



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.

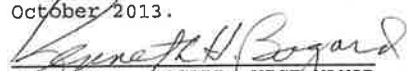
WHEREAS, Caroline died in the White House on October 25, 1892, and she was mourned by the nation. Funerals were held both in Washington, D.C., and in Indianapolis, Indiana, where she is buried at Crown Hill Cemetery, beside her husband who died in 1901.

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



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)

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LPA RX 851 WD

EXHIBIT A

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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

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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

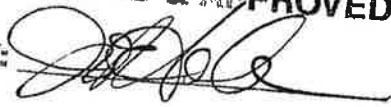
REVIEWED & APPROVED
BY: 
DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

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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

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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 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: 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
MB \ 9/25/13

A City Manager:

MB \ 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: 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 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)

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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

LPA RX 851 WD

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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



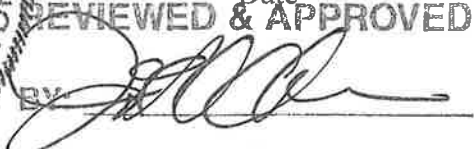
1-23-13
Date
REVIEWED & APPROVED
BY 
DATE 1-25-13

EXHIBIT A

LPA RX 887 T

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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

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LPA RX 887 T

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

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

Page 1 of 2

Rev. 06/09

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

Page 2 of 2

Rev. 06/09

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
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

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

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

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

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

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

[Surveyor's description of the premises follows]

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

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

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

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

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

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

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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.

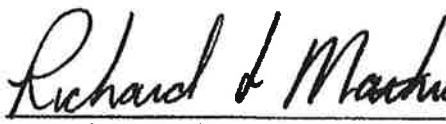
It is understood that the parcel of land described contains, 0.138 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-021.

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.

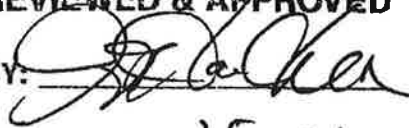
Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


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

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:**

1/12/2 - 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: 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
<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 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)

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EXHIBIT A

LPA RX 851 WD

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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

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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

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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

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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

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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 Association	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

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
<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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Rev. 06/09

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

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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

Page 1 of 3

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

Rev. 06/09

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

Page 3 of 3

Rev. 06/09

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

Page 2 of 2

Rev. 07/09

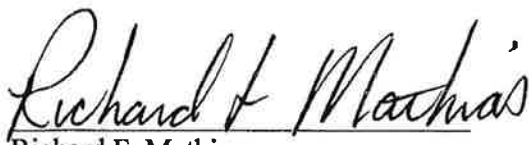
It is understood that the parcel of land described contains, 0.138 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4000-110-000-005.

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

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**

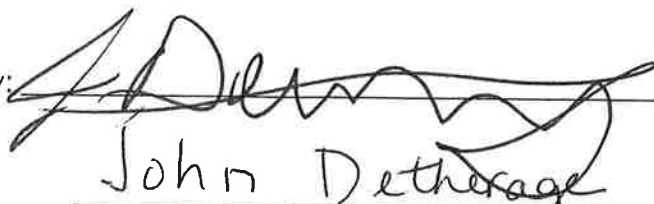
 X Review Revisions Other

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

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.

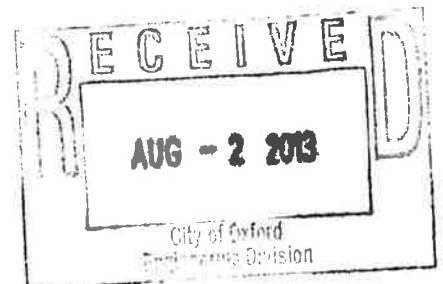
.....
Drawings are returned: w/comments without/comments ✓

Drawings reviewed by: _____



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.



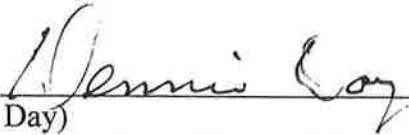
LETTER OF AGENCY

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)

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.

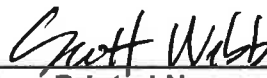
NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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.

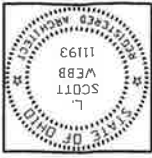
4. *Location and adequacy of dumpsters.*

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

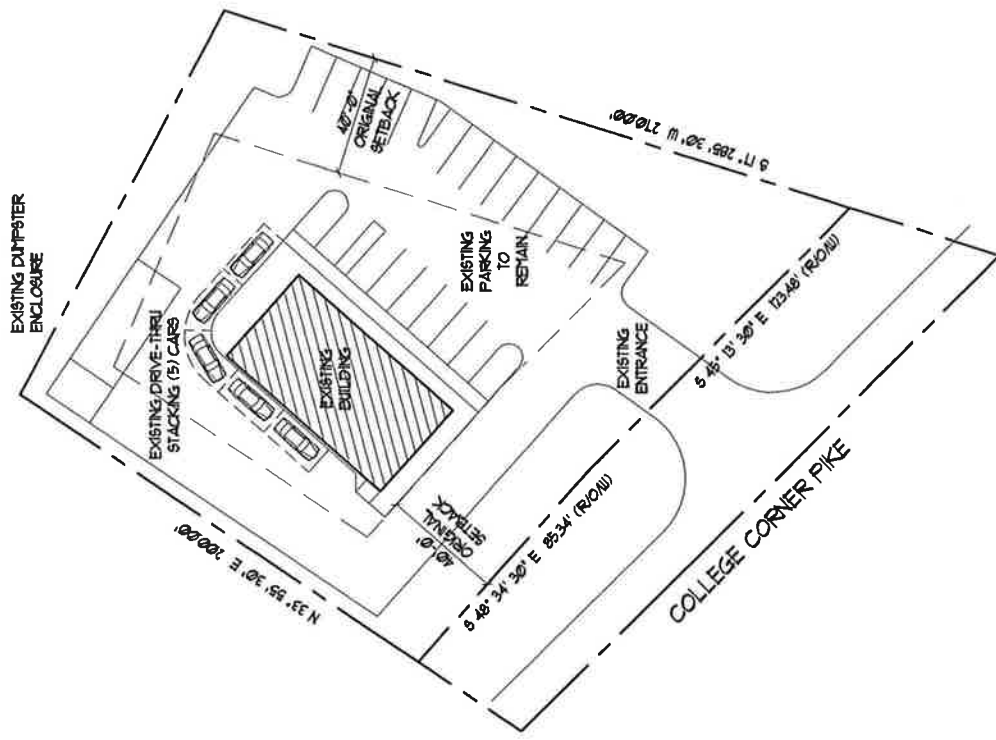


SCOTT WEBB ARCHITECT
103 West Walnut St.,
Oxford, Ohio 45055
191.517.5723/3638
www.scottwebbarchitect.com

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

**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

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

Page 2 of 2

Rev. 06/09

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

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

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

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

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

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

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


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

[Surveyor's description of the premises follows]

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

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

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

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

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

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

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

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

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

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

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

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

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

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

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

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

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

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

[Surveyor's description of the premises follows]

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

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

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

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

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

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

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

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

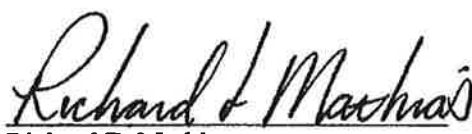
It is understood that the parcel of land described contains, 0.166 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-111-000-020.

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

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

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

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


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: 

DATE: 1-25-13