



Agenda

Oxford City Council

Court House

TUESDAY, OCTOBER 1, 2013

EXECUTIVE SESSION

None.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

A. Proclamation - 'Caroline Scott Harrison Day'



Proclamation

B. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

A. Minutes of the September 12, 2013 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Minutes of the September 17, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

C. Report regarding the September 10, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

D. Report regarding the September 18, 2013 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

E. Report regarding the September 25, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

F. A Resolution authorizing a temporary abatement of the noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2014 starting at 10:00 p.m. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's campus for the American Cancer Society's Relay for Life. (Mary Ann Eaton, Clerk of Council)



Staff Report/Resolution

5. Resolutions.

1. A Resolution granting the Talawanda Recreation, Inc. (TRI) a two (2) year lease and authorizing the City Manager to execute the new lease. (Gail Brahier, Parks and Recreation Director)



Staff Report/Resolution

2. A Resolution authorizing the City Manager to submit eligible projects to the Butler County Board of Commissioners for the 2014 Community Development Block Grant Program (CDBG) year application. (Mike Dreisbach, Service Director)



Staff Report/Resolution

3. A Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Indian Trace, LTD. Partnership, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Christopher A. Umbstead, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

5. A Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Tracy L. Beckelhymer, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. A Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Ken & Jackie A. Milczarek, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

7. A Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by The Oxford Cemetery Association, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

4. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On McKee Avenue For The Purpose Of Acquiring

Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

5. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 6 McKee Avenue For The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

6. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Thomson Court For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

7. An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

8. An Ordinance Approving A Conditional Use Permit To Allow For The Reinstatement Of An Existing Drive-Through Facility At 5046 College Corner Pike, Oxford, Ohio 45056 With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

B. Second Reading - None.

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Oct 2 Community Relations Commission Meeting 4:30 p.m. City Manager's Office

WED - Oct 2 Historic and Architectural Preservation Commission Meeting Cancelled

WED - Oct 2 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Oct 8 Planning Commission Meeting 7:30 p.m.

THUR - Oct 10 Student Community Relations Commission Meeting 4:00 p.m. LCNB

THUR - Oct 10 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

TUES - Oct 15 City Council Meeting 7:30 p.m.

WED - Oct 16 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Oct 17 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

THUR - Oct 17 City Council Budget Work Session 6:30 p.m.

MON - Oct 21 Housing Advisory Board 7:00 p.m. Municipal Building

WED - Oct 23 Civil Service Commission Meeting 6:00 p.m.

FRI - Oct 25 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - Nov 4 City Council Meeting 7:30 p.m.

WED - Nov 6 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Nov 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Nov 12 Planning Commission Meeting 7:30 p.m.

THUR - Nov 14 Student Community Relations Commission Meeting 4:00 p.m. LCNB

THUR - Nov 14 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

MON - Nov 18 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

MON - Nov 18 City Council Meeting 7:30 p.m.

WED - Nov 20 Board of Zoning Appeals Meeting 7:30 p.m.

FRI - Nov 22 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - Nov 25 City Council Organizational Meeting 7:00 p.m.

WED - Nov 27 Civil Service Commission Meeting 7:00 p.m.

THUR - Nov 28 Holiday - City Offices Closed

FRI - Nov 29 Holiday - City Offices Closed

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

Caroline Scott Harrison was born in Oxford, Ohio, at Two South Campus Avenue, on October 1, 1832; and

WHEREAS, her father, John Witherspoon Scott, was a professor at Miami University, and her mother was Mary Neal Scott; and

WHEREAS, Caroline learned to paint from her aunt Caroline Neal and to play piano from her mother. Thus, she became both an accomplished artist and musician; and

WHEREAS, Caroline met Benjamin Harrison in Cincinnati while her father taught at Farmer's College. In 1852, Benjamin graduated from Miami University, and Caroline graduated from the Oxford Female Institute. They married in Oxford on October 20, 1853, in her parents' home at 131 West High Street; and

WHEREAS, Benjamin won the U.S. presidential election in 1888, and Caroline and Benjamin left for Washington, D.C., in 1889. Benjamin Harrison became the 23rd President of the United States when he was inaugurated on March 4th of that year; and

WHEREAS, Caroline was the first in the White House to have a decorated Christmas tree, and she was also responsible for having electricity installed in the White House; and

WHEREAS, An advocate of education for women, Caroline agreed to raise funds for the Johns Hopkins Medical School in 1890 on the condition that women be admitted on the same basis as men; and

WHEREAS, Caroline became the first President General of the newly formed Daughters of the American Revolution (DAR) in 1890; and

WHEREAS, Caroline Harrison's contributions as First Lady unfortunately are often overlooked, but she did much to further equality for women, and her plan for White House renovation contributed greatly to its future evolution.

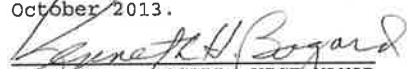
WHEREAS, Caroline died in the White House on October 25, 1892, and she was mourned by the nation. Funerals were held both in Washington, D.C., and in Indianapolis, Indiana, where she is buried at Crown Hill Cemetery, beside her husband who died in 1901.

NOW, THEREFORE, I, Kenneth H. Bogard, Vice Mayor of the City of Oxford, Ohio, do hereby proclaim October 20, 2013, as:

'Caroline Scott Harrison Day'

in the City of Oxford and urge all citizens to celebrate her importance here in Oxford and as First Lady.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of October 2013.


KENNETH H. BOGARD, VICE MAYOR



A work session of the Oxford City Council was called to order by Mayor Richard Keebler Thursday, September 12, 2013 at 6:00 P.M. Those Council members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeegan, Kate Rousmaniere and Steve Snyder.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Bob Holzworth, Police Chief; Geoff Robinson, Police Sergeant; Joe Newlin, Finance Director; Jung-Han Chen, Community Development Director; Gail Brahier, Parks and Recreation Director; Alan Kyger Economic Development Director; Heidi Hill, Assistant Finance Director and John Detherage, Fire Chief.

APPROVAL OF AGENDA

Mr. Blackburn moved to approve the Agenda. Mr. Snyder seconded. The motion carried 7-0-0.

CAPITAL IMPROVEMENT PROJECTS (CIP)

Mr. Elliott presented the proposed five-year Capital Improvement Plan which included information on the following:

- Funding sources proposed for the 2014 CIP Expenditures
- Detailed list of proposed construction projects
- Detailed list of proposed equipment purchases

The CIP figures will be incorporated into the City Manager's proposed budget for 2014 and will be submitted to Council on October 4, 2013.

ADJOURNMENT

Mr. McKeegan moved to adjourn at 7:30 P.M. Mr. Snyder seconded. The motion carried 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, September 17, 2013 at 7:00 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. McKeehan moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) (2) and (3) for the purpose of discussing appointments to Boards and Commissions, property acquisition and pending litigation. Mr. Snyder seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. Blackburn, Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mayor Keebler (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Snyder moved to return from Executive Session at 7:35 p.m. Mr. McKeehan seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION 'HISPANIC HERITAGE MONTH'

Mayor Keebler read the proclamation and presented it to Ms. Jacque Rioja Velarde and Ms. Juanita Tate.

Ms. Rioja Velarde thanked Council for their support of the annual Latin Festival and invited everyone to attend the event on Friday, September 20th at 5:30 p.m. in the Uptown Park. Ms. Rioja Velarde noted the Oxford Community Foundation was supporting the event this year.

Ms. Rioja Velarde advised some of the performances would focus not only on Hispanic/Latino American cultures but also on the blending of cultures in the United States.

PROCLAMATION **'CONSTITUTION WEEK'**

Mayor Keebler read the Proclamation and presented it to Ms. Susan Moore, Ms. Suzanne Dunkelberger and Ms. Rachel Mehl.

Ms. Susan Moore, Regent for DAR, thanked Council for the Proclamation on behalf of the Oxford Daughters of the American Revolution (DAR) organization. Ms. Moore advised DAR assembled a Constitution of the United States display at the Lane Library and encouraged everyone to visit the library to take a look at the display.

PRESENTATION **OXFORD COMMUNITY FOUNDATION**

Ms. Catherine Hollins, Executive Director, Oxford Community Foundation, advised over the past 17 years the Oxford Community Foundation and the City of Oxford had forged a strong and lasting partnership, building a stronger, more vibrant Oxford. Ms. Hollins noted as partners the City and the foundation provided funding for non-profits in the area, helping them bridge their budget gaps to improve the quality of life for everyone who lives in Oxford. Ms. Hollins advised together the City and the foundation built a beautiful Uptown Park for everyone to enjoy and through the Red Brick & Ivy Fund the foundation was able to help the City maintain the parks in perpetuity. Ms. Hollins noted through the Red Brick & Ivy fund people could purchase bricks to memorialize or honor their loved ones. Ms. Hollins advised working together the City and the foundation enhanced the quality of life for everyone by giving them places to go, people to see, and things to do, such as attend some of the many festivals in the Uptown Park. Ms. Hollins noted the hanging flower baskets in Oxford's Uptown were provided by the Des Fleurs Beautification Fund. Ms. Hollins advised the City's administrative support allowed the foundation to meet its goals which in turn supported the City of Oxford in meeting its goals. Ms. Hollins noted the foundation administered over 127 endowed funds that benefitted the community, two of which the City held at the foundation. Ms. Hollins advised the funds supported grants and scholarship requests which were reviewed by the Community Foundation staff and awarded by committees made up of community members. Ms. Hollins noted the money was distributed by the foundation's staff with oversight and guidelines by the IRS, the foundation's CPA, and the foundation's board. Ms. Hollins advised in order to grow the foundation and the endowments the foundation had a strong fund raising plan which over the last 17 years had built the foundation's endowment to close to 3.8 million dollars. Ms. Hollins noted donors gave to the foundation because they cared about Oxford and knew the money would go back into the community. Ms. Hollins advised the foundation built a level of trust by promising donors and the community that through strong stewardship of the endowments the money would work for Oxford today, tomorrow, and forever. Ms. Hollins noted the City's support made all of this possible and as a donor the City contributed to the foundation's daily work and supported their mission. Ms. Hollins advised the City's support toward the foundation's core operational expenses allowed the foundation to strengthen their services for donors, non-profit organizations and for the City of Oxford. Ms. Hollins noted the City's support allowed the foundation to undertake leadership initiatives and improve the quality of life for everyone in Oxford.

Ms. Hollins advised the City's support of the foundation's core operations helped off-set costs the City would otherwise have borne, lessening administrative burden on City staff. Ms. Hollins noted she felt the Oxford Community Foundation had been very effective in helping the City achieve its goals for making Oxford the type of City it wanted to be now and in the future through leveraging money and the combined talents of the foundation and the City. Ms. Hollins advised the administrative support provided to the foundation was crucial in making the foundation and the City's partnership so successful. Ms. Hollins noted through this support the City increased its impact on the community in ways that direct spending of the City's budget dollars could not have achieved. Ms. Hollins advised the City of Oxford made an investment in the community and in the foundation and this wasn't simply another annual expense. Ms. Hollins noted the Oxford Community Foundation looked forward to strengthening this partnership and participating with the City in future endeavors. Ms. Hollins thanked Council for allowing her to make a presentation this evening and thanked Council for all they did to make Oxford a healthy and caring environment in which to live.

Mr. Harman thanked Ms. Hollins for reminding Council of all the Oxford Community Foundation did to enhance the City. Mr. Harman inquired if a reduction in funding allocated to the Oxford Community Foundation by the City of Oxford would adversely affect the foundation. Ms. Hollins advised the Oxford Community Foundation Board would need to access what the foundation did for the City and what the City did for the foundation in turn. Ms. Hollins noted the foundation provided a lot of support to the same non-profits the City helped to fund on an annual basis. Ms. Hollins advised if money for services was reduced, the services may also be reduced.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Dakotas of Oxford LLC DBA Dakotas of Oxford 325 S. College Avenue
Oxford, Ohio 45056.

Mayor Keebler advised there had been a change in the ownership of this business and Council needed to consider accepting the revised notification of a new liquor permit within the City.

Mr. Bogard moved to accept the notice without comment. Mr. Blackburn seconded. The motion passed 7-0-0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Bogard moved to appoint Michael Kohus to the Student Community Relations Commission for a term expiring June 30, 2014 and Bill Schilling for a term expiring June 30, 2015. Mr. Bogard moved to appoint Judith Kolbas to fill an unexpired term on the Housing Advisory Commission ending June 30, 2014. Mr. Harman seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Megan Donahue, Miami University, Office of Community Engagement and Service, recapped the 2013 Walk-About results. Ms. Donahue advised the volunteers visited 1,289 student addresses with an original list of 1,304 addresses. Ms. Donahue noted that number substantially increased from 958 last year. Ms. Donahue advised the volunteers spoke to 611 students and left informational packets at 420 student addresses. Ms. Donahue noted she appreciated the community's support of the event.

Mayor Keebler thanked Ms. Donahue for her hard work on the event.

CONSENT AGENDA

Mr. Snyder requested removal of item B. Report regarding the September 4, 2013 Historic and Architectural Preservation Commission Meeting.

MINUTES

Minutes of the September 3, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the September 4, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION

CONTRACT WITH

STRAWSER CONSTRUCTION, INC.

A Resolution No. 4768 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to approve the consent agenda items A., C. and D. Mr. Blackburn seconded. The motion passed 7-0-0.

REPORT

Report regarding the September 4, 2013 Historic and Architectural Preservation Meeting (Jung-Han Chen, Community Development Director)

Mr. Snyder referred to the HAPC report on page 19 of the agenda, second item under New Business. Mr. Snyder noted there were existing businesses in alley-ways and inquired why there was no zoning for the new one behind Quiznos on W. High Street. Mr. Chen advised staff did not encourage businesses to operate in alley-ways as safety was compromised. Mr. Chen noted there were existing businesses in alley-ways that had been there for many years.

Mr. Snyder inquired if the practice was legislated out of the Codified Ordinances and Mr. Chen advised yes. Mr. Chen noted staff was working with the owner to move the entrance to the business to face High Street. Mr. Snyder inquired when the legislation occurred to prohibit businesses operating in alley-ways. Mr. Chen advised he would review the matter and report back to Council.

Mr. Snyder moved to accept the HAPC report. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **GRANT APPLICATION**

A Resolution No. 4769 of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 Funds in the 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. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised at the last meeting, Council approved a Resolution to apply for grant funds for the rehabilitation of High Street between Poplar Street and Campus Avenue. Mr. Dreisbach noted since then, competing projects in other jurisdictions had been removed from the competition and the City was notified that additional funds may be available with no additional match on the City's part. Mr. Dreisbach advised staff was asking Council's permission to increase the amount of the application for grant funds with no further local funds being necessary.

Council was in favor of applying for the additional funds.

Mr. Bogard moved to adopt Resolution No. 4769. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION **SEWER AGREEMENT**

Resolution No. 4770 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. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised on June 18, 2013 Council adopted Ordinance No. 3221 authorizing the redevelopment of the former Wal-Mart site at 419 S. Locust Street. Mr. Dreisbach noted Section 3 of the Ordinance required 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'. Mr. Dreisbach advised in order to accommodate the additional sanitary sewer needs of the new development, a bottleneck in the sanitary main below the railroad on Chestnut Street must be removed.

Mr. Dreisbach noted the proposed project would replace the Chestnut Street sanitary sewer from approximately Ardmore Street to Main Street including the section in the CSX right-of-way. Mr. Dreisbach advised the cost of the proposed project was approximately \$250,000 with each party contributing 50% (the developer and the City). Mr. Dreisbach offered to answer any questions.

Ms. Rousmaniere noted because of a new development on Locust Street the sewer lines on Chestnut Street needed to be upgraded. Mr. Dreisbach advised yes. Mr. Bogard inquired what the timeline was for the proposed project. Mr. Dreisbach advised it would occur prior to the construction on U.S. 27 South and noted his hope it would be done this winter when Miami University was not in session. Mr. Bogard inquired if there might be any problems with CSX holding up the project. Mr. Dreisbach noted similar work had been done on Locust Street with no problems.

Mr. Snyder moved to adopt Resolution No. 4770. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION **PROPERTY ACQUISITION**

A Resolution No. 4771 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Herbert J. Summe and Carl A. Summe, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Mayor Keebler noted there was a total of 10 Resolutions that were exactly the same except for the parcel number and the owner of the property to be acquired. Mayor Keebler asked Mr. Dreisbach to address the 10 Resolutions collectively.

Mr. Dreisbach advised this discussion would cover Resolution numbers 3-12 on the agenda. Mr. Dreisbach noted the City worked with ODOT to design improvements to U.S. 27 South as part of the Northwest Butler County Transportation Study. Mr. Dreisbach noted Miami University and the City were successful in obtaining federal earmarks for transportation projects and this was the final project to be done utilizing those funds. Mr. Dreisbach advised the design was complete and approved by ODOT and he did not foresee any delays in getting the project out for bid. Mr. Dreisbach noted the responsibility for acquiring the right-of-way was upon the City and once the City certified that the right-of-way necessary for the project had been acquired or was in the process of being acquired, the City could certify to ODOT that they could proceed with bidding and contractual procedures. Mr. Dreisbach advised ODOT hoped to have the project out for bid in February for the 2014 construction season. Mr. Dreisbach noted Council would begin the process of appropriating land necessary for the project tonight. Mr. Dreisbach advised the City encumbered 1.5 million dollars of local funds to acquire the property which would be reimbursed to the City. Mr. Dreisbach noted fair market value estimates had been prepared for damages caused to the properties due to losing some property or for temporary construction easements. Mr. Dreisbach advised the City settled with many of the property owners but some were not close to settling and therefore a Resolution was on the agenda to begin the appropriation process.

Mr. Dreisbach noted if the Resolutions were approved, the clerk would give official notice to the property owners of the City's intent to acquire some of their property for the project. Mr. Dreisbach advised once proper notice was served an Ordinance would need to be passed by a 2/3 majority of Council voting to acquire the property. Mr. Dreisbach noted the City would continue to work with property owners that had not settled with the City and there were an additional 5 property owners that were close to settling with the City.

Mayor Keebler noted there were 5 additional properties the City felt could be settled, but if not they would be added to tonight's list and some may be removed from the list if they settled. Mr. Dreisbach advised the City would continue to work with property owners through mediation right up to the time of trial. Mr. Dreisbach noted once the Ordinances were adopted the fair market value funds would be deposited with the Butler County Clerk of Courts giving the City right of entry on land being appropriated.

Mr. Bogard noted there were originally 40 property owners and now there were only 15 that had not settled. Mr. Bogard commended the contractor and City staff who had negotiated settlements with the property owners.

Mr. Bogard moved to adopt Resolution No. 4771. Ms. Rousmaniere seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4472 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Shawn Baker and Holly Baker, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4472. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4473 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4473. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4774 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Alan W. Thome and Tammy K. Thome, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4774. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4775 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4775. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4776 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4776. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4777 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4777. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4778 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4778. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4779 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by David R. Nestle, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4779. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4780 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. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4780. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

None.

ORDINANCES
SECOND READING

ORDINANCE
CURB, GUTTER AND SIDEWALK
ASSESSMENTS

An Ordinance No. 3230 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. (Mike Dreisbach, Service Director)

Mr. Dreisbach noted a change to the list of assessments and advised the Talawanda School District opted to pay cash for the cost of the improvements made to their property on Chestnut Street.

Mr. McKeehan moved to adopt Ordinance No. 3230. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard
Mayor Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3231 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. (Jung-Han Chen, Community Development Director)

Mr. Chen advised at the last meeting Mr. Blackburn inquired if a fire suppression system would be required in this structure if the expansion project moved forward. Mr. Chen noted based on the information he obtained a fire suppression system would be required.

Mr. Blackburn inquired if the occupancy for this building should be reduced based on recently passed legislation. Mr. Chen advised a fraternity house was a conditional use in this district and the reduction of occupancy only applied to non-conforming uses.

Mr. Harman moved to adopt Ordinance No. 3231. Mr. Snyder seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman
Mayor Keebler (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised last week Council held a Work Session to review the 2014-2018 proposed Capital Improvement Plan (CIP). Mr. Elliott noted the proposed CIP for 2014 included \$2,048,000 for construction projects of which High Street improvements represented \$660,000. Mr. Elliott advised the 2014 proposed capital equipment total was \$1,211,246.

Mr. Elliott noted when Department Heads submitted their five year CIP plans he asked them to address a limited number of capital projects due to the reduction of state shared revenues so that the proposed CIP was sustainable in the long run.

Mr. Elliott advised the 2014 CIP would be incorporated into the City Manager's Proposed Budget for 2014 which would be submitted to Council the first of October.

Mr. Elliott advised each year the State Employment Relations Board (SERB) completed a report on the cost of health insurance in Ohio's Public Sector. Mr. Elliott noted the report was based on surveys of cities, townships, counties, school districts, and other public entities. Mr. Elliott advised the City of Oxford was self funded and self funded plans represented 45% of cities' health plans. Mr. Elliott noted the 2013 average monthly medical and prescription premium employer cost per employee for cities was \$1,252 and the City of Oxford's cost was \$1,011 per employee per month including dental and vision. Mr. Elliott advised the 2013 average monthly medical and prescription employee contribution for family coverage for cities was \$135 (with 9.8% of premiums paid by the employee) and the City of Oxford's employee monthly cost for family coverage including dental and vision was \$128.33 (with 11.3% of premiums paid by the employee). Mr. Elliott noted the City of Oxford was below the average on employer and employee costs for medical and prescription premiums although some benefit levels were considerably less than the average for cities. Mr. Elliott advised the City changed employee healthcare benefit levels in 2011 and increased both the employer and employee contribution amounts in 2012. Mr. Elliott advised in 2013 the City initiated a spousal coordination of benefits requirement noting the changes were necessary to meet expenditure requirements in the self funded Employee Benefits Fund.

Mr. Chen advised the Historic Marker Awards Ceremony would take place tomorrow from 5:00 to 7:00 p.m. at the Oxford Community Arts Center.

Mr. Kyger advised the Princess Theatre had been purchased and the new owner inquired about the steps necessary to reopen the theater. Mr. Kyger noted he would pass along more information as it became available.

Mr. Bogard extended thoughts and prayers for the families and victims of yesterday's tragedy at the Naval Yard in Washington, D.C.

Ms. Rousmaniere advised on Tuesday, September 24, 2013 a Community Forum entitled "Growing Older in Oxford: Our Future, What's Probable? What's Possible? What's Preferable?" would take place at Oxford Seniors 922 Tollgate Drive. Ms. Rousmaniere noted a number of speakers from around the community would speak about housing and transportation for seniors in Oxford as well as the concept of 'Retiring in Place'. Ms. Rousmaniere advised the program was from 9:00 a.m. to 3:00 p.m. and the registration fee was \$10.00.

Mr. Blackburn noted dinner was \$1.00 at Oxford Seniors on Monday nights and they did a really good job.

Mr. Snyder inquired if the schedule for budget meetings was finalized. Mr. Elliott advised he would finalize it in the next day or two.

Mr. McKeehan shared a 'vacation story' noting he left a bicycle in front of his house that he was donating to a student who was to pick it up. Mr. McKeehan advised when he returned to Oxford 7 days later the bicycle was still in front of his house as he left it including the helmet.

ADJOURN

Mr. Bogard moved to adjourn at 8:20 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 1, 2013

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

September 24, 2013
Date Prepared

PLANNING COMMISSION MEETING REPORT – September 10, 2013

Commission & Board Reports

Robert Bell was appointed to the Environmental Commission. Staff reported that the Safe Routes to School collaboration with Talawanda Schools is moving forward.

Public Hearing:

PC-13-2013 CONDITIONAL USE, 5046 College Corner Pike, formerly Kentucky Fried Chicken Restaurant, to allow for a drive-through restaurant in a GB (General Business) District, **Scott Webb, Applicant, Agent**

The applicant is seeking to reinstate a drive-through at the former Kentucky Fried Chicken. In 1991, the Planning Commission approved a drive-through at this location. The restaurant eventually closed and the site has been empty for approximately two years. The zoning code states that a Conditional Use permit shall automatically expire if the Conditional Use ceases operation for more than one year. This Conditional Use application only relates to the drive through.

Staff reviewed renovations occurring at the site, specifically the re-paving of the parking lot. Discussion followed regarding the traffic flow at the site. Staff noted that no parking lot striping/markings were yet complete. The Planning Commission decided to place conditions upon the parking lot: that, all parking lot striping, including parking spaces, drive-through lane, entrance and exit arrows shall be completed prior to occupancy, and that, a striped crosswalk connection from the restaurant main entrance at the southeast corner of the building to the public sidewalk along US 27 North be completed.

After the Public Hearing, the Planning Commission voted 6-0-0 to recommend approval to City Council subject to the conditions outlined by the Commission.

Items Under Consideration for Future Discussion

The Planning Commission discussed future work sessions and the progress of several committees, specifically parking and alternative modes of transportation.

Next Meeting:

The next regularly scheduled Planning Commission meeting will take place October 8, 2013

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>9/25/13</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>[Signature]</u>	<u>9/26/13</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 1, 2013

Sam Perry
Prepared By

Account Code No. #:

September 25, 2013
Date Prepared

Budgeted Amount:

Agenda Title: **Board of Zoning Appeals Meeting Report – September 18, 2013**

Adjudication Hearing:

BZA-11-2013 318 S. Main Street variance to Section 1149.03(e) number of parking spaces, for a multi-family dwelling, **Scott Webb Applicant, Agent**

The applicant proposed to add two-story front and rear porches to the existing 4-family building. The current and proposed use is non-conforming because it is a 4-family apartment building in a R2-MS zone. The additions require that the use comply with all the vehicle management regulations. Vehicle management code requires 2.5 parking spaces per unit, totaling 10 parking spaces required for this use. The applicant proposed 6 parking spaces, which was 2 more than what currently exists. Currently there are four parking spaces. A detached garage would be demolished to facilitate the improved parking configuration. No changes were proposed to the interior floor plan. The exterior additions were intended to increase the amenities. The March 2013 comprehensive revision to the nonconforming section of the zoning code (1137) allowed the front porch without an occupancy reduction, but not the rear porch. Therefore, the applicant opted to remove the rear porch proposal in order to maintain the permitted occupancy of 12. One adjacent property owner spoke in favor of the variance because of concerns of additional storm runoff.

During deliberation of the Decision Standards, the BZA determined that the variance request of only 3-6 more feet of asphalt width was not substantial in comparison to four more potential parking spaces on the site.

Upon review of the Decision Standards the Board of Zoning Appeals approved the variance 3-0-0. Two members recused themselves from the hearing. The conditions placed on the approval were:

- Compliance with all applicable vehicle management regulations, such as, but not limited to a 6-inch raised curb around the parking area;
- That, the front porch addition as proposed, addresses the essential character and spirit and intent decision criteria;
- That, a statement from a certified Engineer be submitted stating that the plans comply with the City's storm water design standards.

Next Meeting:

The next BZA meeting will take place on October 16, 2013.

Approved By:

Department Head:

City Attorney:

A. City Manager:

Initial Date

jhc / 9/25/13

WJ / 9/26/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: October 1, 2013

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 26, 2013

Date Prepared

Agenda Title: Report regarding the September 25, 2013 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, September 25, 2013. Those members present were: Karen Martino, Chair; James Burchyett, Vice-Chair, Bill Brewer and Greg Smith. Brian Martin was excused

Donna Heck, Human Resources Director and Kim Newton, Recording Secretary were in attendance for the City.

Dennis Malone, Human Resources Director was in attendance for the Talawanda School District.

The Commission approved the revised District Custodial Personnel job description for the Talawanda School District.

Ms. Heck informed the Commission the City Manager would be attending the October meeting to discuss a recommendation to replace the Civil Service Commission with a Personnel Advisory and Appeals Board. Ms. Heck explained this would require a Charter Amendment which would need to be placed on the ballot at the next election. Ms. Heck also advised a proposal for consideration had been presented to Council, however, Council had not discussed nor approved the proposal.

The next regular meeting is scheduled for October 23, 2013.

Approved By:

Department Head:

City Attorney:

A. City Manager:

Initial Date

df / 9/26/13

MB / 9/26/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: October 1, 2013

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

September 24, 2013
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2014 starting at 10:00 P.M. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's Campus for the American Cancer Society's Relay for Life.

Recommendation: N/A

Discussion:

This request is for the American Cancer Society's Relay for Life event which raises money for the American Cancer Society. The event will take place at Millett Hall and is open to the public and alcohol free. Council has approved the Noise Abatement for this event for the past several years.

Approved By:

Initial Date

Department Head:

City Manager:

MBD 9/26/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, APRIL 4, 2014 STARTING AT 10:00 P.M. TO SATURDAY, APRIL 5, 2014 AT 7:00 A.M. AT MILLETT HALL ON MIAMI'S CAMPUS FOR THE AMERICAN CANCER SOCIETY'S RELAY FOR LIFE.

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

SECTION 1: The City Manager and the Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the American Cancer Society's Relay for Life on Friday, April 4, 2014 starting at 10:00 p.m. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11, Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the American Cancer Society's Relay for Life on Friday, April 4, 2014 starting at 10:00 p.m. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's Campus.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : April 4, 2014 - April 5, 2014
FROM: ~~4:00~~ ^{a.m.} ~~p.m.~~ TO: ~~1:00~~ ^{a.m.} ~~p.m.~~ 10:00 PM 7:00 AM

ACTIVITY/EVENT TO BE UNDERTAKEN:

Miami University Relay For Life

LOCATION (attach copies of paperwork showing approval to use site):

Millett Hall : out front
NUMBER OF PEOPLE EXPECTED TO ATTEND: 500

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED:

DJ equipment

SOUND MONITORING PLANS (including person in charge of this process):

volume down/off from 1am to 6am (Elizabeth Uchtman)

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: Colleges Against Cancer : American Cancer Society

ADDRESS: 2408 Reading Rd., Cincinnati, OH 45206

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Elizabeth Uchtman

ADDRESS: 412 N Beech St Unit A, 45056 TEL. #: 513-205-0420

What is the contact person's relation to the organization (title, etc.)?

Relay For Life Production Chair

**ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT
AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF
RELEVANCE.**

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature Elizabeth Uchtman Date: 8/4/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of:

Gail S. Brahier

Account Code No. #: 110.620.52320

Prepared By

Budgeted Amount: Per Lease

9/24/13

Date Prepared

Agenda Title:

Two Year Lease Agreement with Talawanda Recreation, Inc.

Recommendation: Approval

Discussion:

The City of Oxford's Parks and Recreation Department operates services from the TRI Community Center and grounds, located at 6025 Fairfield Road, Oxford, OH. On 9/12/13 the TRI Board voted to extend the Lease Agreement with the City of Oxford for a two year period at the rate of \$34,280 in 2014 (no increase) and \$34,965 in 2015 (a 2% increase). The funds are used for operating expenses for the TRI grounds and community center building maintenance.

Approved By:

Initial Date

Department Head:

gb 9/24/13

City Attorney:

/

A. **City Manager:**

11/22 9/26/13

RESOLUTION NO.

RESOLUTION GRANTING THE TALAWANDA RECREATION, INC. (TRI) A TWO (2) YEAR LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NEW LEASE.

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

SECTION 1: The City Manager having reviewed the proposed two (2) year lease between the City and the TRI, hereby recommends Council authorize him to sign on the City's behalf, the new Lease attached hereto as Exhibit "A".

SECTION 2: Council hereby accepts the City Manager's recommendation and authorizes the City Manager to execute on the City's behalf the new Lease with the TRI. Council supports the TRI facility and believes it is important to ensure continued use of the facility by the citizens of Oxford.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

LEASE AGREEMENT

This agreement entered into at Oxford, Ohio, this _____ day of _____, 2013, between Talawanda Recreation Incorporated, hereinafter referred to as "TRI" and the City of Oxford, Butler County, hereinafter referred to as "City". This lease supercedes the previous lease entered into by the parties.

WHEREAS, TRI, a corporation not for profit and being the owner of the following described real estate:

Situate in the City of Oxford, Butler County, Ohio, and being a part of Lot No. 1668 of said City and bounded as described as follows: Beginning at a point in the North line of Section 27, Town 5, Range 1 East and formerly of Oxford Township, located 936.45 feet West of the Northeast corner of the Northwest quarter of said Section; thence from said point of beginning South 0° 53' East 227.18 feet; thence South 88° 54'; West 334.37 feet; thence South 0° 53' East 390.82 feet; thence South 88° 54' West 300.00 feet; thence North 0° 53' West 618.00 feet to a point in the North line of said Section 27; thence North 88° 54' East along the Section line 634.37 feet to the point of beginning containing 6.00 acres of land more or less. The above described tract includes a strip of land 53 feet wide along the North line which will ultimately become a part of Fairfield Road, the North 40 feet being the portion already dedicated for said road.

desires to lease to the City the land, facilities and building, and;

WHEREAS, the City desires to lease said land, facilities and buildings.

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1: TRI does hereby lease unto the City the above described real estate, including buildings and facilities for the first year rent fee of \$34,280.00 during the first year of said lease and \$34,965.00 during the second year of said lease. The rent shall be paid quarterly on January 15, April 15, July 15 and October 15 of each year. The City shall be entitled to possession immediately upon the execution of this lease agreement, and the City shall quietly have and enjoy said premises during the lease term free from hindrance by TRI; and if any part of said premises

shall be destroyed or rendered untenable by fire or other unavoidable casualty, no rent shall be charged during the time that the same shall be untenable by the City because of such destruction or untenable condition and any rent previously paid shall be pro-rated and refunded to the City.

SECTION 2: The term of said lease shall be from January 1, 2014 through December 31, 2015. It is specifically provided that either party may terminate this lease at any time hereafter by giving a written six months advance notice to the other party of the termination date. Upon the termination by either party, the rent shall be prorated as of the effective termination date with the same paid on a pro-rated basis to TRI or refunded on a pro-rated basis to the City, as the case may be.

SECTION 3: City, at its own expense, agrees to provide janitorial and custodial services for said buildings and grounds.

SECTION 4: TRI agrees to provide repairs for the exterior and interior of said building. It is the obligation of TRI to see to it that the building and grounds are in compliance with the laws of Ohio so that the same may be lawfully used by the City for recreational and other public programs.

SECTION 5: It is further agreed that TRI shall continue to develop and improve the recreational site at the expense of TRI and in a manner that does not interfere with possession or use by the City and does not require an increased rental sum from the City.

SECTION 6: It is further agreed that TRI shall maintain insurance on the building and contents and shall carry public liability coverage, and shall hold the city harmless for liability related to defects in building, structures, contents, and grounds of which TRI has actual or constructive notice.

SECTION 7: It is further agreed that the City shall employ a full-time Recreation Director for said facility at the expense of the City, and an appropriate office will be provided for the Parks and Recreation Director by TRI.

SECTION 8: TRI agrees to provide heating and electrical service in good working order for said facility during the term of this lease.

SECTION 9: It is further agreed that the City shall be responsible for gas, electric, water, refuse collection and sewer charges for said facility at the expense of the City.

SECTION 10: The City shall maintain public liability insurance and shall hold TRI harmless for injuries resulting from any cause other than defects in the building, structures, contents, and grounds of which TRI has actual or constructive notice.

SECTION 11: It is understood between the parties that said facility shall be used for civic and recreational purposes only and cannot be used for partisan political purposes.

SECTION 12: It is further agreed between the parties that the Parks and Recreation Director shall be under the sole control of the City.

SECTION 13: It is further agreed by the parties that during the term of this lease the parties will work cooperatively to study the possibility of expanding the TRI recreation facility and how to fund any expansion.

IN WITNESS WHEREOF, the parties have caused signatures to be subscribed hereon binding the parties to the contents herein contained.

WITNESSES:

**TALAWANDA RECREATION,
INCORPORATED**

By: _____
President

By: _____
Secretary

CITY OF OXFORD, OHIO

By: _____
Douglas R. Elliott, Jr.
City Manager

State of Ohio,
County of Butler, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by _____, President of Talawanda Recreation, Inc., an Ohio corporation, on behalf of the corporation.

Notary Public

State of Ohio,
County of Butler, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Douglas R. Elliott, Jr., City Manager, for the City of Oxford, on behalf of the City of Oxford.

Notary Public

State of Ohio,
County of Butler, ss:

The undersigned Clerk of Council of the City of Oxford, does hereby attest that the foregoing instrument was executed by, Douglas R. Elliott, Jr., City Manager pursuant to Resolution authorizing the execution of said instrument dated _____ 2013, and being Resolution No. _____ whereby Council of the City of Oxford expressly authorized the execution of said lease.

Clerk of Council

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

Agenda Title: Authorization to Submit Eligible Projects to Butler County Board of Commissioners for the 2014 CDBG Program Year Application

Recommendation: Approval

Discussion:

The City expects to receive approximately \$117,944 in FY2014 from Community Development Block Grant (CDBG) funds administered by the Butler County Board of Commissioners. Of this amount, \$101,699 will be available for eligible improvements in the City of Oxford. These funds have traditionally been used for the removal of architectural barriers from street corners in the City and the installation of new handicapped accessible ramps to improve access to the City's sidewalk network. The balance of the funds, \$16,245.00, will be used for administration of the program.

Application for these funds requires a Resolution of Council recommending the project. Staff is completing the City's application including an assessment of current needs to continue the installation of additional handicap ramps throughout the City. Staff takes into consideration immediate needs from handicapped individuals, projected construction projects with deficient street corners in the project scope, and planned corridor improvements with other entities such as Miami University. It is Staff's recommendation that the City Council authorize the City Manager to submit an application to Butler County for 2014 CDBG funds for this purpose.

Once funds have been approved by the federal government (HUD), Staff will advertise the project for bids (typically in fourth quarter of the year), and present a recommended contract for construction to the City Council for contract authorization.

Approved By:

Department Head:

Initial Date
MBD \ 9/25/13

A City Manager:

MBD \ 9/26/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT ELIGIBLE PROJECTS TO THE BUTLER COUNTY BOARD OF COMMISSIONERS FOR THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) YEAR APPLICATION.

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

SECTION 1: The City Manager authorizes the construction project to remove architectural barriers from street corners and adding additional handicap ramps around the City of Oxford to improve the City's sidewalk network by utilizing CDBG funds administered by the Butler County Board of Commissioners.

SECTION 2: The City will receive approximately \$117,944.00 from CDBG funds. Of these funds, \$101,699.00, or eighty-six percent (86%), will be used to improve the sidewalk network of the City, specifically removing architectural barriers from street corners and adding additional handicap ramps. The remaining \$16,245.00 or approximately fourteen percent (14%) of the funds will be used for the administration of the program.

SECTION 3: The City Manager is authorized to submit the recommended project for year 2014 funds and to take all actions necessary to comply with all requirements and commitments for approval of the projects.

SECTION 4: Once HUD has approved the funds for the project, the City will advertise the project for bids and authorize a contract for the construction of the handicap ramps.

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

VICE MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

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 24, 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 *Resolution***

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 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are approximately 15 parcels that have not yet come to an agreement with the City. The City Council has already passed a Resolution of Necessity to acquire ROW for 10 of these 15 parcels.

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 15 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 \$ 321,649.

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.

Staff recommend's Council approve this Resolution of Necessity. Once approved and the property owners notified, the City will follow with an Ordinance authorizing Staff to file funds with the Butler County Clerk of Courts while disputes with property owners are mediated or sent to trial for resolution.

Approved By:

Department Head:

A City Manager:

Initial Date
MBD 9/25/13

MBD 9/26/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY INDIAN TRACE, LTD. PARTNERSHIP, 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 Indian Trace, LTD. Partnership, 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.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

3

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 139-WDV
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 35, Township 5, Range 2, being part of a 7.148 acre tract conveyed Indian Trace Limited Partnership, an Ohio Limited Partnership to as recorded in Official Record 6055, Page 2094 and 2096, 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 northeast corner of said section 35, said point witnessed by an iron pin (found) that bears South 86 degrees 05 minutes 40 seconds East 59.89 feet; Thence, with the north line of said section 35, 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 north line of said section 35, 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, South 33 degrees 24 minutes 50 seconds West, for a distance of 523.62 feet to a point, said point being 4.62 feet right of centerline of survey station 217+69.68; Thence, North 88 degrees 13 minutes 25 seconds West, for a distance of 75.24 feet to a point, said point being 59.86 feet left of centerline of survey station 218+14.00; Thence, South 32 degrees 57 minutes 24 seconds West, for a distance of 264.54 feet to an iron pin, said pin being 59.50 feet left of centerline of survey station 215+50.00, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

EXHIBIT A

LPA RX 851 WD

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Thence, South 32 degrees 57 minutes 24 seconds East, along the west existing right of way for U.S. 27, for a distance of 17.66 feet to a point on the west existing right of way for U.S. 27, said point being 59.60 feet left of centerline of survey station 215+32.40;

Thence, South 56 degrees 31 minutes 04 seconds West, along the north existing right of way for University Boulevard, for a distance of 15.47 feet to an iron pin on the west existing right of way for University Boulevard, said point being 75.06 feet left of centerline of survey station 215+32.35;

Thence, North 08 degrees 02 minutes 11 seconds East, crossing the grantor's tract, for a distance of 23.59 feet to the **TRUE POINT OF BEGINNING**, containing 0.003 acres.

It is understood that the parcel of land described contains, 0.003 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 H4100-134-000-008.

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 6055, Page 2094 and 2096 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

EXHIBIT A

LPA RX 887 T

Page 1 of 3

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 139-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, Township of Oxford, Section 35, Township 5, Range 2, being part of a 7.148 acre tract conveyed Indian Trace Limited Partnership, an Ohio Limited Partnership to as recorded in Official Record 6055, Page 2094 and 2096, 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 ion on the west proposed right of way for U.S. 27, said point being 75.06 feet left of centerline of survey station 215+32.35, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 56 degrees 31 minutes 04 seconds West, along the north existing right of way for University Boulevard, for a distance of 125.00 feet to a point, said point being 200.08 feet left of centerline of survey station 215+31.97;

Thence, North 38 degrees 19 minutes 38 seconds East, crossing the grantor's tract, for a distance of 137.11 feet to a point, said point being 70.00 feet left of centerline of survey station 215+75.00;

Thence, with a curve to the right having a radius of 17260.46 feet, a central angle 00 degrees 15 minutes 00 seconds, an arc length of 75.31 feet, and a chord that bears North 33 degrees 02 minutes 16 seconds West 75.31 feet to a point, said point being 70.00 feet left of centerline station 216+50.00;

Thence, North 57 degrees 05 minutes 14 seconds East, across the grantor's tract, for a distance of 6.00 feet to a point, said point being 64.00 feet left of centerline of survey station 216+50.00;

EXHIBIT A

LPA RX 887 T

Page 2 of 3

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Thence, with a curve to the right having a radius of 17254.46 feet, a central angle 00 degrees 11 minutes 01 seconds, an arc length of 55.33 feet, and a chord that bears North 32 degrees 49 minutes 15 seconds West 55.33 feet to a point, said point being 64.00 feet left of centerline station 217+05.13;

Thence, North 32 degrees 43 minutes 45 seconds West, across the grantor's tract, for a distance of 29.87 feet to a point, said point being 64.00 feet left of centerline of survey station 217+35.00;

Thence, North 60 degrees 48 minutes 06 seconds West, across the grantor's tract, for a distance of 17.00 feet to a point, said point being 72.00 feet left of centerline of survey station 217+50.00;

Thence, North 24 degrees 45 minutes 34 seconds West, across the grantor's tract, for a distance of 50.49 feet to a point, said point being 65.00 feet left of centerline of survey station 218+00.00;

Thence, North 55 degrees 00 minutes 20 seconds West, across the grantor's tract, for a distance of 26.38 feet to an iron pin on the grantor's north line, said pin being 75.00 feet left of centerline of survey station 218+24.41;

Thence, South 88 degrees 13 minutes 25 seconds East, along the grantor's north line, for a distance of 18.38 feet to a point on the west existing right of way for U.S. 27, said point being 59.86 feet left of centerline of survey station 218+14.00;

Thence, South 32 degrees 57 minutes 24 seconds East, along the west existing right of way for U.S. 27, for a distance of 264.54 feet to an iron pin on the west proposed right of way for U.S. 27, said pin being 59.50 feet left of centerline of survey station 215+50.00;

Thence, South 08 degrees 02 minutes 11 seconds West, along the west proposed right of way for U.S. 27, for a distance of 23.59 feet to the **TRUE POINT OF BEGINNING**, containing 0.046 acres.

It is understood that the parcel of land described contains, 0.046 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 H4100-134-000-008.

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.

EXHIBIT A

LPA RX 887 T

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Grantor claims title by instrument recorded in Official Record 6055, Page 2094 and 2096 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

9/25/2013

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
139	WDV.T	Indian Trace, LTD. Partnership	100 Red Cloud Court	H4100134000008	\$540
141	WDV	Christopher A. Umbstead / Attny Bennett	Miami Western Drive	H3620050000004	\$1,440
142	WDV.T	Tracy L. Beckelhymer / Attny Bennett	4163 Miami Western Drive	H3620080000005	\$8,305
146	WD.T	Ken & Jackie A. Milczarek / Bennett	4179 Miami Western Drive	H3620050000007	\$27,010
157	WD,WD-1,T,T-1	The Oxford Cemetery Associationn	4385 Millville-Oxford Road	H4000110000004 & H4001100000006	\$109,733
Total \$					147,028

4

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 24, 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 *Resolution*

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 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are approximately 15 parcels that have not yet come to an agreement with the City. The City Council has already passed a Resolution of Necessity to acquire ROW for 10 of these 15 parcels.

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 15 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 \$ 321,649.

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.

Staff recommend's Council approve this Resolution of Necessity. Once approved and the property owners notified, the City will follow with an Ordinance authorizing Staff to file funds with the Butler County Clerk of Courts while disputes with property owners are mediated or sent to trial for resolution.

Approved By:	Department Head:	Initial	Date
		<u>MBD</u>	<u>9/25/13</u>
	<u>A</u> City Manager:	<u>MBD</u>	<u>9/26/13</u>

4

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY CHRISTOPHER A. UMBSTEAD, 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 Christopher A. Umbstead, 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.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

(A)

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 141-WDV
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, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 4 of Miami Western Circle Subdivision which is a 0.360 acre tract conveyed to Christopher A. Umbstead as recorded in Official Record 8452, Page 1385, 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. 4 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 35.84 feet right of centerline of survey station 216+63.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 33 degrees 24 minutes 50 seconds West, along the east existing right of way for U.S. 27, for a distance of 75.00 feet to a point, said point being 35.00 feet right of centerline of survey station 217+38.33;

Thence, North 56 degrees 35 minutes 10 seconds East, along the grantor's north line, for a distance of 70.01 feet to an iron pin, said pin being 105.00 feet right of centerline of survey station 217+39.17;

Thence, South 32 degrees 43 minutes 45 seconds East, across the grantor's tract, for a distance of 34.04 feet to a point, said point being 105.00 feet right of centerline of survey station 217+05.13;

EXHIBIT A

LPA RX 851 WD

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Thence, with a curve to the left having a radius of 17085.46 feet, a central angle of 00 degrees 08 minutes 15 seconds, an arc length of 40.97 feet, and a chord that bears South 32 degrees 47 minutes 52 seconds East, for a distance of 40.97 feet to an iron pin, on the grantor's south line, said pin being 105.00 feet right of centerline of survey station 216+63.91;

Thence, South 56 degrees 35 minutes 10 seconds West, along the grantor's south line, for a distance of 69.16 feet, passing an iron pin at 35.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.120 acres.

It is understood that the parcel of land described contains, 0.120 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 H3620-050-000-004.

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 8452, Page 1385 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

9/25/2013

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
139	WDV.T	Indian Trace, LTD. Partnership	100 Red Cloud Court	H4100134000008	\$540
141	WDV	Christopher A. Umbstead / Attny Bennett	Miami Western Drive	H3820050000004	\$1,440
142	WDV.T	Tracy L. Beckelhymer / Attny Bennett	4163 Miami Western Drive	H3620080000005	\$8,305
146	WD.T	Ken & Jackie A. Milczarek / Bennett	4179 Miami Western Drive	H3620050000007	\$27,010
157	WD.WD-1.T.T-1	The Oxford Cemetery Association	4385 Millville-Oxford Road	H4000110000004 & H400110000006	\$109,733
Total \$					147,028

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 24, 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 *Resolution***

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 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are approximately 15 parcels that have not yet come to an agreement with the City. The City Council has already passed a Resolution of Necessity to acquire ROW for 10 of these 15 parcels.

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 15 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 \$ 321,649.

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.

Staff recommend's Council approve this Resolution of Necessity. Once approved and the property owners notified, the City will follow with an Ordinance authorizing Staff to file funds with the Butler County Clerk of Courts while disputes with property owners are mediated or sent to trial for resolution.

Approved By:

Department Head:

Initial Date
MBD \ 9/25/13

A. City Manager:

MBD \ 9/26/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY TRACY L. BECKELHYMER, 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 Tracy L. Beckelhymer, 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.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

5

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 142-WDV
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, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 5 Miami Western Circle Subdivision which is a 0.362 acre tract conveyed to Tracy L. Beckelhymer as recorded in Deed Book 7856, Page 2106, 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. 5 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 35.00 feet right of centerline of survey station 217+38.33, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 33 degrees 24 minutes 50 seconds West, along the east existing right of way for U.S. 27, for a distance of 75.00 feet to a point, said point being 34.10 feet right of centerline of survey station 218+13.33;

Thence, North 56 degrees 35 minutes 10 seconds East, along the grantor's north line, for a distance of 35.90 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 218+13.75;

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

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Thence, South 32 degrees 43 minutes 45 seconds East, across the grantor's tract, for a distance of 13.76 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 218+00.00;

Thence, South 62 degrees 38 minutes 35 seconds East, across the grantor's tract, for a distance of 70.18 feet to an iron pin, on the grantor's south line, said pin being 105.00 feet right of centerline of survey station 217+39.17;

Thence, South 56 degrees 35 minutes 10 seconds West, along the grantor's south line, for a distance of 70.01 feet to the **TRUE POINT OF BEGINNING**, containing 0.086 acres.

It is understood that the parcel of land described contains, 0.086 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 H3620-050-000-005.

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 7856, Page 2106 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

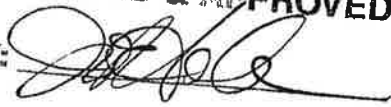
REVIEWED & APPROVED
BY: 
DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 142-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, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 5 Miami Western Circle Subdivision which is a 0.362 acre tract conveyed to Tracy L. Beckelhymmer as recorded in Deed Book 7856, Page 2106, 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, being 105.00 feet right of centerline of survey station 217+39.17, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 62 degrees 38 minutes 35 seconds West, along the east proposed right of way, for a distance of 70.18 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 218+00.00;

Thence, North 32 degrees 43 minutes 45 seconds West, along the east proposed right of way, for a distance of 13.76 feet to an iron pin on the grantor's north line, said pin being 70.00 feet right of centerline of survey station 218+13.75;

Thence, North 56 degrees 35 minutes 10 seconds East, along the grantor's north line, for a distance of 10.00 feet to a point, said point being 80.00 feet right of centerline of survey station 218+13.87;

Thence, South 51 degrees 13 minutes 53 seconds East, across the grantor's tract, for a distance of 78.78 feet, to the **TRUE POINT OF BEGINNING**, containing 0.014 acres.

EXHIBIT A

LPA RX 887 T

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Rev. 07/09

It is understood that the parcel of land described contains, 0.014 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 H3620-050-000-005.

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 Book 7856, Page 2106 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

9/25/2013

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
139	WDV,T	Indian Trace, LTD, Partnership	100 Red Cloud Court	H4100134000008	\$540
141	WDV	Christopher A. Umbstead / Attny Bennett	Miami Western Drive	H3620050000004	\$1,440
142	WDV,T	Tracy L. Beckelhymer / Attny Bennett	4163 Miami Western Drive	H3620080000005	\$8,305
146	WD,T	Ken & Jackie A. Milczarek / Bennett	4179 Miami Western Drive	H3620050000007	\$27,010
157	WD,WD-1,T,T-1	The Oxford Cemetery Associationn	4385 Millville-Oxford Road	H4000110000004 & H400110000006	\$109,733
Total \$					147,028

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 24, 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 *Resolution***

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 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are approximately 15 parcels that have not yet come to an agreement with the City. The City Council has already passed a Resolution of Necessity to acquire ROW for 10 of these 15 parcels.

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 15 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 \$ 321,649.

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.

Staff recommend's Council approve this Resolution of Necessity. Once approved and the property owners notified, the City will follow with an Ordinance authorizing Staff to file funds with the Butler County Clerk of Courts while disputes with property owners are mediated or sent to trial for resolution.

Approved By:

Department Head:

A. City Manager:

Initial Date
MBD \ 9/25/13

MBD \ 9/26/13

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY KEN & JACKIE A. MILCZAREK, 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 Ken & Jackie Milczarek, 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.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

EXHIBIT A

LPA RX 851 WD

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Ver. Date 10/15/12

PID 81769

**PARCEL 146-WDV
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, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 7 of Miami Western Circle Subdivision which is a 0.325 acre tract conveyed to Ken and Jackie A. Milczarek as recorded in Deed Book 7641, Page 423, 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. 7 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 33.14 feet right of centerline of survey station 218+93.32, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 33 degrees 24 minutes 50 seconds West, along the east existing right of way for U.S. 27, for a distance of 100.00 feet to a point, said point being 31.98 feet right of centerline of survey station 219+93.25;

Thence, with a curve to the right having a radius of 15.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 23.56 feet, and a chord that bears North 11 degrees 35 minutes 10 seconds East, for a distance of 21.21 feet to a point on the south existing right of way for Miami Western Drive, said point being 46.83 feet right of centerline of survey station 220+08.36;

EXHIBIT A

LPA RX 851 WD

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Thence, with a curve to the right having a radius of 195.00 feet, a central angle of 06 degrees 49 minutes 13 seconds, an arc length of 23.21 feet, and a chord that bears North 59 degrees 59 minutes 46 seconds East, for a distance of 23.20 feet to an iron pin, on the east proposed right of way for U.S. 27, said pin being 70.00 feet right of centerline of survey station 220+07.20;

Thence, with a curve to the right having a radius of 17260.46 feet, a central angle of 00 degrees 09 minutes 03 seconds, an arc length of 45.40 feet, and a chord that bears South 32 degrees 48 minutes 16 seconds East, for a distance of 45.40 feet to an iron pin on the east proposed right of way for U.S. 27, said pin being 70.00 feet right of centerline of survey station 219+61.99;

Thence, South 32 degrees 43 minutes 45 seconds East, across the grantor's tract, for a distance of 68.23 feet to an iron pin on the grantor's south line, said pin being 70.00 feet right of centerline of survey station 218+93.76;

Thence, South 56 degrees 35 minutes 10 seconds West, along the grantor's south line, for a distance of 36.86 feet to the **TRUE POINT OF BEGINNING**, containing 0.098 acres.

It is understood that the parcel of land described contains, 0.098 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 H3620-050-000-007.

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 7641, Page 423 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

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 146-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, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 7 of Miami Western Circle Subdivision which is a 0.325 acre tract conveyed to Ken and Jackie A. Milczarek as recorded in Deed Book 7641, Page 423, 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 70.00 feet right of centerline of survey station 219+61.99, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right having a radius of 17260.46 feet, a central angle of 00 degrees 09 minutes 03 seconds, an arc length of 45.40 feet, and a chord that bears North 32 degrees 48 minutes 16 seconds West, for a distance of 45.40 feet to an iron pin on the south existing right of way for Miami Western Drive, said pin being 70.00 feet right of centerline of survey station 220+07.20;

Thence, with a curve to the right having a radius of 195.00 feet, a central angle of 04 degrees 05 minutes 05 seconds, an arc length of 13.90 feet, and a chord that bears North 65 degrees 26 minutes 55 seconds East, for a distance of 13.90 feet to a point on the south existing right of way for Miami Western Drive, said point being 83.75 feet right of centerline of survey station 220+05.20;

Thence, South 15 degrees 13 minutes 11 seconds East, across the grantor's tract, for a distance of 45.53 feet, to the **TRUE POINT OF BEGINNING**, containing 0.007 acres.

EXHIBIT A

LPA RX 887 T

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It is understood that the parcel of land described contains, 0.007 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 H3620-050-000-007.

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 Book 7641, Page 423 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

9/25/2013

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
139	WDV,T	Indian Trace, LTD. Partnership	100 Red Cloud Court	H4100134000008	\$540
141	WDV	Christopher A. Umbstead / Attny Bennett	Miami Western Drive	H3620050000004	\$1,440
142	WDV,T	Tracy L. Beckelhymer / Attny Bennett	4163 Miami Western Drive	H3620080000005	\$8,305
146	WD,T	Ken & Jackie A. Milczarek / Bennett	4179 Miami Western Drive	H3620050000007	\$27,010
157	WD,WD-1,T,T-1	The Oxford Cemetery Associationn	4385 Millville-Oxford Road	H4000110000004 & H4001100000006	\$109,733
Total \$					147,028

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CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

City Council Meeting of: September 17, 2013

Michael B. Dreisbach
Prepared By

Account Code #: Not Applicable

September 24, 2013
Date Prepared

Budgeted Amount: Not Applicable

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

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 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are approximately 15 parcels that have not yet come to an agreement with the City. The City Council has already passed a Resolution of Necessity to acquire ROW for 10 of these 15 parcels.

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 15 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 \$ 321,649.

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.

Staff recommend's Council approve this Resolution of Necessity. Once approved and the property owners notified, the City will follow with an Ordinance authorizing Staff to file funds with the Butler County Clerk of Courts while disputes with property owners are mediated or sent to trial for resolution.

Approved By:

Department Head:

A City Manager:

Initial	Date
<u>MBD</u>	<u>9/25/13</u>
<u>MBD</u>	<u>9/26/13</u>

RESOLUTION NO.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY THE OXFORD CEMETERY ASSOCIATION, 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 The Oxford Cemetery Association, 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.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

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LPA RX 851 WD

EXHIBIT A

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Ver. Date 10/15/12

PID 81769

**PARCEL 157-WD1
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 7.960 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 571, Page 206, 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 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 conveyed to the State of Ohio for the use of the President and Trustees of The Miami University (Deed 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 1191.31 feet to a point, said point being 0.45 feet right of centerline of survey station 239+53.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 30 degrees 07 minutes 23 seconds East, along the grantor's east line, for a distance of 580.49 feet to a point, said point being 0.48 feet right of centerline of survey station 233+72.77;

EXHIBIT A

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Thence, South 30 degrees 08 minutes 32 seconds East, along the grantor's east line, for a distance of 148.04 feet to a point, said point being 0.24 feet right of centerline of survey station 232+24.72;

Thence, with a curve to the left having a radius of 8595.00 feet, a central angle 02 degrees 44 minutes 54 seconds, an arc length of 412.28 feet, and a chord that bears South 31 degrees 31 minutes 50 seconds East for a distance of 412.24 feet to a point on the grantor's southeast corner, said point being 0.01 feet left of centerline station 228+12.47;

Thence, South 71 degrees 42 minutes 72 seconds West, along the grantor's south line, for a distance of 103.16 feet to an iron pin, said pin being 100.00 feet left of centerline of survey station 228+32.73;

Thence, North 12 degrees 42 minutes 06 seconds West, across the grantor's tract, for a distance of 119.91 feet to an iron pin, said pin being 60.00 feet left of centerline station 229+50.00;

Thence, with a curve to the right having a radius of 11539.16 feet, a central angle 01 degrees 30 minutes 08 seconds, an arc length of 359.42 feet, and a chord that bears North 31 degrees 00 minutes 51 seconds West 359.41 feet to an iron pin, said pin being 60.00 feet left of centerline station 233+07.55;

Thence, North 30 degrees 07 minutes 13 seconds West, across the grantor's tract, for a distance of 242.45 feet to an iron pin, said pin being 60.00 feet left of centerline of survey station 235+50.00;

Thence, North 51 degrees 47 minutes 11 seconds West, across the grantor's tract, for a distance of 148.97 feet to an iron pin on the west existing right of way for U.S. 27, said pin being 115.00 feet left of centerline of survey station 236+88.45;

Thence, South 59 degrees 52 minutes 47 seconds West, along the west existing right of way for U.S. 27, for a distance of 48.20 feet to a point said point being 163.20 feet left of centerline of survey station 236+88.45;

Thence, North 01 degrees 35 minutes 42 seconds East, along the grantor's north line, for a distance of 311.29 feet to the **TRUE POINT OF BEGINNING**, containing 1.838 acres.

It is understood that the parcel of land described contains, 1.838 acres, more or less, including the present road occupies, 1.300 acres, more or less, is located in Butler County Auditor's permanent parcel number H4000-110-000-006.

EXHIBIT A

LPA RX 851 WD

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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 571, Page 206 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 851 WD

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Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 157-WD2
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 29.890 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 26, Page 230, 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 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 conveyed to the State of Ohio for the use of the President and Trustees of The Miami University (Deed 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 1191.31 feet to a point, said point being 0.45 feet right of centerline of survey station 239+53.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 01 degrees 35 minutes 42 seconds West, along the grantor's east line, for a distance of 311.29 feet to a point, said point being 163.20 feet left of centerline of survey station 236+88.45;

EXHIBIT A

LPA RX 851 WD

Page 2 of 3

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Thence, South 59 degrees 52 minutes 47 seconds West, along the west existing right of way for U.S. 27, for a distance of 6.80 feet to a point on the east existing right of way for U.S. 27, said point being 170.00 feet left of centerline of survey station 236+88.45;

Thence, North 30 degrees 07 minutes 13 seconds West, along the west existing right of way for U.S. 27, for a distance of 170.00 feet to a point, said point being 170.00 feet left of centerline of survey station 238+58.45;

Thence, North 59 degrees 52 minutes 47 seconds East, along the west existing right of way for U.S. 27, for a distance of 90.00 feet to a point, said point being 80.00 feet left of centerline of survey station 238+58.45;

Thence, North 30 degrees 07 minutes 13 seconds West, across the grantor's tract, for a distance of 441.55 feet to an iron pin, said pin being 80.00 feet left of centerline of survey station 243+00.00, passing an iron pin at 52.19 feet;

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 90.00 feet left of centerline of survey station 243+00.00;

Thence, North 30 degrees 07 minutes 13 seconds West, across the grantor's tract, for a distance of 95.66 feet to an iron pin on the grantor's north line, said pin being 90.00 feet left of centerline of survey station 243+95.66;

Thence, South 81 degrees 09 minutes 14 seconds East, along the grantor's north line, for a distance of 116.31 feet to a point at the grantor's northeast corner, said point being 0.43 feet right of centerline of survey station 243+22.52;

Thence, South 30 degrees 07 minutes 23 seconds East, along the grantor's east property line, for a distance of 369.26 feet to the **TRUE POINT OF BEGINNING**, containing 1.106 acres.

It is understood that the parcel of land described contains, 1.106 acres, more or less, including the present road occupies, 0.662 acres, more or less, is located in Butler County Auditor's permanent parcel number H4000-110-000-005.

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.

EXHIBIT A

LPA RX 851 WD

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Grantor claims title by instrument recorded in Deed Book 26, Page 230 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 157-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO REMOVE HOUSE & 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 29.890 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 26, Page 230, 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 on the west proposed right of way for U.S. 27, said point being 80.00 feet left of centerline of survey station 240+00.00, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, South 86 degrees 26 minutes 46 seconds West, across the grantor's tract, for a distance of 55.90 feet to a point, said point being 130.00 feet left of centerline of survey station 240+25.00;

Thence, North 30 degrees 07 minutes 13 seconds West, across the grantor's tract, for a distance of 90.00 feet to a point, said point being 130.00 feet left of centerline of survey station 241+15.00;

Thence, North 24 degrees 53 minutes 16 seconds East, across the grantor's tract, for a distance of 61.03 feet to a point, on the west proposed right of way, said point being 80.00 feet left of centerline of survey station 241+50.00;

Thence, South 30 degrees 07 minutes 13 seconds East, along the west proposed right of way, for a distance of 150.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.138 acres.

EXHIBIT A

LPA RX 887 T

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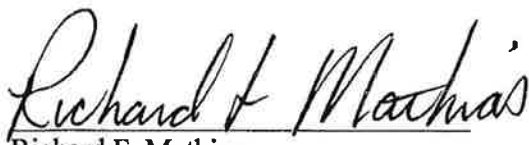
It is understood that the parcel of land described contains, 0.138 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4000-110-000-005.

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 Book 26, Page 230 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

9/25/2013

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
139	WDV.T	Indian Trace, LTD. Partnership	100 Red Cloud Court	H4100134000008	\$540
141	WDV	Christopher A. Umbstead / Attny Bennett	Miami Western Drive	H3620050000004	\$1,440
142	WDV.T	Tracy L. Beckelhymer / Attny Bennett	4163 Miami Western Drive	H3620080000005	\$8,305
146	WD.T	Ken & Jackie A. Milczarek / Bennett	4179 Miami Western Drive	H3620050000007	\$27,010
157	WD,WD-1,T,T-1	The Oxford Cemetery Associationn	4385 Millville-Oxford Road	H4000110000004 & H4001100000006	\$109,733
Total \$					147,028

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US27 South
But 27-14.12 PID # 81769 *Ordinance***

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. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

The City has evaluated the need for ROW acquisition on approximately 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are fifteen owners that have not yet come to an agreement with the City.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this 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 fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from \$540 to \$109,733. Should all of the properties settle for FMV, the cost is estimated at \$321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we 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. The latest project estimate as prepared by ODOT is \$6,931,000 (excluding construction engineering costs from ODOT).

It is Staff's recommendation that the City Council authorize the City Manager or Law Director to take all actions necessary to acquire necessary ROW for this project and to deposit the amounts noted in the parcel's Fair Market Value Estimate with the Butler County Clerk of Courts pending litigation to resolve outstanding property value and damage claims.

Approved By:

Department Head:

Initial

Date

MBD 9/25/13

A City Manager:

MBD 9/26/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ON MCKEE AVENUE FOR THE PURPOSE OF ACQUIRING PERMANENT RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 4776 passed September 17, 2013 declared its intention to appropriate certain real property hereinafter described as a permanent rights-of-way for construction for the purpose of widening of Millville-Oxford Road which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

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

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

Permanent Take of Parcel 156-WD, BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A."

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

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$10,350.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: 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 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

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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.

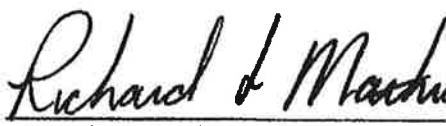
It is understood that the parcel of land described contains, 0.138 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-021.

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.

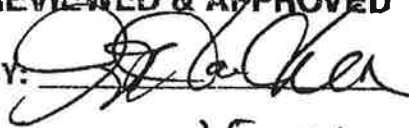
Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: 

DATE: 1-25-13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US27 South
But 27-14.12 PID # 81769 *Ordinance***

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. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

The City has evaluated the need for ROW acquisition on approximately 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are fifteen owners that have not yet come to an agreement with the City.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this 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 fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from \$540 to \$109,733. Should all of the properties settle for FMV, the cost is estimated at \$321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we 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. The latest project estimate as prepared by ODOT is \$6,931,000 (excluding construction engineering costs from ODOT).

It is Staff's recommendation that the City Council authorize the City Manager or Law Director to take all actions necessary to acquire necessary ROW for this project and to deposit the amounts noted in the parcel's Fair Market Value Estimate with the Butler County Clerk of Courts pending litigation to resolve outstanding property value and damage claims.

Approved By:

Department Head:

Initial MBD Date 9/25/13

City Manager:

MBD + 9/26/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 6 MCKEE AVENUE FOR THE PURPOSE OF ACQUIRING PERMANENT RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 4777 passed September 17, 2013 declared its intention to appropriate certain real property hereinafter described as a permanent rights-of-way for construction for the purpose of widening of Millville-Oxford Road which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

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

SECTION 3: That the lands and estates or interests therein to be appropriated, being necessary for a public right-of-way and road improvement, are located at 6 McKee Avenue, Oxford Ohio 45056, and include the following:

Permanent Take of Parcel 158-WD, BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A."

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

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$45,000.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

5

EXHIBIT A

LPA RX 851 WD

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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

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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.

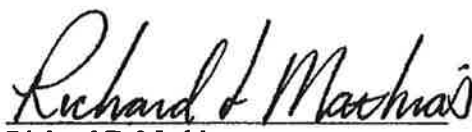
It is understood that the parcel of land described contains, 0.166 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-020.

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
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: 

DATE: 1-25-13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US27 South
But 27-14.12 PID # 81769 *Ordinance***

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. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

The City has evaluated the need for ROW acquisition on approximately 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are fifteen owners that have not yet come to an agreement with the City.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this 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 fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from \$540 to \$109,733. Should all of the properties settle for FMV, the cost is estimated at \$321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we 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. The latest project estimate as prepared by ODOT is \$6,931,000 (excluding construction engineering costs from ODOT).

It is Staff's recommendation that the City Council authorize the City Manager or Law Director to take all actions necessary to acquire necessary ROW for this project and to deposit the amounts noted in the parcel's Fair Market Value Estimate with the Butler County Clerk of Courts pending litigation to resolve outstanding property value and damage claims.

Approved By:

Department Head:

Initial MBD Date 9/25/13

A. City Manager:

MBD + 9/26/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ON THOMSON COURT FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 4778 passed September 17, 2013 declared its intention to appropriate certain real property hereinafter described as a permanent and temporary rights-of-way for construction for the purpose of widening of Millville-Oxford Road which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

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

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

Permanent Take of Parcel 159-WDV BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"

Temporary Easement over Parcel 159-T, BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"

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

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$11,310.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: 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

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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
Ohio Registered Surveyor S-7798



1-23-13

Date

REVIEWED & APPROVED
BY: 
DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

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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

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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

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

**Agenda Title: Appropriation of Parcels for the Acquisition of Necessary Right of Way for US27 South
But 27-14.12 PID # 81769 *Ordinance***

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. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

The City has evaluated the need for ROW acquisition on approximately 40 parcels of land. While the majority of property owners have successfully negotiated fair market value transactions for their property, there are fifteen owners that have not yet come to an agreement with the City.

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this 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 fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from \$540 to \$109,733. Should all of the properties settle for FMV, the cost is estimated at \$321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we 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. The latest project estimate as prepared by ODOT is \$6,931,000 (excluding construction engineering costs from ODOT).

It is Staff's recommendation that the City Council authorize the City Manager or Law Director to take all actions necessary to acquire necessary ROW for this project and to deposit the amounts noted in the parcel's Fair Market Value Estimate with the Butler County Clerk of Courts pending litigation to resolve outstanding property value and damage claims.

Approved By:

Department Head:

Initial MBD Date 9/25/13

A. City Manager:

MBD + 9/26/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ON MILLVILLE-OXFORD ROAD FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27), IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: The City Council of Oxford, Ohio by Resolution No. 4780 passed September 17, 2013 declared its intention to appropriate certain real property hereinafter described as a permanent and temporary rights-of-way for construction for the purpose of widening of Millville-Oxford Road which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent and a full copy of the plans have been filed with the Butler County Engineer. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

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

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

Permanent Take of Parcel 162-WD BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"

Temporary Easement over Parcel 162-T, BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"

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

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$7,565.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

7

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;

EXHIBIT A

Page 2 of 2

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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
Ohio Registered Surveyor S-7798



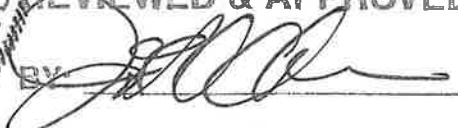
1-23-13
Date
REVIEWED & APPROVED
BY 
DATE 1-25-13

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

Page 2 of 2

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Rev. 07/09

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

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 1, 2013

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

September 23, 2013
Date Prepared:

Agenda Title:	PC-13-2013 Conditional Use Permit Application, 5046 College Corner Pike, Formerly Kentucky Fried Chicken Restaurant, to Allow for a Drive-Through Restaurant in a GB (General Business) District, Scott Webb, Applicant
----------------------	--

Recommendation: Approval with Conditions

Discussion:

The Applicant is requesting approval to reinstate a drive-through at the former Kentucky Fried Chicken.

The application is to seek to reinstate an existing drive-through facility that was approved in 1991, but has been vacant since 2011. The Oxford Zoning Code stipulates that an approved Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. This is the reason that this application comes before this Commission.

The site is situated in a business zoned district and surrounded by commercial entities. Staff did a site visit for this application for potential concerns outlined in the Oxford Zoning Code in order to provide some input to the Commission during the deliberation process. The concern of vehicles and noise should not be an issue, since there is some distance between the parking lot and the adjoining properties. Additionally, the intercom speaker system that has been in place was situated fairly low; therefore, any sounds through this system would be blocked by the vehicle.

At the end of the public hearing, the Commission voted 6-0-0 to recommend the approval of the requested Conditional Use Application subject to the following conditions:

1. All parking lot striping, including parking spaces, drive through lane, entrance and exit arrows shall be completed prior to occupancy, and
2. A striped crosswalk connection from the restaurant main entrance at the southeast corner of the building to the public sidewalk along US 27 North to be completed prior to occupancy.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 9/25/13
WBA 9/26/13

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE REINSTATEMENT OF AN EXISTING DRIVE-THROUGH FACILITY AT 5046 COLLEGE CORNER PIKE, 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 September 10, 2013 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, for a conditional use permit to allow for the reinstatement of an existing drive-through facility at 5046 College Corner Pike, 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 reinstatement of an existing drive-through facility at 5046 College Corner Pike, Oxford, Ohio 45056 with the following conditions:

1. All parking lot striping, including parking spaces, drive through lane, and entrance and exit arrows shall be complete prior to occupancy.
2. A striped crosswalk connection from the restaurant's main entrance at the southeast corner of the building to the public sidewalk along U.S. 27 North shall be completed prior to occupancy.

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 reinstatement of an existing drive-through facility at 5046 College Corner Pike, 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>	October 1, 2013
<u>Case Number</u>	PC-13-2013
<u>Applicant Information</u>	Scott Webb, Architect
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	Approval of a Drive-Through Restaurant in a GB (General Business) District
<u>Public Hearing Information</u>	On September 10, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on August 9, 2013. Courtesy notices were mailed to adjacent property owners on August 13, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use with conditions.
<u>Commission Findings and Conclusions</u>	The Planning Commission discussed the parking lot striping and pedestrian movement on the site. After discussion the Planning Commission voted to approve the Conditional Use with the conditions that the lot be striped to include parking spaces, drive-through lane, entrance and exit arrows, and that a striped sidewalk connection from the restaurant main entrance at the southeast corner of the building to the public sidewalk along US 27 North be completed.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated September 3, 2013 2. Interoffice Review Transmittal Sheets 3. Review and Comment Form 4. Property Notifications Map 5. Letter of Agency 6. Conditional Use Permit Application Dated July 26, 2013 7. Supporting Documents 8. Drawings, Photographs, Sketches

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-13-2013

Date – September 10, 2013

APPLICATION

Applicant:	Scott Webb, Applicant/Agent
Location:	5046 College Corner Pike
Owner:	D & B Family Limited Partnership
Agent:	Scott Webb,
Action Request:	Conditional Use Permit Application – Re-establish a drive-through
Current Use:	at the former KFC building for a new restaurant
Surrounding Existing Land Uses:	Predominantly commercial uses

DESCRIPTION

The applicant is seeking to reinstate a drive-through at the former Kentucky Fried Chicken which was closed for about two years for a new restaurant that plans to utilize the drive-through for their operation.

The property is located along College Corner Pike, US 27 North, a predominately commercial area. The use directly to the north of this property, on the east side of the US 27 is another restaurant and the uses to the west side of US 27 are a gas station with convenient store and auto parts retail store. The use directly south of this property, on the east side of US 27, is a multi-family apartment complex.

College Corner Pike is a major thoroughfare that carries a high volume of traffic throughout the day. Safety improvements were completed in 2010 to College Corner Pike. Those improvements included center turning, raised curb and sidewalk, along with widening of the pavement.

SURROUNDING NEIGHBORHOOD

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and a notice has been placed in the newspaper. At the time of this writing, **one** public comment of support, in response to the 200 foot notice, has been received.

PLANNING COMMISSION AND BOARD OF ZONING APPEALS SITE HISTORY

1991-PC-17 – Lot split

1991-PC-18 – Special use for a drive-through (Approved City Council on 10-15-91, Ordinance #2180)

COMPREHENSIVE PLAN (2008)

Several sections of the Comprehensive Plan addressed this corridor and redevelopment issue

Land Use Principal

3. Infill development and redevelopment of underutilized sites is a priority (page 3.9) (*Staff Comment:* the proposal is to reutilize an existing business site for a new restaurant.)
7. New commercial and light industrial development will be developed with pedestrian amenities and green spaces (page 3.11) (*Staff Comment:* the proposed application is to redevelop a vacant restaurant.)

9. Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community (page 3.12) (*Staff Comment: the sidewalk on both sides of U.S. 27 and public transit is also available starting this year.*)

ZONING CODE REGULATIONS EXCERPTS

§1147.01 General

- (a) *Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that 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.*

§1147.02 Procedure

- (e) Issuance and revocation of Conditional Use Permit
(1) Expiration and Reinstatement of Conditional Use Permit. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year.

§1143.12(b)(2)A.5.: Conditional Uses in GB:

STAFF FINDINGS: Drive-in and fast-food restaurants are considered as Conditional Uses in the GB District.

§1143.12(c): GB Site Development Regulations:

STAFF FINDINGS: Since this is to occupy an existing vacant restaurant, site development regulations are not applicable to this application.

§1147.03(b)(10) Use Regulations & Potential Concerns:

- (10) Drive-Through Restaurant Facilities.
- A. Potential Concerns
 1. Design of vehicle management area.
 2. Noise from operations (vehicles and loudspeaker).
 3. Signs and menu boards.
 - B. Regulations.
 1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
 2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 3. Drive-up stations shall be set back a minimum of 50 feet from a residential zoning district.

STAFF FINDINGS: The Drive-Through facility was approved by City Council in 1991 and had been used as a drive-through until two years ago.

COMMENT FORMS

One public comment form indicating support, was received.

AGENCY REVIEWS

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

Police:	No comment received
Fire:	Returned without comment
Engineering:	Returned without comment
Econ. Dev.	Returned with comment of support

DECISION CRITERIA

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

ANALYSIS

The application is to seek to reinstate an existing drive-through facility that was approved in 1991, but has been vacant since 2011. The Oxford Zoning Code stipulates that an approved Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. This is the reason that this application comes before this Commission.

The site is situated in a business zoned district and surrounded by commercial entities. Staff did a site visit for this application for potential concerns outlined in the Oxford Zoning Code in order to provide some input to the Commission during the deliberation process. The concern of vehicles and noise should not be an issue, since there is some distance between the parking lot and the adjoining properties. Additionally, the intercom speaker system that has been in place was situated fairly low; therefore, any sounds through this system would be blocked by the vehicle.

It would appear that all the existing signage would be reused, and no additional signage is being proposed.

However, there is an issue that would require the applicant to address:

1. Parking lot striping. The site plan shows all the striping, including the drive-through lane. However, the parking lot has been recently repaved and there is currently no striping in the parking lot.

RECOMMENDATION

Staff recommends the approval of this Conditional Use Permit to reinstate a Drive-Through facility for the proposed restaurant, provided all the striping for all off-street parking spaces and drive-through lane are completed prior to the occupancy of the new restaurant.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: September 3, 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: August 2, 2013

To: (Fire Department) Engineering Division Police Department Economic Development

From: Community Development

PC-13-2013 CONDITIONAL USE, 5046 College Corner Pike, formerly Kentucky Fried Chicken Restaurant, to allow for a drive-through restaurant in a GB (General Business) District, **Scott Webb, Applicant, Agent**

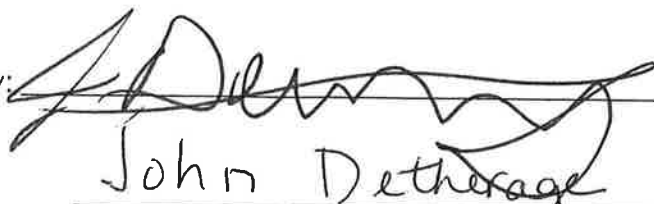
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/28/13** 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:


John Dethierage
PRINTED NAME

Date: 8-12-13

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 2, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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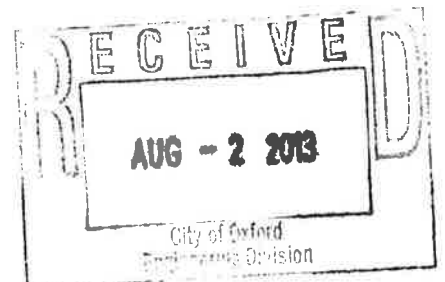
.....
Drawings are returned: w/comments without/comments



Drawings reviewed by: _____

Date: 8-19-13

VICTOR POPESCU
PRINTED NAME



PRINTED NAME



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

CASE NO.: PC-13-2013

DATE OF HEARING:

September 10, 2013

PC-13-2013 CONDITIONAL USE, 5046 College Corner Pike, formerly Kentucky Fried Chicken Restaurant, to allow for a drive-through restaurant in a GB (General Business) District, **Scott Webb, Applicant, Agent**

If you cannot attend the public hearing on this Conditional Use being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **September 4, 2013** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Judy Ramsey - President - Home town Rentals Inc.

Address:

5145 College Corner Pike

Oxford, OH 45056

Telephone:

Home: 523-2638

Work:

523-2611

COMMENTS: This property has always been a restaurant with a drive-through. I see no problem with continuing use as such. It will add another choice for residents and students short on time to grab a quick meal to go. I support the application.

Signature

Judy Ramsey

Date

8-26-13

PC-13-2013

Legend

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



1 inch = 100 feet



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.



LETTER OF AGENCY

To Whom It May Concern:

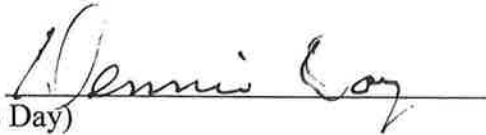
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission hearing September 10, 2013 regarding the Conditional Use for the drive-through at the former KFC building at 5046 College Corner Pike.

Thank-you,

Signed:

(Dennis Day)

(D & B Family Limited Partnership)

A handwritten signature in cursive script, appearing to read "Dennis Day", written over a horizontal line.

8.16-13

Date:

Conditional Use Permit Application
City of Oxford, Ohio

Case No.: PC-13-2013
Date Filed: 7/26/13

9/10 mtg

REQUIRED INFORMATION (print clearly)

Name of Applicant: Scott Webb
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 103 W. Walnut St.
Oxford Oh. 46020
Telephone Number(s): 923-3838 Email Address: scott@scottwebbarchitect.com
Name of Property Owner (if other than Applicant): _____
Location of Property: 5046 College Corner Plac
Legal Description: _____
Zoning District: C-2B
Total Area: .72 Acres / Square Feet (circle one)
Existing Use Description: Former KFC
Proposed Use Description: New Asian Restaurant

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:

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
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:

- 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.

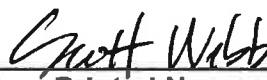
NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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.


Signature of Applicant


Printed Name

Date: 7/26/13

FEE / RECEIPT

\$400 Fee plus Postage Paid / Receipt Number: 19025.45

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Reinstate Drive-thru at the former KFC
Chef Lin's Asian Restaurant & Sushi
5046 College Corner Pike
Oxford, Ohio 45056

July 26, 2013

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use to reinstate the drive-through at the former KFC building for a new Chinese Restaurant in the General Business Zoning District.

Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

1. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

Restaurants with drive-through facilities are specifically listed as a conditional use in the GB district.

2. *The use and site will satisfy the general intent of the Zoning Code;*

Restaurants are listed as permitted uses in the GB zoning district. The drive-through facility requires the conditional use approval for site plan review

3. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan calls for infill development over expansion in this Subarea. This has never been more true, as the City expands westward with the new Wal-Mart.

4. *The size and shape of the site are sufficient for the proposed use.*

The property at hand has operated as a restaurant with a drive through since 1992, until its closing last year. No changes are proposed to the building or site that would affect the continued use of the drive through. Adequate stacking space is provided.

5. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*

The reopening of a restaurant in this location will not be hazardous to its neighbors.

6. *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.*

The reopening of a restaurant in this location will not be detrimental to any person, property or the general welfare.

7. *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.*

There is only one proposed use of the property. No incidental uses are proposed nor anticipated.

8. *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.*

All utilities are available at the proposed location. No special provisions are required.

9. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project.

10. *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*

The site and building were approved for a restaurant in 1991 and is located in the College Corner Pike Commercial District, where restaurants of this type are preferred.

11. *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.*

The site is designed to accommodate the traffic and potential stacking spaces. No changes are proposed with this application.

12. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

There are no scenic or natural resources in this area, and no new construction is proposed.

13. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

All permits will be secured for the construction of this building.

In addition to the Narrative Statement required by the Application and Section 1147.02(c)(2) of the Zoning Code, Section 1147.03(b)(10)(A) describes specific regulations & potential concerns for drive-through restaurant facilities. These are addressed as follows:

Potential Concerns:

1. *Design of Vehicle Management Area;*

Restaurants with drive-through facilities are specifically listed as a conditional use in the GB district.

2. *Noise from operations (vehicle & loudspeaker);*

The existing drive-through restaurant is surrounded by dense landscaping to the southeast where it abuts a residential use (though not a residential zoning district). The building is otherwise surrounded by parking for various GB uses.

3. *Signs and Menu Boards;*

Signs and menu boards from the previous use will remain. No change is proposed to the number, location, or size of signs.

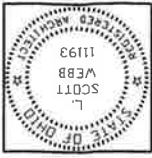
4. *Location and adequacy of dumpsters.*

An existing dumpster enclosure is provided on the site to accommodate the waste generated by this business.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

Scott Webb, Architect





**SCOTT
WEBB**
ARCHITECT

103 West Walnut St.,
Oxford, Ohio 45055
191.517.5723/3638
www.scottwebbarchitect.com

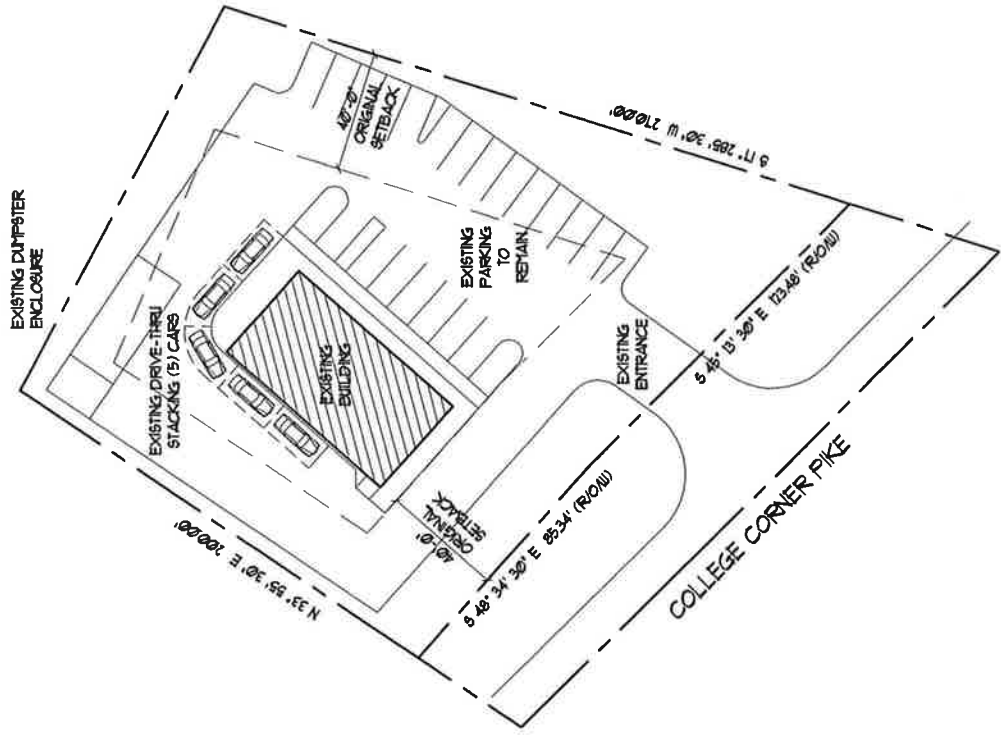
PROPOSED CHANGE OF USE

Chef Lin's Asian Restaurant & Sushi

FOYER KFC BUILDING
5046 COLLEGE CORNER PIKE
OXFORD, OHIO 45056

DATE	JULY 24, 2013
REVISIONS	

A-1



SITE PLAN
1" = 40'-0"
SITE PLAN INFORMATION FROM ORIGINAL APPLICATION, 6/12/11
FIELD LOCATION OF DUMPSTER ENCLOSURE