



Agenda

Oxford City Council

Court House

MONDAY , NOVEMBER 4, 2013

EXECUTIVE SESSION

7:15 P.M.

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

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. 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 15, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the October 17, 2013 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the October 8, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. Report regarding the October 17, 2013 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)



Report

- E. Report regarding the October 23, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

5. Resolutions.

1. A Resolution authorizing the City Manager to enter into a contract with Bellefeuil, Szur, & Associates, Inc. for the acquisition of computer software at a cost not to exceed \$142,035.00 plus \$13,710.00 for the second year annual software fee for a total cost of \$155,745.00 contingent upon the adoption of Supplemental Budget Number 4 for fiscal year 2013. (Joe Newlin, Finance Director).



Staff Report/Resolution

2. A Resolution approving the creation of a new fund for the 2013 operating budget to provide for municipal facilities capital improvements. (Joe Newlin, Finance Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For The South Half Of The City Block Bounded By West Collins Street, South College Avenue, West Walnut Street And South Beech Street, Totalling Approximately Two (2) Acres, Including Rights-Of-Way, And Rezoning The Property From R1MS (Single-Family Mile Square Residential) District To R2MS (Single And Two-Family Mile Square Residential) Zoning District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Granting To Butler Rural Electric Cooperative, Inc., Its Successors And Assigns, A Franchise For The Distribution Of Electric Power And Energy To Parts Of The City Of Oxford, Ohio, Which Are Presently Within Said Cooperative's Service Area And For The Transmission Of Electricity Within Said City. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

5. An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)



Staff Report/Ordinance

6. An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2014. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. An Ordinance Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2014. (Joe Newlin, Finance Director)



Staff Report/Ordinance

8. An Ordinance Outlining Budgeted Advances For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2014. (Joe Newlin, Finance Director)



Staff Report/Ordinance

9. An Ordinance Adopting Fees And Charges For Fiscal Year 2014. (Joe Newlin, Finance Director)



Staff Report/Ordinance

10. An Ordinance Establishing Salaries and Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio,

Paid From January 1, 2014 Through December 31, 2014. (Doug Elliott, City Manager)



Staff Report/Ordinance

B. Second 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

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 - 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

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

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

WED - Nov 20 Board of Zoning Appeals Work Session ____ p.m.

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

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

TUES - Dec 3 City Council Meeting 7:30 p.m.

WED - Dec 4 Community Relations Commission 4:30 p.m. Municipal Building

WED - Dec 4 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Dec 4 Environmental Commission Meeting 7:00 p.m. Municipal Building

MON - Dec 9 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES Dec 10 Planning Commission Meeting 7:30 p.m.

THUR Dec 12 Student Community Relations Commission 4:00 p.m. LCNB

TUES - Dec 17 City Council Meeting 7:30 p.m.

WED - Dec 18 Board of Zoning Appeals Meeting 7:30 p.m.

TUES - Dec 24 Holiday - City Offices Closed

WED - Dec 25 Holiday - City Offices Closed

8. Adjourn.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, October 15, 2013 at 6:45 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) (2) for the purpose of discussing property acquisition. Mr. McKeehan seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to adjourn from Executive Session at 7:30 p.m. Mr. Harman seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION

'CHANGE YOUR CLOCK, CHANGE YOUR BATTERY DAY'

Mayor Keebler read the Proclamation and presented it to Chief Detherage.

PUBLIC COMMENTS

Mr. Larry Rankin, 610 French Drive, commended Ms. Brahier and the Parks and Recreation staff for making some repairs he brought to their attention in a timely manner regarding equipment at the Community Park and at the TRI Center.

Mr. Rankin noted he was a volunteer for the Community Meal Center and volunteers prepared meals at the Presbyterian Church on Front Street in Hamilton. Mr. Rankin advised 100-150 lower income and other people of all ages attended the dinners on Friday nights. Mr. Rankin noted he appreciated Oxford's Deer Management Program which slimmed the deer population and donated venison to the meal center. Mr. Rankin advised the venison was prepared in many creative ways and the people at the meal center very much appreciated the deer meat.

CONSENT AGENDA

MINUTES

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

REPORT

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

Mr. Bogard moved to approve the consent agenda. Ms. Rousmaniere seconded. The motion passed 7-0-0.

RESOLUTION **CONTRACT WITH** **R.A. MILLER CONSTRUCTION CO.**

A Resolution No. 4789 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)

Mr. Dreisbach addressed his staff report as presented on page 17 of the agenda and asked for Council's approval of the contract utilizing the budgeted CDBG funds and left over money from the Urban Paving Program as well as money from the Storm Water Fund.

Ms. Rousmaniere thanked Mr. Dreisbach for including the handicap ramps in the project and advised they were required by the Federal Government. Ms. Rousmaniere noted it was nice to see the ramps for people with disabilities and people using wheeled vehicles, strollers and bicycles.

Ms. Rousmaniere moved to adopt Resolution No. 4789. Mr. Harman seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

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

Mr. Newlin advised the original budgeted figure of \$75,000 was below market value for financial software upgrades. Mr. Newlin noted a Request for Proposal was initiated with 6 vendors responding. Mr. Newlin advised after an extensive review of the products available for Fund Accounting Software, it became apparent that the City's budgeted estimate was too low. Mr. Newlin explained the net effect on fund balances for the proposed Supplemental Budget would be \$85,000. Mr. Newlin noted the vendor that staff would recommend guaranteed their software price 100% and offered a two year payment plan with no interest. Mr. Newlin advised the preferred vendor had experience converting the City's current software to the proposed new software. Mr. Newlin advised he contacted 10 of the preferred vendor's current customers and received very positive references.

Mayor Keebler advised the decision for the purchase of the software was not being made this evening. Mr. Newlin noted a Resolution for the software purchase would be on Council's next agenda.

Mr. Snyder inquired what the life expectancy of the proposed software would be. Mr. Newlin advised the preferred vendor was using the most current Microsoft platform available and an upgrade could be approximately one third of the cost of the software alone. Mr. Snyder inquired if an upgrade might be needed every 4-5 years and Mr. Newlin advised it would depend on Microsoft.

Mayor Keebler again noted the decision for the software purchase would be made when the funds were available.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mr. Dreisbach advised there were eight Ordinances on the agenda tonight for first reading which were a continuation of the process to appropriate property for the construction and widening of U.S. 27 South.

Mr. Dreisbach noted at the last meeting Council adopted Resolutions of intent to acquire the properties and there would be two readings of each Ordinance to actually appropriate the properties. Mr. Dreisbach advised there were no changes from what had been discussed previously.

Mayor Keebler noted Mr. Dreisbach's comments were appropriate for the next 7 Ordinances as well. Mayor Keebler inquired if the public would like to comment on Ordinance numbers 2 through 9. There were no public comments. Mayor Keebler inquired if there was any Council discussion on Ordinance number 2 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 3 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 4 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 5 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 6 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 7 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 8 and there was none.

ORDINANCE
APPROPRIATE PROPERTY

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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 9 and there was none.

Mayor Keebler noted this was the conclusion of the First Readings which would be voted on at the next meeting.

ORDINANCES
SECOND READING

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3232 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 there were 4 Ordinances for second reading and this was one of the final steps Council would take to appropriate the properties. Mr. Dreisbach noted 5 affirmative votes of Council was necessary to acquire property. Mr. Dreisbach advised once the Ordinances were adopted, the Law Director would file suites with the Butler County Court of Common Pleas, and deposit the fair market property value funds with the court. Mr. Dreisbach noted at that point, the City could proceed with the construction project.

Mayor Keebler inquired if there were any comments from the public on Ordinance numbers 1 through 4 and there were none. Mayor Keebler inquired if there was any Council discussion on Ordinance number 1 and there was none.

Mr. Snyder moved to adopt Ordinance No. 3232. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3233 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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 2 and there was none.

Mr. Snyder moved to adopt Ordinance No. 3233. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3234 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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 3 and there was none.

Mr. Snyder moved to adopt Ordinance No. 3234. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3235 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)

Mayor Keebler inquired if there was any Council discussion on Ordinance number 4 and there was none.

Mr. Snyder moved to adopt Ordinance No. 3235. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3236 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 this was the second reading to allow a new restaurant to use the existing drive-through lane. Mr. Chen noted the Planning Commission reviewed the conditional use permit application and recommended approval with two conditions.

Mayor Keebler inquired if there were any comments from the public and there were none. Mayor Keebler inquired if there were any further comments from Council and there were none.

Mr. Harman moved to adopt Ordinance No. 3236. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Mr. Rankin for his comments regarding the City's Deer Management Program. Mr. Elliott advised the program kicked off in September following the state laws for this area and two deer had been taken so far. Mr. Elliott noted his feeling it was a good program which had a provision for some of the venison to be donated to the Community Meal Center which served many people well.

Mr. Elliott advised the City was required to have a Municipal Records Commission and he served as the Chairman. Mr. Elliott noted the Law Director and Finance Director served on the commission as well as a community member and an ex-officio member. Mr. Elliott advised the City Clerk served as Secretary. Mr. Elliott noted the commission dealt with retention schedules and the proper disposal of records to ensure the City was in compliance with the Ohio Records Law.

Mr. Elliott noted the commission met this evening and he wanted to give credit to the City departments that updated their retention schedules due to some changes in the state law. Mr. Elliott advised it was important to manage public records properly.

Mr. Elliott noted a City Council Budget Work Session would take place Thursday at 6:30 p.m. where Council would review the City Manager's proposed budget for fiscal year 2014.

Mr. Elliott reminded everyone that Council meetings in November would take place on Mondays instead of Tuesdays and the dates were November 4th and November 18th.

Mr. Elliott discussed a meeting he attended on October 2nd along with Chief Detherage and Mr. Chen with regard to fire safety. Mr. Elliott noted Jenny Levering of Miami University's Cliff Alexander Office of Fraternity and Sorority Life arranged the meeting and invited the Fire Chief from Chapel Hill and three individuals who had lost a child due to fire. Mr. Elliott advised at a later date, legislation would be introduced for Council to consider adopting higher standards with regard to smoke detectors and noted the photo-electric smoke detectors were much more effective than the ionized smoke detectors. Mr. Elliott thanked Ms. Levering for arranging the meeting. Mr. Elliott noted under Chief Detherage's leadership the Oxford Fire Department had done a good job with regard to fire safety inspections.

Mr. Dreisbach advised the Streets and Maintenance Department was very busy wrapping up construction projects for the year as well as inspecting snow plows and spreaders. Mr. Dreisbach noted curbside leaf collection would begin throughout the City on Monday, October 21st.

Mr. Kyger noted the new term for the 'Old Wal-Mart' was Bishop Square for the commercial section of the development and the developer was still working on a name for the residential section. Mr. Kyger advised the lease transfer had occurred and a demolition permit was filed for the former Wal-Mart building. Mr. Kyger noted building plans had also been submitted. Mr. Kyger advised as of Monday, the storefronts at Stewart Square would be full with the opening of Dakotas Steak House. Mr. Kyger advised a new 'Gyro' restaurant would be opening at 26 W. High Street. Mr. Kyger noted the project at 15 S. Beech Street was moving forward.

Mr. Bogard noted the Oxford Community Foundation's annual meeting would take place on Sunday and encouraged Council members who had not responded to the invitation to do so at 523-0623.

Ms. Rousmaniere advised the Oxford NAACP held a community meeting with Police Chiefs on Monday October 7. Ms. Rousmaniere noted Lieutenant Horvath attended on behalf of the City of Oxford and Chief McCandless attended on behalf of Miami University. Ms. Rousmaniere advised approximately 50 people attended the meeting at the LCNB including citizens, students and parents who were interested in talking about community policing and neighborhood relations. Ms. Rousmaniere noted Lt. Holzworth and Chief McCandless talked about training practices, expectations of their Police forces and how they dealt with citizens. Ms. Rousmaniere advised it was a very respectful, informative and trusting discussion.

Mr. Blackburn noted in talking with candidates from Hanover Township last night, they received an 80% grant for a handicap swing for their playground. Mr. Blackburn inquired if the City of Oxford could look into obtaining such a grant for a handicap swing at the Community Park.

Mayor Keebler noted Mr. Elliott already reminded everyone that Council Meetings would take place on Mondays in November.

Mayor Keebler encouraged everyone to bring their children Uptown to participate in the annual Lions Club Halloween Parade and to Trick-or-Treat with the merchants on Wednesday, October 30th.

ADJOURN

Mr. Blackburn moved to adjourn at 8:10 p.m. Mr. Harman seconded. The motion passed 7-0-0.

A Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Thursday, October 17, 2013 at 6:30 P.M. Those Council members present were, Bob Blackburn, John Harman, Kevin McKeegan, Kate Rousmaniere and Steve Snyder. Ken Bogard was excused.

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

Mike Smith, Council Candidate, was in the audience.

APPROVAL OF AGENDA

Mr. Snyder moved approval of the Agenda. Mr. Blackburn seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to review and discuss the draft 2014 budget.

2014 BUDGET

Mr. Elliott presented the draft budget for 2014 fund by fund. Council discussed the addition of a 2% COLA for full-time employees. Council considered the creation of a new fund to be used for improvements to acquired or existing municipal facilities. An increase in the fee for leasing parking spaces in the Municipal Garage was also discussed.

ADJOURNMENT

Mr. Harman moved to adjourn at 8:12 p.m. Mr. Blackburn seconded. The motion carried 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: November 4, 2013

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

October 18, 2013
Date Prepared

PLANNING COMMISSION MEETING REPORT – October 8, 2013

Commission & Board Reports

Staff made a presentation to the Planning Commission related to the Bike and Pedestrian Safety Analysis. The presentation also outlined recommendations to improve the safety of the bike and pedestrian network. Public comments followed.

Public Hearing:

PC-14-2013 MAP AMENDMENT, the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately 2 acres, including rights of ways, to be rezoned from R1MS (Single-Family Mile Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District, **Scott Webb, Applicant, Agent**

The application is requesting to change the zoning classifications of those properties bordered by S. College Avenue, W. Collins Street, S. Beech Street and the east-west alley connecting S. Beech Street and S. College Avenue. The area involved approximately two acres of area encompassing seven dwelling structures in a ten parcel area. The request is to rezone these properties from R1MS (Single-Family Mile-Square Residential) District to R2MS (Single-and Two-Family Mile Square Residential) District.

The subject area is predominately residential and is directly south of a RO (Residential Office) District, across the alley.

After a Public Hearing, the Planning Commission voted 7-0-0 to recommend approval to City Council.

Items Under Consideration for Future Discussion

The Planning Commission discussed the bike and pedestrian safety report and an alternative transportation study, and how to move forward with these initiatives in a coordinated manner. Additionally, the Subcommittee for commercial district diversification and sustainable parking lot design will be meeting soon. More reporting to come at the next Planning Commission meeting.

Next Meeting:

The next regularly scheduled Planning Commission meeting will take place November 12, 2013

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>10/25/13</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>11/1/13</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of:

Gail S. Brahier

Account Code No. #: NA

Prepared By

Budgeted Amount: NA

10/30/13
Date Prepared

Agenda Title: Recreation Advisory Board - 10/17/30

Recommendation: NA

Discussion: In attendance: Melissa Engelhard, Shaunna Tafelski, John Thomas, Staff members: Gail Brahier

The Recreation Advisory Board met at the Oxford Community Park. There was discussion re: a request to install a wheelchair accessible swing. The Recreation Board suggested posting a survey online to gauge if there was a need for this in the community.

Ms. Brahier noted there is currently a handicap accessible swing at the OCP and perhaps the survey can include questions re: other recreation services. She will draft questions for Board review and implement a survey after the first of the year.

Facility emergency evacuation protocol was briefly discussed re: the TRI preschool, and THS athletic facilities and events. The US27S road improvement project was discussed and Mr. Thomas suggested due to potential traffic issues Ms. Tafelski may want to follow up on alternate TSD bus routes before next semester.

Ms. Brahier informed the Board of the 2014 budget process and noted the City's directive for level operating.

Upcoming events were reviewed: Halloween activities, Ms. Engelhard agreed to serve as a judge for the Pet Costume Contest. Ms. Brahier invited the Board to the Veteran's Day Ceremony, Mon. Nov. 11 at Noon by the Veteran's Wall in MLK Park. Ms. Tafelski suggested Mr. Bogard may want to speak at the Holiday Festival as his last 'official' duty on Council and the Recreation Advisory Board.

A joint meeting of the TRI Board and Recreation Advisory Board was tentatively scheduled for December 12 at Noon.

Approved By:

Initial Date

Department Head:

gb 10/30/13

City Attorney:

City Manager:

DRE 11/1/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: November 5, 2013

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 24, 2013

Date Prepared

Agenda Title: Report regarding the October 23, 2013 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, October 23, 2013. Those members present were: Karen Martino, Chair; James Burchyett, Vice-Chair, Bill Brewer, Greg Smith and Brian Martin.

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

Steve McHugh swore in new member, Brian Martin.

The Commission reviewed a legal opinion provided by Steve McHugh regarding the requirement for a high school diploma or GED for all positions at the Talawanda School District. It was recommended that the Civil Service Commission work with the Talawanda School District's personnel director to determine if the educational requirements are consistent and realistic with the position or business necessity.

Ms. Heck advised the Commission of the need to amend their Rules to include the maximum age requirement for original appointments for Police Officer applicants. Ms. Heck noted their rules previously contained the language but was removed following a review of the rules several years ago and no other age requirement was established. Ms. Heck provided the Commission with the previous language from the Rules as well as a copy of two Council Ordinances, one from 2011, and the most recent one passed in 2013, establishing the age requirement.

Mr. McHugh provided additional training and review of the Rules. Mr. McHugh advised military credit has changed to 20 percent and is required by Statute unless the City's Charter provides for a different percentage. Mr. McHugh noted Oxford's Charter does not include language regarding military credit and therefore the Rules will need to be amended in order to be in compliance with the Statute. The Commission requested staff provide information on what other communities were doing in this regard.

Ms. Heck also noted the regular November meeting would fall on the day before Thanksgiving and advised should there be item(s) requiring a meeting, they would reschedule to the week before. Ms. Heck also advised the same would be true for their December meeting.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

dyh 10/30/13

DHE 11/1/13

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/4/2013

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

10/28/2013
Date Prepared

Agenda Title: Resolution Authorizing City Manager To Enter Into A Contract With BS&A For The Acquisition Of Computer Software

Recommendation: Approve

Discussion:

Staff recommends BS&A Software. (See attached)

Approved By:

Department Head:
City Manager:

Initial Date
[Signature] 10/28/13
[Signature] 10/28/13

Overview

<u>Company</u>	<u>Total Installation Costs</u>	<u>Total Annual 5 Year</u>	<u>Total 5 Year Costs</u>
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	142,035	64,752	206,787
Tyler	320,305	155,390	475,695

***** 1 year 100% guarantee of the price of the software**

***** 2 year payment plan interest free**

***** Previous experience converting from CMI software**

***** Excellent customer service (talked with 10 current customers)**

***** All modules are tightly integrated, similar in appearance and functionality**

***** Licensing allows unlimited concurrent users**

***** Intuitive report writer, built in GASB 34 reporting**

***** Buy in from staff, all involved in demonstrations**

***** Presents the opportunity to review and improve both workflow and processing**

***** Increase in Annual Fees Tied to CIP if applicable**

***** AccessMyGov.com - ability for citizens to review financials in**

Cost Savings

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>	<u>% Increase</u>			
Shareholder	10	\$ 300.00	\$ 3,000.00				
Senior	20	\$ 150.00	\$ 3,000.00				
Staff	<u>90</u>	<u>\$ 100.00</u>	<u>\$ 9,000.00</u>				
Total for 2008	120	\$ 125.00	\$ 15,000.00				
					<u>Shareholder</u>	<u>Senior</u>	<u>Staff</u>
Total for 2009	120	\$ 129.17	\$ 15,500.00	3.33%	\$ 310.00	\$ 155.00	\$ 103.33
Total for 2010	120	\$ 133.33	\$ 16,000.00	3.23%	\$ 319.68	\$ 159.84	\$ 106.56
Total for 2011	120	\$ 137.50	\$ 16,500.00	3.13%	\$ 329.05	\$ 164.53	\$ 109.68
Total for 2012	120	\$ 141.67	\$ 17,000.00	3.03%	\$ 338.14	\$ 169.07	\$ 112.71
Total for 2013	120	\$ 150.00	\$ 18,000.00	5.88%	\$ 355.79	\$ 177.90	\$ 118.60
6 Year Total			<u>\$ 98,000.00</u>				
Total for 2014	120	\$ 158.33	\$ 19,000.00	5.56%	\$ 372.46	\$ 186.23	\$ 124.15
Shareholder	10	\$ 385.00	\$ 3,850.00				
Senior	20	\$ 190.00	\$ 3,800.00				
Staff	<u>90</u>	<u>\$ 125.00</u>	<u>\$ 11,250.00</u>	Savings 2015			
Total for 2015	30		\$ 7,650.00				
			\$ 11,587.50	Savings 2015			
			\$ 11,935.13	Savings 2016			
			\$ 12,293.18	Savings 2017			
			\$ 12,661.97	Savings 2018			
			\$ 13,041.83	Savings 2019			
			\$ 13,433.09	Savings 2020			
			\$ 13,836.08	Savings 2021			
			\$ 14,251.16	Savings 2022			
			\$ 14,678.70	Savings 2023			
			\$ 15,119.06	Savings 2024			
			<u>\$ 15,572.63</u>	Savings 2025			
			<u>\$ 159,660.33</u>	Total Savings - 12 year payback			

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BELLEFEUIL, SZUR, & ASSOCIATES, INC. FOR THE ACQUISITION OF COMPUTER SOFTWARE AT A COST NOT TO EXCEED \$142,035.00 PLUS \$13,710.00 FOR THE SECOND YEAR ANNUAL SOFTWARE FEE FOR A TOTAL COST OF \$155,745.00 CONTINGENT UPON THE ADOPTION OF SUPPLEMENTAL BUDGET NUMBER 4 FOR FISCAL YEAR 2013.

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

SECTION 1: The City Manager and the Finance Director recommend the City enter into a contract with Bellefeuil, Szur, & Associates, Inc. for the purchase of a new financial management software package at a total cost of \$142,035.00 and authorizing the payment of the annual software fee for the second year of \$13,710.00 contingent upon the adoption of Supplemental Budget Number 4 for fiscal year 2013.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Finance Director and hereby authorizes the City Manager to enter into a contract with Bellefeuil, Szur, & Associates, Inc. for the purchase of a new financial management software package at a total cost of \$142,035.00 and authorizing the payment of the annual software fee for the second year of \$13,710.00 contingent upon the adoption of Supplemental Budget Number 4 for fiscal year 2013.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance
Originating Department

Council Meeting Of : 11/4/2013

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

10/25/2013

Date Prepared

Agenda Title:	Resolution for Creation of Municipal Facilities Capital Improvement Fund
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Recommendation:	Approve
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To create a new Fund #143 for the sole purpose of the acquisition of property, improvements to acquired or existing property and necessary equipment for Municipal Facilities as discussed during the October 17th budget work session. To be funded by a transfer of \$2,000,000 from the General Funds unencumbered fund balance after the passage of supplemental budget ordinance #5. This will leave a projected 2013 year ending General Fund balance of \$6,043,340, which is approximately 60% of the proposed 2014 General Funds budgeted operating expenditures and transfers out.

Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] 11/8/2013

[Signature] 11/11/13

RESOLUTION NO.

A RESOLUTION APPROVING THE CREATION OF A NEW FUND FOR THE 2013 OPERATING BUDGET TO PROVIDE FOR MUNICIPAL FACILITIES CAPITAL IMPROVEMENTS.

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

SECTION 1: The City Council hereby approves and authorizes the Finance Director to create a Capital Improvement Fund #143 Municipal Facilities Capital Improvement Fund for the sole purpose of the acquisition of property, improvements to acquired or existing property and necessary equipment for Municipal Facilities.

SECTION 2: The City Manager and Finance Director hereby recommend that the City Manager and Finance Director have oversight over the activities within the Municipal Facilities Capital Improvement Fund and it be used for Municipal Facilities Improvements in the City of Oxford.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: November 4, 2013

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

October 21, 2013

Date Prepared:

PC-14-2013 MAP AMENDMENT, to amend the zoning classification of certain real estate; the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately 2 acres, including rights of ways, to be rezoned from R1MS (Single-Family Mile Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District, **Scott Webb, Applicant, Agent**

Recommendation: Approval

Discussion:

The request is to amend the zoning map of the following properties from R1MS to R2MS, an area encompassing seven dwelling structures in a 10 parcel half city block. The subject area is predominately residential.

The current uses of the properties in this subject area are as follows:

115 S. College Avenue	duplex (permitted occupancy of 4 in each, with total occupancy of 8)
123 S. College Avenue	4-dwelling unit (total permitted occupancy of 11)
116 W. Collins Street	duplex (permitted 4 in each unit, with total occupancy of 8)
114 W. Collins Street	lodging house (permitted occupancy of 7, housing lawsuit case)
104 W. Collins Street	lodging house (permitted occupancy of 6, housing lawsuit case)
120 S. Beech Street	lodging house (permitted occupancy of 12, housing lawsuit case)
114 S. Beech Street	lodging house (permitted occupancy of 9, housing lawsuit case)

Prior to the zoning map amendment in 2003, the subject properties were already nonconforming uses due to a housing lawsuit filed by property owners. The most recent changes in the Nonconforming Chapter allowed these nonconforming uses to reconfigure the buildings with a reduction in occupancy. Unfortunately, property owners still continue requesting more changes to the zoning code.

In considering a zoning map amendment, the Planning Commission must adhere to the decision standards outlined in the zoning code and determine that at least one standard has been met and the benefit of the amendment outweighs any potential pitfalls.

After the public hearing, the Planning Commission voted 7-0-0 to recommend approval of this Zoning Map Amendment to City Council for legislative action.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 10/25/13
JAE 11/6/13

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR THE SOUTH HALF OF THE CITY BLOCK BOUNDED BY WEST COLLINS STREET, SOUTH COLLEGE AVENUE, WEST WALNUT STREET AND SOUTH BEECH STREET, TOTALING APPROXIMATELY TWO (2) ACRES, INCLUDING RIGHTS-OF-WAY, AND REZONING THE PROPERTY FROM R1MS (SINGLE-FAMILY MILE-SQUARE RESIDENTIAL) DISTRICT TO R2MS (SINGLE AND TWO-FAMILY MILE SQUARE RESIDENTIAL) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on October 8, 2013, at 7:30 p.m. on the application of Scott Webb, Applicant, Agent, for a Zoning Map Amendment for the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately two (2) acres including rights-of-way and rezoning the property from R1MS (Single-Family Mile Square Residential) District to R2MS (Single and Two-Family Mile Square Residential) Zoning District.

SECTION 2: The Oxford Planning Commission, after the public hearing and deliberation, recommended granting the Zoning Map Amendment, and found that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was the most appropriate zoning classification of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, rezoning approximately two (2) acres of land encompassing the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, including rights-of-way, a map of which is attached hereto and incorporated herein as Exhibit "A" and rezoning the property from R1MS (Single-Family Mile Square Residential) District to R2MS (Single and Two-Family Mile Square Residential) Zoning District.

SECTION 4: Council hereby grants the rezoning of the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

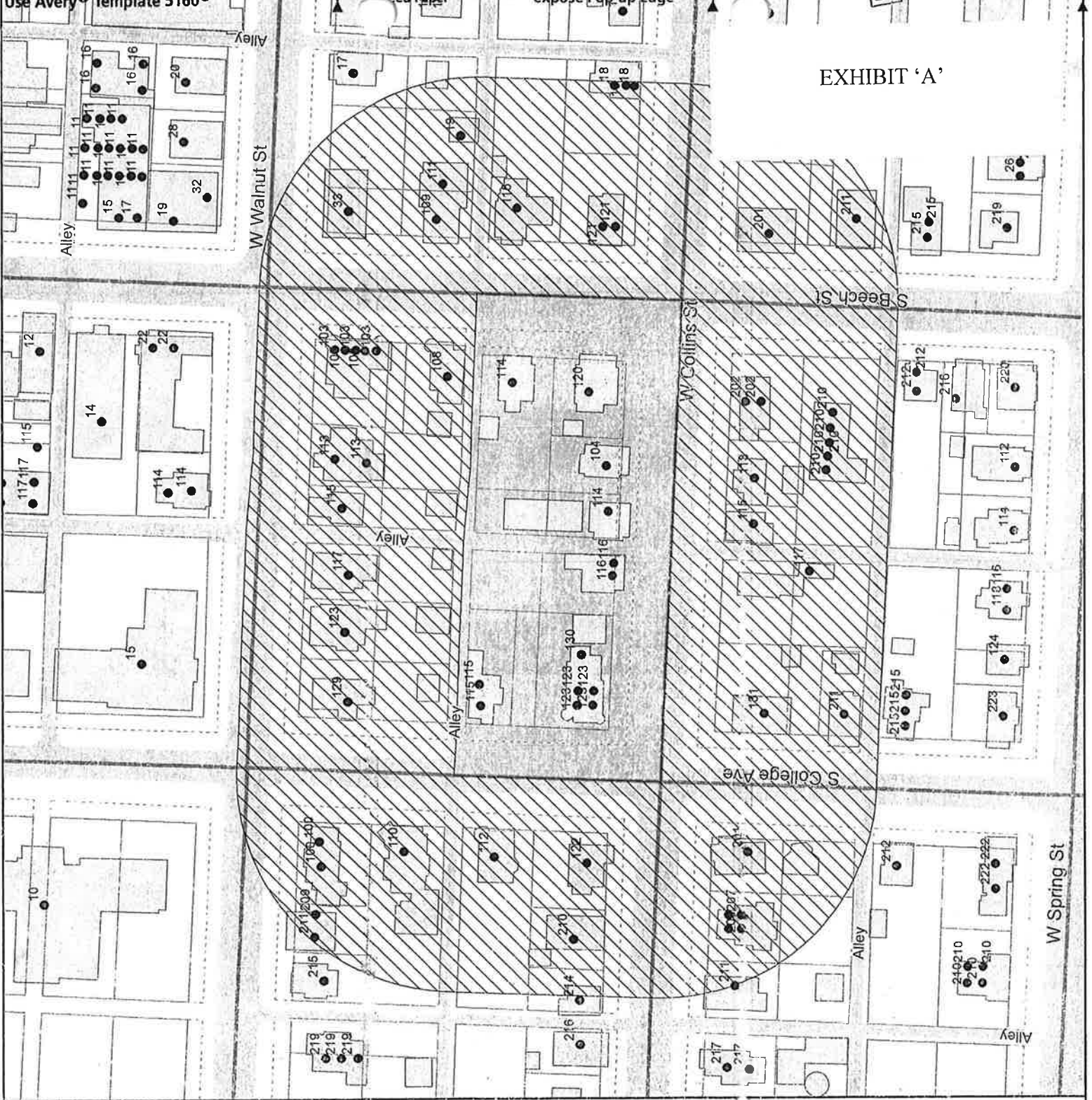
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'



PC-14-2013

Adjacent Properties

Legend

Subject Area

200 Ft. Buffer

Oxford Corporation Limit

Parcel

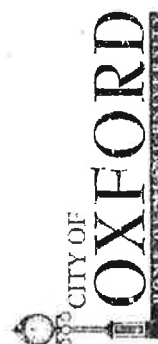
16.5' Vacated ROW

Building Footprint

Paved Roadway



1 inch = 125 feet



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

www.avery.com
1-800-GO-AVERY

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	November 4, 2013
<u>Case Number</u>	PC-14-2013
<u>Applicant Information</u>	Scott Webb, Architect, Agent
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-14-2013 Zoning Map Amendment , to amend the zoning classifications of the following properties from R1MS (Single-Family Mile-Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District: 115 S. College Avenue, 123 S. College Avenue, 116 W. Collins Street, 114 S. Beech Street, 120 S. Beech Street, 104 W. Collins Street, and 114 W. Collins Street. Further described as certain real estate bordered by W. Collins Street, S. College Avenue, S. Beech Street, and the east-west alley connecting S. Beech Street and S. College Avenue, including rights-of-ways, approximately two acres in size.
<u>Public Hearing Information</u>	On October 8, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on September 6, 2013. Public Hearing notices were mailed out to surrounding properties on September 12, 2013.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met at least one of the Decision Standards, and reducing the number of nonconforming uses.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated October 1, 2013 2. 2002 Zoning Code 3. Interoffice Reviews 4. Property Notifications 5. Properties Affected Map 6. Agency Letters 7. Zoning Map Amendment Application Dated August 23, 2013

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2013

Date – October 8, 2013

APPLICATION

Applicant:	Scott Webb, Architect
Location:	115 S. College Avenue, 123 S. College Avenue, 116 W. Collins Street, 114 S. Beech Street, 120 S. Beech Street, and 104 W. Collins Street, 114 W. Collins Street
Owner:	Multiple Owners Represented by the Applicant
Agent:	Scott Webb, Architect
Action Request:	Zoning Map Amendment – To Amend Zoning Classifications of the Above Properties from R1MS (Single-Family Mile-Square Residential) District to R2MS (Single-and Two-Family Mile Square Residential) District
Current Use:	Multi-family dwelling units
Surrounding Existing Land Uses:	Predominantly residential dwellings and some offices

DESCRIPTION

The application is requesting to change the zoning classifications of those properties bordered by S. College Avenue, W. Collins Street, S. Beech Street and the east-west alley connecting S. Beech Street and S. College Avenue. A total of approximately 2 acres of area encompassing 7 dwelling structures in a 10 parcel area. The request is to rezone these properties from R1MS (Single-Family Mile-Square Residential) District to R2MS (Single-and Two-Family Mile Square Residential) District.

The subject area is predominately residential and is directly south of a RO (Residential Office) District, across the alley.

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.

PLANNING COMMISSION AND BOARD OF ZONING APPEALS SITE HISTORY

114 and 116 W. Collins Street - BZA Appeals decision denying the permit- 1993 (withdrawn by Applicant)

COMPREHENSIVE PLAN (2008)

In reviewing any development proposal, the Land Use Chapter of the Comp Plan will be consulted based on the intent of the Comp Plan and the Conservation and Development Map, and the Character Map.

The Land Use Principal:

1. The community's small college town character will be preserved and enhanced.
2. Uptown and new commercial development will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.
3. Infill development and redevelopment of underutilized sites is a priority.

4. The development of new residential areas, and redevelopment of existing residential areas, will have strong neighborhood qualities.
5. Green spaces and public spaces will be incorporated as part of future development.
6. Future growth at the edge of the city will preserve open spaces, protect the area's rural character, and be consistent with the other principals.
7. New commercial and light industrial developments will be developed with pedestrian amenities and green spaces.
8. Streets will create an attractive public realm.
9. Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.
10. Environmentally sensitive and sustainable practices will be encouraged in future developments.

The subject area is identified as a neighborhood enhancement area on the **Conservation and Development Map** to be stabilized and enhance existing neighborhoods within the Mile Square, this should include the maintenance and improvements to public and private property that reflect the traditional neighborhood characteristics and commercial features that exist in the area.

The subject area is also identified Neighborhood General 1 on the **Character Map** and is typified by traditional urban development consisting of detached single-family homes on smaller lots, which may also include some multi-family and mixed-use type development. This zone is also typified by a block pattern and alley use.

COMMENT FORMS

No public comment forms were received.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments.

The following comments were received:

Police:	Returned without comment
Fire:	Returned without comment
Engineering:	Returned without comment
Econ. Dev.	No comments received

DECISION CRITERIA

A copy of the Zoning Map Amendment Decision Standards is attached.

ANALYSIS

The application is to seek to reclassify this area from R1MS to R2MS. The current uses of the properties in this subject area are as follows:

115 S. College Ave. –	duplex (permitted occupancy of 4 in each, with total occupancy of 8)
123 S. College Ave-	4-dwelling unit (total permitted occupancy of 11)
116 W. Collins St.-	duplex (permitted 4 in each unit, with total occupancy of 8)
114 W. Collins St. –	lodging house (permitted occupancy of 7, housing lawsuit case)
104 W. Collins St. –	lodging house (permitted occupancy of 6, housing lawsuit case)
120 S. Beech St. –	lodging house (permitted occupancy of 12, housing lawsuit case)
114 S. Beech St. –	lodging house (permitted occupancy of 9, housing lawsuit case)

The City Council, through the Planning Commission and its subcommittee, adopted the revisions to the Nonconforming Chapter in March 2013. The impetus of the subcommittee (the Applicant also served on the subcommittee) was to encourage redevelopment of nonconforming uses. The outcome was the removal of many typical prohibitions that are found in local zoning; i.e. the prohibition of enlargement of a nonconforming use and disallowing redevelopment of nonconforming uses. One provision that is still in place is the disallowance of a Use variance.

Please also note that there was a housing lawsuit between various property owners and the City regarding the occupancy of rental properties in the 90's and several properties within the subject area were part of the lawsuit that finally reached agreements with the City to allow the nonconforming status to remain.

Based on the narrative from the Applicant, the idea of amending the zoning map was in response to any possible renovations because the existing configuration of the houses was divided haphazardly over the years and the possibility of maintaining 4- units, after an occupancy reduction, was not a reasonable solution.

The narrative from the Applicant highlights the benefits of eliminating nonconforming uses by changing the zoning classification from R1MS to R2MS in 5 out of the 7 properties, but still would leave 114 S. Beech Street and 120 S. Beech Street to be nonconforming uses.

The Zoning Map was amended in 2003 and the subject area was changed from R4B to R1MS. Prior to 2003, R4B would allow single- and two-family dwellings, provided that the lot in question met the dimensional requirements. In order to build a single family dwelling, the lot shall be 50' wide with a lot area of 5,000 square feet. In order to build a two-family dwelling unit in the R4B District, the lot in question has to be 75 feet in width with a lot area of 7,400 square feet. It does not appear any parcels within the subject area satisfy either the lot width or lot area to build a two-family dwelling unit.

In considering a Zoning Map Amendment, the Oxford Zoning Code provides criteria for the Planning Commission to consider ensuring the deliberation will be consistent for all requests. The Commission needs to consider whether there was an error on the Zoning map; whether the proposed amendment will make the map more conforming with the Comprehensive Plan; there has been a substantial change in area conditions that requires the amendment; and that there is a legitimate need for additional land area in the zoning district that will be expanded. The amendment shall be approved if it meets at least one criterion, and if its benefit will likely outweigh any potential pitfall.

As noted earlier, the Character Map contained in the Comp Plan shows this area identified as General Neighborhood 1 that is typified by traditional urban development consisting of detached single-family houses on small lots, which may also include some multi-family and mixed-use type development. It is also typified by a block pattern and alley use. Additionally, the Concept area map of the Comp plan also highlights this area to be a Neighborhood Enhancement area that encourage stabilize and enhance existing neighborhoods within the Mile Square. This area is not being identified differently than other parts of the Mile Square in terms of enhancement. The issue of conformance to Comp Plan with the proposed amendment could not be supported. Additionally, the error on the Zoning Map cannot be substantiated.

The third criteria are to ascertain whether the condition of this area has gone through substantial changes that necessitate the request. Based on the narrative by the Applicant, the idea is to eliminate the nonconforming status by reducing occupancy. This would seem to be an opposite reasoning to "up" the zoning of the area. Furthermore, it does not appear the area has gone through significant changes in the last twenty years.

The last criteria are where there is a legitimate need for additional land area for this zoning district. The application does not provide any information related to the needs of this zoning district.

Eliminating nonconforming use as a laudable effort from this application and that process is currently included in the nonconforming chapter of the Zoning Code. However, the Planning Commission must determine whether the request meets at least one of the criteria. Unfortunately, from a Staff perspective, it does not appear this request has crossed that threshold based on the information provided.

RECOMMENDATION

Staff cannot find evidence from the submittal to determine one of the Decision Standards' criteria has been met. Therefore, staff cannot make a positive recommendation to this request.

SUBMITTED

BY:

Jung Han Chen
Jung-Han Chen

DATE: October 1, 2013

ATTACHMENT

Chapter 1135 Zoning Code Amendments

- (c) **Planning Commission and Council Review.** The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) **Decision standards.** A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

1129.06 R-4B URBAN MULTIPLE-DWELLING DISTRICT.

(a) **Purpose.** It is the purpose of the R-4B District to encourage the establishment and preservation of residential neighborhoods characterized by one-family and two-family dwelling units per lot in the two-family residential districts located in that portion of Oxford which is described in Section 2.11(4) of the Oxford City Charter. These requirements permit development of approximately eleven units per net acre.

(b) **Principal Permitted Uses.** No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses except as provided in Chapter 1133.

Single-family dwellings

Two-family dwellings

Accessory uses

Home occupations

Plant cultivation

Signs as permitted by Section 1135

Type B family day-care home (see Section 1121.01)

Family community residences. The owners, sponsoring agency or residents must obtain a zoning permit prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence until a zoning permit has been issued by the Zoning Administrator. No zoning permit shall be issued for a family community residence unless:

The family community residence is located at least 891 feet from any existing community residence as measured from lot line to lot line.

A zoning permit is not transferable to another owner, sponsoring agency or residents or to another location.

Applicants are encouraged to obtain or apply for State licensing or certification or local licensing or certification. Possession of a license or certificate shall be a presumption that the residents are handicapped.

Group community residences. The owners, sponsoring agency or residents must obtain a zoning permit prior to establishing a group community residence. No dwelling unit shall be occupied as a group community residence until a zoning permit has been issued by the Zoning Administrator. No zoning permit shall be issued for a group community residence unless:

The group community residence is located at least 891 feet from any existing community residence as measured from lot line to lot line.

A zoning permit is not transferable to another owner, sponsoring agency or residents or to another location.

Applicants are encouraged to obtain or apply for state licensing or certification or local licensing or certification. Possession of a license or certificate shall be a presumption that the residents are handicapped.

Community residences. The owners, sponsoring agency or residents must obtain a zoning permit prior to establishing a community residence. No dwelling unit shall be occupied as a community residence until a zoning permit has been issued by the Zoning Administrator. No zoning permit shall be issued for a community residence unless:

The number of residents with handicaps does not exceed 12 persons plus staff.

The community residence is located at least 891 feet from any existing community residence as measured from lot line to lot line.

A zoning permit is not transferable to another owner, sponsoring agency or residents or to another location.

Applicants are encouraged to obtain or apply for state licensing or certification or local licensing or certification. Possession of a license or certificate shall be a presumption that the residents are handicapped. (Ord. 2745. Passed 2-5-02.)

(c) Additional Uses. Council by special action may authorize additional uses in the R-4B district which are otherwise prohibited or limited. Council may impose appropriate conditions and safeguards which may include a specified time period for the permit in order to preserve the Comprehensive Plan and protect the character of the neighborhood. Procedures for obtaining permission for an additional use are described in Section 1129.13. The only additional uses which are eligible for consideration in the R-4B district are listed below:

Parks

Public uses

Semipublic uses

Public service facilities

Planned unit development (See Section 1129.15)

Recreational facilities, noncommercial

Nursing home

Professional office building

Office and professional office

Clinics

Type A family day-care home and child day-care center (see Section 1121.01)

(Ord. 2175. Passed 8-20-91.)

(d) Minimum Requirements.

(1) Dimensional requirements:

	Lot Width	Lot Area/ Dwell Unit Sq. Ft.	Front Yard	Rear Yard	Side Yard	Side Yard	Max % Lot Cvg	Max Hgt.
1-Fam	50'	5,000	*30'	35'	7.5'	15'	33%	3 stories, not to exceed 35'
2-Fam	75'	3,700	*30'	30'	7.5'	15'	33%	"
Fam	50'	5,000	*30'	35'	7.5'	15'	33%	"
Comm								
Res								
Group	75'	7,500	*30'	35'	7.5'	15'	33%	"
Comm								
Res								
Comm	90'	9,000	*30'	35'	15.0'	30'	33%	"
Res								

- A. Where a lot is a corner lot, the yard requirements along each street shall not be less than 30 feet and the rear yard shall not be less than that required for the smallest side yard or ten feet, whichever is larger.
- B. Every single-family dwelling shall have a minimum total floor area per unit of not less than 750 square feet, for one story or 1,000 square feet for a more than one story building. Each unit in a two-family dwelling shall have a total floor area of 500 square feet or 800 square feet for each unit having more than one story.
- C. * A 40 foot setback shall be required on a major street.
- D. Where a platted front yard or side yard exceeds the minimum requirements of this section, the greater dimension as shown on the plat shall be required.
- E. On any lot having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping and sidewalks.
- F. A Type A family day-care home, a Type B family day-care home and a child day-care center shall meet the minimum dimensional requirements for a single-family residence as established by subsection (d)(1) hereof.
(Ord. 2745. Passed 2-5-02.)

1129.07 R-5 UNIVERSITY DISTRICT.

(a) Purpose. It is the purpose of the R-5 District to encourage the establishment and the preservation of residential neighborhoods characterized by one and two family dwellings and fraternity houses. These requirements permit development of approximately eleven units per net acre.

(b) Principal Permitted Uses. No building, structure or land shall be used and no building or structure be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses except as provided in Chapter 1133.

Fraternity or sorority houses

Single-family dwellings

Two-family dwellings

Institutions of higher learning, including appurtenant uses such as administrative offices

Accessory uses

National headquarters for fraternities or sororities

Home occupation

Plant cultivation

Signs, as permitted by Section 1135

Type B family day-care home (see Section 1121.01)

Family community residences. The owners, sponsoring agency or residents must obtain a zoning permit prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence until a zoning permit has been issued by the Zoning Administrator.

No zoning permit shall be issued for a family community residence unless:

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 1, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-14-2013 MAP AMENDMENT, the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately 2 acres, including rights of ways, to be rezoned from R1MS (Single-Family Mile Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District, Scott Webb, Applicant, Agent

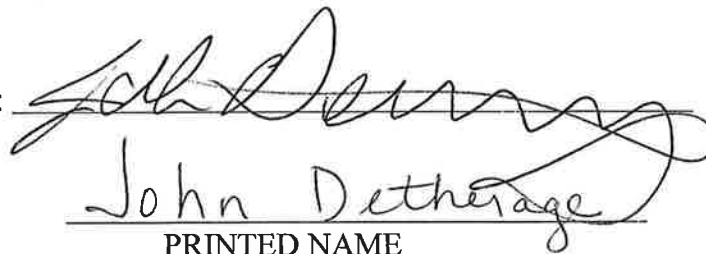
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/3/13** 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
PRINTED NAME

Date: 10-3-13

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 1, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-14-2013 MAP AMENDMENT, the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately 2 acres, including rights of ways, to be rezoned from R1MS (Single-Family Mile Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/3/13** 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: 10-1-13

VICTOR POPESCU
PRINTED NAME

RECEIVED

OCT - 1 2013

City of Oxford
Engineering Division

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 1, 2013

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-14-2013 MAP AMENDMENT, the south half of the city block bounded by West Collins Street, South College Avenue, West Walnut Street and South Beech Street, totaling approximately 2 acres, including rights of ways, to be rezoned from R1MS (Single-Family Mile Square Residential) District to R2MS (Single- and Two-Family Mile Square Residential) District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/3/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

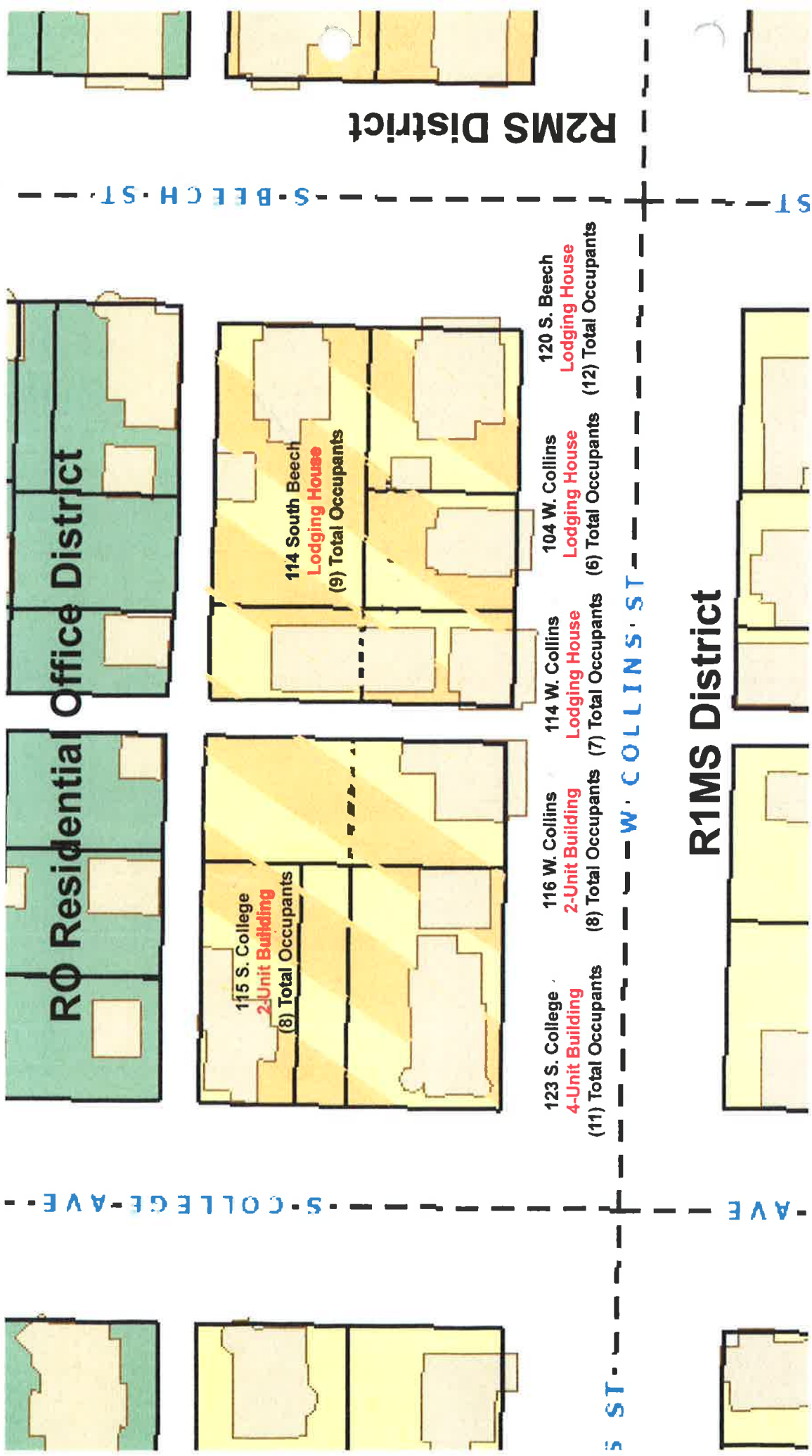
NO IMPACT ON OPD

Drawings reviewed by: LT. Horvath

Date: 10/2/13

TOM HORVATH

PRINTED NAME



Occupancy Plan ✓

Showing Existing Uses and Approved Rental Permits

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 Zoning Map Amendment for our properties at 114 South Beech Street, 120 South Beech Street, 104 West Collins Street, and 114 West Collins Street at Planning Commission and City Council.

Thank-you,

Signed: 
(Mitch Mesler)
(Myron Mesler Trust)

8-23-13
Date:

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 Zoning Map Amendment for our property at 115 South College Avenue at Planning Commission and City Council.

Thank-you,

Signed:

(Matt Rodbro)

(Mile Square Preservation LLC)

8/23/2013
Date:

LETTER OF AGENCY

To Whom It May Concern:

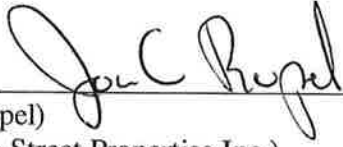
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Zoning Map Amendment for our property at 123 South College Avenue at Planning Commission and City Council.

Thank-you,

Signed: _____

(J.C. Rupel)

(College Street Properties Inc.)

A handwritten signature in black ink, appearing to read "J.C. Rupel", written over a horizontal line.

8/22/2013

Date:

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 Zoning Map Amendment for our property at 116 West Collins Street at Planning Commission and City Council.

Thank-you,

Signed: Tom Kachos
(Tom Kachos)
(Hoelzer & Hoelzer Rentals)

8/27/2013
Date:

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

Scott Webb, Architect

(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)

523-3328

Email Address

scottwebbarchitect.com

Location of Property:

123 S. College + neighboring properties

(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)

Legal Description:

Total Area:

Acres / Square Feet (circle one)

Existing Use of Property:

4-Family Residential

Current Zoning:

RZMS

Proposed Zone(s):

RZMS

Proposed Use:

2-Family residential

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

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. 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. *Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Scott Webb

Date:

8/23/13

PRINTED NAME:

Scott Webb

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number:

11461.3

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 Zoning Map Amendment
100 Block, West Collins Street
Oxford, Ohio

August 22, 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 Zoning Map Amendment for the Southern half of the 100 block of West Collins Street. The proposed Zoning Map Amendment will change the affected properties from R1MS to R2MS

This proposal affects (7) parcels, owned by (4) different entities and is supported by all property owners. Letters of Agency have been provided by all affected property owners.

Statement responding to questions posed on the Application.

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

- A. *What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?*

The Comprehensive Plan refers to this area as part of the Mile Square "Neighborhood 1" in "Developable Character Area" with specific recommendations to preserve the character, street grid and walkability of this area. As the area in question currently houses two-family residences, lodging houses, and a multi-family home, the current single family designation does not address the actual uses in the area, nor its potential for redevelopment.

- B. *How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.*

A zoning change in this area will affect the properties in the neighborhood, by making some non-conforming properties more conforming and allow for the preservation and/or reconfiguration of others.

- C. *How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?*

Public facilities will not be affected, as the area is already developed, supporting more residents than the current Zoning allows.

- D. What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).*

Four of the (7) affected properties already have approved occupancies above what would be allowed by the Zoning change in non-conforming rooming houses or grandfathers 2-family structures.

- E. Why is the current zoning classification of the property no longer appropriate?*

The current zoning does not reflect the uses or occupancy of the area. Currently designated as R1MS, none of the affected properties are owner occupied, and based on their location, will likely never return to single family uses.

Further, recent changes in the Zoning Code restrict the improvement of these properties. While occupancy reduction is required for any redevelopment of these properties, the effect of the current Zoning Code is to perpetuate the non-conforming lodging houses.

115 South College & 116 West Collins

Two properties in this area are already approved as 2-family residences with (8) total occupants. These properties would become conforming, but would otherwise be unaffected.

114 South Beech, 120 South Beech, 104 West Collins, & 114 West Collins Streets

Four of the properties in question are currently Lodging Houses, which are no longer a permitted use anywhere in the City. As it is currently written, these property owners are allowed to reconfigure their properties with a 30% reduction in occupancy, but are prohibited from changing these houses to 2-family residences, thereby ensuring the non-conforming Lodging House use will remain.

Taking the required 30% reduction in occupancy would change these from (9) approved down to (6), (12) down to (8), (6) down to (4), and (7) down to (5) respectively.

While theoretically, changing the Zoning designation to R2MS could allow an additional occupant in two buildings, this would be otherwise addressed by parking requirements, lot width, lot coverage, etc., effectively prohibiting this increase, unless all requirements of the underlying Zoning District are met.

123 South College Ave.

In the case of the single 4-unit building in this area, the property owner is required to reduce the occupancy of the building from (11) persons to (8) but is required to maintain the 4-units, or be forced to reduce the occupancy to (4).

This property is one of Oxford's most unique and stately historic houses. As with many homes of this type, the interior has been divided haphazardly over the years, to create additional apartment units. Some of these units have little or no common space and inadequate kitchens and bathrooms. To require that four units must remain after a 30% required occupancy reduction is not a reasonable solution.

The new owner of this property is interested in the preservation of this historic home, and feels the best way to do that is to decrease the number of apartments in the building while reducing

the occupancy 30% as required. This however is currently prohibited by the latest revision of the Zoning Code, leaving a Zoning Map amendment as the only means to achieve this goal.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Webb', written over a horizontal line.

Scott Webb, Architect

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 4, 2013

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 28, 2013
Date Prepared

Agenda Title: Renewal of Utility Franchise for Butler Rural Electric Cooperative, Inc.

Recommendation: Approval

Discussion:

On September 19, 1989, the Oxford City Council passed Ordinance No. 2057 granting Butler Rural Electric Cooperative, Inc. (BREC) a franchise to deliver electric power and energy to defined areas within the City for a period of 25 years. A copy of the Ordinance is attached to this report and labeled "Exhibit A".

Attorneys for BREC have been working with the City Law Director to renew the franchise Ordinance for another 25 year period. Language in the new franchise is substantially the same as the language passed in 1989. The Law Director provides a synopsis of the proposed Ordinance that is also attached to this report and labeled "Exhibit B".

Passage of the Ordinance shall require a 2/3 majority of Council (5 votes) to award a franchise.

Approved By:

Department Head:

Initial Date
MBD \ 10/29/13

City Manager:

DRE \ 11/1/13

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO BUTLER RURAL ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO PARTS OF THE CITY OF OXFORD, OHIO, WHICH ARE PRESENTLY WITHIN SAID COOPERATIVE'S SERVICE AREA AND FOR THE TRANSMISSION OF ELECTRICITY WITHIN SAID CITY.

BE IT ORDAINED BY AT LEAST TWO-THIRDS (2/3RDS) OF THE COUNCIL OF THE CITY OF OXFORD, STATE OF OHIO, THAT:

SECTION 1. Butler Rural Electric Cooperative, Inc. and its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the City of Oxford, State of Ohio, and its successors (hereinafter called "City"), lines for the distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances to render public utility service in the City and to the inhabitants thereof by supplying electric power and energy to the City and to the inhabitants thereof, and to persons or entities beyond the limits thereof, for light, heat, power or any other purposes or purpose for which electric power and energy is now or may hereafter be used, and the transmission of the same within, through or across the City; provided, however, that Grantee shall provide electric service hereunder only within: (1) the area or areas of the City either presently being provided electric service by Grantee, or which, at the date of this ordinance or any time thereafter, is included in the area or areas shown on maps filed with the Public Utilities Commission of Ohio which indicate the certified territory of the Grantee established pursuant to Sections 4933.81 to 4933.90 of the Revised Code of Ohio, and (2) any other area or areas annexed to the City after the date of this ordinance any portion of which is either being provided electric service by Grantee at the time of such annexation, or which, at the

time of such annexation or at any time thereafter, is included within the Grantee's aforementioned certified territory.

SECTION 2. That said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places of the City. The location of all poles and conduits shall be made under such reasonable supervision of the proper board or committee of the City government as permitted by law.

SECTION 3. That the rights, privileges and franchise hereby granted shall be in full force and effect for a period of Twenty-five (25) years from the date of the passage of this ordinance.

SECTION 4: The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of the City hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 5. Said Grantee shall save the City harmless from any and all liability arising in any way from any and all negligence of Grantee in the acquisition, construction, erection, maintenance or operation of said lines for the distribution or transmission of electric power and energy.

SECTION 6. Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION 7. Wherever in this ordinance, reference is made to the City or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said City, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors and assigns of said City, or of said Grantee, whether so expressed or not.

SECTION 8. If, during the franchise period, the City constructs, alters or relocates public property, including sewer lines, water lines or other utilities owned by it, the Grantee shall, within a reasonable time after receiving written request from the City Manager, move or relocate company property as requested by the City; but the Grantee shall not be required to terminate any service provided by its facilities. The Grantee shall have the right to reimbursement for such moving or relocation from private owners and private applicants but shall not be entitled to reimbursement when such moving or relocation is done at the request of the City and is relative to City sewer lines, city water lines, City buildings located upon real estate that is or will be tax exempt, City streets, City curbs, alleys, gutters and/or City sidewalks.

SECTION 9. That this ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.

MAYOR

ADOPTED:

ATTEST: _____

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY LAW (STAFF)

ORDINANCE NO. 2057

AN ORDINANCE GRANTING TO BUTLER RURAL ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO PARTS OF THE CITY OF OXFORD, OHIO, WHICH ARE PRESENTLY WITHIN SAID ASSOCIATION'S SERVICE AREA AND FOR THE TRANSMISSION OF ELECTRICITY WITHIN SAID CITY.

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

SECTION 1: Butler Rural Electric Cooperative, Inc., its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, reconstruct, maintain, repair and remove and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the City of Oxford, State of Ohio, and its successors (hereinafter called "City"); lines for the distribution of electric power and energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances to render public utility service in the city and to the inhabitants thereof, and to persons or corporations beyond the limits thereof, for lights, heat, power or any other purposes or purpose for which electric power and energy is now or may hereafter be provided, however, that Grantee shall provide electric service hereunder only within: (1) the area or areas of the city either presently being provided electric service by Grantee, or, at the date of this ordinance, included in the area shown on maps issued by the Public Utilities Commission of Ohio which indicate the certified territory of the Grantee established pursuant to said map; (2) any other area or areas annexed to the city after the date of this ordinance, any portion of which is either being provided electric service by Grantee at the time of such annexation, or which at the date of this ordinance is included within the Grantee's aforementioned certified territory.

SECTION 2: Said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles or conduits shall be made under the supervision of the City government.

SECTION 3: The rights, privileges and franchise hereby granted shall be in force and effect for a period of 25 years starting June 7, 1988.

SECTION 4: The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of the City hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 5: Said Grantee shall defend and save the City harmless from any and all liability arising in any way from negligence in the acquisition, construction, reconstruction, erection, maintenance or operation of said lines for the distribution or transmission of electric power and energy.

SECTION 6: Whenever said Grantee shall begin the construction or erection of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition of repair as before such work was commenced. The Grantee shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary for the accomplishment of such purposes.

SECTION 7: If, during the franchise period, the City constructs, alters or relocates public property, including sewer lines, water lines or other utilities owned by it, the Grantee shall, within a reasonable time after receiving written request from the City Manager, move or relocate company property as requested by the City; but the Grantee shall not be required to terminate any service provided by its facilities. The Grantee shall have the right to reimbursement for such moving or relocation from private owners and private applicants but shall not be entitled to reimbursement when such moving or relocation is done at the request of the City and is relative to City sewer lines, City water lines, City buildings located upon real estate that is or will be tax exempt, City streets, City curbs, alleys, gutters and/or City sidewalks.

SECTION 8: Wherever in this ordinance reference is made to the City or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said City, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said city, or of said Grantee, whether so expressed or not.

SECTION 9: This ordinance shall be accepted by the Grantee within 60 days from the date of the passage of the same.

SECTION 10: This ordinance shall take effect at the earliest date allowed by law.



MAYOR

ADOPTED: September 19, 1989

ATTEST: Rhonda L. Edds
DEPUTY CLERK OF COUNCIL

LAW (Staff)



COOLIDGE WALL

A Legal Professional Association

Jonas J. Gruenberg
Merle F. Wilberding
J. Stephen Herbert
R. Scott Blackburn
Richard A. Schwartz
Sam Warwar
Terence L. Fague
Richard A. Talda
R. Brent Gambill
C. Mark Kingseed
David C. Korte
Kristin A. Finch
David P. Pierce
Shannon L. Costello
Christopher R. Conard
Marc L. Fleischauer
Michelle D. Bach
Gregory M. Bwers
Daniel J. Gentry
Patricia J. Friesinger
Joshua R. Lounsbury
Michael G. Leesman
Stephen M. McHugh
Edie E. Crump
Allison D. Michael
Nicholas A. Heppner
Sasha A. M. VanDeGrift
W. Chip Herin III
Anne K. Thompson
Amy N. Blankenship

William H. Seall
Glenn L. Bower
John C. Chambers
Of Counsel

J. Bradford Coolidge
1886-1965

Hugh E. Wall, Jr.
1912-2001

Ronald S. Pretekin
1942-2011

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www.coollaw.com

Direct Dial Number
937-449-5544

E-mail Address:
mchugh@coolaw.com

October 24, 2013

VIA ELECTRONIC MAIL

Douglas R. Elliott, Jr
City Manager
City of Oxford
101 E. High Street
Oxford, OH 45056

Re: Butler Rural Electric Cooperative, Inc.

Dear Doug:

Enclosed please find a copy of an ordinance prepared by Butler Rural Electric Cooperative, Inc., requesting a new franchise for twenty-five (25) years to allow the Cooperative to continue serving those areas of the City presently being provided electric by the Cooperative. The attorney for the Cooperative contacted my office and provided a draft ordinance for franchise. The current franchise expires at the year of this year. Franchises must be approved by two-thirds (2/3rds) of Council. Additionally, an ordinance approving a utility franchise may not be adopted as an emergency. In order to meet the deadline for extension of their existing franchise, the ordinance will need to be placed on the agenda for a first reading on November 4th.

The franchise is not exclusive and does not limit or restrict the City from granting similar rights, privileges and franchises to other companies within the City. The ordinance does hold the City harmless from any and all negligence from the Cooperative in the acquisition, construction, erection, maintenance or operation for distribution or transmission of electric power and energy.

One other important term of the ordinance is the provision that should the City relocate sewer lines, water lines, or other utilities, or relocate other City property the Cooperative agrees at no cost to the City to relocate its facilities (power poles and power lines).

Please give me a call with any questions or comments you have on the enclosed.

COOLIDGE WALL

A Legal Professional Association

Douglas R. Elliott, Jr
October 24, 2013
Page 2

Sincerely yours,



Stephen M. McHugh

SMM/kah
Enclosure

cc: Joseph Newlin, Finance Director
Michael Dreisbach, Service Director
Mary Ann Eaton, Clerk of Council

w:\wdox\client\012081\00100\00650332.docx

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of : 11/4/2013

Account Code No. : see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

10/25/2013
Date Prepared

Agenda Title:	2013 Supplemental Budget #5
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Recommendation:	Approve
------------------------	----------------

Issue 1

To provide funds for the new Fund #143 for the sole purpose of the acquisition of property, improvements to acquired or existing property and necessary equipment for Municipal Facilities as discussed during the October 17th budget work session. To transfer \$2,000,000 from the General Funds unencumbered fund balance after the passage of the resolution to create Fund 143. This will leave a projected 2013 year ending General Fund balance of \$6,043,340, which is approximately 60% of the proposed 2014 General Funds budgeted operating expenditures and transfers out.

Revenue Side

Municipal Facilities Capital Improvement 143	2,000,000.00	Transfer from General Fund
--	--------------	----------------------------

Expense Side

General 110	2,000,000.00	Municipal Facilities Capital Improvement Fund
-------------	--------------	---

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
---	---	--

Municipal Facilities Capital Improvement 143	2,000,000.00	
General 110	(2,000,000.00)	

Net Effect on Fund Balance/(s)	-	
--------------------------------	---	--

Approved By:	Department Head:	Initials Date <u>10/25/13</u>
	City Manager:	Initials Date <u>11/1/13</u>

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3190. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 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	2,000,000.00
------------------	--------------

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

Transfer from:	
General Fund 110	2,000,000.00

Transfer to:	
Municipal Facilities Capital Improvement Fund 143	2,000,000.00

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

Municipal Facilities Capital Improvement Fund 143	2,000,000.00
---	--------------

SECTION 5: In all other respects, Ordinance No. 3190 shall remain in full force and effect.

SECTION 6: 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)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/4/2013

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

10/25/2013
Date Prepared

Agenda Title: 2014 ANNUAL BUDGET ORDINANCE

Recommendation: Approve

Discussion:

Description of 2014 Budget

The current piece of legislation is a reflection of the information presented to Council at its October 17th work session.

Highlights: 2% COLA for all fulltime employees as agreed upon at our work session
A net effect of (\$196,344)

A 40,966 or .5% increase in General Fund operating expenditures

Net Income of \$1,862 in General Fund

Capital Spending \$3,154,566

Approved By:

Department Head:
City Manager:

Initial Date
[Signature] 11/11/13
[Signature] 11/11/13

ORDINANCE NO.

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.

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

SECTION 1: To provide for the current expenses and expenditures of the City of Oxford during the fiscal year ending December 31, 2014, the following sums be and they are hereby set aside and appropriated as follows:

GENERAL FUND 110

SECURITY OF PERSONS & PROPERTY	
Personnel Services	4,115,214
Other Services & Charges	<u>588,015</u>
Total Appropriation	4,703,229
PUBLIC HEALTH AND WELFARE	
Personnel Services	-
Other Services & Charges	<u>122,564</u>
Total Appropriation	122,564
LEISURE TIME ACTIVITIES	
Personnel Services	983,144
Other Services & Charges	<u>419,924</u>
Total Appropriation	1,403,068
COMMUNITY ENVIRONMENT	
Personnel Services	512,658
Other Services & Charges	<u>302,232</u>
Total Appropriation	814,890
GENERAL GOVERNMENT	
Personnel Services	916,800
Other Services & Charges	<u>829,151</u>
Total Appropriation	1,745,951
TRANSFERS TO OTHER FUNDS	
Personnel Services	-
Other Services & Charges	<u>1,342,076</u>
Total Appropriation	1,342,076
ADVANCES TO OTHER FUNDS	
Personnel Services	-
Other Services & Charges	<u>2,541,200</u>
Total Appropriation	2,541,200
TOTAL GENERAL FUND APPROPRIATIONS	12,672,978

FIRE/EMS FUND 418

Personnel Services	1,084,378
Other Services & Charges	<u>442,809</u>
TOTAL FIRE/EMS FUND APPROPRIATIONS	1,527,187

STREET FUND 122

Personnel Services	621,752
Other Services & Charges	<u>201,438</u>
TOTAL STREET FUND APPROPRIATIONS	823,190

STATE HIGHWAY IMPROVEMENT FUND 123

Other Services & Charges	<u>20,200</u>
TOTAL STATE HIGHWAY IMPROVEMENT FUND APPROPRIATIONS	20,200

PARKING FUND 130

Personnel Services	387,527
Other Services & Charges	102,292
Transfer to Other Funds	<u>235,604</u>
TOTAL PARKING FUND APPROPRIATIONS	725,423

PARKING IMPROVEMENT FUND 142

Other Services & Charges	<u>76,266</u>
TOTAL PARKING IMPROVEMENT FUND APPROPRIATIONS	76,266

CAPITAL IMPROVEMENT FUNDS

COMMUNITY DEVELOPMENT BLOCK GRANT FUND 126

Other Services & Charges	<u>119,000</u>
Total Appropriations	119,000

COMMUNITY DEVELOPMENT BLOCK GRANT LOAN FUND 128

Other Services & Charges	<u>160,000</u>
Total Appropriations	160,000

CAPITAL EQUIPMENT FUND 140

Other Services & Charges	<u>607,224</u>
Total Appropriations	607,224

CAPITAL IMPROVEMENT FUND 141

Other Services & Charges	1,165,500
Transfers to Other Funds	-
Advance to Other Funds	<u>2,541,200</u>
Total Appropriations	3,706,700

MUNICIPAL FACILITIES CAPITAL IMPROVEMENT FUND 140

Other Services & Charges	<u>-</u>
Total Appropriations	-

TOTAL CAPITAL IMPROVEMENT FUND APPROPRIATIONS	4,592,924
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WATER FUNDS

WATER (OPERATING) FUND 321	
Personal Services	1,227,732
Other Services & Charges	626,120
Transfers to Other Funds	<u>1,111,682</u>
Total Appropriations	2,965,534
 WATER IMPROVEMENT FUND 322	
Other Services & Charges	<u>540,000</u>
Total Appropriations	540,000
 WATER CAPACITY FUND – NE 381	
Other Services & Charges	-
Transfers to Other Funds	<u>133,333</u>
Total Appropriations	133,333
 WATER CAPACITY FUND – NW 382	
Other Services & Charges	-
Transfers to Other Funds	<u>133,333</u>
Total Appropriations	133,333
 WATER CAPACITY FUND – SE 383	
Other Services & Charges	-
Transfers to Other Funds	<u>133,334</u>
Total Appropriations	133,334
 WATER CAPACITY FUND – SW 384	
Other Services & Charges	-
Transfers to Other Funds	<u>-</u>
Total Appropriations	-
 WATER CAPITAL EQUIPMENT FUND 320	
Other Services & Charges	<u>31,800</u>
Total Appropriations	31,800
 TOTAL WATER FUNDS APPROPRIATIONS	3,937,334

SEWER FUNDS

SEWER (OPERATING) FUND 331	
Personal Services	1,408,913
Other Services & Charges	1,341,582
Transfers to Other Funds	<u>409,282</u>
Total Appropriations	3,159,777
 SEWER IMPROVEMENT FUND 332	
Other Services & Charges	<u>381,000</u>
Total Appropriations	381,000

SEWER CAPACITY FUND – NE 391	
Other Services & Charges	-
Transfers to Other Funds	-
Total Appropriations	-
SEWER CAPACITY FUND – NW 392	
Other Services & Charges	-
Transfers to Other Funds	-
Total Appropriations	-
SEWER CAPACITY FUND – SE 393	
Other Services & Charges	-
Transfers to Other Funds	-
Total Appropriations	-
SEWER CAPACITY FUND – SW 394	
Other Services & Charges	-
Transfers to Other Funds	-
Total Appropriations	-
SEWER CAPITAL EQUIPMENT FUND 330	
Other Services & Charges	442,300
Total Appropriations	442,300
TOTAL SEWER FUNDS APPROPRIATIONS	3,983,077
<u>STORM WATER FUND 351</u>	
Personal Services	-
Other Services & Charges	30,000
TOTAL STORM WATER FUND APPROPRIATIONS	30,000
<u>RUFUSE FUNDS</u>	
REFUSE (OPERATING) FUND 341	
Personal Services	148,467
Other Services & Charges	1,749,045
Transfer to Other Funds	29,282
Total Appropriations	1,926,794
LANDFILL POST-CLOSURE INVESTMENT FUND 353	
Other Services & Charges	1,020
Transfer to Other Funds	-
Total Appropriations	1,020
TOTAL REFUSE FUNDS APPROPRIATIONS	1,927,814
<u>HOTEL & CONVENTION TAX FUND 120</u>	
Other Services & Charges	184,971
Transfer to Other Funds	11,679
TOTAL HOTEL & CONVENTION TAX FUND APPROPRIATIONS	196,650

LIFE SQUAD GIFT FUND 210

Other Services & Charges	-
TOTAL LIFE SQUAD GIFT FUND APPROPRIATIONS	-

AFFORDABLE HOUSING TRUST FUND 212

Other Services & Charges	-
TOTAL AFFORDABLE HOUSING TRUST FUND APPROPRIATIONS	-

EMPLOYEE BENEFITS FUND 230

Other Services & Charges	1,641,335
TOTAL EMPLOYEE BENEFITS FUND APPROPRIATIONS	1,641,335

INTERNAL SERVICE FUND 370

Other Services & Charges	273,309
TOTAL INTERNAL SERVICE FUND APPROPRIATIONS	273,309

LAW ENFORCEMENT TRUST FUND 410

Personnel Services	-
Other Services & Charges	12,000
TOTAL LAW ENFORCEMENT TRUST FUND APPROPRIATIONS	12,000

ENFORCEMENT & EDUCATION FUND 412

Personnel Services	44,500
Other Services & Charges	27,580
TOTAL ENFORCEMENT & EDUCATION FUND APPROPRIATIONS	72,080

BOARD OF BUILDING STANDARDS FUND 414

Other Services & Charges	2,850
TOTAL BOARD OF BLD STANDARDS FUND APPROPRIATIONS	2,850

OXFORD NATURAL GAS REFUND FUND 415

Other Services & Charges	3,000
TOTAL OXFORD NATURAL GAS REFUND FUND APPROPRIATIONS	3,000

FEMA FUND 416

Personnel Services	-
Other Services & Charges	-
Advance to Other Funds	-
TOTAL FEMA FUND APPROPRIATIONS	-

SPECIAL ASSESSMENT FUND 417

Other Services & Charges	60,000
TOTAL SPECIAL ASSESSMENT FUND APPROPRIATIONS	60,000

DEBT SERVICE FUNDS

1999 PARKS IMPROVEMENT BOND FUND 152

Other Services & Charges	306,800
Total Appropriations	306,800

WATER BOND RETIREMENT FUND 312

Other Services & Charges

887,400

Total Appropriations

887,400

TOTAL DEBT SERVICE FUND APPROPRIATIONS

1,194,200

TOTAL 2014 BUDGET APPROPRIATIONS

33,771,817

SECTION 2: The City Auditor (Finance Director) is hereby authorized to draw warrants upon the Treasury from the amounts appropriated in this ordinance whenever claims are made, with the approval of the City Manager, where appropriate, and are legally contracted for in accordance with the law.

SECTION 3: 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: STAFF

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/4/2013

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

10/25/2013
Date Prepared

Agenda Title: 2014 ANNUAL TRANSFER ORDINANCE

Recommendation: Approve

Discussion:

Description of Budgeted Transfers for the 2014 Budget

Transfer from GENERAL FUND 110
Transfer to STREET FUND 122 447,438.00

Annual General Fund Financial Support (quarterly)

Transfer from GENERAL FUND 110
Transfer to CAPITAL IMPROVEMENT FUND 141 335,688.00

Annual General Fund Financial Support (quarterly)

Transfer from GENERAL FUND 110
Transfer to CAPITAL EQUIPMENT FUND 140 174,000.00

Annual General Fund Financial Support (quarterly)

Transfer from GENERAL FUND 110
Transfer to PARKS IMPROVEMENT BOND DEBT SERVICE FUND 152 306,800.00

Annual General Fund Debt Service Payment (bi-annual to match debt payment)

Transfer from GENERAL FUND 110
Transfer to FIRE/EMS FUND 418 18,150.00

Annual General Fund Financial Support (quarterly)

Transfer from GENERAL FUND 110
Transfer to STORM WATER FUND 351 30,000.00

General Fund Financial Support (1st quarter)

Transfer from GENERAL FUND 110	
Transfer to SPECIAL ASSESSMENT FUND 417	30,000.00
General Fund Financial Support (1 st quarter)	
Transfer from PARKING FUND 130	
Transfer to PARKING IMPROVEMENT FUND 142	75,266.00
Annual Parking Fund Financial Support (1 st quarter)	
Transfer from PARKING FUND 130	
Transfer to STREET FUND 122	23,005.00
Annual Parking Fund Financial Support for work performed (quarterly)	
Transfer from PARKING FUND 130	
Transfer to CAPITAL IMPROVEMENT FUND 141	110,000.00
Annual Parking Fund Loan Repayment (quarterly)	
Transfer from PARKING FUND 130	
Transfer to GENERAL FUND 110	27,333.00
Annual Parking Fund Payment for Service department support (quarterly)	
Transfer from WATER FUND 321	
Transfer to WATER CAPITAL IMPROVEMENT FUND 322	100,000.00
Annual Water Fund Financial Support (quarterly)	
Transfer from WATER FUND 321	
Transfer to WATER BOND DEBT SERVICE FUND 312	887,400.00
Annual Water Fund Debt Service Payment (bi-annual to match debt payment)	
Transfer from WATER FUND 321	
Transfer to WATER CAPITAL EQUIPMENT FUND 320	85,000.00
Annual Water Fund Financial Support (quarterly)	
Transfer from WATER FUND 321	
Transfer to GENERAL FUND 110	39,282.00
Annual Water Fund Financial Support – Mowing & Muni-Building Expenses (quarterly)	
Transfer from WATER CAPACITY BENEFIT - NE FUND 381	
Transfer to WATER IMPROVEMENT FUND 322	133,333.00
NE Fund Financial Support (1 st quarter)	
Transfer from WATER CAPACITY BENEFIT - NW FUND 382	
Transfer to WATER IMPROVEMENT FUND 322	133,333.00
NW Fund Financial Support (1 st quarter)	

Transfer from WATER CAPACITY BENEFIT - SE FUND 383	
Transfer to WATER IMPROVEMENT FUND 322	133,334.00
SE Fund Financial Support (1 st quarter)	
Transfer from SEWER FUND 331	
Transfer to SEWER CAPITAL IMPROVEMENT FUND 332	200,000.00
Annual Sewer Fund Financial Support (1 st quarter)	
Transfer from SEWER FUND 331	
Transfer to SEWER CAPITAL EQUIPMENT FUND 330	170,000.00
Annual Sewer Fund Financial Support (quarterly)	
Transfer from SEWER FUND 331	
Transfer to GENERAL FUND 110	39,282.00
Annual Sewer Fund Financial Support – Mowing & Muni-Building Expenses (quarterly)	
Transfer from REFUSE FUND 341	
Transfer to GENERAL FUND 110	29,282.00
Annual Refuse Fund Financial Support – Muni-Building Expenses (quarterly)	
Transfer from HOTEL TAX FUND 120	
Transfer to GENERAL FUND 110	11,679.00
Annual Hotel Tax Fund Financial Support (monthly)	

Approved By:

Department Head:
City Manager:

Initial Date
 11/07/25/13
 11/11/13

ORDINANCE NO.

AN ORDINANCE OUTLINING BUDGETED TRANSFERS FOR THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.

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

SECTION 1: The following transfers are to be executed for the City of Oxford during the fiscal year ending December 31, 2014, as follows:

Transfer from:

General Fund 110	447,438.00
General Fund 110	335,688.00
General Fund 110	174,000.00
General Fund 110	306,800.00
General Fund 110	18,150.00
General Fund 110	30,000.00
General Fund 110	30,000.00
Parking Fund 130	75,266.00
Parking Fund 130	23,005.00
Parking Fund 130	110,000.00
Parking Fund 130	27,333.00
Water Fund 321	100,000.00
Water Fund 321	887,400.00
Water Fund 321	85,000.00
Water Fund 321	39,282.00
Water Capacity Benefit Fund – NE Fund 381	133,333.00
Water Capacity Benefit Fund – NW Fund 382	133,333.00
Water Capacity Benefit Fund – SE Fund 383	133,334.00
Sewer Fund 331	200,000.00
Sewer Fund 331	170,000.00
Sewer Fund 331	39,282.00
Refuse Fund 341	29,282.00
Hotel Tax Fund 120	11,679.00

Transfer to:

Street Fund 122	447,438.00
Capital Improvement Fund 141	335,688.00
Capital Equipment Fund 140	174,000.00
Parks Improvements Bond Debt Service Fund 152	306,800.00
Fire/EMS Fund 418	18,150.00
Storm Water Fund 351	30,000.00
Special Assessment Fund 417	30,000.00
Parking Improvement Fund 142	75,266.00
Street Fund 122	23,005.00
Capital Improvement Fund 141	110,000.00
General Fund 110	27,333.00

Water Capital Improvement Fund 322	100,000.00
Water Bond Debt Service Fund 312	887,400.00
Water Capital Equipment Fund 320	85,000.00
General Fund 110	39,282.00
Water Capital Improvement Fund 322	133,333.00
Water Capital Improvement Fund 322	133,333.00
Water Capital Improvement Fund 322	133,334.00
Sewer Improvement Fund 332	200,000.00
Sewer Capital Equipment Fund 330	170,000.00
General Fund 110	39,282.00
General Fund 110	29,282.00
General Fund 110	11,679.00

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: STAFF

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/4/2013

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

10/25/2013
Date Prepared

Agenda Title: 2014 ANNUAL ADVANCE ORDINANCE

Recommendation: Approve

Discussion:

Description of Budgeted Advances for the 2014 Budget

Advance from GENERAL FUND 110
Advance to CAPITAL IMPROVEMENT FUND 141
- US 27 South Right-A-Way

Funds to be reimbursed from ODOT/Federal Earmark Funds 1,800,000.00

This repayment to General Fund will be made when funds received.

Advance from GENERAL FUND 110
Advance to CAPITAL IMPROVEMENT FUND 141
- High Street Poplar to Campus Rebuild

Funds to be reimbursed from OPWC 568,700.00

This repayment to General Fund will be made when funds received.

Advance from GENERAL FUND 110
Advance to CAPITAL IMPROVEMENT FUND 141
- Dana Drive Bridge Replacement

Funds to be reimbursed from OPWC 172,500.00

This repayment to General Fund will be made when funds received

Approved By:

Department Head:
City Manager:

Initial Date
11/1/13
11/1/13

ORDINANCE NO.

AN ORDINANCE OUTLINING BUDGETED ADVANCES FOR THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.

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

SECTION 1: The following advances are to be executed for the City of Oxford during the fiscal year ending December 31, 2014, as follows:

Advance from:

General Fund 110	1,800,000.00
General Fund 110	568,700.00
General Fund 110	172,500.00
Capital Improvement Fund 141	1,800,000.00
Capital Improvement Fund 141	568,700.00
Capital Improvement Fund 141	172,500.00

Advance to:

Capital Improvement Fund 141	1,800,000.00
Capital Improvement Fund 141	568,700.00
Capital Improvement Fund 141	172,500.00
General Fund 110	1,800,000.00
General Fund 110	568,700.00
General Fund 110	172,500.00

SECTION 2: 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: STAFF

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/04/13

Heidi Hill
Prepared By

Account Code No. #: NA

Budgeted Amount: NA

10/30/13
Date Prepared

Agenda Title: 2014 Fee Ordinance

Recommendation: Approve

Discussion:

This memo explains the modifications to the current city code as reflected in the accompanying fee ordinance. Additions, changes, or deletions in the ordinance are shown as follows:

- Additions are in bold
- Deletions are in strikeout type
- Fees not changed are in normal type

Any questions regarding fee changes should be directed to the respective department head.

Approved By:

Department Head:
City Manager:

Initial Date
10/30/13
11/1/13

ORDINANCE NO.

ORDINANCE ADOPTING FEES AND CHARGES FOR FISCAL YEAR 2014.

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

SECTION 1: The City Manager recommends the Council adopt fees for 2013 as itemized below.

A. RECREATION DEPARTMENT (A resident lives or works in the City of Oxford.)

	<u>\$ Amount</u> <u>Residents</u>	<u>\$ Amount</u> <u>Non-residents</u>
<u>1) FITNESS</u>		
Drop-in-fees	4.00 4.50	4.50 5.00
Aerobics per class	3.50 3.75	3.75 4.00
 <u>2)WEIGHT ROOM FEES</u>		
Adults		
1 Year	95.00 100.00	105.00 115.00
6 Months	80.00 85.00	90.00 95.00
3 Months	70.00	80.00
1 Month	30.00	35.00
Drop-ins	4.00 5.00	4.50 5.50
 High School		
1 Year	60.00	66.00
6 Months	50.00	55.00
3 Months	45.00	50.00
1 Month	25.00	30.00
Drop-ins	4.00	4.50
 <u>3) PRESCHOOL</u> (per week)		
Mon/Wed/Fri	35.00	39.00
Tues/Thurs	25.00	29.00
 <u>5) PLAYGROUND/SUMMER DAY CAMPS</u> 10 WKS.		
Daily	30.00	33.00
each additional child in family	27.00	30.00
Weekly	95.00	105.00
each additional child in family	90.00	99.00

6) DAY CAMPS

Half-day:

Pre-school camps	65.00	76.00
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7) YOUTH SPORTS LEAGUES

Basketball (11 wks)

Instructional League, Grade K	46.00	52.00
Competitive League, Grade 1-2	60.00	66.00
Competitive League, Grade 3-10	72.00	75.00 80.00 83.00

8) ADULT SPORTS LEAGUES

Adult softball	400.00
----------------	--------

Tournament	110.00
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9) RENTAL FEES

Municipal pool

Pool rental, per hour (minimum 2 hours)	50.00	55.00
Guard fee, per hour	10.00	11.00 12.00 13.00

Athletic Field Rental Fees

Per game, per field (rental)	25.00	30.00
Per game, per field (prep)	30.00	35.00
Per hour, per field (lights)	30.00	35.00
Per day, per field (Rental)	110.00	175.00

Community Park Gazebo Rental (Minimum 2 hours)	25.00	30.00
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Leonard Howell, TRI Shelter	Half Day	25.00	30.00
	Full Day	50.00	55.00

Electric Tap Fee	50.00	(First 3 hours)
(Large machines such as ice machine Inflatable's, etc.)	25.00	(Each additional hour)

10) MUNICIPAL POOL

Season pool passes

Family (5 or less)	130.00	145.00
Family (6 or less)	135.00	150.00
Adult	95.00	105.00
High School	75.00	85.00
Child over 3 years	70.00	80.00

General admission

Adult	4.00	4.00
Age 13-17	3.75	3.75
Age 3-12	3.00	3.00
2 and under Free		

Swimming lessons

Parent/toddler (6 mo. - 5 yr.)	33.00	36.00
Skill Level I and II	35.00	39.00
Skill Level III thru IV	38.00	42.00

11) SENIOR CITIZEN CENTER RENTAL

(minimum 2 hour rental)

60/hr includes kitchen/great room

Special events and specialty class fees are established to cover the direct cost of each class/activity offered.

B.COMMUNITY DEVELOPMENT DEPARTMENT

1) ADMINISTRATIVE ZONING REVIEW

Building Accessory, Minor Improvements

Residential	15.00 20.00
Commercial	20.00 25.00
One or Two-Family Residential	25.00 per unit
Three-Family or more Residential	25.00 per unit
Commercial	200.00 per unit
Sidewalk Use Permit	50.00
Signs (per sign)	25.00 per sign plus \$1 per sq. ft. per side
Face changes of signs	25.00
Zoning verification letter	35.00

2) BOARD OR COMMISSION REVIEW

GENERAL FEES FOR ALL BOARDS AND COMMISSIONS

Significant changes to original application may be subject to new fees as determined by the Community Development Director at a cost not to exceed original application.

(Revisions beyond the 3rd submittal, requiring planning or engineering review, will be charged a re-review fee per review.) 30.00

List of property owners for notification purposes 30.00

PLANNING COMMISSION

Conditional Use Permits	400.00 plus actual postage
Alternate Landscaping Plan	25.00
Annexation	
100% owner petition	300.00 plus 1.00 per acre
Conceptual Review	No fee
Lot Changes	
Subdivision Development	
Preliminary	400.00 plus 10.00 per lot, plus actual postage
Final	400.00 plus 10.00 per lot, plus actual postage
Planned Development	
Preliminary	400.00 plus 100.00 per acre, plus actual postage
Final	400.00 plus 100.00 per acre, plus actual postage
Minor Amendment	50.00
Lot Consolidation	20.00
Lot Split	20.00
Zoning Amendments	
Code (per topic)	150.00, plus actual postage
Map	150.00, plus actual postage
All other for Planning Commission	
Review at public meeting only	25.00
Requiring one or more legal notices	100.00

HISTORIC & ARCHITECTURAL PRESERVATION COMMISSION

Certificate of Appropriateness	30.00
Sketch Review	No fee

BOARD OF ZONING APPEALS

Variance Petition	200.00 plus 100.00 for each additional variance request up to a maximum of 1,000.00 plus actual postage
Appeal of Administrator's Decision	50.00
Appeal of HAPC Decision	100.00

3) DOCUMENTS, MAPS, & OTHER MATERIALS At Cost

C. INSPECTIONS

1) One, Two, and Three-Family Dwellings and Accessory Buildings (OBOA - Ohio Building Officials Association)

a. New Construction

Building	25.00 plus 10.00 per 100 square feet of gross floor area
Mechanical	25.00 plus 4.00 per 100 square feet of gross floor area.
Electrical	25.00 plus 3.00 per 100 square feet of gross floor area.
Third and subsequent plan review	40.00 per hour

b. Miscellaneous

Accessory Buildings	
200 square feet or more	20.00 plus 5.00 per additional 100 square feet 20.00 plus .50 per 10 square feet over 200 square feet

Furnace installation/replacement	30.00
Central air condition installation/replacement	30.00
Combination furnace/central air Installation/replacement	60.00
Minor Electric	30.00
Demolition	50.00
Alterations/Remodeling/Fire Repair	40.00 plus 10.00 per 100 square feet
Partial permits (where granted)	50.00
Temporary Certificate of Occupancy	40.00
Swimming Pool	
In-ground	90.00
Above ground	40.00

2. Commercial and Residential Buildings (Ohio Basic Building Code)

Commercial and residential

a. New Construction

Building	120.00 plus 7.00 per 100 square feet of gross floor area, including accessory buildings
Mechanical	100.00 plus 3.00 per 100 square feet of gross floor area, including accessory buildings
Electrical	150.00 plus 2.50 per 100 square feet of gross floor area, including accessory buildings
Alterations/Remodeling/Fire Repair	80.00 plus 3.00 per 100 square feet
Fire Suppression Systems	150.00 plus 3.20 per 100 square feet of gross floor area.
Hood Suppression Systems	100.00
Hood System	80.00
Fire Alarm System	100.00 plus 1.00 per 100 square feet of gross floor area
Minor Electric	80.00

Third and subsequent plan review	75.00 per hour
<u>b. Miscellaneous</u>	
Demolition	80.00

Furnace/AC Replacement, including roof top units	80.00
Partial Permit (where granted)	100.00
Temporary Certificate of Occupancy	80.00

OBBC Surcharge

Applications covered by the OBBC will be assessed an additional 3% surcharge fee as mandated by Ohio Administrative Code Section 4101:2-1-50(b).

3. Other Fees

(Applies to both OBOA and OBBC buildings unless otherwise noted.)

Moving or relocating buildings	250.00
Building Permit Renewal	50.00
Electric Service Upgrade	35.00
Temporary Pole	30.00
Change of Building Plans (after approval)	

50.00 plus cost of plan review (40.00 for residential, 75.00 for commercial per hour) when building plans are revised after issuance of permit.

Fuel Storage Tank (per tank)	25.00
Sidewalk-Curb-Gutter Permit	25.00
Certificate of Use and Occupancy (not associated with building permit)	80.00
Awnings, tents	25.00
Signs	50.00
Fences	20.00
Reinspection Fee	30.00
(Charge for the third and subsequent inspection each time for the same permit)	
Backflow Prevention Permit	25.00
Work without a permit	Greater of \$200.00 or twice the cost of the permit fee
(Starting construction without a permit)	
Gas Line (per meter)	30.00

<u>4. Removal of structure prior to receipt of Certificate of Appropriateness</u>	50% of estimated demolition cost for each day after notification until a plan for reuse of property and a bond is filed.
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5. Rental Housing Permits

Initial Establishment (or if inactive for 2 years or more)	
First unit	110.00
Each additional unit	30.00

Fraternity	330.00 for first 50 persons, 15.00 for each additional person
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Invalid rental permit: The rental permit shall be invalid if the permit has not been renewed for over one year after the expiration date or the subject property has not been inspected for over 24 months, unless an active building permit is in progress.

Late Fee	10.00 after 60 days expired. 20.00 after 120 days expired. 30.00 after 180 days expired.
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Annual Renewal & Ownership Transfer	
First unit	55.00
Each additional unit	30.00
Rooming house or lodging house	110.00

Fraternity	330.00 for first 50 persons, 15.00 for each additional person
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Re-inspection (charge for a second site visit to re-inspection and each subsequent re-inspection. This charge also applies to additional site visits due to "no show" by agent/owner/designee)

First unit	75.00
Each additional unit	10.00
Rooming house or lodging house	75.00
Fraternity	75.00

Board of Appeal Application	150.00
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D. POLICE DEPARTMENT

Events requiring Officers for Crowd or Traffic Control:

One Officer	35.00 per hour
Each additional Officer	35.00 per hour
Police Supervisor	45.00 per hour

(Required for each four Police Officers)

Police Command Officer	55.00 per hour
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(Required for two squads of five Officers)

Per arrestee processed and transported to Butler County Jail by Oxford Police Department on City of Oxford criminal charges

200.00

Subsequent per diem for inmates incarcerated in Butler County Jail on City of Oxford criminal charges

100.00

Fingerprinting	15.00
Records Checks	15.00

Alarm User Permit Fees	
New Residential	20.00 annually
New Commercial/Industrial	25.00 annually
Renewal	10.00 annually

False Alarm Fees

Residential, Commercial & Industrial

1 to 2 Annually	No charge
Residential	
3 or more	50.00 per occurrence
Commercial/Industrial	
3 to 4 Annually	50.00 per occurrence
5 to 6 Annually	100.00 per occurrence
7 to 8 Annually	200.00 per occurrence
9 or more	400.00 per occurrence
Accident, crime, other reports	.10 per page
Purchase Meter time,	
Fee for Special Event	10.00 per meter per day
(Meter Bags)	
Purchase Meter time,	
Fee for Construction	10.00 per meter per day
(Meter Bags)	
Signs: "No Parking by Order of	
the Oxford P.D."	0.35 per sign
Impound/Immobilization Fees	
	100.00 1 st offense
	200.00 2 nd offense
	300.00 3 rd and all subsequent for
	the first day or any part
	thereof
	12.00 each subsequent day or any
	part thereof
	20.00 each subsequent day or any
	part thereof for vehicles covered
	or stored within a building
Towing Charges	100.00 1 st offense
	200.00 2 nd offense
	300.00 3 rd offense plus any
	additional charges for services
	requiring specialized equipment or
	extra personnel
Administrative Citation Hearing Fee	20.00 per appeal (lost appeal only)
Administrative Citation Collection Fee	27% of unpaid fine
Animal Boarding	
	21.50 1 st day or any part thereof
	13.50 each subsequent day or any
	part thereof
Parking	
Short Term Meters	0.25 per 20 minutes
High Density Parking Areas	0.50 per hour
Street side hourly meters	0.25 per hour
Parking garage meters	0.50 per hour
10 hour meters	0.50 for two hours
Monthly garage lease	450.00 475.00 biannually
	900.00 annually
Residential Permitted Parking	25.00 annually
Parking Collection Fees	

Retrieval of vehicle record	1.95 per look up
Citations collection fee	27% of unpaid fine
Alcohol Education Program Admin Fee	350.00
Alcohol Education Instructional Fee	125.00
<u>E. FIRE/EMS DEPARTMENT</u>	
EMS Runs BLS-E	595.00 601.00 per run
ALS-1 E	860.00 869.00 per run
ALS-2 E	1070.00 1081.00 per run
EMS Mileage Rate	14.50 15.00 per loaded mile
Court ordered restitution for Transport refusal	300.00
Fire Watch	35.00 per hour per person Two hour minimum
EMS Stand-By	35.00 per hour per person Two hour minimum
Civil Citation Hearing Fee	Actual cost of Hearing Officer (lost appeal only, does not apply on first offense)

F. SERVICE DEPARTMENT

1) Water service

Temporary meter deposit (hydrant connection)	
5/8 Inch	500.00
2 Inch	1600.00
Daily set-up and removal of device	100.00

Cost of water by volume (temporary meter) 3.20 per 100 cubic feet

Temporary Water Service through
an approved meter pit device prior
to meter installation:

5/8 x 3/4"	64.00
1"	166.00
1 1/2"	332.00
2"	536.00
3"	1,071.00
4"	1,670.00
6"	3,347.00

Bulk Water Service	3.20 per 100 cubic feet; requires new account fee for service. Sanitary fees in effect for water entering the Sanitary system. Service available under authority of Service Director or his/her designee.
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Account Initiation Fee	50.00 (50% Water, 50% Sewer)
Water rates	
Volume charge per 100 cu feet	2.37
Base monthly charge Meter size	
(inch): 3/4 or smaller	8.64
1	14.39
1 & 1/2	28.77
2	46.05
3	86.34
4	143.92
6	287.83
Outside city limits	35% added to amounts above
Late fee	10%
Green Card distribution	5.00 if card leaves office
Gold Card distribution	5.00 charge would be in addition to turn on fee if the service is terminated.
Reconnection fee following service termination	10.00 1 st occurrence when past due payment is received before 3:00 PM. 20.00 2 nd occurrence when past due payment is received before 3:00 PM. 30.00 3 rd and subsequent occurrences when past due payment is received before 3:00 PM. 50.00 after 3:00 PM and for weekends/holidays reconnection
Irrigation meter	At cost to City
Irrigation meter repair	5.00 + costs
"No show" on scheduled appointment	25.00
Tap-in fees	
Based on tap size (inch)	
1	2,500.00
2	2,845.00
4	3,500.00
6	4,325.00
8	6,525.00
10	8,995.00
12	10,295.00
On brick street	Add 30.00/per sq ft of affected area

Outside City Limits	35% added to amounts above
Separate meter pits	time and materials
Meter Vault and Lid (based on meter size)	
5/8 & 3/4 (inch)	One Included in tap fee; 515.00 each additional (max of four pits per residential tap)

3" and greater installed by the contractor at developer's expense.

Water Meter including RF remote sending unit.

5/8 & 3/4 (inch)	330.00
1	369.00
1 & 1/2	721.00
2	844.00
3	2,400.00
4	3,750.00
Larger than 4	Cost to the City plus 10% administrative fee.

Water Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,550.00
1	4,020.00
1 & 1/2	8,090.00
2	13,090.00
3	26,100.00
4	40,700.00
6	81,600.00
8	130,500.00
10	187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days	Highest rate allowable by law
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New construction inspection	50.00 (initial inspection)
	50.00 (re-inspection of failed work)

New Water Main Chlorination / Disinfection Inspection	150.00
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New water main valve operation / And line flushing	150.00
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New Water Main Hydrostatic Testing	100.00 per test
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New Water Main Bacteria sampling / Testing	150.00 per event (includes outside laboratory fees)
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Water main installation inspection / Outside of normal working hours	City cost for inspection expense
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Fire Hydrant Flow Testing	100.00 per hydrant test
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Damage to City facilities	Repair cost plus 40-00 %
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2. Sanitary Sewer service

Sewer rates

Volume charge Per 100 cu feet	3.72
Base monthly fee	3.63
Surcharges	
Excess suspended solids	0.177/lb
Excess biochemical oxygen demand	0.182/lb
Excess oil and grease	0.20/lb

Commercial preparer or server of food	0.10 per 100 cu feet
Sewage Sampling fee	75.00
Late fee	10%

Sewer Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,550.00
1	4,020.00
1 & 1/2	8,090.00
2	13,090.00
3	26,100.00
4	40,700.00
6	81,600.00
8	130,500.00
10	187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days	Highest rate allowable by law
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New construction and Sanitary	50.00 (initial inspection)
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Lateral repair inspection	50.00 (reinspection of failed work)
	50.00 Inspection of existing sanitary lateral repairs

Sanitary Sewer Cleaning (jet truck)	280.00 per hour (1 hr. min.)
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Sanitary Sewer Main Video Inspection	280.00 per hour (1 hr. min.)
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Sanitary Lateral Video Inspection	280.00 per hour (1 hr. min.)
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Sanitary Sewer Manhole Inspection (vacuum method)	50.00 per manhole
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Staff monitoring of private contractor Video inspection	25.00 per hour (1 hr. min.)
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Sanitary Sewer Low Pressure Air Test (per City specifications)	25.00 per test section
Sanitary Sewer Main Construction (inspection services beyond normal working hours - overtime expense)	Cost to City of Oxford
Sanitary sewer Lift Station District Surcharge	Charge 50% surcharge to volume fee.
Locating service for private sanitary lateral	280.00 per hour (1 hr min.)

**Non-Compliance causing blockage or
damage to City facilities**

Response or repair cost plus 40%

Special Wastewater Discharge Application (tank pumping, groundwater, etc.)	25.00
Special Wastewater Contaminated Discharge Treatment	11.16 per 100 cubic feet

3. Refuse service

Monthly rate (includes 2.95 Recycle fee or 4.00 fee with larger
65 gallon container):

Hand Service refuse	30.40
Hand Service recycling	12.10

Residential service	17.60 or 18.80 with 65 gallon recycling container
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(Single Family or Multi-unit dwellings with four
or less units)

Waste-wheeler	17.60 if owned or 18.80 with 65 Gallon recycling container
Waste-wheeler rental	3.00

Commercial Service

Waste-wheeler customer	24.50
Waste-wheeler rental	9.00
Two cubic yard dumpster	75.70
Two cubic yard dumpster rental	14.00
Three cubic yard dumpster	99.90
Three cubic yard dumpster rental	17.00
Four cubic yard dumpster	127.40
Four cubic yard dumpster rental	20.00
Six cubic yard dumpster	186.00
Six cubic yard dumpster rental	23.00
Eight cubic yard dumpster	243.40
Eight cubic yard dumpster rental	26.00

Charge per additional pickup

Waste-wheeler customer	17.50
Two cubic yard dumpster	54.40
Three cubic yard dumpster	74.60
Four cubic yard dumpster	97.90

Six cubic yard dumpster	140.50
Eight cubic yard dumpster	183.00

Recycling	
Waste wheeler	10.40
Waste wheeler rental	9.00
Two cubic yard dumpster	35.60
Two cubic yard dumpster rental	14.00
Three cubic yard dumpster	47.70
Three cubic yard dumpster rental	17.00
Four cubic yard dumpster	59.80
Four cubic yard dumpster rental	20.00
Six cubic yard dumpster	78.10
Six cubic yard dumpster rental	23.00
Eight cubic yard dumpster	98.00
Eight cubic yard dumpster rental	26.00

Late fee	10%
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One-time additional pickup permit Stickers	10.00 per Sticker (Cost determined by Oxford)
Yard Waste Stickers	3.00 per Sticker

Compactor Tickets	35.00 37.50 per 1 Cu. Yd.
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Portable Toilet Rental and Servicing	Contract cost to city
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<u>4. Cable franchise agreement fee</u>	5% of annual gross revenue
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5. Miscellaneous

DVD Copies	5.00
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G. ENGINEERING DIVISION

1) Design manual fees:

Water and Sanitary Sewer Improvement Specifications	30.00
Storm Water Management Design	20.00
Digital city standard drawings	15.00 per compact disc

2) Map Order

Media:

Bond	8 1/2 x 11	B/W	4.00
Bond	8 1/2 x 11	Color	4.00
Bond	11 x 17	B/W	4.00
Bond	11 x 17	Color	4.50

Bond	24 x 36	B/W	10.00
Bond	24 x 36	Color	11.00
Bond	36 x 48	B/W	18.00
Bond	36 x 48	Color	20.00
Mylar	24 x 36	B/W	12.00
Mylar	24 x 36	Color	14.00
Mylar	36 x 48	B/W	20.00
Mylar	36 x 48	Color	22.00
Dry Mounted			
	24 x 36	NA	10.00 + map fee
	36 x 48	NA	22.00 + map fee

Base and Zoning maps

Lots	5.00	plus media cost
Oxford Historic District	1.00	plus media cost
Corporation limits	Free	
Water lines	5.00	plus media cost
Sewer lines	5.00	plus media cost
Base and Zoning maps (continued)		
Storm sewer lines	5.00	plus media cost
Zoning	5.00	plus media cost
Proposed development	5.00	plus media cost
Additional use permits	5.00	plus media cost
P.U.D.'s	5.00	plus media cost
Special use permits	5.00	plus media cost
Street index	1.00	plus media cost
Digital base map section	15.00	per diskette

3) Plans and Specifications Sales 20.00 to 500.00
(depending on the size of the project)

4) Document handling/forwarding fee 25.00
to regulating agencies

H. STREET DIVISION

Street cut surface repair Up to 40 sq.ft. - \$100.00 (or 40 linear ft of curb totaling less than 40 sq. ft.)
>40 sq.ft. - \$100.00 + 2.50 per additional sq.ft.
Brick Street Repair - \$30.00 per sq. ft.

Work without a permit in ROW Greater of \$200.00 or twice
(Starting construction or the cost of the permit fee
without a permit)

Street Tree Permits No charge
Removal of hazardous trees from At cost to city plus 5%
private property Administrative fee

Street Spills Cost of time and materials for

	cleanup + 10% Administrative Fee
Right-of-way Requests	
Personnel (misc. tasks)	25.00 hr
Event Electrician	100.00+ necessary materials at cost
Road Closures/Detours	135.00
Event Trash cans	5.00
Street Signs	Cost of labor/materials used + 10% administrative fee
Gravesite Plots	100.00
Woodside Cemetery gravesite	250.00 Opening and closing
After 3:30 Monday-Friday	Additional 100.00
And weekends	
Street Banner Installation	Single banner 100.00
And removal	
Damage to City Facilities	Costs plus 40%

I. FINANCE DEPARTMENT

Misc. Copies	
per copy	.10 per Page
Final Annual Budget Document	
Paper	At cost to City
Electronic	5.00 per DVD/CD
Any Other Method	At cost to City
Comprehensive Annual Financial Report	
Paper	At cost to City
Electronic	5.00 per DVD/CD
Any Other Method	At cost to city
Hotel tax rates:	
Hotel tax	3.00%
Convention tax	3.00%
Motor vehicle license tax	5.00 per motor vehicle
Motor Coach or Bus (Each)	25.00 per Year
Taxicab (Each)	10.00 per Year
Minimum fee per company	25.00 per Year
Vendor License	50.00 per Calendar Month, or 300.00 per Year
NSF check Fee	At cost to City
Collections Fee on Delinquent Accounts	

Phase I	10.00 per written off account
Phase II	45% of the amount due on accounts more than \$250.00 35% of the amount due on accounts less than \$250.00

Dog License	0.75 per Tag (City Share), plus amount charged by County
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J. HUMAN RESOURCES

Non refundable Civil Service Exam Fee 15.00

SECTION 2: Council hereby accepts the recommendation of the City Manager and authorizes the adoption of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

SECTION 3: This ordinance repeals ordinance adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: November 5, 2013

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 31, 2013

Date Prepared

Agenda Title: An Ordinance Establishing Salaries And Certain Benefits For Salaried and Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2014 Through December 31, 2014.

Recommendation: Approve.

Discussion: Additions/corrections are noted in bold and items to be eliminated/changed are indicated by strikeout.

Section 2. Staff is recommending a two percent (2%) cost of living (COLA) increase or a market adjustment.

Section 3. The Receptionist position in Administration has been eliminated resulting in the number of total part-time positions being reduced to 142.

Section 7. Employee Benefits. E. Payment of Health Insurance Premiums. This section has been changed to eliminate the actual amounts as these figures are already included in the budget.

Attachment A: The pay bands have been increased by 2% for 2014.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

DJH/mak
[Signature] 11/1/13

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SALARIES AND CERTAIN BENEFITS FOR SALARIED AND HOURLY FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE SERVICE OF THE CITY OF OXFORD, OHIO, PAID FROM JANUARY 1, 2013~~4~~ THROUGH DECEMBER 31, 201~~3~~4.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT THE SALARIES, WAGES AND CERTAIN BENEFITS FOR A NUMBER OF OFFICIALS AND EMPLOYEES OF THE CITY OF OXFORD BE FIXED AS FOLLOWS:

SECTION 1: The following full-time positions are hereby established with respect to position title, authorized number and pay range:

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>		
	<u>TYPE</u>	<u># OF EMPLOYEES</u>	<u>PAY BAND</u>
<i>OFFICE OF THE CITY MANAGER</i>			
City Manager	(NC)	(1)	By Contract
Assistant to the City Manager	(NC)	(1)	5
Human Resources Director	(NC)	(1) **	7
Clerk of Council/AAIL	(NC)	(1)	4
<i>ECONOMIC DEVELOPMENT DEPARTMENT</i>			
Economic Development Director	(NC)	(1)	7
<i>FINANCE DEPARTMENT</i>			
Finance Director	(NC)	(1)	By Contract
Assistant Finance Director	(C)	(1)	6
Payroll and Benefits Specialist	(C)	(1)	5
Utility Collections Specialist II	(C)	(1)	4
Utility Collection Spec. I.	(C)	(1)	2
Accounting Specialist	(C)	(2)	4
Accounting Assistant	(C)	(1) *	2
<i>LAW DEPARTMENT</i>			
Law Director	(NC)	(1)	By Contract

***Authorized-not budgeted.**

****Authorized-Part Time**

PARKS & RECREATION DEPARTMENT

Parks & Recreation Director	(NC)	(1)	7
Recreation Programs Supervisor	(C)	(1)	5
Sports Activities Supervisor	(C)	(1)	5
Office Manager	(NC)	(1)	5
Receptionist	(C)	(1)	1
Custodian	(NC)	(1)	1
Recreation Programs Coordinator	(C)	(1) **	3
Sports Coordinator	(C)	(1)	3

COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director	(NC)	(1)	7
Planner	(C)	(1)	6
Admin. Asst. to Director (Tech)	(NC)	(1)	5
Administrative Assistant II	(NC)	(2)	3

SAFETY DEPARTMENT - FIRE DIVISION

Fire Chief/Inspector	(NC)	(1)	7
Assistant Chief/Inspector	(NC)	(1)	6
Administrative Assistant II	(NC)	(1)	3

SAFETY DEPARTMENT - POLICE DIVISION

Police Chief	(NC)	(1)	7
Police Lieutenant	(C)	(2)	By Contract
Police Sergeant	(C)	(6)	By Contract
Police Officer	(C)	(19) *	By Contract
Public Safety Assistant	(C)	(3)	By Contract
Police Records Specialist	(C)	(1)	By Contract
Public Safety Communications Officer	(C)	(9)	By Contract
Office Manager	(NC)	(1)	5
Properties Custodian	(C)	(1)	2
Parking Clerk	(NC)	(1)	2

SERVICE DEPARTMENT

Service Director	(NC)	(1)	7
Deputy Director	(C)	(1) **	6
Environmental Specialist	(C)	(1)	5
Administrative Assistant III	(NC)	(1)	4
Custodian	(NC)	(1)	1

***19 Authorized – 16 Budgeted**

****Authorized – Part Time**

ENGINEERING DIVISION

City Engineer	(C)	(1)	6
Engineer	(C)	(1) *	6
Engineer-in-training (EIT)	(C)	(1)	5
Engineering Aide	(C)	(1)	4

STREETS AND MAINTENANCE DIVISION

Streets and Maintenance Manager	(C)	(1)	6
Equipment Mechanic	(C)	(2) **	5
*authorized for two - budgeted for one			
Parks Maintenance Supervisor	(C)	(1)	5
Street Operations Specialist	(C)	(1)	4
Service Workers		(10) ***	

WASTEWATER DIVISION

Collection

Wastewater Collection Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Wastewater Plant Manager	(C)	(1)	6
WWTP Laboratory Technician	(C)	(1)	3
Plant Mechanic II	(C)	(1)	4
Plant Mechanic I	(C)	(1)	3
Service Worker I	(NC)	(1)	1
WWTP Operators		(3)	

WATER DIVISION

Distribution

Water Distribution Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Water Plant Manager	(C)	(1)	6
Utility Maintenance Technician	(C)	(1)	2
Utility Meter Reader	(NC)	(1)	1
Water Plant Operators		(2)	

***authorized-not budgeted**

****2 authorized - 1 budgeted**

*****10 authorized 9 budgeted**

TOTAL Full-Time Budgeted:	<u>110</u>	(122 authorized not budgeted)
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NC = Non-Classified Employee

C = Classified Employee

SECTION 2: The compensation plan setting forth the range of base pay bands for each position title, being pay bands 1 through 7, is attached hereto (Attachment A) and incorporated herein as the Base Pay Band Provisions.

- A.** Adoption of this ordinance reflects a **2% (COLA)** increase rounded up to the nearest penny of all employees not covered by a collective bargaining agreement. The Finance Director, Law Director and City Manager shall also receive the same increase to their current base salaries.
- B.** The City Manager, except as otherwise provided in the charter, is authorized to establish the starting salary not to exceed the position's market midpoint.
- C.** The City Manager is hereby authorized to increase an employee's salary not to exceed 5.0% within the same position per calendar year.
- D.** The City Manager is hereby authorized to increase an employee's salary not to exceed the market midpoint of the new position when a promotion occurs where an employee moves to a higher job classification.

SECTION 3: The following part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>	
	<i># OF</i>	<i>PAY</i>
	<i><u>EMPLOYEES</u></i>	<i><u>RATE</u></i>
<i>ADMINISTRATION</i>		
Receptionist	1	\$14.00/hr
Human Resources Director	1	\$41.81 42.65/hr
<i>FINANCE DEPARTMENT</i>		
Accounting Assistant	1	\$14.00/hr
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	5	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
Senior Program Coordinator	1	\$16.25/hour
<i>SERVICE DEPARTMENT</i>		
Deputy Director	1	\$36.81 37.55/hr
Laborers	4	\$12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$20.66/hour
<i>SAFETY DEPARTMENT - FIRE DIVISION</i>		
Part-Time Firefighters/EMT's	30	up to \$15.41 72/hr
Firefighters and/or EMT's	64	up to \$15.41 72/hr
Fire Division Captains	3	up to \$16.45 78/hr
Fire Division Lieutenants	3	up to \$15.93 16.25/hr
		\$16.45 78/12-hr shift 1 run
		\$32.89 33.55/24-hr shift 2
runs		
<i>SAFETY DEPARTMENT - POLICE DIVISION</i>		
Assistant to the Chief-Parking & Transportation	1	\$24.80 25.30/hr
Assistant to the Chief - Technical	1	VACANT
Asst. to Chief - Business Liaison	1	\$24.80 25.30/hr
Police Officer	6	contract base pay
Public Safety Assistant	3	contract base pay
Public Safety Communications Officer	4	contract base pay
Parking Interns	8*	\$14.00/hr
*Reimbursed		
TOTAL Part-Time Authorized Strength: 143 142		
<i>CITY-WIDE</i>		
Intern/Temporary Part-time		\$14.00/hour

SECTION 4: The following seasonal part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i> <i># OF</i> <i><u>EMPLOYEES</u></i>	<i>PAY</i> <i><u>RATE</u></i>
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	36	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
<i>STREET DIVISION</i>		
Laborer	7	\$12.00/hour
<i>WASTEWATER DIVISION</i>		
<u>Plant</u>		
Laborer	1	\$12.00/hour
<u>Collections</u>		
Laborer	1	\$12.00/hour
<i>WATER DIVISION</i>		
<u>Plant</u>		
Laborer	1	\$12.00/hour

TOTAL Seasonal Part-Time Authorized Strength: 49

SECTION 5: Department Heads and Supervisory Employees.

- A. Defined.** The positions of City Manager, Finance Director, Law Director, Police Chief, Community Development Director, Service Director, Parks and Recreation Director, Fire Chief, Human Resource Director and Economic Development Director are department heads. These employees in addition to Assistant Finance Director, Deputy Service Director, Streets and Maintenance Manager, Wastewater Collection Manager, Water Distribution Manager, Water Plant Manager and Wastewater Plant Manager for the purposes of group life and accidental death and dismemberment, are considered supervisory employees.
- B. Overtime.** Department heads are salaried employees and are not entitled to overtime.

- C. Vacation.** Department heads shall accrue vacation leave monthly at the following rates (except a first year department head who shall receive vacation accrual after the completion of the twelfth month):

After 12 months (1 year) - 120 hours
After 84 months (7 years) - 160 hours
After 156 months (13 years) - 200 hours

The City Manager is authorized to grant up to 80 hours of vacation leave during the first year of employment of a department head on the basis of extenuating circumstances.

The City Manager's vacation benefit shall be in accordance with the City Manager's contract.

- D. Other Benefits and Provisions.** Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this ordinance applicable to full-time employees of the City of Oxford.

- E. Sick Leave.** The Police Chief shall receive a bonus of \$310 per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional \$360. The bonus payment shall be issued at the end of each calendar quarter.

SECTION 6: General Provisions

- A. Pay Periods.** Employees shall be paid bi-weekly. Pay days shall be on Friday, except when City offices are closed for a holiday on Friday, in which case payday shall be the last workday preceding the holiday.
- B. Hours of Work.** Full-time, non-salaried employees' work week shall be forty hours. When directed by their supervisor to work overtime, such employees shall be compensated at the rate of one and one-half (1-1/2) times their base rate of pay for all hours actually worked in excess of forty hours per week. An employee who is called to work following the completion of their normal work day and one-half (1/2) or more hours prior to the commencement of their next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times their normal rate.

C. Emergency Appointments. In case of civil unrest or other like emergency, the City Manager may appoint emergency police officers or other volunteer citizens as may be necessary for temporary service during the emergency and shall report this action to the City Council at its next meeting. Such emergency appointees shall be compensated for all time actually worked on behalf of the City.

D. Firefighters. Firefighters are paid according to the schedule in Section 3 hereof of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue pay while they are away from work attending to a fire.

No Paid-on-Call or Part-time firefighter may work in excess of fifteen hundred (1500) hours in any given Calendar year or in excess of one hundred-six (106) hours in any pay period.

Any hours worked in the employee's hired capacity or similar function to their hired capacity shall be calculated as total hours worked for that pay period and year. Performing other department sanctioned duties other than those for which the employee was hired shall not be included in total hours.

E. Shift Differential Pay. The applicable rate of shift differential for the entire shift worked will be determined by the applicable rate for the majority of the hours in an assigned shift. If an assigned shift is evenly divided between two rates, the higher rate shall be applicable to all hours of the shift worked. A full-time employee who is assigned by their supervisor to work a shift after 4:00 p.m. and before 8:00 a.m. shall receive shift differential pay for all hours worked. The differential shall be twenty-five cents (\$0.25) per hour for all hours of a shift actually worked after 4:00 p.m. and before 12:00 midnight. The differential shall be forty-five cents (\$0.45) per hour for all hours of a shift actually worked after 12:00 midnight and before 8:00 a.m. Shift differential will be paid at its normal rate for scheduled hours worked on a holiday in addition to holiday pay. Overtime may be incurred for the work week (over 40 hours) attributable to working during a shift differential period (defined above). For purposes of calculating overtime pay, the base pay rate shall include the hourly shift differential amount. The shift differential rate used for overtime calculation will be the same rate used for shift differential as determined per the guidelines above.

SECTION 7: Employee Benefits

- A. **Uniforms.** The Police Chief shall receive credit in the same manner as the Detective Sergeant as specified in the Police Sergeants and Lieutenants contract.

The City shall provide full-time employees in the Service Department and the Parks & Recreation Department, who wear a uniform in the performance of their duties, with a uniform rental service.

- B. **Sick leave.** Sick leave shall be earned by all full-time employees at the rate of ten (10) hours per month and may be accumulated without maximum. Previously accumulated sick leave may be transferred as allowed by law. Under extraordinary circumstances, the City Manager may approve the transfer of sick leave credits from one City employee to another.

- C. **Sick Leave Incentive.** A full-time, non-contract employee shall receive an incentive of two hundred dollars (\$200.00) per calendar quarter if the employee uses no sick leave during that quarter. Use of any hours, including partial hours, of sick leave will result in the employee receiving no payment for that quarter. Any employee who uses no sick leave for a calendar year shall receive an additional two hundred dollar (\$200.00) incentive. The employee shall receive all such incentive payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state, and local withholdings. Sick leave used for recuperative leave as defined in the Employee Handbook shall not be considered sick leave used for purposes of this paragraph.

As a part of the sick leave incentive, as of December 31, 2007, those employees having a sick leave balance will have those hours banked. Future accruals will not be added to the hours banked, however, all banked hours and any accruals will continue to show on the individuals pay stub to be used should the hours be needed for illness. The banked hours will be held until retirement, death or lay-off, at which time not more than 1200 banked hours may be converted to vacation time at the ratio of one-to-one for the first three hundred hours and three-to-one for the remaining nine hundred hours.

- D. **Sick leave conversion.** Prior to retirement, an employee with a banked sick leave balance of 280 hours up to a maximum of 1200 hours may convert the balance to vacation or pay at a rate of 5:1. However, there must be 240 hours remaining, and such conversion may only be made by written application to the Finance Department during the month of April, and pay, when requested, will be made on or before May 20th. Should an employee on lay-off (who has converted sick leave to vacation) return to City employment, they may within one year of

reinstatement repurchase their accumulated sick leave by repaying at the same rate as the pay-off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.

E. Payment of Health Insurance Premiums. For each full-time, employee (forty hours per week) and Law Director who participates in the City group medical insurance programs, the City will **make a per month per employee contribution as determined by the budget** ~~pay one thousand and eleven dollars (\$1,011.00) per month per employee~~ during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay **a contribution** ~~\$23.36~~ for single coverage **or** ~~and \$59.23~~ for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced ~~to \$17.52 for single and \$44.42 for family.~~

F. Holiday Schedule. There shall be fourteen (14) paid holidays for full-time employees as follows: (10 holidays/4 personal days)

New Year's Day (January 1)
Martin Luther King, Jr. Day (third Monday in January)
Washington/Lincoln Day (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving
Christmas Eve Day (The day preceding or following
Christmas Day holiday as designated by the City
Manager)
Christmas Day (December 25)
Four (4) Personal Days - 32 Hours

New employees hired during the year shall have their Personal Hours pro-rated based on initial hire date. With the exception of employees who work a continuous schedule, holidays falling on a Saturday shall be observed on the preceding Friday and holidays falling on a Sunday shall be observed on the following Monday.

G. Pay for Work on Certain Holidays. Any full-time employee, department heads excluded, who is required by the employee's supervisor to work on a designated holiday as a part of the employee's regularly scheduled duty and within the employee's normal hours of work shall receive pay in an amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked by the employee between the hours of 12:01 a.m. and 12:00 midnight,

inclusive, on the designated holiday. When such an employee works on a holiday, the employee shall be entitled to an additional day off in lieu of the holiday.

Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager. (Employees working less than eight (8) hours on a holiday have two options: 1) the employee can claim the eight (8) hour holiday and overtime for the actual number of hours worked; or 2) the employee can claim overtime for the number of hours worked, and use personal, vacation or comp time to make up the remaining hours and receive the holiday off at another time.)

When a calendar holiday falls on either weekend day(s) (including Christmas Eve and Christmas), the following rules apply:

- a) If an employee works the designated holiday, the employee is entitled to:
 - 1) One and one-half (1-1/2) times their base hourly rate for the hours worked, and
 - 2) a paid day to be taken at another time.
- b) If an employee works a true calendar holiday(s) that falls on Saturday or Sunday, the employee is entitled to pay at one and one-half (1-1/2) times the base hourly rate for the hours worked.

H. Group Life and Accidental Death and Dismemberment Insurance.

The City will pay 100% of the premium for these fringe benefits for coverage in an amount equal to the employee's annual base salary, except that the amount of the insurance coverage provided will be subject to a reduction schedule included in the group policy. Such reductions generally begin at age 65 and are subject to ADEA regulations. These fringe benefits apply only to full-time employees working at least forty (40) hours per week and the Law Director. The City will pay 100% of the premium group life insurance coverage on the Police Chief in an amount equal to one and one-half(1-1/2)times the Police Chief's annual salary.

For each firefighter, the City will pay 100% of the premium for a Firefighter's Accident Policy, not to exceed \$10,000 in insurance coverage.

I. Longevity Bonus Pay. Longevity Bonus Pay will only be paid to eligible employees who accrue the required years of service on or before December 31, 2013 4 nd are full-time employees of the City on or before December 31, 2013 4. To be eligible for Longevity Bonus Pay an employee must meet both requirements.

No partial or proportionate Longevity Bonus Pay will be paid. An employee shall accrue one year of service for twelve consecutive months of full-time employment. Part-time employees who become full-time employees may use hours worked as a part-time employee towards years of credit. Credit will not be given for partial years of service.

Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 2013 4 shall be given the appropriate longevity payment with final pay. All other eligible employees will receive Longevity Bonus pay in November 2013 4. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.

After 5 years - \$450	After 18 years - \$775
After 6 years - \$475	After 19 years - \$800
After 7 years - \$500	After 20 years - \$825
After 8 years - \$525	After 21 years - \$850
After 9 years - \$550	After 22 years - \$875
After 10 years - \$575	After 23 years - \$900
After 11 years - \$600	After 24 years - \$925
After 12 years - \$625	After 25 years - \$950
After 13 years - \$650	After 26 years - \$975
After 14 years - \$675	After 27 years - \$1000
After 15 years - \$700	After 28 years - \$1025
After 16 years - \$725	After 29 years - \$1050
After 17 years - \$750	After 30 years - \$1075

J. Vacation. An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit. At the end of the first year (after 12 months) a non-contract employee will be credited with eighty (80) hours of vacation. At that time the employee will start accruing monthly vacation according to the following schedule:

After 12 months	(1 year)	- 80 hours
After 24 months	(2 years)	- 88 hours
After 48 months	(4 years)	- 96 hours
After 60 months	(5 years)	- 104 hours
After 72 months	(6 years)	- 112 hours
After 84 months	(7 years)	- 120 hours
After 96 months	(8 years)	- 128 hours
After 108 months	(9 years)	- 136 hours
After 120 months	(10 years)	- 144 hours
After 132 months	(11 years)	- 152 hours
After 144 months	(12 years)	- 160 hours
After 156 months	(13 years)	- 168 hours
After 168 months	(14 years)	- 176 hours
After 180 months	(15 years)	- 184 hours
After 192 months	(16 years)	- 192 hours
After 204 months	(17 years)	- 200 hours

The City Manager is authorized to grant up to 40 hours of the employee's vacation leave to be used in advance of their first year anniversary on the basis of extenuating circumstances.

K. Reimbursement. Employees authorized and required by the assigned supervisor to drive personal vehicles on official City business shall be reimbursed for actual miles driven at the IRS standard mileage rate in effect. Employees who are out of the City on official business or at authorized training functions shall be reimbursed for meals at the actual meal cost not to exceed IRS recognized per diem rate including those rates for high cost cities (receipts are required). The City Manager is authorized to adopt specific procedures regarding travel reimbursement.

L. Continuing Education/Tuition Reimbursement. For 2013 4-\$1,000 will be budgeted. Depending upon the availability of funds, an employee may be reimbursed for the cost of tuition and required course books for any job-related course, provided that the employee submits a written request for reimbursement on the appropriate form, with a copy of the course description, before taking the class. If only one employee submits a request for a class and receives at least a "B" average in the class, the employee will receive 50% of the amount budgeted. An employee who receives a final grade of "A" will receive 100% of the amount budgeted as

reimbursement. Should there be more than one employee requesting tuition reimbursement, the funds will be distributed equally among those employees who have completed their classes and received their final grades as noted above. For example, if three (3) employees submit requests and all three receive a final grade of "A" for their classes, the amount budgeted will be divided among the three and the funds will be distributed equally at the end of the year. Requests for reimbursement should be submitted to the Human Resources Director.

SECTION 8: Applicability

Irrespective of any language or wording herein above, this ordinance shall not be, and no provision or portion hereof shall be, applicable to any employee of the City of Oxford employed pursuant to a written contract relative to wages and working conditions. This entire ordinance is effective and applicable only as to employees whose employment is not covered pursuant to the terms and conditions of a written contract with the City.

SECTION 9: Repeal of Conflicting Ordinances

All other ordinances and resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance be and the same are hereby repealed.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

ATTACHMENT A
CITY OF OXFORD OHIO
PAY BANDS (2013 2014)

		<u>MINIMUM</u>		<u>MAXIMUM</u>
PAY BAND 7				
Annual	\$59,918	\$58,743	\$107,717	\$105,605
Hourly	\$28.82	\$28.25	\$51.80	\$50.78
PAY BAND 6				
Annual	\$46,599	\$45,686	\$82,754	\$81,132
Hourly	\$22.41	\$21.97	\$39.79	\$39.01
PAY BAND 5				
Annual	\$39,926	\$39,144	\$67,282	\$65,963
Hourly	\$19.20	\$18.82	\$32.35	\$31.72
PAY BAND 4				
Annual	\$35,091	\$34,403	\$56,894	\$55,779
Hourly	\$16.88	\$16.54	\$27.36	\$26.82
PAY BAND 3				
Annual	\$31,794	\$31,171	\$53,600	\$52,549
Hourly	\$15.29	\$14.99	\$25.77	\$25.27
PAY BAND 2				
Annual	\$29,744	\$29,161	\$48,273	\$47,327
Hourly	\$14.31	\$14.02	\$23.21	\$22.76
PAY BAND 1				
Annual	\$26,880	\$26,353	\$43,599	\$42,745
Hourly	\$12.93	\$12.67	\$20.97	\$20.56

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance

Originating Department

Council Meeting Of : 10/15/2013

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

10/9/2013

Date Prepared

Agenda Title:	2013 Supplemental Budget #4
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Recommendation:	Approve
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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
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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)	
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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)	
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Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] 10/10/13

[Signature] 10/10/13

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

Capital Equipment Fund 140	54,400.00
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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

<u>Company</u>	<u>Total Installation Costs</u>	<u>Total Annual 5 Year</u>	<u>Total 5 Year Costs</u>
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	<u>10,000</u>
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	<u>2,800</u>
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	<u>2,000</u>	<u>2,040</u>	<u>2,081</u>	<u>2,123</u>	<u>2,165</u>
	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
Egovernement Setup Fee	2,000
Total	22,050

Hardware/Software**10,000 Based on BS&A Proposal**

Travel Expenses	5,700
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Total Installation	94,743
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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**

CMI

Update Current System

Finance, Payroll	59,280
Utility	49,972
BIS Software	22,000
Utility Connect	3,600
Forms	5,500
Total	<u>140,352</u>

CMI Loyalty Discount (20,352)

Total Software 120,000

Hardware/Software 18,077

Total Installation 138,077

Annual Fees

			<u>5.0%</u>	<u>5.0%</u>	<u>5.0%</u>
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	<u>1,100</u>	<u>1,155</u>	<u>1,213</u>	<u>1,274</u>	<u>1,337</u>

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

<u>New Product</u>	<u>New</u>	<u>Original</u>			
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				
			<u>Server</u>	<u>SQL</u>	<u>Printers</u>
Hardware/Software	11,500		6,182.99	2,850.34	2,451.30
					<u>Scanners</u>
					<u>Total</u>
Hardware/Software	11,500		6,182.99	2,850.34	2,451.30
Total Installation	153,535				11,484.63
<u>Annual Fees (Assumes 2%/yr.)</u>					
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			

Tyler

New Product

	Application <u>License Fees</u>	Implementation <u>Costs</u>	Data <u>Conversion</u>
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)	-	-
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Total	132,040	102,225	25,900
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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
	<u>60,140</u>

Total Installation	<u>320,305</u>
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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
	<u>29,859</u>	<u>30,458</u>	<u>31,065</u>	<u>31,687</u>	<u>32,321</u>

Total 5 Year Cost	<u>475,695</u>
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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:

Department Head:

Initial MBD Date 10/10/13

City Manager:

MBE \ 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

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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

EXHIBIT A

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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

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

Richard F. Mathias
Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED
BY: *J. D. Chen*
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:	Department Head:	Initial	Date
			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

Page 1 of 3

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

EXHIBIT A

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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;

EXHIBIT A

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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

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED
BY: *J. Decker*
DATE: 1/25/13

EXHIBIT A

LPA RX 887 T

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Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 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

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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:

Department Head:

Initial MB Date 10/10/13

City Manager:

D. B. [Signature] 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 Millville-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:	Department Head:	Initial	Date
		<u>[Signature]</u>	<u>10/10/13</u>
	City Manager:	<u>[Signature]</u>	<u>10/10/13</u>

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

Page 1 of 2

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 139-WDV
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

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

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

COMMENCING for reference at a point at the northeast corner of said section 35, said point witnessed by an iron pin (found) that bears South 86 degrees 05 minutes 40 seconds East 59.89 feet; Thence, with the north line of said section 35, North 88 degrees 24 minutes 26 seconds West, for a distance of 842.91 feet to a point, said point being 31.09 feet right of centerline of survey station 222+73.19; Thence, with the north line of said section 35, North 89 degrees 37 minutes 27 seconds West, for a distance of 36.10 feet to a point, said point being 1.08 feet right of centerline of survey station 222+93.26; Thence, South 33 degrees 24 minutes 50 seconds West, for a distance of 523.62 feet to a point, said point being 4.62 feet right of centerline of survey station 217+69.68; Thence, North 88 degrees 13 minutes 25 seconds West, for a distance of 75.24 feet to a point, said point being 59.86 feet left of centerline of survey station 218+14.00; Thence, South 32 degrees 57 minutes 24 seconds West, for a distance of 264.54 feet to an iron pin, said pin being 59.50 feet left of centerline of survey station 215+50.00, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

EXHIBIT A

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

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

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

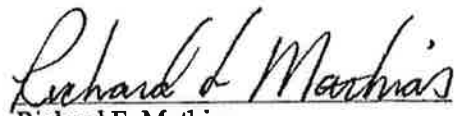
It is understood that the parcel of land described contains, 0.003 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H4100-134-000-008.

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

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

Grantor claims title by instrument recorded in Official Record 6055, Page 2094 and 2096 in the Butler County Recorder's Office.

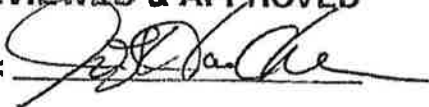
Bearings are based on the State Plane Coordinate System (Ohio South Zone, NAD 83).


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: 

DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 3

Rev. 07/09

Ver. Date 10/15/12

PID 81769

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

[Surveyor's description of the premises follows]

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

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

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

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

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

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

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

EXHIBIT A

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Page 2 of 3

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

LPA RX 887 T

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Grantor claims title by instrument recorded in Official Record 6055, Page 2094 and 2096 in the Butler County Recorder's Office.

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

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

**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:

Department Head: Initial MBD Date 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 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

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Ver. Date 10/15/12

PID 81769

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

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

[Surveyor's description of the premises follows]

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

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

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

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

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

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

EXHIBIT A

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

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

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

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

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

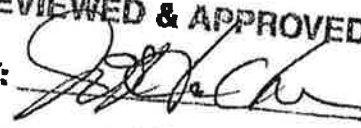
Grantor claims title by instrument recorded in Official Record 8452, Page 1385 in the Butler County Recorder's Office.

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


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

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

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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:

Department Head:

Initial MB Date 10/10/13

City Manager:

DAK \ 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

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Ver. Date 10/15/12

PID 81769

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

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

[Surveyor's description of the premises follows]

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

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

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

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

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

EXHIBIT A

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

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

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

It is understood that the parcel of land described contains, 0.086 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-005.

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

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

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

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

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13

Date

REVIEWED & APPROVED

BY: *[Signature]*

DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 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

Page 2 of 2

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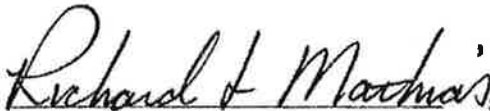
It is understood that the parcel of land described contains, 0.014 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-005.

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

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

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

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


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

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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:

Department Head:

Initial MBD Date 10/10/13

City Manager:

DRK \ 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

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Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 146-WDV
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 7 of Miami Western Circle Subdivision which is a 0.325 acre tract conveyed to Ken and Jackie A. Milczarek as recorded in Deed Book 7641, Page 423, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at a point at the southwest corner of said Lot No. 7 of Miami Western Circle Subdivision as recorded in Plat Book 15, Page 19, in the Butler County Recorder's Office, said point being 33.14 feet right of centerline of survey station 218+93.32, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

EXHIBIT A

LPA RX 851 WD

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

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

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

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

It is understood that the parcel of land described contains, 0.098 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-007.

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

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

Grantor claims title by instrument recorded in Deed Book 7641, Page 423 in the Butler County Recorder's Office.

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


Richard F. Mathias
Ohio Registered Surveyor S-7798



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

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 146-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF OXFORD, BUTLER," COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, Township of Oxford, Section 35, Township 5, Range 2, being part of Lot No. 7 of Miami Western Circle Subdivision which is a 0.325 acre tract conveyed to Ken and Jackie A. Milczarek as recorded in Deed Book 7641, Page 423, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at an iron pin on the east proposed right of way for U.S. 27, being 70.00 feet right of centerline of survey station 219+61.99, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

EXHIBIT A

LPA RX 887 T

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It is understood that the parcel of land described contains, 0.007 acres, more or less, including the present road occupies, 0.000 acres, more or less, is located in Butler County Auditor's permanent parcel number H3620-050-000-007.

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

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

Grantor claims title by instrument recorded in Deed Book 7641, Page 423 in the Butler County Recorder's Office.

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


Richard F. Mathias
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).

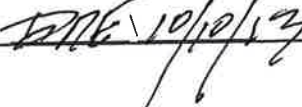
It is Staff's recommendation that the City Council authorize the City Manager or Law Director to take all actions necessary to acquire necessary ROW for this project and to deposit the amounts noted in the parcel's Fair Market Value Estimate with the Butler County Clerk of Courts pending litigation to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

Approved By:

Department Head:

City Manager:

Initial Date
 10/10/13

 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

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Ver. Date 10/15/12

PID 81769

**PARCEL 157-WD1
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 7.960 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 571, Page 206, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at an stone at the northwest corner of Out Lot 1 in Section 26; Thence, North 87 degrees 27 minutes 38 seconds West along the south line of a 60.620 acre tract conveyed to the State of Ohio for the use of the President and Trustees of The Miami University (Deed Book 1077, Page 229, in the Butler County Recorder's Office) for a distance of 803.66 feet to a point, said point being 0.32 feet right of centerline of survey station 253+68.30; Thence, South 24 degrees 31 minutes 08 seconds East, for a distance of 223.31 feet to a point, said point being 0.39 feet right of centerline of survey station 251+44.56; Thence, South 30 degrees 07 minutes 23 seconds East, for a distance of 1191.31 feet to a point, said point being 0.45 feet right of centerline of survey station 239+53.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

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LPA RX 851 WD

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

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

Grantor claims title by instrument recorded in Deed Book 571, Page 206 in the Butler County Recorder's Office.

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

Richard F. Mathias

Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13

Date

REVIEWED & APPROVED

BY:

[Signature]

DATE:

1-25-13

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 10/15/12

PID 81769

**PARCEL 157-WD2
BUT-27-14.12
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
"CITY OF OXFORD, BUTLER" COUNTY, OHIO**

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

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 29.890 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 26, Page 230, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at an stone at the northwest corner of Out Lot 1 in Section 26; Thence, North 87 degrees 27 minutes 38 seconds West along the south line of a 60.620 acre tract conveyed to the State of Ohio for the use of the President and Trustees of The Miami University (Deed Book 1077, Page 229, in the Butler County Recorder's Office) for a distance of 803.66 feet to a point, said point being 0.32 feet right of centerline of survey station 253+68.30; Thence, South 24 degrees 31 minutes 08 seconds East, for a distance of 223.31 feet to a point, said point being 0.39 feet right of centerline of survey station 251+44.56; Thence, South 30 degrees 07 minutes 23 seconds East, for a distance of 1191.31 feet to a point, said point being 0.45 feet right of centerline of survey station 239+53.25, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

EXHIBIT A

Page 2 of 3

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

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

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

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

Thence, South 59 degrees 52 minutes 47 seconds West, across the grantor's tract, for a distance of 10.00 feet to an iron pin, said pin being 90.00 feet left of centerline of survey station 243+00.00;

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

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

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

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

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

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

EXHIBIT A

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Grantor claims title by instrument recorded in Deed Book 26, Page 230 in the Butler County Recorder's Office.

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

Richard F. Mathias
Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date

REVIEWED & APPROVED

BY: *[Signature]*

DATE: 1-25-13

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 10/15/12

PID 81769

**PARCEL 157-T
BUT-27-14.12
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
TO REMOVE HOUSE & COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF OXFORD, BUTLER," COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 2, being part of a 29.890 acre tract conveyed to The Oxford Cemetery Association, Oxford, Butler County, Ohio as recorded in Deed Book 26, Page 230, in the Butler County Recorder's Office, and being more particularly described as follows:

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

COMMENCING for reference at a point on the west proposed right of way for U.S. 27, said point being 80.00 feet left of centerline of survey station 240+00.00, and also being the **TRUE POINT OF BEGINNING** for the parcel herein described:

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

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

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

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

EXHIBIT A

LPA RX 887 T

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

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

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

Grantor claims title by instrument recorded in Deed Book 26, Page 230 in the Butler County Recorder's Office.

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


Richard F. Mathias
Ohio Registered Surveyor S-7798



1-23-13
Date