City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, OCTOBER 15, 2013

EXECUTIVE SESSION
6:45 P.M.

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

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

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - 'Change Your Clock, Change Your Battery Day'

Proclamation

B. Public Comments.

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

4. Consent Agenda.

A. Minutes of the October 1, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

B. Report regarding the October 2, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report

5. Resolutions.

1. A Resolution accepting the bid submitted by R.A. Miller Construction Co. and authorizing the City Manager to enter into a contract with R.A. Miller Construction Co. for the repair of City owned sidewalk sections and the installation of handicap ramps set forth on Exhibit "A" at a cost not to exceed $133,310.49. (Mike Dreisbach, Service Director)

Staff Report/Resolution

6. Ordinances.

A. First Reading.

1.An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Staff Report/Ordinance

2.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 3992 Millville-Oxford Road For The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

3.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 3996 Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

4.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Business Sign With Illuminated Cabinet Located At 3996 Millville-Oxford Road For The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

5.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 100 Red Cloud Court For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

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

Staff Report/Ordinance

7.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4163 Miami Western Drive For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

8.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4179 Miami Western Drive For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

9.An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4385 Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27). (Mike Dreisbach, Service Director)

Staff Report/Ordinance

B. Second Reading.

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

Staff Report/Ordinance

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

Staff Report/Ordinance

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

Staff Report/Ordinance

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

Staff Report/Ordinance

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

Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THUR - Nov 28 Holiday - City Offices Closed

FRI - Nov 29 Holiday - City Offices Closed

8. Adjourn.

Office of the Mayor

Proclamation

Whereas: smoke alarms are present in 94% of American homes, of which 20% do not work because of worn or missing batteries preventing citizens from achieving the full potential of increased fire safety from smoke alarms; and

WHEREAS, approximately 84% of fire deaths occur in homes where smoke alarms are not working; and

WHEREAS, if a fire occurs, working smoke alarms reduce the risk of dying in a home fire by nearly half by providing an early warning and critical extra seconds to escape; and

WHEREAS, smoke alarm maintenance is a simple, effective way to reduce home fire deaths; and

WHEREAS, national fire safety standards recommend a minimum of one smoke alarm on each level of a home, one inside each bedroom and one outside each sleeping area; and

WHEREAS, 'Change Your Clock, Change Your Battery' is a national fire safety program which urges Americans to change smoke alarm batteries when changing their clocks back to standard time each fall.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim November 3, 2013 as:

'CHANGE YOUR CLOCK, CHANGE YOUR BATTERY DAY'

in the City of Oxford, and call upon all residents to participate in 'Change Your Clock, Change Your Battery Day' to ensure your safety and the safety of your families in the event of a fire.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15th day of October, 2013.

RICHARD A. KEEBLER, MAYOR

A Regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, October 1, 2013 at 7:30 p.m. Those members present were Bob Blackburn, John Harman, Kevin McKeehan and Kate Rousmaniere. Mayor Keebler and Steve Snyder were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. McKeehan moved to approve the agenda with the exception of items 6.A.1., 2. and 3 under First Reading of Ordinances which were being withdrawn for clarification of language. Mr. Blackburn seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'CAROLINE SCOTT HARRISON DAY'

Vice Mayor Bogard read the Proclamation and presented it to Ms. Kathleen Fox and Ms. Marjorie Bowers.

Ms. Kathleen Fox, 65 Autumn Drive, thanked Council for the Proclamation. Ms. Fox advised Marjorie Bowers wrote a book about Caroline Scott Harrison which would be published very soon. Ms. Fox noted Ms. Bowers represented Caroline Scott Harrison in the past and she represented Caroline Scott Harrison in the future. Ms. Fox advised she obtained a $3,000 grant to place an Ohio Historical Marker for Caroline Scott Harrison in front of the Oxford Community Arts Center and she was honored to have Valerie Elliott on the committee along with Stephen Gordon and Bob Wicks. Ms. Fox noted the marker would be in place in May of 2014. Ms. Fox advised money was also being raised for a bronze statue of Caroline Scott Harrison as a young woman in Oxford. Ms. Fox noted an open house to celebrate Caroline Scott Harrison would take place October 20, 2013 from 3:00 to 5:00 p.m. at the Oxford Community Arts Center and everyone was invited to attend. Ms. Fox noted her hope that when people visited the eight presidential sites in Ohio they would include Oxford as one of their stops.

Vice Mayor Bogard applauded Ms. Fox for her efforts in what was being done in memory of Caroline Scott Harrison.

Mr. Blackburn inquired if the Caroline Scott Harrison book would be available before Christmas.

Ms. Marjorie Bowers, 245 Northridge Drive, advised the book should be available in late October.

Ms. Fox advised letters would be sent to the living first ladies with information about the efforts for Caroline Scott Harrison in Oxford along with a book signed by Ms. Bowers. Ms. Fox noted her hope this would raise money for the bronze statue.

Ms. Bowers advised if the book was available by October 20th copies would be available at the open house and after that they would be available at the Community Arts Center and the Smith Library. Mr. Blackburn suggested having copies available at the Oxford Visitors Bureau as well

Ms. Rousmaniere thanked Ms. Fox and Ms. Bowers for their efforts. The ladies received an applause from Council and staff members.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, updated Council and the public with regard to the Auditor's 2014 reappraisal process noting every property in the county would be reappraised which included 160,000 parcels. Mr. Brown advised the vehicles used for this project would be plainly marked and the local police departments and dispatch centers would be notified that the auditor's staff would be present in their community. Mr. Brown noted the project should be complete in February.

Mr. Brown advised the Auditor's Office was returning tax money from the REA fund to local entities. Mr. Brown noted since Mr. Reynolds had been in office over 4 million dollars in fee money that normally stayed in the Auditor's Office had been returned to the local tax base. Mr. Brown advised the State set a fee for collecting taxes from levies and disseminating the money where it needed to go in the local taxing entities. Mr. Brown noted Mr. Reynolds streamlined work processes within his office and had been able to return money each year since he became the Butler County Auditor. Mr. Brown advised the Talawanda School District received $82,000 this year as a refund and the City of Oxford received approximately $4,000.

Mr. Brown noted citizens could access their property records on the auditor's website to see how a proposed property tax levy would affect them.

Mr. Brown noted changes to the Homestead Exemption that implemented income tests. Mr. Brown advised homeowners turning 65 in 2014, and thereafter, as well as those applying for the exemption as permanently and totally disabled, must have a total income of $30,500 or less to qualify. Mr. Brown noted those who turned 65 years of age in 2013 (or prior) yet failed to apply may still do so under the old law's provisions through June 6, 2014 and there would be no income test.

CONSENT AGENDA

MINUTES

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

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

REPORTS

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

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

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

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4781 authorizing a temporary abatement of the noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2014 starting at 10:00 p.m. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's campus for the American Cancer Society's Relay for Life. (Mary Ann Eaton, Clerk of Council)

Mr. Blackburn moved to approve the consent agenda. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTIONS

RESOLUTION
NEW TRI LEASE

A Resolution No. 4782 granting the Talawanda Recreation, Inc. (TRI) a two (2) year lease and authorizing the City Manager to execute the new lease. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier advised the TRI Board voted to renew a two year lease with the City and noted being cognizant of the City's directive for level operating expenditures in 2014 they opted not to increase the lease payment for 2104. Ms. Brahier advised there would be a 2% increase for 2015. Ms. Brahier noted Marvin Wilhelm, President of the TRI Board, was in attendance if Council had any questions for him.

Mr. Marvin Wilhelm, advised Ms. Brahier was doing a great job with the TRI Board and everything was going very well.

Ms. Rousmaniere moved to adopt Resolution No. 4782. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
2014 CDBG PROGRAM

A Resolution No. 4783 authorizing the City Manager to submit eligible projects to the Butler County Board of Commissioners for the 2014 Community Development Block Grant Program (CDBG) year application. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised staff was asking for Council's approval to submit an application to the Butler County Commissioners for 2014 CDBG monies that would be available to Oxford. Mr. Dreisbach noted the City expected to receive approximately $118,000 of which $101,000 would be used to continue the ADA handicap ramp improvements that the City had been doing the last several years. Mr. Dreisbach advised the focus for 2014 would be the east west corridors of Withrow Street to the north and Collins Street to the south as areas between there were already improved. Mr. Dreisbach noted once the County Commissioners approved the application it would be sent to the federal government for approval and then staff would submit a construction contract for Council's approval.

Ms. Rousmaniere inquired if the Community Development Block Grant funds were from HUD and Mr. Dreisbach advised yes.

Mr. Harman moved to adopt Resolution No. 4783. Ms. Rousmaniere seconded. The motion passed 5-0-0.

Mr. McKeehan moved to amend Resolution Numbers 4, 5, and 6 by removing the words "in the City of Oxford" and adding the words "in Oxford Township". Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4784 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Indian Trace, LTD. Partnership, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any comments from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4784. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4785 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Christopher A. Umbstead, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any comments from the audience or from Council.

Ms. Rousmaniere noted Resolutions 2 through 7 dealt with acquiring property to widen U.S. 27 South.

Mr. Blackburn moved to adopt Resolution No. 4785. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4786 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 Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4786. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4787 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 Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4787. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4788 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by The Oxford Cemetery Association, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4788. Mr. Harman seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
APPROPRIATE PROPERTY

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

Mr. Dreisbach advised the Resolutions of necessity had already been approved by Council and once the Ordinances were adopted staff would file the fair market values with the Butler County Clerk of Common Pleas so the City could proceed with the road project.

Ms. Rousmaniere asked Mr. McHugh to explain the difference between the Resolutions and the Ordinances and to explain the process of acquiring property for a road widening project.

Mr. McHugh advised the statute required a Resolution declaring the intent to acquire property and the property owners were then served notice. Mr. McHugh noted the property owners could at anytime settle with the City to resolve the matter, and if it wasn't resolved, the City moved forward with an Ordinance to appropriate the property. Mr. McHugh advised he would file a law suite for each unresolved property and deposit the amount of money deemed to be the fair market value for each parcel with the Clerk of Court's office. Mr. McHugh noted at that point the City had acquired the property and it was just a question of how much the City would pay for it. Mr. McHugh advised it was a two step process legislatively.

Vice Mayor Bogard inquired if property owners would have the opportunity to change their mind and settle with the City. Mr. McHugh advised they could until the time of the jury trial or mediation.

ORDINANCE
APPROPRIATE PROPERTY

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

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

ORDINANCE
APPROPRIATE PROPERTY

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

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCE
APPROPRIATE PROPERTY

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

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCE
CONDITIONAL USE PERMIT

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

Mr. Chen advised the building at 5046 College Corner Pike had been a restaurant since 1991 and closed for business in 2011. Mr. Chen noted the zoning code stipulated that when a drive-through ceased operation for a period of a year or more, the conditional use had to go before the Planning Commission and Council to be reinstated. Mr. Chen advised the Planning Commission felt this was a good reuse of the site and recommended that Council approve the proposed Ordinance with conditions that parking lot striping and a striped crosswalk were completed prior to occupancy.

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Mr. Elliott advised he, Mr. Chen and Fire Chief Detherage would meet with Miami University officials regarding fire safety initiatives and strategic planning tomorrow morning. Mr. Elliott noted Chief Detherage was meeting with fraternity house managers this evening. Mr. Elliott advised there were 25-30 fraternity houses in Oxford and the City and the university were looking at best practices and how to improve and enhance the City's fire safety initiatives.

Mr. Elliott reminded everyone that a Charter Amendment would be on the November 5, 2013 ballot which dealt with due dates for filing nominating petitions for City Council candidates. Mr. Elliott noted the amendment would follow the state law for filing the petitions and encouraged citizens to vote in favor of the Charter Amendment.

Ms. Rousmaniere inquired if there was an update on the fire loss at the Phi Gamma Delta Fraternity house. Mr. Elliott advised the fraternity wanted to restore the front façade and needed to make sure it didn't get damaged further during the demolition of the rest of the structure. Mr. Chen advised the fraternity was finalizing the shoring plan and then a building plan would be submitted to the City.

Mr. McHugh noted the regular Board of Zoning Appeals meeting on October 16th was cancelled as there were no cases to be heard.

Mr. Blackburn advised "Candidate Night" was Monday, October 14, 2013 at the Knolls of Oxford at 7:00 p.m.

Ms. Rousmaniere advised the Oxford NAACP and the Miami University Student NAACP invited interested parties to a community forum on diversity issues on Monday, October 7, 2013 at 7:00 p.m. at the LCNB. Ms. Rousmaniere noted the Police Chief from the City of Oxford, Oxford Township and Miami University would discuss how officers were trained to work with people from diverse backgrounds. Ms. Rousmaniere advised there would be time allotted for questions and comments from the public.

Vice Mayor Bogard noted the passing of Doug Fey who was a long time member of the Oxford business community.

Vice Mayor Bogard advised he read and presented a proclamation for Hospice of Butler and Warren Counties on Saturday at Smith Park in Middletown where a 5K run and walk took place.

ADJOURN

Mr. Blackburn moved to adjourn at 8:11 p.m. Mr. Harman seconded. The motion passed 5-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 15, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

October 7, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of October 2, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, October 2, 2013 meeting were: Chair, Mr. Vince Hand; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative Mr. Robert Bell; and Mr. Wright Gwyn. A quorum was present. Vice-Chair, Mr. Kevin Armitage had previously informed the Commission that he would not be in attendance. Oxford resident Mr. Mr. Ted Wong was also in attendance, as were Ms. Suzanne Zazycki, Outreach Coordinator with Miami University's Institute for the Environment and Sustainability (IES), and IES Graduate students Mr. Russell Auwae and Mr. Alex Del Valle.

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

Mr. Auwae and Mr. Del Valle presented the Project Proposal for the Profession Service Project (PSP) on storm water being undertaken on behalf of the Environmental Commission. The proposed PSP will consist of two parts: 1) identifying existing structural storm water best management practices (BMPs) in Oxford; and 2) to provide recommendations for community storm water outreach and public education programs. Comments and suggested edits to the Project Proposal were provided by the Commissioners. A press release introducing the PSP and request for public input regarding the presence of structural BMPs was also reviewed with edits suggested. Maps depicting Oxford City Zoning Districts and locations of Subdivisions were provided to the PSP team. Staff was requested to provide an Oxford contact for mapping the structural BMPs.

Staff provided an update on the revision to the City of Oxford's Storm Water Management Design Manual (the Manual). The contributions from the Commission to the revised Manual were discussed. Chapter Four of the existing Manual was set aside for information and requirements associated with Oxford's the Storm Water Management Program. Since the initial preparation of the Manual (pre-1993), various structural storm water BMPs not discussed in the Manual have become more common. The Commission believes the revised Manual should contain information pertaining to these various structural BMPs. Commissioners presented the findings of their reviews of existing descriptions of structural BMPs from various sources (such as the Ohio Department of Natural Resources' *"Rainwater and Land Develop-*

(Continued)

Approved By:

	Initial	Date
Department Head:	MBB	10/9/13
City Manager:	DRE	10/10/13

ment" manual, the Chagrin River Watershed Partners, the Chesapeake Bay Watershed, the Miami Conservancy District, etc.) and whether the information presented would be useful and/or appropriate for inclusion in Oxford's Manual.

The Commission adjourned at 8:45 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, November 6, 2013 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 2013

Account Code #: 126.013.52401 / 141.720.51880
351.861.52340

Budgeted Amount: $133,310.49

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

October 8, 2013
Date Prepared

Agenda Title: CDBG Handicap Ramp and Sidewalk Improvements Contract

Recommendation: Approve

Discussion: The City's 2013 Operating Budget includes a total of $100,252.40 in the Community Development Block Grant (CDBG) fund for the construction or repair of public sidewalk and handicap ramps. Staff advertised using CDBG guidelines for intersections along Church St. at Elm St, College Ave., Beech St. and Poplar St.; at High St. and Elm St.; along Walnut St. at Elm St., Beech St. and Poplar St.; along Spring St. at Elm St., Beech St., Poplar St., and Campus Ave. The lowest bid also includes approximately $23,500 for concrete repairs in the Uptown Parks.

Total estimated linear feet of curb / gutter replacements: **1,709 feet**
Total estimated square feet of sidewalk / ramp replacements: **10,500 sq. ft.**
Total new handicap ramps with tactile detection mats: **90**

The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on September 20 and September 27, 2013. Six sealed bids were opened and publicly read on October 3, 2013 with the following results:

R.A. Miller Construction Co.	$133,310.49
Jackson Construction Inc.	$136,452.40
Adleta, Inc.	$142,768.80
America's Decorative Concrete	$146,440.53
W.G. Stang, LLC	$182,956.00
I.F. Weber Co.	$248,300.00

The lowest and best bid was provided by R A Miller Construction Co. in the amount of $133,310.49. As the CDBG budget line item is not sufficient to fund the entire contract, additional funds will be used from accounts listed above to fully fund the contract. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with the R A Miller Construction Co. for an amount not to exceed **$133,310.49**. Staff is not requesting a contingency amount for this project.

Approved By:

	Initial	Date
Department Head:	MBD	10/9/13
City Manager:	DGE	10/10/13

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID SUBMITTED BY R.A. MILLER CONSTRUCTION CO. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R.A. MILLER CONSTRUCTION CO. FOR THE REPAIR OF CITY OWNED SIDEWALK SECTIONS AND THE INSTALLATION OF HANDICAP RAMPS SET FORTH ON EXHIBIT "A" AT A TOTAL COST NOT TO EXCEED $133,310.49.

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

SECTION 1: The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on September 20, 2013 and September 27, 2013. Six sealed bids were opened and publicly read on October 3, 2013. The lowest bid was provided by R.A. Miller Construction Co. in the amount of $133,310.49.

SECTION 2: The City Manager and the Service Director recommend Council accept the bid of R.A. Miller Construction Co. as the lowest and best bid for the repair of City owned sidewalk sections and the installation of handicap ramps set forth on Exhibit "A" at a cost not to exceed $133,310.49.

SECTION 3: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of R.A. Miller Construction Co. for the repair of City owned sidewalk sections and the installation of handicap ramps set forth on Exhibit "A" at a cost not to exceed $133,310.49.

SECTION 4: Council further authorizes the City Manager to enter into a contract with R.A. Miller Construction Co. for the repair of City owned sidewalk sections and the installation of handicap ramps set forth on Exhibit "A" at a cost not to exceed $133,310.49.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

2013 CDBG Walks and Ramps

10/26/12 - EK

Location	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp	Lin Ft.Curb Removal & Replacement
Elm & Collins			
NE	210	2	32
SE	150	2	35
Elm & Walnut			
NE	200	2	32
NW	200	2	34
SE	200	2	38
SW	200	2	36
Elm & High			
NE	250	2	36
NW	200	2	44
SE	250	2	41
SW	200	2	47
Elm & Church			
NE	150	2	32
NW	240	2	42
SE	240	2	48
SW	155	2	32
College & Church			
NE	200	2	40
NW	175	2	40
SE	175	2	40
SW	150	2	40
Beech & Church			
NE	250	2	45
NW	250	2	45
SE	175	2	45
SW	350	2	45
Beech & Walnut			
NE	200	2	40
NW	200	2	40
SE	200	2	40
SW	200	2	40
Poplar & Church			
NE	250	2	45
NW	250	2	40
SE	250	2	40
SW	250	2	40

Poplar & Walnut			
NE	200	2	50
NW	200	2	50
SE	325	2	40
SW	250	2	50

Alternates to 2013 CDBG

Poplar & Collins			
NE	250	2	45
NW	175	2	40
SE	200	2	40
SW	225	2	35
Poplar & Spring			
NE	175	2	40
NW	175	2	40
SE	175	2	40
SW	175	2	40
Campus & Church			
NE	250	2	45
NW	250	2	45
SE	250	2	45
SW	250	2	45
Campus & Walnut			
NW	250	2	45
SW	250	2	45

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager

Finance
Originating Department

Council Meeting Of : 10/15/2013

Joe Newlin
Prepared By

Account Code No. : see below

Budgeted Amount :

10/9/2013
Date Prepared

Agenda Title: **2013 Supplemental Budget #4**

Recommendation: **Approve**

Issue 1
Original budgeted figure of $75,000, $48,000 in Capital Equipment Fund, $7,000 in Parking Improvement Fund, $10,000 in Water Capital Equipment Fund and $10,000 in Sewer Capital Equipment Fund was below market value for Financial Software upgrades. After RFP and extensive review of the products available in the Fund Accounting Software world, it became apparent that our budgeted estimate was too low. Requesting an additional $85,000 to complete the conversion. (See attached for details)

Action Needed:

Revenue Side

Capital Equipment 140	54,400.00	Transfer from General Fund

Expense Side

General 110	54,400.00	Transfer to Capital Equipment Fund
Capital Equipment 140	54,400.00	Increase in appropriation
Parking Improvement 142	7,934.00	Increase in appropriation from unencumbered balance
Water Capital Equipment 320	11,333.00	Increase in appropriation from unencumbered balance
Sewer Capital Equipment 330	11,333.00	Increase in appropriation from unencumbered balance

Net Effect on Fund Balance/(s) Increase/(Decrease)	(85,000.00)
Capital Equipment 140	-
General 110	(54,400.00)
Parking Improvement 142	(7,934.00)
Water Capital Equipment 320	(11,333.00)
Sewer Capital Equipment 330	(11,333.00)
Net Effect on Fund Balance/(s)	(85,000.00)

Approved By:

	Initials	Date
Department Head:		10/10/13
City Manager:		10/10/13

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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3190. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2013.

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

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

SECTION 2: The following increase/(decrease) in appropriations from unencumbered balances be made:

General Fund 110	54,400.00
Parking Improvement Fund 142	7,934.00
Water Capital Equipment Fund 320	11,222.00
Sewer Capital Equipment Fund 330	11,222.00

SECTION 3: The following transfer(s) be executed:

Transfer from:	
General Fund 110	54,400.00
Transfer to:	
Capital Equipment Fund 140	54,400.00

SECTION 4: The following increase/(decrease) in revenues be made:

Capital Equipment Fund 140	54,400.00

SECTION 5: The following increase/(decrease) in appropriations from unencumbered balances be made:

Capital Equipment Fund 140	54,400.00

SECTION 6: In all other respects, Ordinance No. 3190 shall remain in full force and effect.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Overview

Company	Total Installation Costs	Total Annual 5 Year	Total 5 Year Costs
4-Gov	119,060	36,354	155,414
Harris	94,743	72,003	166,746
CMI	138,077	102,368	240,445
Springbrook	172,080	75,890	247,970
BS&A	**153,535**	**64,752**	**218,287**
Tyler	320,305	155,390	475,695

4-Gov

New Product					
4 -Gov Basic Financial Suite Premise	3,500				
4 -Gov Payroll Suite Premise	10,000				
4 -Gov Utility Suite Premise	5,000				
4 -Gov E-Pay Module Premise	5,000				
4 -Gov Reform VDP Premise	1,425				
4 -Gov CyberQuery Premise	10,000				
Total	34,925				
Training & Implementation					
Training, Implementation & Assistance	35,000				
Overall Project Planning and Administration	7,000				
Data Conversion - Utility Billing	14,000				
Data Conversion - Payroll	7,000				
Data Conversion - Accounts Payable	2,800				
Total	65,800				
Hardware/Software	**10,000**	**Based on BS&A Proposal**			
Travel Expenses	**8,335**	**Based on BS&A Proposal**			
Total Installation	119,060				
Annual Fees (Assumes 2%/yr.)					
GoMembers 4-Gov Premise	4,700	4,794	4,890	4,988	5,088
4-Gov Reform VDP	285	291	297	303	309
4-Gov CyberQuery	2,000	2,040	2,081	2,123	2,165
	6,985	7,125	7,268	7,414	7,562
Total 5 Year Cost	**155,414**				

Harris

New Product					
System Manager	1,652				
Accounts Receivable	3,080				
Accounts Payable	3,900				
Bank Reconciliation	1,100				
Fund Ledger	5,276				
Payroll	5,276				
Purchasing	3,840				
Cash Collections	1,980				
Utility Billing	9,500				
Utility Work Orders	1,500				
Utility Handheld Interface	1,500				
CSI SmartQuery 1-license	535				
Total	39,139				
Data Conversion					
Accounts Receivable Master File	962.50				
Accounts Receivable History File	962.50				
Vendor Master File	1,401.75				
Accounts Payable Check History File	1,401.75				
Bank Reconciliation Master File	342.00				
Ledger Master File	1,648.75				
Ledger History File	1,648.75				
Payroll Master File	1,648.75				
Payroll History File	2,637.50				
Utility Master File	1,950.00				
Utility History File	3,250.00				
Total	17,854.25				
Professional Services					
Training & Data Review	13,650				
Project Management	3,900				
Installation of Software	2,500				
Egovernment Setup Fee	2,000				
Total	22,050				
Hardware/Software	**10,000**	**Based on BS&A Proposal**			
Travel Expenses	5,700				
Total Installation	94,743				
Annual Fees (Assumes 2%/yr.)					
Estimated	9,836	10,032	10,233	10,438	10,647
GASB34 Services	4,000	4,080	4,162	4,245	4,330
	13,836	14,112	14,395	14,683	14,977
Total 5 Year Cost	**166,746**				

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Update Current System					
Finance, Payroll	59,280				
Utility	49,972				
BIS Software	22,000				
Utility Connect	3,600				
Forms	5,500				
Total	140,352				
CMI Loyalty Discount	(20,352)				
Total Software	120,000				
Hardware/Software	18,077				
Total Installation	138,077				
Annual Fees			**5.0%**	**5.0%**	**5.0%**
Finance, Payroll	8,456	8,879	9,322	9,788	10,277
Utility	4,894	5,139	5,395	5,665	5,948
BIS Software	-	2,700	2,835	2,977	3,126
Utility Connect	-	1,800	1,890	1,985	2,084
Forms	1,100	1,155	1,213	1,274	1,337
Total	14,450	19,673	20,655	21,689	22,772
Hardware Maintenance	2,800	3,040	3,150	4,060	4,220
Less Credit for 2013 Paid	(14,141)				
Total Yearly Fees	3,109	22,713	23,805	25,749	26,992
Total 5 Year Cost	**240,445**				

Springbrook

New Product

	Application License Fees	Training, Imp. & Consulting	Project Management
Finance Suite	25,000	12,000	4,200
CAFR & GASB		1,200	600
Purchase Orders	5,500	1,200	600
Payroll	8,000	9,600	2,400
Decentralized Time Entry		1,200	600
Central Cash Management	7,500	1,800	600
Utility Billing	10,000	18,000	3,600
Meter Reading Interface	3,500	600	600
Total	59,500	45,600	13,200
Site License	7,500		
Data Conversion	14,400		
Business Process Study	7,200		
Travel Expenses	14,680		
Hardware/Software	**10,000**	**Based on BS&A Proposal**	
Total Installation	172,080		

Annual Fees (Assumes 2%/yr.)

Finance Suite	5,500	5,610	5,722	5,836	5,953
Purchase Orders	1,210	1,234	1,259	1,284	1,310
Payroll	1,760	1,795	1,831	1,868	1,905
Central Cash Management	1,650	1,683	1,717	1,751	1,786
Utility Billing	2,200	2,244	2,289	2,335	2,382
Meter Reading Interface	770	785	801	817	833
Back Office Portal	875	893	911	929	948
Site License	1,875	1,913	1,951	1,990	2,030
Less Credit for 6 months	(6,545)				
Total Yearly Fees	9,295	16,157	16,481	16,810	17,147
Total 5 Year Cost	**247,970**				

BS&A

New Product	**New**	**Original**
General Ledger	9,995	12,495
Accounts Payable	8,495	10,645
Cash Receipting	8,495	10,645
Payroll	10,995	13,745
Utility Billing	14,000	14,000
Purchase Order	8,495	10,645
Miscellaneous Receivables	5,545	10,645
Internet Services	2,500	2,500
Total	68,520	85,320
Data Conversion		
Payroll	10,310	
General Ledger	6,250	
Accounts Payable	5,320	
Utility Billing	8,800	
Total	30,680	
Implementation Project Management	7,500	
Software Setup	2,000	
Training		
General Ledger	2,000	
Accounts Payable	2,000	
Cash Receipting	2,000	
Payroll	5,000	
Utility Billing	6,000	
Purchase Order	3,000	
Miscellaneous Receivables	2,000	
Post Go Live Training	3,000	
	25,000	
Travel Expenses	8,335	

		Server	SQL	Printers Scanners	Total
Hardware/Software	11,500	6,182.99	2,850.34	2,451.30	11,484.63
Total Installation	153,535				
Annual Fees (Assumes 2%/yr.)					
General Ledger	-	2,000	2,040	2,081	2,123
Accounts Payable	-	1,700	1,734	1,769	1,804
Cash Receipting	-	1,700	1,734	1,769	1,804
Payroll	-	2,200	2,244	2,289	2,335
Utility Billing	-	2,800	2,856	2,913	2,971
Purchase Order	-	1,700	1,734	1,769	1,804
Miscellaneous Receivables	-	1,110	1,132	1,155	1,178
Internet Services	-	2,500	2,550	2,601	2,653
Total Yearly Fees	-	15,710	16,024	16,346	16,672
Total 5 Year Cost	**218,287**				

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Tyler

New Product

	Application License Fees	Implementation Costs	Data Conversion
Accounting/GL/BG/AP	29,000	14,100	8,200
Purchasing	12,700	8,225	1,800
Cash Management	5,000	2,350	-
Payroll w/ESS	16,100	15,275	10,400
HR Management	7,700	5,875	-
Utility Billing CIS	7,200	18,800	4,500
Accounts Receivable	6,600	8,225	-
Tyler Cashiering	11,000	4,700	-
General Billing	3,000	3,525	1,000
UB Interface	2,750	2,350	-
GASB 34 Report Writer	8,500	3,525	-
Munis Analytics & Reporting	27,400	9,400	-
Tyler Content Manager SE	14,000	4,700	-
Citizen Self Service	6,600	1,175	-
Tyler Forms Processing	7,500	-	-
Less Discount	(33,010)	-	-
Total	132,040	102,225	25,900

Other Services	
Estimated Travel Expenses	37,990
Install Fee - New Server Install-WIN	6,000
Munis Administration & Security	2,350
Project Planning Services	5,000
Tyler Forms Financial Library - 7 Forms	1,600
Tyler Forms Library - General Billing	1,500
Tyler Forms Library - Payroll	1,200
Tyler Forms Processing Configuration	1,500
Tyler Forms Library - Utility	3,000
	60,140
Total Installation	320,305

Annual Fees (Assumes 2%/yr.)

Accounting/GL/BG/AP	5,220	5,324	5,430	5,539	5,650
Purchasing	2,286	2,332	2,379	2,427	2,476
Cash Management	900	918	936	955	974
Payroll w/ESS	2,898	2,956	3,015	3,075	3,137
HR Management	1,386	1,414	1,442	1,471	1,500
Utility Billing CIS	1,296	1,322	1,348	1,375	1,403
Accounts Receivable	1,188	1,212	1,236	1,261	1,286
Tyler Cashiering	1,980	2,020	2,060	2,101	2,143
General Billing	540	551	562	573	584
UB Interface	495	505	515	525	536
GASB 34 Report Writer	1,530	1,561	1,592	1,624	1,656
Munis Analytics & Reporting	4,932	5,031	5,132	5,235	5,340
Tyler Content Manager SE	2,520	2,570	2,621	2,673	2,726
Citizen Self Service	1,188	1,212	1,236	1,261	1,286
Tyler Forms Processing	1,500	1,530	1,561	1,592	1,624
	29,859	30,458	31,065	31,687	32,321

Total 5 Year Cost **475,695**

2

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	MBD	10/10/13
City Manager:	DRE	10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 3992 MILLVILLE-OXFORD ROAD FOR THE PURPOSE OF ACQUIRING PERMANENT RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4771 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 3992 Millville-Oxford Road, Oxford Ohio 45056, and include the following:

> Permanent Take of Parcel 132-WDV, 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 $10,000.00 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)

EXHIBIT A

LPA RX 851 WD

Rev. 06/09

Ver. Date 10/15/12

PID 81769

PARCEL 132-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 36, Township 5, Range 2, being part of Lot 2 of Edward's Subdivision which is a 0.459 acre tract conveyed to Herbert J. Summe and Carl A. Summe as recorded in Deed Book 8246, Page 731, 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 section 36; Thence, South 88 degrees 12 minutes 32 seconds East along the south line of section 36 for a distance of 1703.43 feet to an iron pin (found); Thence, South 88 degrees 17 minutes 49 seconds East along the south line of section 36 for a distance of 1266.74 feet to a point said point being 3.15 feet left of the centerline of survey station 157+57.12; Thence, North 34 degrees 00 minutes 36 seconds West, for a distance of 1464.39 feet to a point, said point being 2.10 feet left of centerline of survey station 172+21.50; Thence, North 33 degrees 18 minutes 09 seconds West for a distance of 174.45 feet to a point, said point being at centerline of survey station 173+95.93; Thence, North 34 degrees 02 minutes 02 seconds West for a distance of 359.71 feet to a point, said point being 0.39 feet left of the centerline of survey station 177+33.38; Thence, North 34 degrees 00 minutes 46 seconds West, for a distance of 1709.63 feet to a point, said point being 0.64 feet left of the centerline of survey station 194+65.28; Thence, North 34 degrees 03 minutes 02 seconds West, for a distance of 185.00 feet to a point, said point being 0.86 feet left of the centerline of survey station 196+50.28; Thence, North 34 degrees 01 minutes 49 seconds West, for a distance of 200.12 feet to a point, said point being 1.04 feet left of centerline

of survey station 198+50.39; Thence, North 34 degrees 19 minutes 37 seconds West, for a distance of 353.46 feet to a point, said point being 2.18 feet left of centerline of survey station 202+03.86; Thence, North 70 degrees 09 minutes 21 seconds East, for a distance of 51.07 feet to a point at the grantor's southwest corner and the east existing right of way, said point being 47.28 feet right of centerline of survey station 201+91.15; Thence, North 34 degrees 14 minutes 53 seconds West, along the east existing right of way, for a distance of 105.07 feet to a point, said point being 47.28 feet right of centerline of survey station 202+96.23; Thence, North 58 degrees 57 minutes 21 seconds West, along the east existing right of way, for a distance of 24.65 feet to a point, said point being 36.98 feet right of centerline of survey station 203+18.61; Thence, South 55 degrees 45 minutes 07 seconds West, along the east existing right of way, for a distance of 7.43 feet to a point, said point being 30.00 feet right of centerline of survey station 203+18.31; Thence, North 33 degrees 23 minutes 09 seconds West, along the east existing right of way, for a distance of 95.37 feet to a point at the grantor's southwest corner, said point being 30.99 feet right of centerline of survey station 204+13.97, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 33 degrees 23 minutes 09 seconds West, along the east existing right of way, for a distance of 125.01 feet to a point at the grantor's northwest corner, said point being 32.87 feet right of centerline of survey station 205+38.97;

Thence, North 57 degrees 29 minutes 21 seconds East, along the grantor's north line, for a distance of 31.15 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 205+37.85;

Thence, South 16 degrees 45 minutes 59 seconds East, across the grantor's tract, for a distance of 129.87 feet to the **TRUE POINT OF BEGINNING,** containing 0.053 acres.

It is understood that the parcel of land described contains, 0.053 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 H3520-052-000-002.

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 8246, Page 731 in the Butler County Recorder's Office.

EXHIBIT A

LPA RX 851 WD

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

3

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:		10/10/13
City Manager:		10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 3996 MILLVILLE-OXFORD ROAD FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4772 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 3996 Millville-Oxford Road, Oxford Ohio 45056, and include the following:

> Permanent Fee Take of Parcel 133-WDV BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"
>
> Temporary Easement over Parcel 133-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 $32,440.00 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

Rev. 06/09

Ver. Date 10/15/12

PID 81769

PARCEL 133-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 36, Township 5, Range 2, being part of Lot 3 Edward's Subdivision which is a 0.459 acre tract conveyed to Shawn baker and Holly Baker as recorded in Official Record 8458, Page 1464, 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 section 36; Thence, South 88 degrees 12 minutes 32 seconds East along the south line of section 36 for a distance of 1703.43 feet to an iron pin (found); Thence, South 88 degrees 17 minutes 49 seconds East along the south line of section 36 for a distance of 1266.74 feet to a point said point being 3.15 feet left of the centerline of survey station 157+57.12; Thence, North 34 degrees 00 minutes 36 seconds West, for a distance of 1464.39 feet to a point, said point being 2.10 feet left of centerline of survey station 172+21.50; Thence, North 33 degrees 18 minutes 09 seconds West for a distance of 174.45 feet to a point, said point being at centerline of survey station 173+95.93; Thence, North 34 degrees 02 minutes 02 seconds West for a distance of 359.71 feet to a point, said point being 0.39 feet left of the centerline of survey station 177+33.38; Thence, North 34 degrees 00 minutes 46 seconds West, for a distance of 1709.63 feet to a point, said point being 0.64 feet left of the centerline of survey station 194+65.28; Thence, North 34 degrees 03 minutes 02 seconds West, for a distance of 185.00 feet to a point, said point being 0.86 feet left of the centerline of survey station 196+50.28; Thence, North 34 degrees 01 minutes 49 seconds West, for a distance of 200.12 feet to a point, said point being 1.04 feet left of centerline

of survey station 198+50.39; Thence, North 34 degrees 19 minutes 37 seconds West, for a distance of 353.46 feet to a point, said point being 2.18 feet left of centerline of survey station 202+03.86; Thence, North 70 degrees 09 minutes 21 seconds East, for a distance of 51.07 feet to a point at the grantor's southwest corner and the east existing right of way, said point being 47.28 feet right of centerline of survey station 201+91.15; Thence, North 34 degrees 14 minutes 53 seconds West, along the east existing right of way, for a distance of 105.07 feet to a point, said point being 47.28 feet right of centerline of survey station 202+96.23; Thence, North 58 degrees 57 minutes 21 seconds West, along the east existing right of way, for a distance of 24.65 feet to a point, said point being 36.98 feet right of centerline of survey station 203+18.61; Thence, South 55 degrees 45 minutes 07 seconds West, along the east existing right of way, for a distance of 7.43 feet to a point, said point being 30.00 feet right of centerline of survey station 203+18.31; Thence, North 33 degrees 23 minutes 09 seconds West, along the east existing right of way, for a distance of 220.38 feet to a point at the grantor's southwest corner, said point being 32.87 feet right of centerline of survey station 205+38.97, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, North 33 degrees 23 minutes 09 seconds West, along the east existing right of way, for a distance of 109.75 feet to a point, said point being 34.50 feet right of centerline of survey station 206+48.76;

Thence, with a curve to the right, having a radius of 15.00 feet, a central angle of 90 degrees 52 minutes 30 seconds, an arc length of 23.79 feet, and a chord that bears North 12 degrees 03 minutes 06 seconds East, for a distance of 21.37 feet to a point, said point being 49.93 feet right of centerline of survey station 206+63.59;

Thence, North 57 degrees 29 minutes 21 seconds East, along the south existing right of way for Southpoint Parkway, for a distance of 49.18 feet to an iron pin, said pin being 99.09 feet right of centerline of survey station 206+62.19;

Thence, South 32 degrees 25 minutes 14 seconds East, across the grantor's tract, for a distance of 4.89 feet to an iron pin, said pin being 98.94 feet right of centerline of survey station 206+57.28;

Thence, South 41 degrees 47 minutes 38 seconds West, across the grantor's tract, for a distance of 29.84 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 206+50.00;

Thence, with a curve to the left, having a radius of 17120.46 feet, a central angle of 00 degrees 04 minutes 47 seconds, an arc length of 23.79 feet, and a chord that bears South 34 degrees 12 minutes 30 seconds East, for a distance of 23.79 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 206+26.11;

Thence, South 34 degrees 14 minutes 53 seconds East, across the grantor's tract, for a distance of 88.27 feet to an iron pin on the grantor's south line, said pin being 70.00 feet right of centerline of survey station 205+37.85;

Thence, South 57 degrees 29 minutes 21 seconds West, along the grantor's south line, for a distance of 37.15 feet to the **TRUE POINT OF BEGINNING,** containing 0.109 acres.

It is understood that the parcel of land described contains, 0.109 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 H3620-052-000-003.

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 8458, Page 1464 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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

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

EXHIBIT A

LPA RX 887 T

Rev. 07/09

Ver. Date 10/15/12

PID 81769

PARCEL 133-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 36, Township 5, Range 2, being part of Lot 3 Edward's Subdivision which is a 0.459 acre tract conveyed to Shawn baker and Holly Baker as recorded in Official Record 8458, Page 1464, 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 on the grantor's west line, being 70.00 feet right of centerline of survey station 206+26.11, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, with a curve to the right, having a radius of 17120.46 feet, a central angle of 00 degrees 04 minutes 47 seconds, an arc length of 23.79 feet, and a chord that bears North 34 degrees 12 minutes 30 seconds West, for a distance of 23.79 feet to an iron pin, said pin being 70.00 feet right of centerline of survey station 206+50.00;

Thence, North 41 degrees 47 minutes 38 seconds East, across the grantor's tract, for a distance of 29.84 feet to an iron pin, said pin being 98.94 feet right of centerline of survey station 206+57.28;

Thence, North 32 degrees 25 minutes 14 seconds West, across the grantor's tract, for a distance of 4.89 feet to an iron pin, said pin being 99.09 feet right of centerline of survey station 206+62.19;

Thence, North 57 degrees 29 minutes 21 seconds East, along the south existing right of way for Southpoint Parkway, for a distance of 30.00 feet to a point, said point being 129.08 feet right of centerline of survey station 206+61.34;

EXHIBIT A

Thence, South 39 degrees 13 minutes 01 seconds West, across the grantor's tract, for a distance of 47.41 feet to a point, said point being 83.65 feet right of centerline of survey station 206+47.69;

Thence, South 01 degrees 47 minutes 03 seconds East, across the grantor's tract, for a distance of 25.45 feet to the **TRUE POINT OF BEGINNING**, containing 0.010 acres.

It is understood that the parcel of land described contains, 0.010 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 H3620-052-000-003.

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 8458, Page 1464 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

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CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	MBD	10/10/13
City Manager:	DMB	10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A BUSINESS SIGN WITH ILLUMINATED CABINET LOCATED AT 3996 MILLVILLE-OXFORD ROAD OWNED BY CENTURY 21 FOR THE PURPOSE OF ACQUIRING PERMANENT RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4773 passed September 17, 2013 declared its intention to appropriate a business sign with illuminated cabinet located at 3996 Millville-Oxford Road owned by Century 21 hereinafter described as a permanent take for 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 all right, title and interest in said property described in Section 3 here below is necessary for acquisition of public right-of-way, and the construction of public improvements, and the property is hereby appropriated for a public use in accordance with the Ohio Constitution and the laws of the state of Ohio. Council finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

SECTION 3: That the , title and interest in said property therein to be appropriated, being necessary for a public right-of-way and road improvement, are located at 3996 Millville-Oxford Road, Oxford Ohio 45056, and include the following:

> Permanent Take of sign located on Parcel 133-BS-1, 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 business sign with illuminated cabinet located on said real property.

SECTION 5: The value of said appropriated business sign with illuminated cabinet on said real property, including any residual damages, has been appraised at $8,890.00 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 business sign with illuminated cabinet on said real property according to law and file all pleadings necessary to appropriate the business sign with illuminated cabinet on said 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)

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

Parcel	Ext.	Owner	Property Address	Parcel Number	Fair Market Value Estimate
132	WD	Herbert J. Summe Carl A. Summe	3992 Millville-Oxford Road	H3520052000002	$10,000
133	WD,T	Shawn & Holly Baker	3996 Millville-Oxford Road	H3620052000003	$32,440
133	BS-1	Century 21	3996 Millville-Oxford Road	H3620052000003	$8,890
137	WD,T , ER	Alan W. & Tammy K. Thome	4134 Millvile-Oxford Road	H3620050000001	$35,020
151	WD,T	Sheryl Lancaster	4205 Millville-Oxford Road	H4100112000010	$5,390
156	WDV	Bruce Edward & Diane Kay Perry	McKee Avenue	H4100111000021	$10,350
158	WD	Bruce E. & Diane K. Perry	6 McKee Avnue	H4100111000020	$45,000
159	WDV,T	Bruce Edward & Diane Kay Perry	Thomson Court	H4100111000017	$11,310
160	WD,T	David R. Nestle	106 Thomson Court	H4100111000016	$8,565
162	WD,T	Edwina Green	Millville-Oxford Road	H4100110000010	$7,656
				Total FMVE	**$174,621**

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CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	MBD	10/10/13
City Manager:	DRE	10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 100 RED CLOUD COURT FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4784 passed October 1, 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 100 Red Cloud Court, Oxford Ohio 45056, and include the following:

> Permanent Take of Parcel 139-WDV BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"
>
> Temporary Easement over Parcel 139-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 $540.00 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

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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

REVIEWED & APPROVED

BY:

DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Rev. 07/09

Ver. Date 10/15/12

PID 81769

PARCEL 139-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO TO COMPLETE GRADING FOR 12 MONTHS FROM DATE OF ENTRY BY THE "CITY OF OXFORD, BUTLER," COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, Township of Oxford, Section 35, Township 5, Range 2, being part of a 7.148 acre tract conveyed Indian Trace Limited Partnership, an Ohio Limited Partnership to as recorded in Official Record 6055, Page 2094 and 2096, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at an iron ion on the west proposed right of way for U.S. 27, said point being 75.06 feet left of centerline of survey station 215+32.35, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

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

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

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

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

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

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

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

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

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

It is understood that the parcel of land described contains, 0.046 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-134-000-008.

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

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

EXHIBIT A

LPA RX 887 T

Rev. 07/09

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

STATE OF OHIO
RICHARD F.
MATHIAS
S-7798
REGISTERED
PROFESSIONAL SURVEYOR

1-23-13
Date

6

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	MBD	10/10/13
City Manager:	DME	10/10/13

ORDINANCE NO.

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

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. 4785 passed October 1, 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 Miami Western Drive, Oxford Ohio 45056, and include the following:

> Permanent Take of Parcel 141-WDV, 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 $1,440.00 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

Rev. 06/09

Ver. Date 10/15/12

PID 81769

PARCEL 141-WDV
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 4 of Miami Western Circle Subdivision which is a 0.360 acre tract conveyed to Christopher A. Umbstead as recorded in Official Record 8452, Page 1385, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at a point at the southwest corner of said Lot No. 4 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 35.84 feet right of centerline of survey station 216+63.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

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

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

It is understood that the parcel of land described contains, 0.120 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-004.

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

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

Grantor claims title by instrument recorded in Official Record 8452, Page 1385 in the Butler County Recorder's Office.

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

Richard F. Mathias
Ohio Registered Surveyor S-7798

1-23-13
Date

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

7

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	[illegible]	10/10/13
City Manager:	[illegible]	10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 4163 MIAMI WESTERN DRIVE FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4786 passed October 1, 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 4163 Miami Western Drive, Oxford Ohio 45056, and include the following:

> Permanent Take of Parcel 142-WDV, BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"
>
> Temporary Easement over Parcel 142-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 $8,305.00 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

Rev. 06/09

Ver. Date 10/15/12

PID 81769

PARCEL 142-WDV
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 5 Miami Western Circle Subdivision which is a 0.362 acre tract conveyed to Tracy L. Beckelhymer as recorded in Deed Book 7856, Page 2106, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at a point at the southwest corner of said Lot No. 5 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 35.00 feet right of centerline of survey station 217+38.33, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

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

EXHIBIT A

LPA RX 887 T

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. 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 an iron pin on the east proposed right of way for U.S. 27 and the grantor's south line, being 105.00 feet right of centerline of survey station 217+39.17, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

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

EXHIBIT A

LPA RX 887 T

Rev. 07/09

It is understood that the parcel of land described contains, 0.014 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-005.

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

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

Grantor claims title by instrument recorded in Deed Book 7856, Page 2106 in the Butler County Recorder's Office.

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

Richard F. Mathias
Ohio Registered Surveyor S-7798

1-23-13
Date

q

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:		10/10/13
City Manager:		10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 4179 MIAMI WESTERN DRIVE FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4787 passed October 1, 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 4179 Miami Western Drive, Oxford Ohio 45056, and include the following:

> Permanent Fee Take of Parcel 146-WD BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"
>
> Temporary Easement over Parcel 146-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 $27,010.00 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

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;

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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

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

EXHIBIT A

LPA RX 887 T

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

Rev. 07/09

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

9

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 15, 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 (First Reading)*

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:

	Initial	Date
Department Head:	MBD	10/10/13
City Manager:	DME	10/10/13

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED AT 4385 MILLVILLE-OXFORD ROAD FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY RIGHTS-OF-WAY TO CONSTRUCT AND WIDEN MILLVILLE-OXFORD ROAD (U.S. 27).

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. 4788 passed October 1, 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 in accordance with the Ohio Constitution and the laws of the state of Ohio. 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 4385 Millville-Oxford Road, Oxford Ohio 45056, and include the following:

> Permanent Fee Take of Parcel 157-WD-1 BUT-27-14.12, 157-WD-2 BUT-27-14.12, hereby attached and incorporated by reference as Exhibit "A"
>
> Temporary Easement over Parcel 157-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 $109,733.00 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

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;

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

LPA RX 851 WD

Rev. 06/09

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
Ohio Registered Surveyor S-7798

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

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

EXHIBIT A

LPA RX 851 WD

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;

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

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
Ohio Registered Surveyor S-7798

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED
PROFESSIONAL SURVEYOR

1-23-13
Date

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

EXHIBIT A

LPA RX 887 T

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

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

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:

	Initial	Date
Department Head:	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)

4

EXHIBIT A

LPA RX 851 WD

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;

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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED PROFESSIONAL SURVEYOR

1-23-13
Date

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

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

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

Recommendation: Approve

Discussion:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

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

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from $540 to $109,733. Should all of the properties settle for FMV, the cost is estimated at $321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. The latest project estimate as prepared by ODOT is $6,931,000 (excluding construction engineering costs from ODOT).

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

Approved By:

	Initial	Date
Department Head:	MBD	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

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;

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

STATE OF OHIO
RICHARD F. MATHIAS
S-7798
REGISTERED
PROFESSIONAL SURVEYOR

1-23-13
Date

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

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 1, 2013

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2013
Date Prepared

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

Recommendation: Approve

Discussion:

The City of Oxford continues to finalize the acquisition of right of way (ROW) necessary for construction of planned improvements on US 27 South. These improvements will widen the roadway and create turning lanes at intersections as well as paved shoulders for the length of the project. Improvements will also include the construction of curb/gutter, a stormwater sewer system, sidewalks on both sides of the roadway, improved street lighting and traffic control, and the addition of street tree plantings.

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

The City contracted with Heritage Land Services to oversee fair market value negotiations with property owners impacted by this project. At this point, negotiations have stalled and the City must act to appropriate the portions of parcels needed for the project. Where possible, staff has made adjustments to design plans to minimize the impact to businesses and properties that will be affected by the project. Of the fifteen properties that have not been resolved, Fair Market Value (FMV) estimates range from $540 to $109,733. Should all of the properties settle for FMV, the cost is estimated at $321,649.

Service Department staff recommends moving forward with appropriation proceedings so that we may complete the necessary acquisition of ROW. The Ohio Department of Transportation (ODOT) anticipates opening bids for this project on February 6, 2014, and awarding a construction contract shortly thereafter. The latest project estimate as prepared by ODOT is $6,931,000 (excluding construction engineering costs from ODOT).

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

Approved By:

	Initial	Date
Department Head:	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 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)

6

EXHIBIT A

LPA RX 851 WD

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;

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

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

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
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:

	Initial	Date
Department Head:	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)

EXHIBIT A

LPA RX 851 WD

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

Rev. 06/09

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

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

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

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

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

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

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

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

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

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

Richard F. Mathias
Ohio Registered Surveyor S-7798

1-23-13
Date

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

EXHIBIT A

LPA RX 887 T

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

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

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

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

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

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

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

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

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

Richard F. Mathias
Ohio Registered Surveyor S-7798

1-23-13
Date

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 1, 2013

Account Code No. #:

Jung-Han Chen
Prepared By:

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: JHC 9/25/13
City Attorney:
City Manager: 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

Report Date	October 1, 2013
Case Number	PC-13-2013
Applicant Information	Scott Webb, Architect
Requested Action	Conditional Use
Summary of Request	Approval of a Drive-Through Restaurant in a GB (General Business) District
Public Hearing Information	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.
Commission Action	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use with conditions.
Commission Findings and Conclusions	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.
Exhibits Submitted to the Commission	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

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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

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 Detherage Date: 8-12-13

PRINTED NAME

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

RECEIVED
AUG - 2 2013
City of Oxford
Engineering Division

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

IT WAS A RESTAURANT WITH A DRIVE-THROUGH. THE SIZE HAS NOT CHANGED, THE USE IS NOT CHANGING. IT SEEMS REASONABLE TO ALLOW THIS APPLICATION TO BE GRANTED.

Drawings reviewed by: [signature] Date: 8-7-13

G. ALAN KYCER
PRINTED NAME

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

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 - Hometown 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.

Judy Ramsey
Signature

8-26-13
Date

PC-13-2013

Legend

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

N

1 inch = 100 feet

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

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
(Dennis Day)
(D & B Family Limited Partnership)

Date: 8.16-13

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

Conditional Use Permit Application

City of Oxford, Ohio

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. 45056

Telephone Number(s): 523-5833 Email Address: Scott@scottwebbarchitect.com

Name of Property Owner (if other than Applicant)

Location of Property: 5046 College Corner Pike

Legal Description:

Zoning District: CBD

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 distribute 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.

Jeff Fell — Signature of Applicant

Scott Webb — 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
ARCHITECT
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.

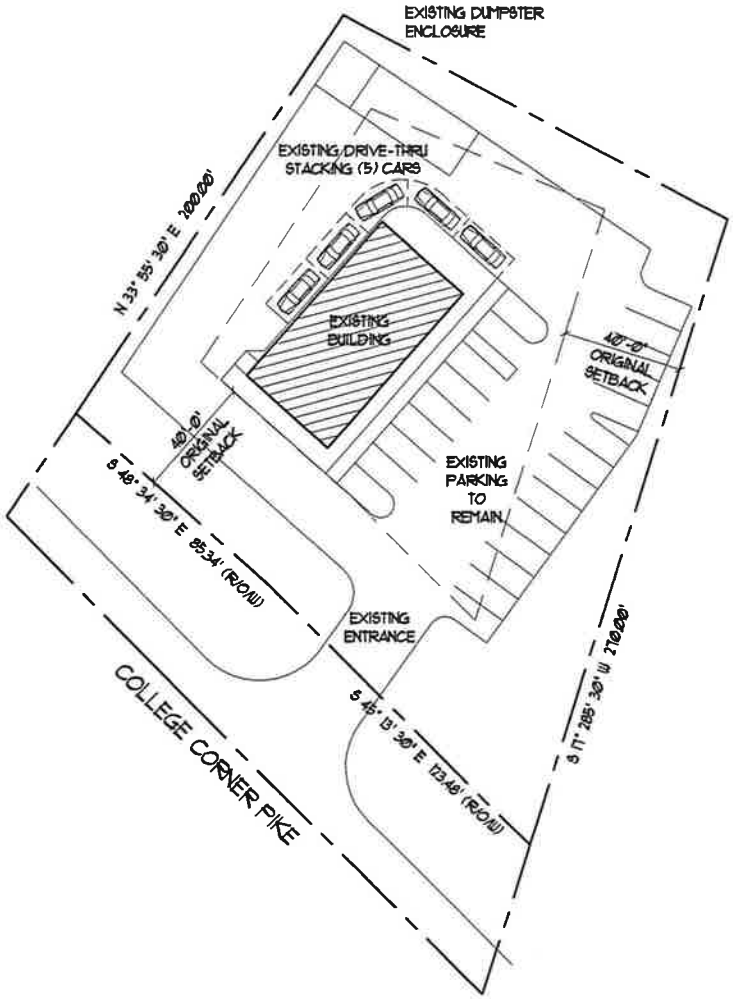
4. *Location and adequacy of dumpsters.*

   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



SITE PLAN

1" = 40'-0"

SITE PLAN INFORMATION FROM ORIGINAL APPLICATION, 6/12/91
& FIELD LOCATION OF DUMPSTER ENCLOSURE

STATE OF OHIO
L. SCOTT WEBB
11193
REGISTERED ARCHITECT

SCOTT WEBB
ARCHITECT
103 West Walnut Str.
Oxford, Ohio 45056
(513) 523 3838
www.scottwebbarchitect.com

PROPOSED CHANGE OF USE
Chef Lin's Asian Restaurant & Sushi
FORMER KFC BUILDING
5046 COLLEGE CORNER PIKE
OXFORD, OHIO 45056

DATE
July 26, 2013
REVISIONS

A-1