet, and a chord that bears South 30 degrees 57 minutes 02 seconds East, for a distance of 163.12 feet to an iron pin on the grantor's south line, said pin being 70.00 feet right of centerline of survey station 230+59.41;

Thence, North 86 degrees 17 minutes 50 seconds West, along the grantor's south line, for a distance of 48.83 feet to the **TRUE POINT OF BEGINNING**, containing 0.147 acres.

It is understood that the parcel of land described contains, 0.147 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-017.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "LOCKWOOD, LANIER, MATHIAS, & NOLAND, INC.".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Official Record 6593, Page 1660 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: *[Signature]*
DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 159-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF OXFORD, BUTLER," COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of Lot No. 954 in Juniper Hills Subdivision which is a 0.408 acre tract conveyed to Bruce Edward Perry and Diane Kay Perry as recorded in Official Record 6593, Page 1660, in the Butler County Recorder's Office, and being more particularly described as follows::

Being a parcel of land lying on the right side of the centerline of survey and the centerline of construction for BUT-27-10.92 and being located within the following described points in the boundary thereof:

COMMENCING for reference at an iron pin on the east proposed right of way for U.S. 27 and the grantor's south line, said pin being 70.00 feet right of centerline of survey station 230+59.41, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right having a radius of 11389.16 feet, a central angle of 00 degrees 49 minutes 14 seconds, an arc length of 163.12 feet, and a chord that bears North 30 degrees 57 minutes 02 seconds West, for a distance of 163.12 feet to an iron pin on the grantor's north line, said pin being 70.00 feet right of centerline of survey station 232+23.53;

Thence, North 86 degrees 28 minutes 04 seconds East, along the grantor's north line, for a distance of 11.23 feet to a point, said point being 80.00 feet right of centerline of survey station 232+18.40;

Thence, with a curve to the left having a radius of 11379.16 feet, a central angle of 00 degrees 49 minutes 49 seconds, an arc length of 164.90 feet, and a chord that bears South 30 degrees 58 minutes 52 seconds East, for a distance of 164.90 feet to a point on the grantor's south line, said point being 80.00 feet right of centerline of survey station 230+52.34;

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

Thence, North 86 degrees 17 minutes 50 seconds West, along the grantor's south line, for a distance of 12.22 feet, to the **TRUE POINT OF BEGINNING**, containing 0.038 acres.

It is understood that the parcel of land described contains, 0.038 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-017.

All iron pins set are 3/4" x 30" rebar with 2" aluminum cap stamped "ODOT R/W-District 8".

Description prepared from an actual field survey by Lockwood, Lanier, Mathias & Noland, Inc. under the supervision of Richard F. Mathias, P.S. #7798, November, 2011.

Grantor claims title by instrument recorded in Official Record 6593, Page 1660 in the Butler County Recorder's Office.

Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13

Date

BUT 27 - 10.92 PID: 81769
PROJECT STATUS REPORT
9/10/2013

Parcel	Ext.	Owner	Property Address	Parcel Number
132	WD	Herbert J. Summe Carl A. Summe Res 3	3992 Millville-Oxford Road	H3520052000002
133	WD,T	Shawn & Holly Baker 4	3996 Millville-Oxford Road	H3620052000003
133	BS-1	Century 21 5	3996 Millville-Oxford Road	H3620052000003
137	WD,T , ER	Alan W. & Tammy K. Thome 6	4134 Millville-Oxford Road	H3620050000001
151	WD,T	Sheryl Lancaster 7	4205 Millville-Oxford Road	H4100112000010
156	WDV	Bruce Edward & Diane Kay Perry 8	McKee Avenue	H4100111000021
158	WD	Bruce E. & Diane K. Perry 9	6 McKee Avnue	H4100111000020
159	WDV,T	Bruce Edward & Diane Kay Perry 10	Thomson Court	H4100111000017
160	WD,T	David R. Nestle 11	106 Thomson Court	H4100111000016
162	WD,T	Edwina Green 12	Millville-Oxford Road	H4100110000010