

# CITY COMMISSION AGENDA

## September 27, 2016

The Honorable City Commission  
The City of Springfield, Ohio

The City Commission will meet in the City Commission Forum at 7:00 p.m. on Tuesday, September 27, 2016.

### **PUBLIC HEARINGS**

**213-16** At 6:50 PM, a public hearing to consider the request to rezone 716, 718, and 726 Court Street from RS-8 to CN-2.

**194-16, 214-16, 215-16** At 6:55 p.m., a public hearing to consider the application of Codified Ordinance Section 1175.01 of the City's Zoning Code to a proposed annexation area commonly known as the Springfield-Jamestown Road Annexation consisting of approximately 99.59 acres now located in Springfield Township.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

### **FIRST READINGS – ORDINANCES**

The following legislation is being presented for the first time and requires presentation at a second regular meeting before vote on passage. The City Manager recommends passage on October 11, 2016:

**213-16** Amending the Zoning Map of Springfield, Ohio by rezoning 0.43 acres at 716, 718 and 726 Court Street, Springfield, Ohio from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

**194-16** Accepting the application for annexation of certain territory containing 99.59 acres, more or less, in Springfield Township and commonly known as the Springfield-Jamestown Road Annexation Area to The City of Springfield, Ohio.

**214-16** Amending the Zoning Map of Springfield, Ohio by rezoning 28.8 acres located at 2630 Springfield-Jamestown Road, Springfield, Ohio from Springfield Township B-3, General Business District and A, Agriculture District to CC-2A, Shopping Center District.

**215-16** Amending the Zoning Map of Springfield, Ohio by rezoning 10.2 acres located at 2531 Springfield-Jamestown Road, Springfield, Ohio from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

**037-16** Confirming purchases and the obtaining of services for the City and providing for payments therefor.

**232-16** To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of Section 959.16 thereof relating to fuel flowage fees at the Springfield-Beckley Municipal Airport; and repealing existing Section 959.16.

**361-06** Authorizing the City Manager to enter into an Expansion Amendment to the Lease and Specialty Fixed Base Operator Agreement with S Jet, LLC, to provide for the construction of a new hangar, expansion of a hangar apron and optional installation of fuel tanks at the Springfield-Beckley Municipal Airport.

### **SECOND READINGS – ORDINANCES**

The City Manager recommends passage of the following legislation, presented for a second time:

**210-16** Vacating the first alley east of Pine Street from Maryland Avenue north 150 feet to an intersecting east-west alley.

**211-16** Vacating the first alley west of North Western Avenue from 156 feet north of Broadway Street north 140 feet to the terminus.

**212-16** Vacating the first alley east of Eden Avenue from West Pleasant Street south to the first intersecting east-west alley.

**266-14** Authorizing the City Manager to enter into LPA Agreement No. 26851 - Amendment No. 2 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2, PID No. 94814, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to reflect the modification of funds for various project phases.

**097-15** Authorizing the City Manager to enter into LPA Agreement No. 26857 - Amendment No. 1 between the City and the Ohio Department of Transportation in connection with the CLA Bechtle - 0.57, PID No. 99563, and further identified as Bechtle Avenue bridge over the lagoon project, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to increase ODOT funding for the project from \$185,000.00 to \$235,000.00.

**096-13** Authorizing the City Manager to enter into LPA Agreement No. 25724 - Amendment No. 3 between the City and the Ohio Department of Transportation in connection with the CLA Middle Urbana Rehab, PID No. 94768 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval.

### **EMERGENCY ORDINANCES**

The following emergency legislation is being presented for the first time. The City Manager recommends passage upon approval:

**026-16a** Amending Ordinance No. 16-231 to include the appropriate division for the appropriations.

**026-16b** Providing for Supplemental Appropriations within various funds.

**135-16** Approving the transfer of appropriations within various funds.

**233-16** Confirming and approving the acceptance of a 2016-2017 Selective Traffic Enforcement Program Grant in an amount up to \$17,378.20 and a 2016-2017 Impaired Driving Enforcement Program Grant in an amount up to \$22,343.00, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant applications and to comply with all relevant local, state and federal legal requirements.

**016-16** Confirming and approving Change Order No. 6 to the contract between the City and J & J Schaegele, Inc. for the CLA-Little Miami Trail Extension Project, PID No. 82314 to decrease the contract amount by \$41,529.39, for a total contract amount not to exceed \$938,834.69; authorizing the City Manager to execute said Change Order No. 6.

**182-14** Confirming and approving Change Order No. 8 to the contract between the City and A & B Asphalt Corporation for the 2015 OPWC Paving project to increase the contract amount by \$51.00, for a total contract amount not to exceed \$895,662.95; authorizing the City Manager to execute said Change Order No. 8.

**266-14** Authorizing the City Manager to enter into Agreement No. 19868 with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814 for an amount not to exceed \$87,751.00.

### LIQUOR PERMITS

The City Manager recommends that the following report be received and filed with the City Clerk.

**229-16** Notification from the Ohio Department of Liquor Control of a request for a transfer of liquor permit from 2001 E Main Inc, dba Marathon, 2001 E Main Street, Springfield, OH 45503 to Shree Gurudev Inc, dba Marathon Springfield, 2001 E Main Street, Springfield, OH 45504.

**234-16** Notification from the Ohio Department of Liquor Control of a request for a transfer of liquor permit from Stir It Up LLC, 1960 N Bechtel Avenue, Springfield, OH 45504 to Springfield Wing Company LLC, dba Buffalo Wild Wings, 1960 N Bechtel Avenue, Springfield, OH 45504

### NEW ITEMS ON THE AGENDA

### REMARKS FROM THE AUDIENCE

Respectfully submitted,

  
Jim Bodenmiller  
City Manager



MOTION SHEET

DATE: August 9, 2016  
TO: City Commission  
FROM: City Planning Board  
SUBJECT: CPB-REZONING 16-Z-07

Sept 27, 2016  
6:50 pm

REQUEST: To rezone 716, 718, and 726 COURT ST. from RS-8 to CN-2.

RECOMMENDED ACTION: 14 Day Ordinance

The following motion was made at the regular August 8, 2016 City Planning Board meeting:

MOTION: Motion made by Ms. Lewis-Campbell to approve the request to rezone 716, 718, and 726 COURT ST. from RS-8 to CN-2. Seconded by Mr. Shankar.

VOTE: YEAS: Ms. George, Mr. Smith, Ms. Anderson, Ms. Lewis-Campbell, Mr. Harris, Mr. Shankar and Ms. Roberge. NAYS: None. Motion approved.

cc: Tom Franzen  
Connie Chappell

Respectfully submitted,

Stephen Thompson  
Planning Zoning and Code Administrator

Attachments:

- 1. Staff Report
- 2. Application and Attachments

## Staff Report

TO: City Planning Board

DATE: August 3, 2016

PREPARED BY: Stephen Thompson

SUBJECT: Rezoning Case #16-Z-07

### **GENERAL INFORMATION:**

Applicant: City of Springfield, Ohio

Owner: C&D Associates, 726 Court St., Springfield, OH 45506

Requested Action: Approve the rezoning of 716, 718, and 726 Court Street from RS-8, Medium-Density, Single-Family Residence District to CN-2, Neighborhood Commercial District.

Purpose: To be in an appropriate zoning district

Location: 716, 718, and 726 Court Street

Size: 0.43 acre

Existing Land Use and Zoning: Manufacturing, RS-8, Medium-Density, Single-Family Residence District

Surrounding Land Use and Zoning: North: Residential, Zoned CC-2 Community Commercial District and RS-8, Medium-Density, Single-Family Residence District  
East: Residential, Zoned RS-8, Medium-Density, Single-Family Residence District  
South: Residential, Zoned RS-8, Medium-Density, Single-Family Residence District  
West: Residential, Zoned RS-8, Medium-Density, Single-Family Residence District

Applicable Regulations: Chapter 1173. Zoning Districts and Map

File Date: July 15, 2016

### **BACKGROUND:**

The applicant is requesting to rezone the subject property in order for the current use to be in a conforming zoning district. Prior to 2001, it was zoned I-1, First Business-Industrial District.

### **ANALYSIS:**

## Staff Report

### Land Use Plan and Zoning:

The Crossroads Comprehensive Plan for Clark County Communities shows this area as “Community Commercial.”

### Existing Community Land Use:

The proposed zoning is conforming to the existing land use.

### Thoroughfare Plan:

Court Street is classified as a Local roadway.

### **STAFF RECOMMENDATION:**

Approval of the request to rezone 716, 718, and 726 Court Street from RS-8, Medium-Density, Single-Family Residence District to CN-2, Neighborhood Commercial District.

### **ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



## Rezoning Case # 16-Z-07

Request to rezone 716, 718, and 726 Court Street from RS-8, Medium-Density, Single-Family Residence District to CN-1, Neighborhood Commercial District.





Planning & Zoning

|                       |   |
|-----------------------|---|
| FOR PLANNING USE ONLY |   |
| Case #:               | <u>16-2-07</u>  |
| Date Received:        | <u>7/15/16</u>  |
| Received by:          | <u>ST</u>   |
| Application Fee:      | \$ <u>    </u>  |
| Review Type:          | <input type="checkbox"/> Admin <input checked="" type="checkbox"/> EPB <input type="checkbox"/> BZA |

### GENERAL APPLICATION

#### A. PROJECT

- Project Name: Rezoning of 726, 718, 716 Court St.
- Application Type & Project Description (attach additional information, if necessary):  
Rezoning from RS-8 to CV-2
- Address of Subject Property: 716, 718, & 726 Court St.
- Parcel ID Number(s): 3400600004204018, 3400600004204027, & 3400600004204027
- Full legal description attached?  yes  no
- Size of subject property: 0.2, 0.13, & 0.1 acres
- Existing Use of Property: Manufacturing & Distribution
- Existing Zoning of Property: RS-8

#### B. APPLICANT

- Applicant's Status (attach proof of ownership or agent authorization)  Owner  
 Agent (agent authorization required)  Tenant (agent authorization required)
- Name of Applicant(s) or Contact Person(s): Stephen Thompson  
Title: \_\_\_\_\_  
Company (if applicable): City of Springfield  
Mailing address: 76 E High St.  
City: Springfield State: OH ZIP: 45502  
Telephone: ( ) 937-324-7679 FAX: ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

3. If the applicant is agent for the property owner:

City of Springfield  Community Development Department  Planning & Zoning Division

City Hall: 2<sup>nd</sup> Floor • 76 E High Street • Springfield, Ohio 45502  
Phone: 937.324.7674 • Fax: 937.328.3558

Name of Owner (title holder): C&D Associates

Mailing Address: 726 Court St.

City: Springfield State: OH ZIP: 45506

C. Additional Information

1. Is there any additional contract for sale of, or options to purchase, the subject property?  Yes  No

If "yes," list names of all parties involved:

Clayton Hays

Is the contract/option contingent or absolute?  Contingent  Absolute

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Stephen Thompson  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Stephen Thompson  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

State of Ohio County of Clark

The foregoing application is acknowledged before me this 15<sup>th</sup> day of July, 2016, by Stephen

Thompson, who is/are personally known to me, or who has/have produced OH Drivers License as identification.

NOTARY SEAL

Joni Michelle Haggis  
Signature of Notary Public, State of OH



Joni Michelle Haggis  
Notary Public, State of Ohio  
My Commission Expires 9-11-18



REZONING APPLICATION

Date 7/15/18

Property address 716, 715, & 726 Court St.

The undersigned petitions that the following described property be rezoned from a(n) R3-8 District to a(n) CN-2 District: containing 0.43 acres.

Please submit the following Exhibits with this rezoning application:

EXHIBIT A

Attach either a metes and bounds legal description or subdivision and lot number description (this can be obtained at the A. B. Graham Building).

EXHIBIT B

Attach a site plan of the petitioned lands and all other properties within 200 feet (this can be obtained at the A. B. Graham Building Tax Map Dept.).

EXHIBIT C

Two (2) sets of mailing labels with the names and tax mailing addresses of all property owners within 200 feet of any part of the petitioned property and a label with the applicant's mailing address.

Directions for obtaining a list of Tax Mailing Addresses:

- Go to the Tax Map Department at the A. B. Graham Building – 31 N Limestone Street, Springfield, OH 45502

Do not list tenants of properties or banks holding a loan on the property.

EXHIBIT D

Rezoning request statement: Attach a sheet listing your reasons for the zoning district amendment.

EXHIBIT E

1. Is the requested zone compatible to existing zoning and land use in the area?  
yes
2. Does it conform to the City's adopted Land Use Plan and the best overall Community Development?  
yes

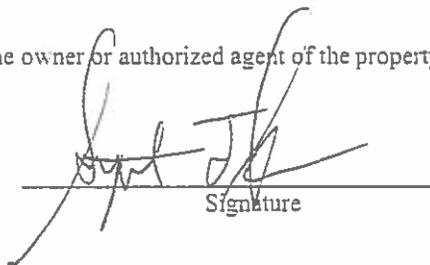
3. Does the proposed change in zoning conform to City's adopted Thoroughfare Plan? Will it adversely affect the capacity of the present road system in the area?

yes

4. Are adequate sanitary sewer, water, and storm drainage facilities available?

yes

The undersigned deposes and states that I am the owner or authorized agent of the property involved in this petition.

  
\_\_\_\_\_  
Signature

Court St.

Parcels\_exported

PIN,OWNER1,ADDRESSUNI,TAXMAIL1,TAXMAIL2,TAXMAIL3,  
3400600004211043,,,,,  
3400600004211005,ROBERTS ROBERT N & PATRICIA J,727 W HIGH ST,363 E HIGH ST APT  
306,,SPRINGFIELD OH 45505  
3400600004211006,SHROYER PHILLIP A JR,721 W HIGH ST,102 SUNSHINE BLVD,,ROYAL PALM  
BEACH FL 33411  
3400600004211007,RAINES WALTER L & PAMELA J,715-717 W HIGH ST,2182 BALLENTINE  
PK,,SPRINGFIELD OH 45502  
3400600004202006,NORTH HILL II FOR CHILDREN INC,801-803 W MAIN ST,427 CARILLION  
DR,,SPRINGFIELD OH 45503  
3400600004202007,WILLIAMS VERNIE & OPAL,11-13 S SHAFFER ST,2047 S LIMESTONE  
ST,,SPRINGFIELD OH 45505  
3400600004202009,TMR MAINTENANCE LLC,17 S SHAFFER ST,225 CHESTNUT AVE,,SPRINGFIELD  
OH 45503  
3400600004202010,TMR MAINTENANCE LLC,21-23 S SHAFFER ST,225 CHESTNUT  
AVE,,SPRINGFIELD OH 45503  
3400600004203008,RAINES WALTER L & PAMELA J,802-804 W HIGH ST,2182 BALLENTINE  
PK,,SPRINGFIELD OH 45502  
3400600004204001,NEW OHIO INVESTMENTS LLC,751 W MAIN ST,PO BOX 2699,,SPRINGFIELD OH  
45501  
3400600004204002,CARTER AVERY R & EVELYN S,14 S SHAFFER ST,,,  
3400600004204003,HDLD LLC,731 W MAIN ST,2508 SUMMIT DR,,SEBRING FL 33870  
3400600004204004,HENSLEY LARRY W & VALARIE K,729 W MAIN ST,6564 JOHNSON  
RD,,SPRINGFIELD OH 45502  
3400600004204029,RUDE JERRY,715-719 W MAIN ST,2019 MITCHELL BLVD,,SPRINGFIELD OH  
45503  
3400600004205001,HOOVER ROGER,740-742 W HIGH ST,281 FITCHLAND DR,,FAIRBORN OH 45324  
3400600004205002,NEW OHIO INVESTMENTS LLC,736 W HIGH ST,PO BOX 2699,,SPRINGFIELD OH  
45501  
3400600004205003,SMITH COLLEEN,732 W HIGH ST,,,  
3400600004205004,SMITH COLLEEN,728 W HIGH ST,,,  
3400600004204005,RUDE JERRY,725 W MAIN ST,2019 MITCHELL BLVD,,SPRINGFIELD OH 45503  
3400600004204006,RUDE JERRY L,721 W MAIN ST,2019 MITCHELL BLVD,,SPRINGFIELD OH 45503  
3400600004204009,RUDE JERRY L,709 W MAIN ST,2019 MITCHELL BLVD,,SPRINGFIELD OH 45503  
3400600004204010,RUDE JERRY L,701 W MAIN ST,2019 MITCHELL BLVD,,SPRINGFIELD OH 45503  
3400600004204011,WILLIAMS DAVID V,18 S SHAFFER ST,427 LINDEN AVE,,SPRINGFIELD OH  
45505  
3400600004204012,HUSTED HARRY O,22 S SHAFFER ST,239 HEDGE DR,,SPRINGFIELD OH 45504  
3400600004204013,WILLIAMS DONALD,732 COURT ST,423 E GRAND AVE,,SPRINGFIELD OH 45505  
3400600004204018,C & D ASSOCIATES LTD,716 COURT ST,726 COURT ST,,SPRINGFIELD OH  
45506  
3400600004204019,WHALEY RONALD E,17-23 S LIGHT ST REAR,360 S LIMESTONE ST APT  
110,,SPRINGFIELD OH 45505  
3400600004204020,ENGLE ALLIE E,712-714 COURT ST,27 S LIGHT STREET,,SPRINGFIELD OH  
45506  
3400600004204021,BROWN BENGT L & TRACY L,17-23 S LIGHT ST,TRACY GREGORY BROWN,PO BOX  
1286,SPRINGFIELD OH 45501  
3400600004204022,ENGLE ALLIE E,25-27 S LIGHT ST,27 S LIGHT ST,,SPRINGFIELD OH 45506  
3400600004204023,HESSON TERRY L & SHERIDAN L,29 S LIGHT ST,2225 SELMA  
RD,,SPRINGFIELD OH 45505  
3400600004204027,C & D ASSOCIATES LTD,718 COURT ST,726 COURT ST,,SPRINGFIELD OH  
45506  
3400600004204028,C & D ASSOCIATES LTD,726 COURT ST,726 COURT ST,,SPRINGFIELD OH  
45506  
3400600004500019,,,,,



Robert N & Patricia Roberts  
363 E High Street, Apt 306  
Springfield, OH 45505

Roger Hoover  
281 Fitchland Drive  
Fairborn, OH 45324

Phillip A Shroyer, Jr  
102 Sunshine Blvd  
Royal Palm Beach, FL 33411

David V Williams  
427 Linden Ave  
Springfield, OH 45505

Walter L & Pamela J Raines  
2182 Ballentine Pike  
Springfield, OH 45502

Harry O Husted  
239 Hedge Dr  
Springfield, OH 45504

North Hill II for Children, Inc  
427 Carillion Dr  
Springfield, OH 45503

Donald Williams  
423 E Grand Ave  
Springfield, OH 45505

Vernie & Opal Williams  
2047 S Limestone St  
Springfield, OH 45505

C & D Associates Ltd  
726 Court St  
Springfield, OH 45506

TMR Maintenance LLC  
225 Chestnut Ave  
Springfield, OH 45503

Ronald E Whaley  
360 S Limestone St, Apt 110  
Springfield, OH 45505

New Ohio Investments LLC  
PO Box 2699  
Springfield, OH 45501

Allie E Engle  
27 S Light Street  
Springfield, OH 45506

HDL D LLC  
2508 Summit Dr  
Sebring, FL 33870

Bengt L & Tracy L Brown  
PO Box 1286  
Springfield, OH 45501

Larry W & Valarie K Hensley  
6564 Johnson Road  
Springfield, OH 45502

Terry L & Sheridan L Hesson  
2225 Selma Rd  
Springfield, OH 45505

Jerry Rude  
2019 Mitchell Blvd  
Springfield, OH 45503



Robert N & Patricia Roberts  
363 E High Street, Apt 306  
Springfield, OH 45505

Roger Hoover  
281 Fitchland Drive  
Fairborn, OH 45324

Phillip A Shroyer, Jr  
102 Sunshine Blvd  
Royal Palm Beach, FL 33411

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Springfield, OH 45505

Jerry Rude  
2019 Mitchell Blvd  
Springfield, OH 45503



**NOTICE OF PUBLIC HEARING  
PROPOSED REZONING**

Notice is hereby given that a public hearing will be held on Tuesday, September 27, 2016, at 6:50 P.M. (local time) in the City Commission Forum, City Hall, 76 East High Street, Springfield, Ohio, to consider the proposed change in zoning for 0.43 acres at 716, 718 and 726 Court Street from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

By Order of the City Commission of The City of Springfield, Ohio.

**CONNIE J. CHAPPELL**

**CLERK OF THE CITY COMMISSION**

**NEWS-SUN: MONDAY, AUGUST 15, 2016**

214-16



CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

MOTION SHEET

DATE: August 10, 2016

Sept. 27, 2016

TO: City Commission

6:55 pm

FROM: CEDA

SUBJECT: Rezoning Case #16-CEDA-01

REQUEST: To rezone 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District and A, Agriculture to CC-2A, Shopping Center District

RECOMMENDED ACTION: 14-Day Ordinance

The following motion was made at the August 9, 2016 CEDA Board meeting:

MOTION: Ms. Roberge made the motion to approve the request to rezone 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District and A, Agriculture to CC-2A, Shopping Center District

Ms. Hartley seconded the motion.

VOTE: YEAS: Ms. Roberge, Ms. Hartley, and Ms. Lewis-Campbell  
 NAYS: Mr. Kelly  
 ABSTAIN: Mr. Spradlin

Approval by roll call vote. Motion approved.

Respectfully submitted,

cc: Tom Franzen  
Connie Chappell

Stephen Thompson  
Planning, Zoning, and Code Administrator

- Attachments:
1. Staff Report
  2. Application
  3. CEDA Motion Sheet and other material

## Staff Report

TO: CEDA

DATE: August 4, 2016

PREPARED BY: Stephen Thompson

SUBJECT: Rezoning Case #16-CEDA-01

### GENERAL INFORMATION:

Applicant: Anne McBride, 5721 Dragon Way, Suite 300, Cincinnati, OH 45227

Owner: Nancy Davis, 2750 Springfield-Jamestown Rd., Springfield, OH 45502

Requested Action: Rezone 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District and A, Agriculture to CC-2A, Shopping Center District

Purpose: To allow for future development of retail

Location: 2630 Springfield-Jamestown Road

Size: 28.8 acres

Existing Land Use and Zoning: Vacant, Zoned Springfield Township B-3, General Business District and A, Agriculture

Surrounding Land Use and Zoning: North: Industrial, agriculture, and residential, Zoned Springfield Township I-1, A, and R-4, Light Industrial District, Agriculture, and Single-Family Residential District  
East: Residential and agriculture, Zoned Springfield Township A and R-4, Agriculture and Single-Family Residential District  
South: Agriculture, Zoned A, Agriculture  
West: Agriculture, A, Agriculture Manufacturing District

Applicable Regulations: Chapter 1173. Zoning Districts and Map

File Date: July 14, 2016

### BACKGROUND:

The property is currently in Springfield Township and is in the annexation process. This

## Staff Report

annexation and rezoning will allow for the development of a Kroger and other retail.

### ANALYSIS:

#### Land Use Plan and Zoning:

The Crossroads Comprehensive Plan for Clark County Communities shows this area as “Medium Density Residential.”

#### Existing Community Land Use:

The proposed use would not be consistent with surrounding uses. However, staff’s opinion is that this development would not negatively affect the character of the area.

#### Thoroughfare Plan:

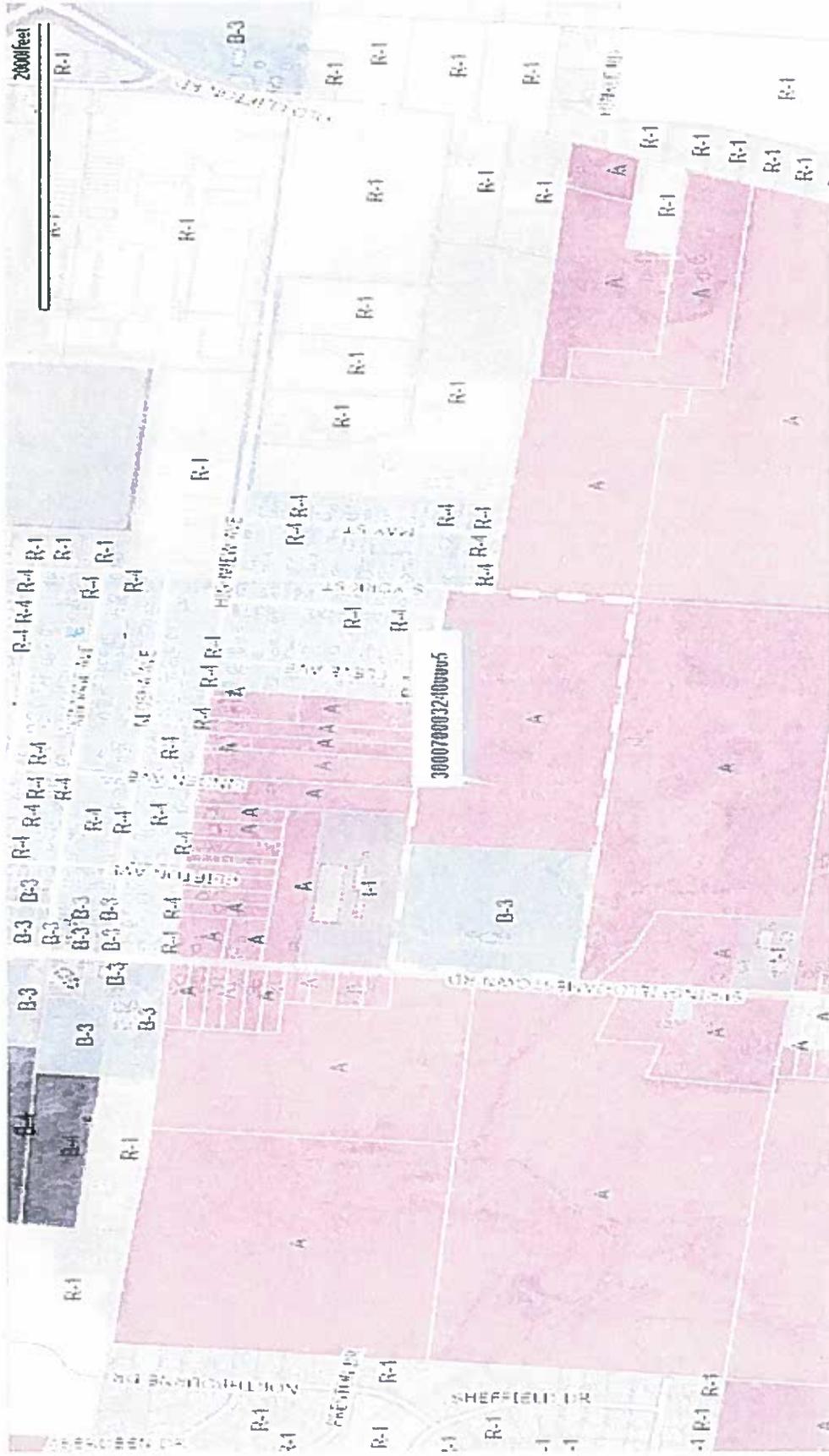
Springfield-Jamestown Road is classified as Primary Arterial roadway.

### STAFF RECOMMENDATION:

Approval of the request to rezone 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District and A, Agriculture to CC-2A, Shopping Center District.

### ATTACHMENTS:

1. Vicinity and zoning map
2. Petition with attachments



# Rezoning Case # 16-CEDA-01

Request to rezone 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District and A, Agriculture to CC-2A, Shopping Center District.





|                       |   |
|-----------------------|---|
| FOR PLANNING USE ONLY |   |
| Case #:               | <u>16-22000 CEDA-01</u>   |
| Date/time recv.:      | <u>7/14/16</u>  |
| Recv. by:             | <u>ST</u>   |
| Application Fee:      |   |
| Planning:             | \$ <u>289</u>   |
| Ad:                   | \$ _____  |
| Engineering:          | \$ _____  |
| Total:                | \$ <u>289</u>   |
| Review Type:          | <input type="checkbox"/> Admin <input checked="" type="checkbox"/> SCPB <input type="checkbox"/> CBZA |

**GENERAL APPLICATION**

**A. PROJECT**

1. Project Name: Kroger Marketplace

2. Application Type & Project Description (*attach additional information, if necessary*):

To rezone the property from "B-3" and "A" to "CC-2A" to allow for the development of a Kroger Marketplace and additional retail.

3. Address of Subject Property:

2630 Springfield-Jamestown Road, Springfield, Ohio 45502

4. Parcel ID Number(s):

Parcel# 3000700032400005

5. Full legal description attached?  yes  no

6. Size of subject property: 28.8 Acres

7. Existing Use of Property:

Vacant Driving Range

8. Existing Zoning of Property:

"B-3" and "A" under Springfield Township zoning

**B. APPLICANT**

1. Applicant's Status (*attach proof of ownership or agent authorization*)  Owner

Agent (*agent authorization required*)  Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Anne F. McBride, FAICP

Title: CEO

Company (if applicable): McBride Dale Clarion

GENERAL APPLICATION (GA-PAGE 2 OF 2)  
2013

City of Springfield  Community Development Department  Planning & Zoning Division

Mailing address:

5721 Dragon Way, Suite 300

City: Cincinnati State: Ohio ZIP: 45227

Telephone: (513) 561-6232 FAX: (513) 561-1615

Email amcbride@mcbriedale.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Nancy J. Davis

Mailing Address: 2750 Springfield-Jamestown Road

City: Springfield State: Ohio ZIP: 45502

C. Additional Information

1. Is there any additional contract for sale of, or options to purchase, the subject property?  Yes  No

If "yes," list names of all parties involved:

\_\_\_\_\_

Is the contract/option contingent or absolute?  Contingent  Absolute

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED  
HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

[Signature]  
Signature of Applicant Signature of Co-applicant

Anne F. McBride, FAICP  
Typed or printed name and title of applicant Typed or printed name of co-applicant

State of Ohio County of Hamilton

The foregoing application is acknowledged before me this 13th day of  
July, 2016, by Anne F. McBride

\_\_\_\_\_, who is/are personally known to me, or who has/have  
produced driver's license as identification.

NOTARY SEAL \_\_\_\_\_  
Signature of Notary Public, State of Ohio

Priscilla Alisa Maloney



**PRISCILLA ALISA MALONEY**  
Notary Public, State of Ohio  
My Commission Expires 05-13-2021

City of Springfield  Community Development Department  Planning & Zoning Division

CPB REZONING PD, CC2A, OPD-H, OR G DISTRICT (PAGE 5 OF 6)  
City of Springfield  Community Development Department  Planning & Zoning Division



CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

To be filed in the Community Development Department, office of the Planning & Zoning Administrator.

Address: 2630 Springfield-Jamestown Road, Springfield, Ohio 45502

Parcel No.: 3000700032400005

Acreage: \_\_\_\_\_

Agent Name: Anne F. McBride, FAICP

Agent Tax Mailing Address: 5721 Dragon Way, Suite 300, Cincinnati, Ohio 45227

Agent Phone Number: 513-561-6232

Owner Name: Nancy J. Davis

Owner Tax Mailing Address: 2750 Springfield-Jamestown Road, Springfield, Ohio 45502

Owner Phone Number: \_\_\_\_\_

Requested Action (to be conducted by Agent, authorized by owner): To Rezone property from "A" & "B-3" to "CC-2A", and to request various Conditional Uses and Variances for the proposed development.

I hereby certify that:  
I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner signature: Nancy J. Davis

Printed name: Nancy J. Davis

Date: 7-11-16

The foregoing affidavit is acknowledged before me this 11<sup>th</sup> day of July 2016,  
by Nancy J. Davis, who is/are personally known to me, or  
who has/have produced \_\_\_\_\_ as identification.

NOTARY SEAL Eric Sommer  
Signature of Notary Public, State of Ohio

**ERIC M. SOMMER**  
Notary Public, State of Ohio  
My Commission Does Not Expire



CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

PD, CC-2A, OPD-H OR G DISTRICT DEVELOPMENT PLAN/  
OR AMEND AN EXISTING DEVELOPMENT PLAN

Date July 14, 2016

Property Address 2630 Springfield-Jamestown Road, Springfield, OH 45202

Please check one:  OPD-H Dev Plan  CC-2-A Dev Plan  PD  G District

The undersigned petitions for the proposed/or amendment to the development plan for 28.8 acres at 2630 Springfield-Jamestown Road (street address or simple location description):

**Exhibit A**

Attach either a metes and bounds description or subdivision and lot number description.

**Exhibit B**

Attach a site plan of the petitioned lands and all other properties within 200 feet.

**Exhibit C**

Two (2) sets of mailing labels with the names and tax mailing addresses of all property owners within 200 feet of any part of the petitioned property and a label with the applicant's mailing address.

Directions for obtaining a list of Tax Mailing Addresses:

- Go to the Tax Map Department at the A. B Graham Building – 31 N Limestone Street, Springfield, OH 45502

Do not list tenants of properties or banks holding a loan on the property.

**Exhibit D**

Attach a full description of the proposed development plan/ or amendment to the development plan including a site plan and all required associated materials according to the zoning request.

**Exhibit E**

1. Does the proposed change in zoning conform to City's adopted Thoroughfare Plan? Will it adversely affect the capacity of the present road system in the area?
2. Are adequate sanitary sewer, water, and storm drainage facilities available?

Exhibit F

List reasons for the requested action.

The undersigned deposes and states that I am the owner or authorized agent of the property involved in this petition.

*A. F. McBride*  
Signature

AFFIDAVIT

Anne F. McBride

STATE OF OHIO            )  
  ) SS:  
COUNTY OF CLARK        )

I, Anne F. McBride, being duly sworn, depose and say that I am an authorized agent of the development plan involved in this petition and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

*A. F. McBride*  
Signature

5721 Dragon Way, Suite 300  
Address

513-561-6232  
Telephone

Cincinnati, Ohio 45227  
City, State, and Zip Code

Subscribed and sworn to before me this 14th day of July, 2016.

*David Spanwick*  
Notary Public





July 14, 2016

Mr. Stephen Thompson  
Planning, Zoning and Code Administrator  
Planning and Zoning Division  
Community Development Department  
City of Springfield  
76 E. High Street  
City Hall – 2<sup>nd</sup> Floor  
Springfield, Ohio 45502

Via Hand Delivered

Re: Zone Map Amendment  
2630 Springfield-Jamestown Road

Dear Steve:

As you know, Kroger has acquired an option to purchase 51.5 acres from Nancy Davis, located on the east side of SR 72, south of Highview Avenue. The property, which is in Springfield Township, is currently zoned "B-3" General Business District and "A" Agricultural District, and is vacant, save an abandoned driving range and cellular tower. The property is currently in the process of being annexed into the City of Springfield.

Kroger is requesting consideration of a zone map amendment for 28.8 acres of the property from "B-3" and "A" to "CC-2A" Shopping Center District. The zoning amendment would allow for the development of a Kroger Marketplace store, fuel center and additional opportunities for development on the SR 72 frontage. Consistent with the requirements for "CC-2A" zone map amendments, I am enclosing the following information:

1. General Application Form;
2. Property Owner Affidavit;
3. Development Plan Application;
4. Metes and Bounds description of the 28.8 access, (Exhibit "A");
5. Site Plan with properties within 200' indicated, (Exhibit "B");
6. Preliminary Utility and Grading Plan;
7. Preliminary Elevations for the Kroger Marketplace and Fuel Center;
8. Preliminary Development Sign Exhibit;
9. List of adjacent property owners names and addresses within 200' and two sets of labels, (Exhibit C);
10. Project Description and Justification Statement, (Exhibits D, E & F); and
11. Application fee of \$285.00.

*Planning • Zoning • Development Services*

5721 Dragon Way, Suite 300 • Cincinnati, OH 45227 • (513)561.6232 • fax: (513)561.1615  
www.mcbridedale.com

It is my understanding that the Central CEDA Regional Planning Commission will consider this request at their August 4, 2016 meeting. Should you have any questions or need additional information prior to that meeting, please do not hesitate to call me.

Sincerely,



Anne F. McBride, FAICP

AFM/ss

Enclosures

cc: Kroger

MDC #3401



## 2630 Springfield-Jamestown Road Project Description

Kroger has obtained an option to purchase 51.5 acres of property on the east side of Springfield-Jamestown Road, south of Highview Avenue. The property is zoned "B-3" General Business District, with the rear eastern portion zoned "A" Agricultural District under the jurisdiction of Springfield Township. The majority of the site is vacant with the exception of a former golf driving range and cellular tower. Surrounding zoning to the site includes "I-1" Light Industrial District, and "A" Agricultural District.

A zone map amendment for the western 28.8 acres to "CC-2A" Shopping Center District is being requested to allow for the redevelopment of the property. Kroger is proposing to locate a 123,496 square foot (NET) Marketplace store (128,316 square feet gross). The store would feature the inclusion of a pharmacy, with a drive thru pick up window; Starbucks; a café; a Little Clinic health care center; a financial institution, with drive thru service, and an increased variety of food related items and general merchandise.

The Marketplace store would also feature "ClickList", the online shopping service Kroger is now offering to its customers. To complement the store and allow customers to conveniently utilize their fuel points, Kroger is proposing to incorporate a Kroger fuel center, just south of the main access point into the development. The fuel center would contain nine dispensing islands to service 18 vehicles under cover. A kiosk would provide attendant service to customers. The remainder of the frontage would be developed with complimentary retail and service uses to Kroger, in approximately 19,600 square feet. All of the frontage development will be internally accessed from the two proposed points of access of SR 72. A traffic impact analysis is being completed for the development to assure that there is no negative impact to the adjacent roadway system. It is anticipated that a new traffic signal at the northern access point will be warranted and installed by Kroger.

The new Kroger Marketplace will be one of the first stores to feature their new design. The contemporary design features masonry construction using split, smooth and ground face block with fiber cement board and metal trim accents, all in complementary earth tones. The maximum height of the building is 33'4" with the majority of the building being 27' tall. A total of 437.46 square feet of sign area is proposed for wall signage on the building, significantly less than the 2,000 square feet permitted. The Kroger fuel center will have a little over 232 square feet of sign area on the canopy and kiosk to provide fuel pricing information to customers. A development identification sign is proposed adjacent to the main access that would contain 143 square feet, at 35 feet in height. It is anticipated that the outlot frontage developments would have monument and wall signage as permitted by code.

Storm water detention will be provided on site in the southern portion of the development. The detention basin will meet city standards and provide detention for the 28.8 acre development. The building coverage for the site is 10.3%, which is less than the 25% permitted in the "CC-2A" District.

Based on the 128,316 square foot (gross) Kroger store, fuel center, and anticipated 19,600 square feet of additional retail space, a total of 666 parking spaces are required to meet the code requirements of one space per 222 square feet.

A total of 740 parking spaces are being provided for the development. Water service will be provided to the site via the extension of an existing water line to the south. Water service will be extended to the north, across the property frontage. Sanitary sewer service is available to the site through the extension of a line to the south of the property. The sanitary sewer line will be extended to the north across the frontage of the property. Capacity is available to service the development.

Kroger believes that the development of the site as a Marketplace store will provide the residents of Springfield with much needed grocery options that will allow Kroger to offer features and services not currently available in the city or Township. The proposed Kroger store and fuel center represents a twenty million dollar investment that will employ approximately 350 people when completed.

July 12, 2016

**Legal Description:** Area to be Re-zoned to "CC-2A"

Being part of Lot No. 5 as designated on the plat, marked "Exhibit A" of the subdivision of the lands of Henry Gram, deceased, in Common Pleas Court of said county, in the case of James Smith, et al vs. Caroline Gram, et al., in partition, said plat being recorded in Vol. 42, page 19, Law Records of said county, said land being more particularly described as follows:

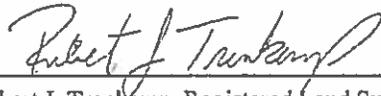
Being part of the southeast quarter of Section 32, Town 5, Range 9, of lands lying between the Great Miami River and the Virginia Military Reservation; commencing at a found stone at the southeast corner of said Section 32; thence departing the said S.E. corner along the east line of said Section 32, North 05 deg 13' 55" East, 907.63 feet; thence departing the said east line of Section 32, North 84 deg. 35' 41" West, 1185.28 feet to the point of beginning of the tract herein described; thence from said beginning point, North 84 deg 35' 41" West, 1505.78 feet to the centerline of Springfield-Jamestown Road (S.R. 72); thence along the centerline of said Springfield-Jamestown Road (S.R. 72), North 05 deg 20' 19" East, 834.00 feet; thence departing the said centerline, South 84 deg. 35' 41" East, 1506.75 feet; thence South 05 deg. 24' 19" West, 833.99 feet to the Point of Beginning.

Contains 28.8 Acres and is subject to all easements and restrictions of record and the legal right-of-way of Springfield-Jamestown Road.

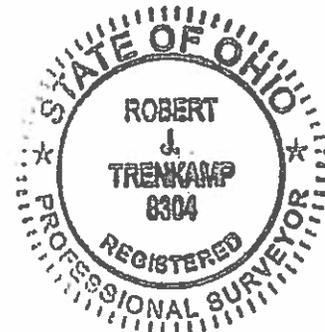
Basis of Bearing: Bearings based on Grid North, State Plane Coordinate System,  
Ohio, South Zone, per ODOT/CORS 2011.

This description was prepared from existing records and is not the result of a field survey. This description is to be used for rezoning purposes only.

I hereby certify that this description of the property to be rezoned is a complete, proper, and legal description thereof.



Robert J. Trenkamp, Registered Land Surveyor #8304 in Ohio



## Surrounding Property Owners

### Subject Property Owner

NANCY J DAVIS  
 2750 SPRINGFIELD JAMESTOWN RD  
 SPRINGFIELD OH 45502  
 Parcel ID #: 3000700032400005

### Surrounding Property Owners

- |   |  |
|---|--|
| 1. TWENTY SIX HUNDRED LTD<br>914 SPRING FALLS AVE<br>SPRINGFIELD OH 45502<br>Parcel ID #: 3000700032400004  | Parcel ID #: 3000700032402013  |
| 2. MICHAEL E & SHIRLEY L VINCE<br>331 HIGHVIEW AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032400015 | 10. GEORGE L & GLADYS W SMITH<br>1136 E JOHN ST<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402012     |
| 3. TONY W & SHIRLENA SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032400016      | 11. MICHAEL B & LETTIE A WILLIAMS<br>2724 CLEVE AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402011 |
| 4. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032400027                 | 12. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402031                 |
| 5. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032401012                 | 13. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402030                 |
| 6. EDNA STAMBAUGH<br>806 LOCH LOMOND LN<br>WORTHINGTON OH 43085<br>Parcel ID #: 3000700032401009            | 14. TONY SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402029                   |
| 7. EDNA STAMBAUGH<br>806 LOCH LOMOND LN<br>WORTHINGTON OH 43085<br>Parcel ID #: 3000700032401008            | 15. TONY SMITH<br>2855 OLETH AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402028                    |
| 8. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032402014                 | 16. TONY W SMITH<br>663 HIGHVIEW AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032403018                |
| 9. TONY W SMITH<br>2855 OLETHA AVE<br>SPRINGFIELD OH 45505  | 17. TONY W SMITH<br>663 HIGHVIEW AVE<br>SPRINGFIELD OH 45505<br>Parcel ID #: 3000700032403017                |
|   | 18. TONY W SMITH   |

663 HIGHVIEW AVE  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032403016

0 OLD CLIFTON RD SPRINGFIELD  
45502  
Parcel ID #: 3000700026301067

19. CAROL L LLOYD  
2850 OLETHA AVE  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032403019

29. LISA PAULEY  
2650 SPRINGFIELD JAMESTOWN  
RD  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032400022

20. SPARTAN RESIDENTIAL LLC  
750 SHRINE RD  
SPRINGFIELD OH 45504  
Parcel ID #: 3000700026300014

30. JAMES R DAVIS  
2750 SPRINGFIELD JAMESTOWN  
RD  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032400023

21. DEBORAH J JOHNSON  
2746 S YORK ST  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700026300015

31. MICHAEL D & JENNIFER T YOUNG  
2749 SPRINGFIELD-JAMESTOWN  
RD  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032300019

22. CHARLES SUMNER  
1545 MEMORIAL DR  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700026300016

32. HAROLD O STEVENSON TRUSTEE  
400 W POSSUM RD  
SPRINGFIELD OH 45506  
Parcel ID #: 3000700032300016

23. CHURCH FULL GOSPEL  
COMMUNITY OF, SPRINGFIELD  
2751 MAY ST SPRINGFIELD 45505  
Parcel ID #: 30007000263001036

33. ALLEN CHARLES ARMSTRONG  
7020 N RIVER RD  
SO CHARLESTON OH 45368  
Parcel ID #: 3000700032300003

24. TONY D DANIEL  
2757 MAY ST  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700026300043

34. ALLEN C ARMSTRONG  
7020 N RIVER ROAD  
SOUTH CHARLESTON OH 45368  
Parcel ID #: 3000700032300013

25. JOHNNY R CAIN  
199 OAKRIDGE DR  
SPRINGFIELD OH 45504  
Parcel ID #: 3000700026300017

35. CATHERINE J LEIFHEIT  
2615 SPRINGFIELD JAMESTOWN  
RD  
SPRINGFIELD OH 45505  
Parcel ID #: 3000700032300012

26. INSIDE OUT  
501 S WITTENBERG AVE  
SPRINGFIELD OH 45506  
Parcel ID #: 3000700026300039

27. KATHERINE L COLLINS  
7016 NEW HORIZON AVE  
ENON OH 45323  
Parcel ID #: 3000700026300018

28. TIMMONS JASON M & AMANDA  
LEA,



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JAMESTOWN RD  
SPRINGFIELD OH 45502

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SPRINGFIELD OH 45505





label size 1" x 2 5/8" compatible with Avery®5160/8160  
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

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label size 1" x 2 5/8" compatible with Avery®5160/8160  
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160



# Clark County Community Development

Springfield Government Center  
9702 Main Street, Suite 1A  
Springfield, Ohio 45503

Thomas A. Hale, CEO, RPO Director  
Phone: (937) 921-2150 | Fax: (937) 921-6021  
communitydevelopment@clarkcountyohio.gov

August 10, 2016

To: Stephen Thompson / Bryan Heck

From: Allan Neimayer, Senior Planner

Subject Property: CEDA Rezoning Case #2016-Z-03  
Nancy Davis; 2630 Springfield-Jamestown Rd.

The Central CEDA Regional Planning Commission held a special meeting on August 9, 2016 to consider the above referenced rezoning case. Following the Board's discussion, the following motion was made:

Motion by Mrs. Roberge, second by Ms. Hartley, to recommend Approval of the Applicant's request to rezone the subject 28.8 acres from Township Zoning B-3 and A to City Zoning CC-2A as presented.

VOTE: Yes – Mrs. Roberge, Ms. Hartley, Ms. Lewis-Campbell.  
No – Mr. Kelly.  
Abstain – Mr. Spradlin.

Motion to approve passed.

Please note, any action on this requested rezoning shall be made with the understanding of the pending annexation. Final action on the rezoning needs to occur after the annexation has been completed.

Please let me know if you have any questions.

SPRINGFIELD-JAMESTOWN RD / S.R. 72  
N 85°20' E 874.00

SICKMATER DELTENTON AREA  
N 85°20' W 1505.76



AREA TO BE REZONED  
FROM "D-C" & "A" TO "CC-2A"  
= 29.0 ACRES

TOTAL TRACT  
AREA = 51.5082 ACRES

PROPOSED ZONE LINE

SITE PLAN

120-1



CEDA Regional Planning Commission

Rezoning Case #2016-Z-03

Date of Report: July 29, 2016

Date of Meeting: August 9, 2016

Property Owner: Nancy Davis

Location: 2630 Springfield-Jamestown Rd.

Request: To rezone 28.8 acres from B-3 (General Business District) and A (Agricultural District) to CC-2A (Shopping Center District)

The surrounding land uses and zoning are as follows:

|       |                                      | <u>Zoning</u> |
|-------|--------------------------------------|---------------|
| north | Commercial/Single-Family Residential | I-1, A        |
| east  | Undeveloped/Communication Tower      | A             |
| south | Residential/Agricultural             | A             |
| west  | Agricultural                         | A             |

The parent property, PID #300-07-00032-400-005, consists of 51.5082 acres and is currently zoned B-3 (General Business District) and A (Agricultural District). The property is part of a pending annexation from Springfield Township to the City of Springfield. This annexation was approved by the Clark County Commissioners on July 13, 2016 and is expected to be acted upon by the City Commission in September 2016.

The parent property was originally zoned A (Agricultural District) from the original adoption of the May 1974 Township Zoning Map. The request is to rezone 28.8 acres of the parent property under the City of Springfield zoning as CC-2A (Shopping Center District). The remaining 22.7082 acres will remain under Township A (Agricultural) District. It is assumed that the 28.8 acres will be split off from the parent parcel.

The submitted site plan includes a 123,496 sq. ft. Kroger Marketplace building. The net area (including parking) for Kroger is 423,800 sq. ft. Also included on the site plan is a 49,100 sq. ft. area for a fuel center plus a 90,400 sq. ft. area for two commercial out lots. A large area behind the proposed Kroger Marketplace building has not been identified for development. What is the future land use of the area?

According to Exhibit D of the application, the Applicant "wants to rezone to allow for the development of a Kroger Marketplace and additional retail." The property was formerly used as a driving range.

CROSSROADS Land Use Plan

The CROSSROADS Land Use Plan identifies the subject area in Springfield Township as "Medium Density Residential Areas."

Medium density residential development (4 to 6 dwellings per acre - gross density) should be directed to existing residential growth areas, where it can be serviced by central water and sewer

service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships – and the majority of the City of Springfield. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

Technical Review Committee

Staff received the rezoning application on July 15, 2016 and copies were distributed to the Technical Review Committee that same day. Due to the late time of filing, no TRC comments have been received as of this CEDA Staff Report.

Staff Recommendation

Any action on this requested zoning shall be made with the understanding of the pending annexation as noted above. Final action on this requested rezoning needs to occur after the annexation has been completed.

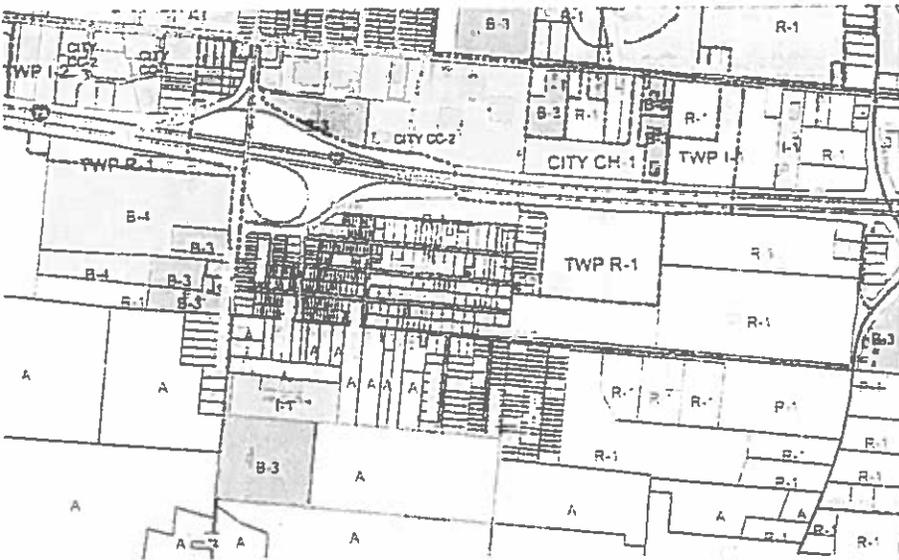
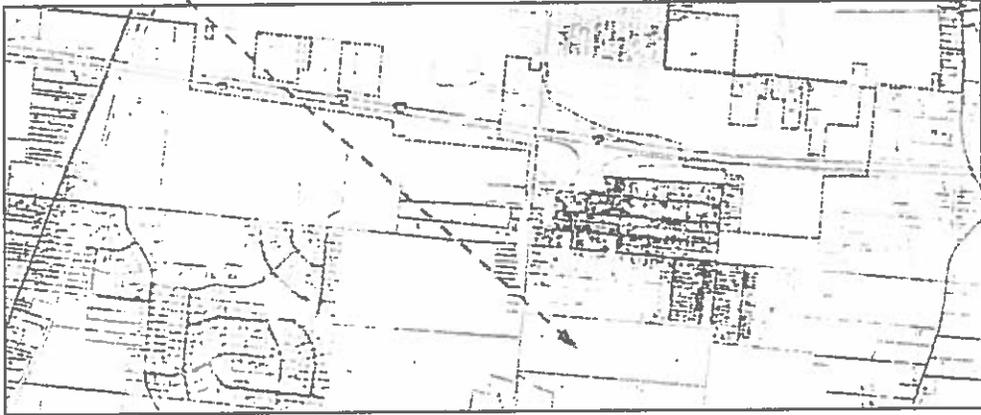
Subject to Technical Review Committee comments, Staff recommends the request to rezone the subject property from Township Zoning B-3 and A to City Zoning CC-2A be approved as presented subject to the 28.8 acres being split off from the parent parcel.

Attachments:

1. *Proposed annexation map*
2. *Location, areal and zoning maps*
3. *City Staff report*
4. *Applicant's site plan, et. al.*



2750 Springfield-Jamestown Rd.; Annexation pending from Springfield Twp. to City of Springfield  
CEDA Application #2016-Z-03; City Application #16-CEDA-01



# Clark County Engineer's Department

Johnathan A. Burr P.E., P.S.  
Clark County Engineer

4075 Laybourne Road  
Springfield, Ohio 45505-0618  
(937) 521-1800 (937) 328-2173 fax  
[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

August 3, 2016

RECEIVED

Clark County Planning Commission  
3130 E. Main Street, Suite 1A  
Springfield, Ohio 45505  
Attention: Allan Neimayer

Clark Co Comm. Dev.

Re: CEDA Zoning Z-2016-03 ~ Nancy Davis  
2630 Springfield Jamestown Road, Springfield Twp.  
Rezoning Request: 28.8 Acres from A-1 and B-3 to City CC-2A

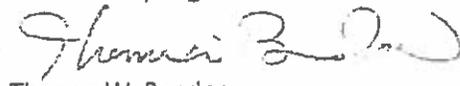
Mr. Neimayer,

The County Engineer has reviewed the request to rezone approximately 28.8 acres from A-1 and B-3 zoning to City CC-2A as part of annexation into the City of Springfield for the development of the proposed Kroger Marketplace.

- 1) Access
  - a) The development accesses a state route and therefore, ODOT will be the permitting authority.
- 2) Drainage and Stormwater
  - a) The proposed site currently drains in a southern direction towards a culvert under SR 72 and continues west, away from the site into the county.
  - b) Although the proposed development will be in the City of Springfield, stormwater discharged from the site and to the county will be required to meet Clark County's Stormwater Regulations in the event zoning is approved.

Based on the information available, the County Engineer has no objection to the request.

Sincerely,  
Johnathan A. Burr, P.E., P.S.  
Clark County Engineer

  
Thomas W. Bender  
Project Design Engineer

**NOTICE OF PUBLIC HEARING  
PROPOSED REZONING AND APPLICATION OF ZONING CODE AND  
FLOODPLAIN REGULATIONS TO ANNEXATION AREA**

Notice is hereby given that a public hearing will be held on Tuesday, September 27, 2016 at 6:55 p.m. (local time) in the City Commission Forum, City Hall, 76 East High Street, Springfield, Ohio, (a) to consider the proposed change in zoning for 28.8 acres located at 2630 Springfield-Jamestown Road from Springfield Township B-3, General Business District, and A, Agriculture District, to CC-2A, Shopping Center District; (b) to consider the proposed change in zoning for 10.2 acres located at 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District, and R-1, Single-Family Residential District, to CC-2, Community Commercial District; (c) and to consider the application of Codified Ordinance Section 1175.01 of the City's Zoning Code to a proposed annexation area, commonly known as the Springfield-Jamestown Road Annexation Area, consisting of approximately 99.59 acres and including the parcels set out in (a) and (b) above, all of which are now located in Springfield Township, which annexation shall be considered by the City Commission on the date first-above written.

By order of the City Commission of The City of Springfield, Ohio.

CONNIE J. CHAPPELL

CLERK OF THE CITY COMMISSION

NEWS-SUN: Monday, August 22, 2016

215-16



CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

MOTION SHEET

DATE: August 10, 2016

TO: City Commission

FROM: CEDA

SUBJECT: Rezoning Case #16-CEDA-02

REQUEST: To rezone 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

RECOMMENDED ACTION: 14-Day Ordinance

The following motion was made at the August 9, 2016 CEDA Board meeting:

MOTION: Ms. Roberge made the motion to approve the request to rezone 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

Ms. Lewis-Campbell seconded the motion.

VOTE: YEAS: Ms. Roberge, Ms. Lewis-Campbell, Ms. Hartley, and Mr. Kelly  
NAYS: Mr. Spradlin

Approval by roll call vote. Motion approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Stephen Thompson".

Stephen Thompson  
Planning, Zoning, and Code Administrator

cc: Tom Franzen  
Connie Chappell

- Attachments:
1. Staff Report
  2. Application
  3. CEDA Motion sheet and other material

Sept. 27, 2016  
6:55 PM

## Staff Report

TO: CEDA

DATE: August 4, 2016

PREPARED BY: Stephen Thompson

SUBJECT: Rezoning Case #16-CEDA-02

### GENERAL INFORMATION:

Applicant: City of Springfield, Ohio

Owner: Frederick & David Lower, 2531 Springfield-Jamestown Rd., Springfield, OH 45502

Requested Action: Rezone 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

Purpose: To allow for annexation and marketing of property as commercial

Location: 2531 Springfield-Jamestown Road

Size: 10.2 acres

Existing Land Use and Zoning: Commercial and residential, Zoned Springfield Township B-3, General Business District and R-1, Single-Family Residential District

Surrounding Land Use and Zoning: North: Commercial, Zoned Springfield Township B-3 and B-4, Expressway Service District  
East: Residential, Zoned Springfield Township R-4, Single-Family Residential District  
South: Agriculture and residential, Zoned A, Agriculture  
West: Agriculture, R-1, Single-Family Residential District

Applicable Regulations: Chapter 1173. Zoning Districts and Map

File Date: July 15, 2016

### BACKGROUND:

The property is currently in Springfield Township and is in the annexation process. This annexation and rezoning will allow for the marketing of the property as commercial.

# Staff Report

## ANALYSIS:

### Land Use Plan and Zoning:

The Crossroads Comprehensive Plan for Clark County Communities shows this area as “Medium Density Residential.”

### Existing Community Land Use:

The proposed use is consistent with surrounding uses.

### Thoroughfare Plan:

Springfield-Jamestown Road is classified as Primary Arterial roadway.

## STAFF RECOMMENDATION:

Approval of the request to rezone 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

## ATTACHMENTS:

1. Vicinity and zoning map
2. Petition with attachments



## Rezoning Case # 16-CEDA-02

Request to rezone 2531 Springfield-Jamestown Road from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.





|                       |  |
|-----------------------|--|
| FOR PLANNING USE ONLY |  |
| Case #:               | 16-CCDA-02   |
| Date/time recv.:      | 7/15/15  |
| Recv. by:             | ST   |
| Application Fee:      |  |
| Planning: \$          |  |
| Ad: \$                |  |
| Engineering: \$       |  |
| Total: \$             |  |
| Review Type:          | <input type="checkbox"/> Admin <input type="checkbox"/> CPB <input type="checkbox"/> BZA |

GENERAL APPLICATION

A. PROJECT

1. Project Name: Rezone of 2531 Spfld Jamestown Road

2. Application Type & Project Description (attach additional information, if necessary):  
Rezone from Spfld Typ R-1 & B-3 to City CC-2 as part of Annexation

3. Address of Subject Property: 2531 Spfld Jamestown Road

4. Parcel ID Number(s): 3000700032100038

5. Full legal description attached?  yes  no

6. Size of subject property: 10.22 acres

7. Existing Use of Property: Commercial well water business & residential

8. Existing Zoning of Property: Spfld Typ B-3 & R-1

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization)  Owner  Agent (agent authorization required)  Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Bryan Heck

Title: Deputy City Mgr

Company (if applicable): City of Spfld

City of Springfield  Community Development Department  Planning & Zoning Division

Mailing address:

760 E High St

City: Spfld State: OH ZIP: 45502

Telephone: 937 324-7300 FAX: 937 328-3497

Email bheck@springfieldohio.gov

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Frederick Lawer

Mailing Address: 2531

City: Spfld State: OH ZIP: 45506

C. Additional Information

1. Is there any additional contract for sale of, or options to purchase, the subject property?  Yes  No

If "yes," list names of all parties involved:

\_\_\_\_\_

Is the contract/option contingent or absolute?  Contingent  Absolute N/A

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

B Heck

Signature of Applicant Signature of Co-applicant

Bryan Heck Deputy City Manager

Typed or printed name and title of applicant Typed or printed name of co-applicant

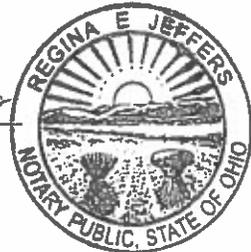
State of Ohio County of Clark

The foregoing application is acknowledged before me this 15<sup>th</sup> day of July, 2016, by Regina E Jeffers

\_\_\_\_\_, who is/are personally known to me, or who has/have produced drivers license as identification.

NOTARY SEAL Regina E Jeffers

Signature of Notary Public, State of Ohio



**REGINA E JEFFERS**  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission Expires  
November 2, 2020



REZONING APPLICATION

Date 7/15/16

Property address 2531 Spfld Jamestown Road (PAN:300070003210003

The undersigned petitions that the following described property be rezoned from a(n) Spfld Typ B-3 & B-1 District to a(n) CC-2 District: containing 10.22 acres.

Please submit the following Exhibits with this rezoning application:

EXHIBIT A

Attach either a metes and bounds legal description or subdivision and lot number description (this can be obtained at the A. B. Graham Building).

EXHIBIT B

Attach a site plan of the petitioned lands and all other properties within 200 feet (this can be obtained at the A. B. Graham Building Tax Maps Dept.).

EXHIBIT C

Attach 2 sets of mailing labels with the names and tax mailing addresses of all property owners within 200 feet of any part of the petitioned property. First obtain the permanent parcel numbers from the GIS Office in the A. B. Graham Building; then the property owners' names from the Auditor's Office; and then the property owners' tax mailing addresses from the Treasurer's Office. Do not list tenants of properties or banks holding a loan on the property (when ten or more contiguous properties are joined in one petition, these names need not be submitted).

EXHIBIT D

Rezoning request statement: Attach a sheet listing your reasons for the zoning district amendment.

EXHIBIT E

1. Is the requested zone compatible to existing zoning and land use in the area?  
*Yes, the main piece of this parcel is zoned B-3, which is consistent with City CC-2.*
2. Does it conform to the City's adopted Land Use Plan and the best overall Community Development?  
*Yes*

3. Does the proposed change in zoning conform to City's adopted Thoroughfare Plan? Will it adversely affect the capacity of the present road system in the area?

Yes, this is located on a SR. No.

4. Are adequate sanitary sewer, water, and storm drainage facilities available?

Yes

The undersigned deposes and states that I am the owner or authorized agent of the property involved in this petition.

 (City of Spfld)  
Signature



BK: 1907 PG: 1594

EXHIBIT "A"

Situate in the Township of Springfield, in the County of Clark and State of Ohio,  
bounded and described as follows:

Being part of the Northwest quarter of Section No. 32, Town No. 5, Range No.  
9, M.R.S.

Beginning at a point in the center of the Springfield and Clifton Pike, and at the center of  
said Section No. 32; from said point an iron in bears North 85 deg. 30' West, 15 feet distant;  
thence with the half section line north 85 deg. 30' West, 114.80 poles to a stone; thence  
North 4 deg. East, 13.95 poles to a stake; thence in a line parallel to the half section line,  
south 85 deg. 30' East, 94.70 poles, to a stake; thence on a line parallel to the half section  
line and the center of said Pike, north 4 deg. east, 8 poles to a stake; thence on a line parallel  
to the half section line south 85 deg. 30' East, 20 poles to a point on the half section line and  
in the center of said Pike; from said point an iron pin bears north 85 deg. 30' West, 15 feet  
distant; thence south 4 deg. West 21.95 poles to the beginning, containing 11 acres.

Clark County GIS



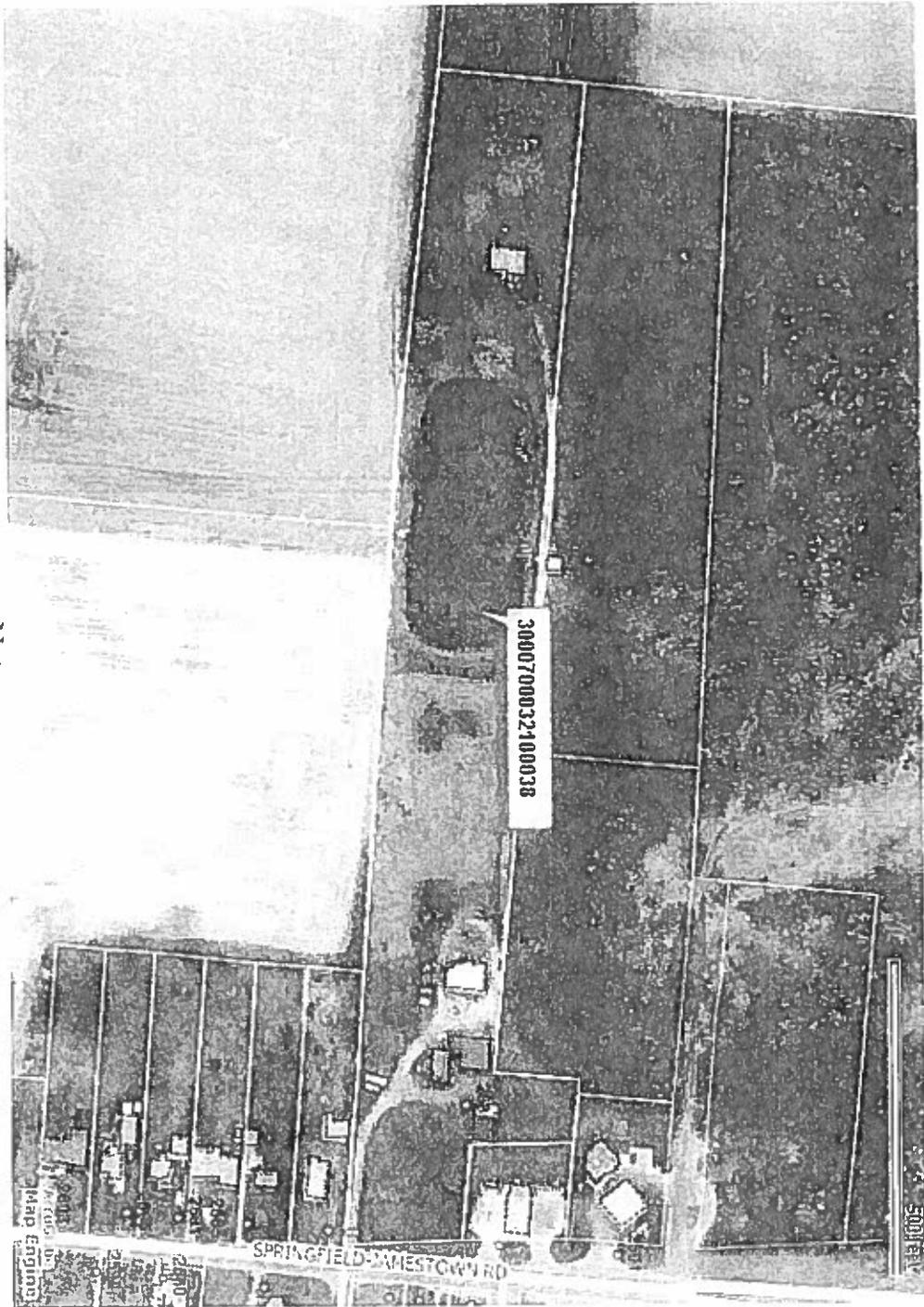
Parcels\_exported (1).txt

PIN,OWNER1,ADDRESSUNI,TAXMAIL1,TAXMAIL2,TAXMAIL3,  
3000700032100042,STEVENSON HAROLD O TRUSTEE,W LEFFEL LN REAR,400 W POSSUM  
RD,,SPRINGFIELD OH 45506  
3000700032300001,STEVENSON HAROLD O TRUSTEE,2701 JAMESTOWN RD REAR,400 W POSSUM  
RD,,SPRINGFIELD OH 45506  
3000700032209005,HATFIELD DONALD D & LINDA K,2510 SPRINGFIELD-JAMESTOWN RD,2500  
SPRINGFIELD JAMESTOWN RD,,SPRINGFIELD OH 45505  
3000700032209006,HATFIELD DONALD D & LINDA K,S LIMESTONE ST,2500 SPRINGFIELD  
JAMESTOWN RD,,SPRINGFIELD OH 45505  
3000700032100016,LOWER DAVID V & MARY J,W LEFFEL LN REAR,2545 S LIMESTONE  
ST,,SPRINGFIELD OH 45505  
3000700032100038,LOWER FREDERICK R & DAVID V,2531 SPRINGFIELD-JAMESTOWN RD,2531  
SPRINGFIELD JAMESTOWN RD,,SPRINGFIELD OH 45506  
3000700032100039,CERTIFIED OIL COMPANY INC,2517 S LIMESTONE ST,949 KING  
AVE,,COLUMBUS OH 43212  
3050700032100045,CERTIFIED OIL COMPANY SOUTHWEST,2501 S LIMESTONE ST,PO BOX  
182439,,COLUMBUS OH 43218  
3000700032100046,R WAY TRAVEL PLAZA INC,SPRINGFIELD-JAMESTOWN RD,629 ABERFELDA  
DRIVE,,SPRINGFIELD OH 45504  
3000700032212004,PARK HILLS SENTRE LTD,2542 SPRINGFIELD-JAMESTOWN RD,750 SHRINE  
RD,,SPRINGFIELD OH 45504  
3000700032212031,LOY JAMES A & RHETA,2538 SPRINGFIELD-JAMESTOWN RD,3319 DELREY  
RD,,SPRINGFIELD OH 45504  
3000700032212032,LOY ROBERTA L,2536 SPRINGFIELD-JAMESTOWN RD,2536 S LIMESTONE  
ST,,SPRINGFIELD OH 45505  
3000700032300003,ARMSTRONG ALLEN CHARLES,JAMES RD,7020 N RIVER RD,,SO CHARLESTON OH  
45368  
3000700032300004,CHRISTIANA TRUST DIVISION OF WILMINGTON,2547 SPRINGFIELD-JAMESTOWN  
RD,PO BOX 220720,,CHICAGO IL 60622  
3000700032300005,LAWSON RUTH M,2551 SPRINGFIELD-JAMESTOWN RD,2551 S LIMESTONE  
ST,,SPRINGFIELD OH 45505  
3000700032300006,DYKES JOHNNY L,2565 SPRINGFIELD-JAMESTOWN RD,2565 SPRINGFIELD  
JAMESTOWN RD,,SPRINGFIELD OH 45505  
3000700032400001,HULL MICHAEL E,2550 SPRINGFIELD-JAMESTOWN RD,2550  
SPRINGFIELD-JAMESTOWN RD,,SPRINGFIELD OH 45505

## Exhibit D

The City of Springfield will rezone the subject property in conjunction with the annexation of the property. The property is currently zoned Springfield Township B-3 and R-1 (Rear) and will be rezoned to City CC-2, Community Commercial District. The CC-2, Community Commercial District is consistent with the Springfield Township B-3. The property owner wants to market the property commercially for development.

### Clark County GIS



Notes



Mr. Harold Stevenson, Trustee  
400 W Possum Rd  
Springfield, OH 45506

Allen Charles Armstrong  
7020 N River Rd  
S. Charleston, OH 45368

Certified Oil Company  
PO Box 182439  
Columbus, OH 43218

Donald D & Linda K Hatfield  
2500 Springfield-Jamestown Rd  
Springfield, OH 45505

Christiana Trust Division of  
Wilmington  
PO Box 220720  
Chicago, IL 60622

R Way Travel Plaza, Inc  
629 Aberfelda Dr  
Springfield, OH 45504

David V & Mary J Lower  
2545 S Limestone St.  
Springfield, OH 45505

Ruth M Lawson  
2551 S Limestone St  
Springfield, OH 45505

Park Hills Sentre LTD  
750 Shrine Rd  
Springfield, OH 45504

Frederick R Lower  
David V Lower  
2531 Springfield-Jamestown Rd  
Springfield, OH 45506

Johnny L Dykes  
2565 Springfield-Jamestown Rd  
Springfield, OH 45505

James A & Rheta Loy  
3319 Delrey Rd  
Springfield, OH 45504

Certified Oil Company, Inc  
949 King Ave  
Columbus, OH 43212

Michael E Hull  
2550 Springfield-Jamestown Rd  
Springfield, OH 45505

Roberta L Loy  
2536 S Limestone St  
Springfield, OH 45505

Certified Oil Company  
PO Box 182439  
Columbus, OH 43218

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Springfield, OH 45505

Certified Oil Company, Inc  
949 King Ave  
Columbus, OH 43212

Michael E Hull  
2550 Springfield-Jamestown Rd  
Springfield, OH 45505



# Clark County Community Development

Springfield Government Center  
3301 Main Street, Suite 14  
Springfield, Ohio 45505

Thomas A. Hale, CEO, RECD Director  
phone: 937, 821-2169; fax: 937, 205-2621  
communitydevelopment@clarkcountyohio.gov

August 10, 2016

To: Stephen Thompson / Bryan Heck

From: Allan Neimayer, Senior Planner

Subject Property: CEDA Rezoning Case #2016-Z-02  
Frederick & David Lower; 2531 Springfield-Jamestown Rd.

The Central CEDA Regional Planning Commission held a special meeting on August 9, 2016 to consider the above referenced rezoning case. Following the Board's discussion, the following motion was made:

Motion by Mrs. Roberge, second by Ms. Lewis-Campbell, to recommend Approval of the Applicant's request to rezone the subject 10.22 acres from Township Zoning B-3 and R-1 to City Zoning CC-2 as presented.

VOTE: Yes – Mrs. Roberge, Ms. Lewis-Campbell, Ms. Hartley and Mr. Kelly.  
No – Mr. Spradlin.

Motion to approve passed.

Please note, any action on this requested rezoning shall be made with the understanding of the pending annexation. Final action on the rezoning needs to occur after the annexation has been completed.

Please let me know if you have any questions.

CEDA Regional Planning Commission

Rezoning Case #2016-Z-02

Date of Report: July 29, 2016

Date of Meeting: August 4, 2016

Property Owners: Fred & David Lower

Location: 2531 Springfield-Jamestown Rd.

Request: To rezone 10.22 acres from B-3 (General Business District) and R-1 (Single-Family Residential District) to CC-2 (Community Commercial District)

The surrounding land uses and zoning are as follows:

|       |  | <u>Zoning</u> (all under Springfield Twp. Zoning) |
|-------|--|---|
| north | Commercial/Undeveloped                                       | B-3 & B-4   |
| east  | Single-Family Residential<br>(Hillcrest Terrace Subdivision) | R-4   |
| south | Single-Family Residential/<br>Agricultural                   | A   |
| west  | Agricultural   | R-1   |

The subject property, current PID #300-07-00032-100-038, is located at 2531 Springfield-Jamestown Rd. and consists of 10.22 acres. This property is part of a pending annexation from Springfield Township to the City of Springfield. This annexation was approved by the Clark County Commissioners on July 13, 2016 and is expected to be acted upon by the City Commission in September 2016.

The subject property currently has split zoning under Springfield Township zoning with the front portion as B-3 (General Business District) and the rear portion R-1 (Single-Family Residential District – see attached zoning map. The split zoning existed from the original adoption of the May 1974 Township Zoning Map. The request is to rezone the entire 10.22 acres under the City of Springfield zoning as CC-2 (Community Commercial District).

According to Exhibit D of the application, the Property Owner “wants to market the property commercially for development.” There are multiple buildings on the property. At the front of the property is a commercial well water business plus a single-family residence (B-3 zoning). At the rear of the property is a second single-family residence that has been rented out (R-1 zoning).

CROSSROADS Land Use Plan

The CROSSROADS Land Use Plan identifies the subject area in Springfield Township as “Medium Density Residential Areas.”

*Medium density residential development (4 to 6 dwellings per acre - gross density) should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships – and the majority of the City of Springfield. Neighborhoods should transition to*

*business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.*

Technical Review Committee

Staff received the rezoning application on July 15, 2016 and copies were distributed to the Technical Review Committee that same day. Due to the late time of filing, no TRC comments have been received as of this CEDA Staff Report.

Staff Recommendation

Any action on this requested zoning shall be made with the understanding of the pending annexation as noted above. Final action on this requested rezoning needs to occur after the annexation has been completed.

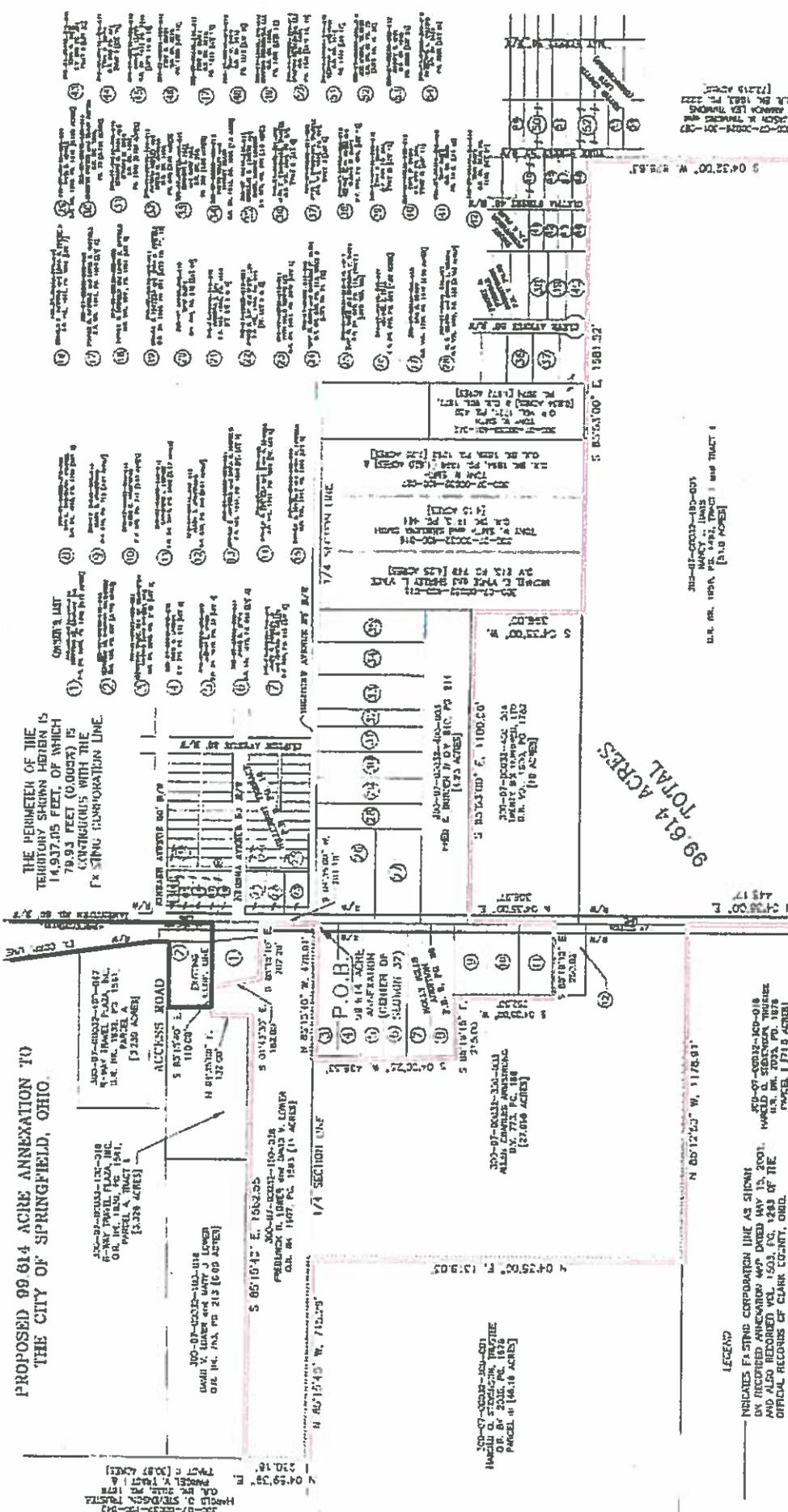
Subject to Technical Review Committee comments, Staff recommends the request to rezone the subject property from Township Zoning B-3 and R-1 to City Zoning CC-2 be approved as presented.

Attachments:

1. Proposed annexation map
2. Location, areal and zoning maps
3. City Staff report

**PROPOSED 99.614 ACRE ANNEXATION TO THE CITY OF SPRINGFIELD, OHIO.**

THE PERIMETER OF THE TERRITORY SHOWN HEREIN IS 14,937.45 FEET, OF WHICH 78.93 FEET (0.0005%) IS CONTIGUOUS WITH THE EXISTING CORPORATION LINE.



**THE CITY OF SPRINGFIELD, OHIO**  
 1/4th OF SECTION 32, TOWN 5, RANGE 9, B.M.R.S.  
 SPRINGFIELD TOWNSHIP  
 CLARK COUNTY, OHIO  
 JUNE 15, 2016

ANNEXATION MAP ~ 99.614 ACRES  
 FOR  
**EXHIBIT B**

MARK T. SCHALL P.S. 6589  
 SCHALL SURVEYING LLC  
 1833 WOODFIELD ROAD  
 SPRINGFIELD, OHIO 45503  
 (937) 360-3881 ~ SHELLEY@SCHALLSURVEYING.COM



**LEGEND**

INDICATES EXISTING CORPORATION LINE AS SHOWN ON RECORDS FILED WITH THE CLERK OF CLARK COUNTY, OHIO, AND ALSO RECORDED VOL. 1623 AT PAGE 1284 OF THE OFFICIAL RECORDS OF CLARK COUNTY, OHIO.

1. DATE OF RECORDS IS 01/01/2007 E. ON THE CENTERLINE OF SPRINGFIELD TOWNSHIP, CLARK COUNTY, OHIO, 1/4th OF SECTION 32, TOWN 5, RANGE 9, B.M.R.S., PG. 1487 OF THE OFFICIAL RECORDS OF CLARK COUNTY, OHIO.
2. THIS MAP WAS PREPARED TO IDENTIFY PARCELS OF LAND TO BE ANNEXED TO THE CITY OF SPRINGFIELD, OHIO, EXISTING PROPERTY LINES SHOWN ON THE PLAT, RECORDS, AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
3. PARCEL INFORMATION IS BASED ON OFFICIAL MAPS ON FILE IN THE CLARK COUNTY TAX MAP DEPARTMENT, DEED AND PLAT RECORDS, THE CLARK COUNTY RECORDER'S OFFICE, PERMANENT PARCEL NUMBERS, TAX MAPS, AND DESIGNATED ON THE TAX MAPS ON FILE IN THE CLARK COUNTY TAX MAP DEPARTMENT.

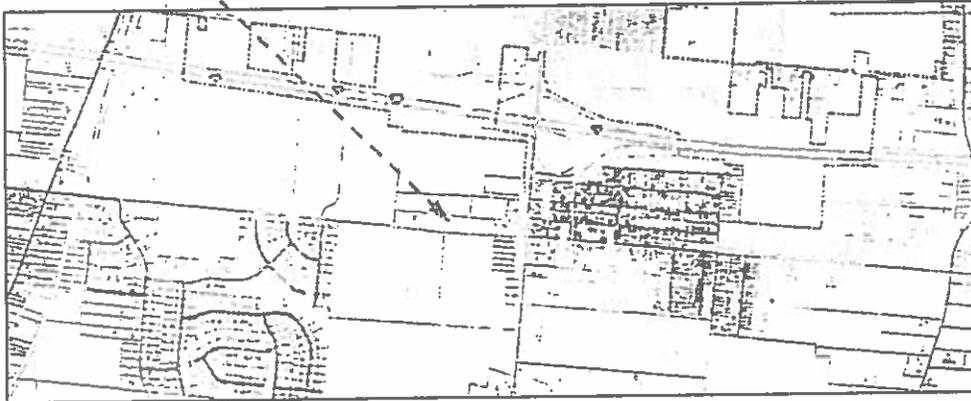
SEC. 32, T. 5, R. 9, B.M.R.S.  
 SEC. 31, T. 5, R. 9, B.M.R.S.

SEC. 32, T. 5, R. 9, B.M.R.S.  
 SEC. 31, T. 5, R. 9, B.M.R.S.

**99.614 TOTAL ACRES**

2531 Springfield-Jamestown Rd.; Annexation pending from Springfield Twp. to City of Springfield

CEDA Application #2016-Z-02; City Application #16-CEDA-02



# Clark County Engineer's Department

Johnathan A. Burr P.E., P.S.  
Clark County Engineer

4075 Laybourne Road  
Springfield, Ohio 45505-3618  
(937) 521-1800 (937) 828-2173 fax  
[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

August 3, 2016

RECEIVED

Clark County Planning Commission  
3130 E. Main Street, Suite 1A  
Springfield, Ohio 45505  
Attention: Allan Neimayer

Clark Co Comm. Dev.

Re: CEDA Zoning Z-2016-02 ~ Frederick Lower  
2531 Springfield Jamestown Road, Springfield Twp.  
Rezoning Request: 10.22 Acres from R-1 and B-3 to City CC-2

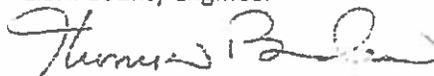
Mr. Neimayer,

The County Engineer has reviewed the request to rezone approximately 10.22 acres from R-1 and B-3 zoning to City CC-2 as part of annexation into the City of Springfield for the commercial development.

- 1) Access
  - a) The development accesses a state route and therefore, ODOT will be the permitting authority.
- 2) Drainage and Stormwater
  - a) The proposed site currently drains in all directions, apportion of which drains south and west, into the county.
  - b) Although the proposed development will be in the City of Springfield, stormwater discharged from the site and to the county will be required to meet Clark County's Stormwater Regulations in the event zoning is approved.

Based on the information available, the County Engineer has no objection to the request.

Sincerely,  
Johnathan A. Burr, P.E., P.S.  
Clark County Engineer



Thomas W. Bender  
Project Design Engineer

AN ORDINANCE NO. \_\_\_\_\_

Amending the Zoning Map of Springfield, Ohio by rezoning 0.43 acres at 716, 718 and 726 Court Street, Springfield, Ohio from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the Zoning Map of Springfield, Ohio, referred to in Subsection 1173.02(a) of the Springfield Zoning Code, is hereby amended by rezoning 0.43 acres at 716, 718 and 726 Court Street, Springfield, Ohio, described as Parcel Nos. 3400600004204018, 3400600004204027 and 3400600004204027, from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

Section 2. That the Clerk shall be directed to record the above amendment by filing this Ordinance together with schematic maps diagramming the effect of the amendment with the original master zoning map in the office of the Clerk, in the office of the Planning and Zoning Administrator, and in the fireproof vault provided for that purpose.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Springfield News-Sun on \_\_\_\_\_, 2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

AN ORDINANCE NO. \_\_\_\_\_

Amending the Zoning Map of Springfield, Ohio by rezoning 0.43 acres at 716, 718 and 726 Court Street, Springfield, Ohio from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the Zoning Map of Springfield, Ohio, referred to in Subsection 1173.02(a) of the Springfield Zoning Code, is hereby amended by rezoning 0.43 acres at 716, 718 and 726 Court Street, Springfield, Ohio, described as Parcel Nos. 3400600004204018, 3400600004204027 and 3400600004204027, from RS-8, Medium-Density, Single-Family Residence District, to CN-2, Neighborhood Commercial District.

Section 2. That the Clerk shall be directed to record the above amendment by filing this Ordinance together with schematic maps diagramming the effect of the amendment with the original master zoning map in the office of the Clerk, in the office of the Planning and Zoning Administrator, and in the fireproof vault provided for that purpose.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Springfield News-Sun on \_\_\_\_\_, 2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# Request for Commission Action City of Springfield, Ohio

Item Number: 194-16

Agenda Date: 9/27/2016

Today's Date: 7/22/2016

Subject: Springfield-Jamestown Road Annexation Area--99.59 acres, Springfield Township  
CEDA Expedited

Submitted By: Connie Chappell, ext. 7341

Department: City Clerk's Office

Contact:

|  |  |                                 |                                   |
|--|--|---------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |                                   |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input type="checkbox"/> Contract |

Prior  
Ordinance/Resolution:

Date of Prior  
Ordinance/Resolution:

## **Summary:**

The petition for annexation of 99.59 acres of land, more or less, located in Springfield Township, Clark County, Ohio, (along Springfield-Jamestown Road) has been held by the Clerk for 60 days as required by the statutes of the State of Ohio and is being laid before you at this time for action thereon.

Prior to your consideration of the annexation petition, a public hearing must be held to consider the application of floodplain regulations and to review the question of zoning for the property proposed to be annexed. This hearing will be held on September 27, 2016, at 6:55 p.m. Notice of this hearing has been advertised in the newspaper.

The petition was filed by Bryan Heck, agent for Frederick R. Lower, David V. Lower, Allen C. Armstrong, Twenty-Six Hundred, Ltd., and Nancy J. Davis.

NOTE: The question of zoning for two properties within the annexation area was presented at the August meeting of the CEDA Regional Planning Commission.



AN ORDINANCE NO. \_\_\_\_\_

Amending the Zoning Map of Springfield, Ohio by rezoning 28.8 acres located at 2630 Springfield-Jamestown Road, Springfield, Ohio from Springfield Township B-3, General Business District and A, Agriculture District to CC-2A, Shopping Center District.

...oooOOOooo...

WHEREAS, the proposed amendment to the City Zoning Map has been referred to the Clark County-Springfield Township-City of Springfield CEDA Regional Planning Commission (commonly called the Central CEDA Regional Planning Commission of Clark County), which has recommended adoption of the amendment; NOW THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the Zoning Map of Springfield, Ohio, referred to in Subsection 1173.02(a) of the Springfield Zoning Code, is hereby amended by rezoning 28.8 acres located at 2630 Springfield-Jamestown Road, Springfield, Ohio, being the westernmost portion of Parcel No. 300-07-00004-000-012, which is more fully described in the attached Exhibit A, from Springfield Township B-3, General Business District and A, Agriculture District to CC-2A, Shopping Center District. Said Zoning Map amendment becomes effective with the annexation of the Springfield-Jamestown Road Annexation Area.

Section 2. That the Clerk shall be directed to record the above amendment by filing this Ordinance together with schematic maps diagramming the effect of the amendment with the original master zoning map in the office of the Clerk, in the office of the Planning and Zoning Administrator, and in the fireproof vault provided for that purpose.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION  
\_\_\_\_\_

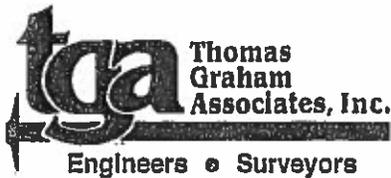
(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly  
published in the Springfield News-Sun on \_\_\_\_\_,  
2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**EXHIBIT A**



803 Compton Road, Suite A  
Cincinnati, Ohio 45231-3819  
(513) 521-4760  
Fax (513) 521-2439  
bobtrenkamp@tgraham.com

July 12, 2016

**Legal Description:** Area to be Re-zoned to "CC-2A"

Being part of Lot No. 5 as designated on the plat, marked "Exhibit A" of the subdivision of the lands of Henry Gram, deceased, in Common Pleas Court of said county, in the case of James Smith, et al vs. Caroline Gram, et al., in partition, said plat being recorded in Vol. 42, page 19, Law Records of said county, said land being more particularly described as follows:

Being part of the southeast quarter of Section 32, Town 5, Range 9, of lands lying between the Great Miami River and the Virginia Military Reservation; commencing at a found stone at the southeast corner of said Section 32; thence departing the said S.E. corner along the east line of said Section 32, North 05 deg 13' 55" East, 907.63 feet; thence departing the said east line of Section 32, North 84 deg. 35' 41" West, 1185.28 feet to the point of beginning of the tract herein described; thence from said beginning point, North 84 deg 35' 41" West, 1505.78 feet to the centerline of Springfield-Jamestown Road (S.R. 72); thence along the centerline of said Springfield-Jamestown Road (S.R. 72), North 05 deg 20' 19" East, 834.00 feet; thence departing the said centerline, South 84 deg. 35' 41" East, 1506.75 feet; thence South 05 deg. 24' 19" West, 833.99 feet to the Point of Beginning.

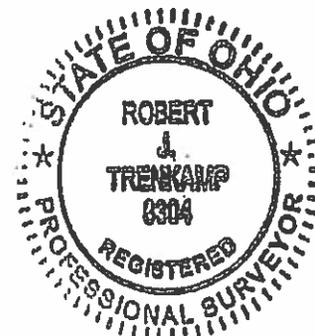
Contains 28.8 Acres and is subject to all easements and restrictions of record and the legal right-of-way of Springfield-Jamestown Road.

Basis of Bearing: Bearings based on Grid North, State Plane Coordinate System,  
Ohio, South Zone, per ODOT/CORS 2011.

This description was prepared from existing records and is not the result of a field survey. This description is to be used for rezoning purposes only.

I hereby certify that this description of the property to be rezoned is a complete, proper, and legal description thereof.

Robert J. Trenkamp, Registered Land Surveyor #8304 in Ohio



AN ORDINANCE NO. \_\_\_\_\_

Amending the Zoning Map of Springfield, Ohio by rezoning 10.2 acres located at 2531 Springfield-Jamestown Road, Springfield, Ohio from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District.

...oooOOOooo...

WHEREAS, the proposed amendment to the City Zoning Map has been referred to the Clark County-Springfield Township-City of Springfield CEDA Regional Planning Commission (commonly called the Central CEDA Regional Planning Commission of Clark County), which has recommended adoption of the amendment; NOW THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the Zoning Map of Springfield, Ohio, referred to in Subsection 1173.02(a) of the Springfield Zoning Code, is hereby amended by rezoning 10.2 acres located at 2531 Springfield-Jamestown Road, Springfield, Ohio, described as Parcel No. 300-07-00032-100-038, from Springfield Township B-3, General Business District and R-1, Single-Family Residential District to CC-2, Community Commercial District. Said Zoning Map amendment becomes effective with the annexation of the Springfield-Jamestown Road Annexation Area.

Section 2. That the Clerk shall be directed to record the above amendment by filing this Ordinance together with schematic maps diagramming the effect of the amendment with the original master zoning map in the office of the Clerk, in the office of the Planning and Zoning Administrator, and in the fireproof vault provided for that purpose.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly  
published in the Springfield News-Sun on \_\_\_\_\_,  
2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# Request for Commission Action City of Springfield, Ohio

Item Number: 037-16

**Agenda Date:** 9/27/2016

**Today's Date:** 9/22/2016

**Subject:** Moral Obligations

**Submitted By:** Mark Beckdahl, Finance Director

**Department** Finance

**Contact:** Mark Beckdahl

|  |  |                                 |                                   |
|--|--|---------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |                                   |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input type="checkbox"/> Contract |

**Prior  
Ordinance/Resolution:**

**Date of Prior  
Ordinance/Resolution:**

**Summary:**

It is respectfully requested that legislation be scheduled for inclusion on the regularly scheduled City Commission agenda September 27, 2016, confirming services and obtaining services for the City.

**Justification for Emergency Action:** *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Confirming purchases and the obtaining of services for the City and providing for payments therefor.

...oooOOOooo...

WHEREAS, certain supplies and services have heretofore been obtained for the use and benefit of the City without purchase orders having been previously issued therefor; and

WHEREAS, other supplies and services have heretofore been obtained for the use and benefit of the City and certain payments made without proper Commission authorization having been obtained therefor; and

WHEREAS, it is the determination of the City Commission that such supplies and services have been received and furnished to the use and benefit of the City and that the City is under moral, if not legal, obligation to make payment therefor: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Commission does hereby approve and confirm the obtaining of the supplies and services hereinafter set forth and the Director of Finance is hereby authorized to make payment of the respective amounts hereinafter indicated from proper items of appropriation. Such supplies and services and the respective amounts of such payments hereby authorized are attached hereto as **Exhibit A**.

Section 2. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**EXHIBIT A**

**Moral Obligation Listing for 9/27/2016**

| <b>Dept.</b>  | <b>Vendor</b>     | <b>Amt. Of<br/>Moral Ob</b> | <b>Account #</b> | <b>Invoice<br/>Amt.</b> |
|---|-------------------|-----------------------------|------------------|-------------------------|
| Service Dept  | W. W Williams     | \$ 1,360.00                 | 351304-4030      | \$ 1,360.00             |
| Assumed to be warrenty work. No P.O. issued   |                   |                             |                  |                         |
| NTPRD   | Krugh Campbell    | \$ 1,581.00                 | 410589-6050      | \$ 1,581.00             |
| No P. O. in place for Capital Emergency repairs to Stadium scoreboard Confirm and approve |                   |                             |                  |                         |
| Finance   | Standard Register | \$ 1,785.03                 | 301309-4316      | \$ 1,785.03             |
| No P. O. in place   |                   |                             |                  |                         |
| Airport   | W.S. Electronics  | \$ 180.00                   | 880540-4316      | \$ 180.00               |
| No P. O. in place   |                   |                             |                  |                         |

# Request for Commission Action City of Springfield, Ohio

Item Number: 232-16

**Agenda Date:** 9/27/2016

**Today's Date:** 9/13/2016

**Subject:** Amend Codified 959.16 - Fuel Flowage Fees

**Submitted By:** Tom Franzen, Assistant City Manager and Director of Economic Development

**Department:** Spfld-Beckley Municipal Airport

**Contact:** Don Smith x6108

|  |  |
|--|--|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              |
| <input type="checkbox"/> Motion                      | <input type="checkbox"/> Contract  |

**Prior  
Ordinance/Resolution:**

**Date of Prior  
Ordinance/Resolution:**

### **Summary:**

The last adjustment to the airport fuel flow fee was in 2008, which raised the fee to .08 cents per gallon.

Respectfully request we increase the fuel flowage fees we collect from the FBO to .10 cents per gallon. This increase would produce additional funding to help offset costs associated with maintaining the fueling system. The increase is in line with regional airports.

In addition, it is recommended that the fuel flow fee be re-evaluated annually to consider inflationary type increases, if necessary.

**Justification for Emergency Action:** *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

**Total Cost:**

An Ordinance No. \_\_\_\_\_

To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of Section 959.16 thereof relating to fuel flowage fees at the Springfield-Beckley Municipal Airport; and repealing existing Section 959.16.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the amendment of Section 959.16 to read as follows:

**959.16 FUEL FLOWAGE FEES.**

General Fixed Base Operators and Specialty Fixed Base Operators shall pay to the City a Fuel Flowage Fee of ~~ten~~ cents (10¢) per gallon on each gallon of fuel pumped from a fuel tank owned by the City and leased to the General Fixed Base Operator or the Specialty Fixed Base Operator. The City Manager may promulgate regulations specifying times for payment of the Fuel Flowage Fee, for reporting of fuel flowage by the General Fixed Base Operators and the Specialty Fixed Base Operators and for audits of such reports. All fuel measuring devices used by General Fixed Base Operators and the Specialty Fixed Base Operators in connection with pumping fuel from a fuel tank owned by the City and leased to the General Fixed Base Operator or the Specialty Fixed Base Operator must be certified accurate in compliance with all applicable laws and regulations.

Section 2. That existing Section 959.16 of the Codified Ordinances of The City of Springfield, Ohio, is hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the *Springfield News-Sun* on \_\_\_\_\_, 2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# Request for Commission Action City of Springfield, Ohio

Item Number: 361-06

**Agenda Date:** 9/27/16

**Today's Date:** 8/11/16

**Subject:** Expansion Amendment to Lease and Specialty Fixed Base Operator Agreement with S Jet, LLC.

**Submitted By:** Tom Franzen, Assistant City Manager and Director of Economic Development

**Department:** AirparkOhio / Springfield-Beckley Airport

**Contact:** Don Smith x6108

|  |  |                                 |  |
|--|--|---------------------------------|--|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior**

**Ordinance/Resolution:** 06-450  
08-137  
09-098

**Date of Prior**

**Ordinance/Resolution:** 12/19/2006  
04/22/2008  
04/14/2009

## **Summary:**

Respectfully request Commission approval for the Amendment to the lease with S Jet LLC which includes expansion of the lease area, construction of a new hangar, expansion of hangar apron and optional installation of fuel tanks. Spectra Jet (S Jet LLC) indicated that the 24,000 square foot hangar addition represents a total investment \$3.4 M.

The City of Springfield is working with the company and State development officials to obtain financial support for the expansion of public apron (pavement) areas around the hangar. The City will oversee construction of the apron area associated with the project. Cost for the apron will be covered 100% by the State related grants and S Jet LLC.

## **Justification for Emergency Action:** *(use reverse side if needed)*

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Authorizing the City Manager to enter into an Expansion Amendment to the Lease and Specialty Fixed Base Operator Agreement with S Jet, LLC, to provide for the construction of a new hangar, expansion of a hangar apron and optional installation of fuel tanks at the Springfield-Beckley Municipal Airport.

...oooOOOooo...

WHEREAS, the City and S Jet, LLC have entered into a Lease and Specialty Fixed Base Operator Agreement dated December 20, 2006; and

WHEREAS, the City and S Jet, LLC have negotiated an Expansion Amendment to the Lease and Specialty Fixed Base Operator Agreement to provide for the construction of a new hangar, expansion of a hangar apron and optional installation of fuel tanks; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Manager be and is hereby authorized to enter into an Expansion Amendment to the Lease and Specialty Fixed Base Operator Agreement with S Jet, LLC, a copy of which is attached hereto and is hereby approved, to provide for the construction of a new hangar, expansion of a hangar apron and optional installation of fuel tanks.

Section 2. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**LEASE**

**AND**

**SPECIALTY FIXED BASE OPERATOR AGREEMENT**

**BETWEEN**

**THE CITY OF SPRINGFIELD, OHIO,  
LANDLORD**

**AND**

**S JET, LLC  
TENANT**

**RELATING TO**

**AIRPARKOHIO**

**AT THE**

**SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT**

**EXPANSION AMENDMENT EFFECTIVE AS OF September 1, 2016**

## **SCHEDULE OF EXHIBITS**

|                  |  |
|------------------|--|
| <b>EXHIBIT G</b> | <b>DESCRIPTION OF EXPANSION AREA</b>         |
| <b>EXHIBIT H</b> | <b>LOCATION OF EXPANSION AREA</b>            |
| <b>EXHIBIT I</b> | <b>LEASEHOLD IMPROVEMENTS EXPANSION AREA</b> |

## LEASE AND SPECIALTY FIXED BASE OPERATOR AGREEMENT – EXPANSION AMENDMENT

THIS EXPANSION AMENDMENT is entered into effective September 1, 2016, by and between **THE CITY OF SPRINGFIELD, OHIO** ("Owner"), a municipal corporation and political subdivision organized and existing under the laws of the State of Ohio and owner of AirparkOhio ("AirparkOhio") at the Springfield-Beckley Municipal Airport (the "Airport"), including the "Premises" (as hereinafter defined), and **S JET, LLC** ("Tenant"), a limited liability company organized and existing under the laws of the State of Ohio.

WHEREAS, Owner and Tenant have entered into Lease And Specialty Fixed Base Operator Agreement dated effective December 20, 2006 and now wish to add additional leased area to the Premises as of the expansion effective date.

NOW, THEREFORE, the parties hereto agree that the Lease And Specialty Fixed Base Operator Agreement dated effective December 20, 2006 is amended as follows:

**Section A.** For purposes of this Expansion Amendment the "effective date" is December 20, 2006 and the "expansion effective date" is January 1, 2017. Section 1 is amended by adding part (r) which reads: The "effective date" is December 20, 2006 and the "expansion effective date" is January 1, 2017.

**Section B.** Section 1, parts (c), (d), (e), (i), (j) and (l) are amended to read:

(c) **Premises Location:**

(i) From the effective date to the expansion effective date the leased premises (hereinafter the "Premises") is a 73,491 ft<sup>2</sup> generally square site located in AirparkOhio approximately 775 feet southwest of the center line of the end of Runway 15 and is further described in the metes and bounds description and the drawing attached here to as **EXHIBIT A**, and identified as the "Premises" therein.

(ii) On and after the expansion effective date the leased premises (hereinafter the "Premises") is a 92,070 ft<sup>2</sup> generally square site located in AirparkOhio adjacent to the Premises as it existed on the effective date and is further described in the metes and bounds description and the drawing attached here to as **EXHIBIT A**, **EXHIBIT G** and **EXHIBIT H**, and identified as the "Premises" therein.

(d) **Total Area in the Premises:** From the effective date to the expansion effective date the area of the Premises is approximately Seventy Three Thousand Four Hundred Ninety One square feet (73,491 ft<sup>2</sup>) of land. On and after the expansion effective date One Hundred Sixty Five Thousand Five Hundred Sixty One square feet (165,561 ft<sup>2</sup>) of land.

- (e) **Initial Lease Term:** The initial term of this Lease shall be for a period of forty five (45) years, commencing December 20, 2006 (the "Commencement Date") through and including December 31, 2051 (the "Expiration Date"), unless this Lease shall be terminated earlier or the period is extended through any Option to Renew as permitted in this Lease or is extended as otherwise provided for in subsection (g) below.
- (i) **Basic Rent:** For the Initial Lease Term through December 31, 2016, the Basic Rent is the amount of Thirty Four Thousand Fifty Eight Dollars and Forty Cents (\$34,058.40). For the Lease Term commencing with the expansion effective date the Basic Rent is the amount of Six Hundred Ninety Nine Thousand Two Hundred Four Five Dollars and Forty Cents (\$699,245.40).
- (j) **Rent Installment:** From the effective date to the expansion effective date the Basic Rent shall be payable in One Hundred Twenty (120) equal Monthly Rental Payments or monthly installments of Two Hundred Eighty Three Dollars and Eighty Two Cents (\$283.82). On and after the expansion effective date, commencing January 1, 2017, the Basic Rent shall be payable in Four Hundred Twenty (420) equal Monthly Rental Payments or monthly installments of One Thousand Six Hundred Sixty Four Dollars and Eighty Seven Cents (\$1,664.87).
- (l) **Renewal Term Rent:** Rent for renewal terms shall be the market rate for the lease of 165,561 ft<sup>2</sup> of vacant land in the AirparkOhio vicinity as determined by Owner pursuant to market rate studies to be performed by Owner at Owner's expense.

**Section C.** Section 7 is amended to read:

Section 7. **HANGAR CONSTRUCTION.** In partial consideration of the grant of this Lease by Owner to the Tenant, the Tenant shall diligently prosecute to completion the construction of Aircraft Hangar facilities (hereinafter the "Hangar" which term by itself includes both the Original Hangar and the Expansion Hangar as set out below) on the Premises entirely at Tenant's cost and any Hangar installed on the Premises shall be the property of Owner free and clear of all claims by Tenant.

- (a) **Construction of the Original Hangar (2007).** The Tenant agrees to commence construction of the Original Hangar on the Premises as soon as possible after the effective date of this Lease, and in any event no later than January 1, 2007 or such later date as Tenant and Owner, by its City Manager, may mutually agree to. The Original Hangar shall be at least one hundred twenty feet (120') wide and at least one hundred fifty feet (150') long with a hangar door capable of admitting an aircraft with a tail twenty eight feet (28') high into the Original Hangar, and shall have

attached thereto an office/lobby/maintenance shop/restroom area approximately forty feet (40') wide by one hundred forty three feet (143') long (all of such space being included in the term "Original Hangar"). The Original Hangar shall be of metal construction and shall be heated. Tenant shall be responsible to construct facilities to extend Springfield municipal water and sewer services to the Original Hangar and to acquire necessary electricity and natural gas connections, all at Tenant's cost and not at Owner's. Notwithstanding the foregoing, Owner agrees that a water line, sewer line, gas line and electric line shall be located within fifty feet (50') of the boundary of the Premises and will be available for Tenant to connect to on and after April 1, 2007, and Owner shall pay all costs and take all actions needed in bringing such lines to such location. Owner shall not require Tenant to pay any connection fees related to Tenant connecting the Original Hangar to Owner's water and sewer services; however, Tenant shall be required to pay customary inspection and similar fees required by Owner and other governmental agencies having jurisdiction over the Premises. Tenant shall construct an asphalt ramp to connect the Original Hangar to the adjacent apron, if necessary, all at Tenant's cost and not at Owner's. The Tenant agrees to complete such construction of the Original Hangar and ramp, in accordance with final plans submitted to Owner and approved by Owner. Thereafter, Tenant shall proceed to obtain any necessary occupancy certificate, and commence operating such Original Hangar promptly after completion of construction. Owner agrees to cooperate with the Tenant and use its best efforts to assist Tenant in obtaining the occupancy certificate and any other required governmental permits and approvals. Further, Tenant shall, at its cost, be responsible for the following items as hereinafter set forth, with respect to the proposed construction of the Original Hangar:

- (i) **Design and construction of Hangar.** Tenant shall design and construct the Original Hangar and parking areas servicing the Hangar, pursuant to the Final Plans, including all designated supporting facilities, ramps, landscaping, soft costs and required improvements relating thereto, all at no cost to Owner.
- (ii) **FAA Form 7460-1.** Tenant shall cooperate with Owner in preparing and submitting to FAA a Form 7460-1 [Notice of Proposed Construction or Alteration] seeking FAA approval for construction of the Original Hangar and in obtaining FAA approval for construction of the Original Hangar; and,
- (iii) **Financing.** Tenant shall obtain all financing necessary to design and construct the Original Hangar and site preparation [at least One Million Three Hundred Seventy Five Thousand Dollars (\$1,375,000.00)], with Owner to assist with site preparation costs as described in paragraph (e) of this Section 7 of this Lease; and,
- (iv) **Certain Costs.** Tenant shall pay the costs of: 1) all required soil tests on the Site; 2) all other tests deemed necessary by Tenant; 3) a land survey including utility locations, elevations, and all other

detail required by the Tenant or necessary for purposes of title insurance required by Tenant's lender(s) and 4) the cost of all Tenant's leasehold improvements.

- (v) **Test Results.** If the results of soil tests or the results of any other tests performed on the Premises indicate that the Premises are not suitable for the purposes contemplated in this Lease, then Tenant shall have the right to terminate this Lease and Owner and Tenant shall have no further liability hereunder.
- (vi) **Relocate The Storm Sewer Line.** Prior to constructing the foundation and pad for the Original Hangar, Tenant shall relocate the storm sewer line now extending from the western end of Runway 6-24 to the stormwater detention pond to the north and crossing the Premises, to a location designated by City and in accordance with plans approved by City so that the storm sewer pipe will not lie under the foot print for the Original Hangar.

- (b) **Construction of the Expansion Hangar (2017).** The Tenant agrees to commence construction of the Expansion Hangar on the Premises as soon as possible after the effective date of this Lease, and in any event no later than May 31, 2017 or such later date as Tenant and Owner, by its City Manager, may mutually agree to. The Expansion Hangar shall be at least one hundred twenty feet (120') wide and at least one hundred fifty feet (150') long with a hangar door capable of admitting an aircraft with a tail twenty eight feet (28') high into the Expansion Hangar, and shall have attached thereto an office/lobby/maintenance shop/restroom area approximately forty feet (40') wide by one hundred forty three feet (143') long (all of such space being included in the term "Expansion Hangar"). The Expansion Hangar shall be of metal construction and shall be heated. Tenant shall be responsible to construct facilities to extend Springfield municipal water and sewer services to the Expansion Hangar and to acquire necessary electricity and natural gas connections, all at Tenant's cost and not at Owner's. Tenant shall be required to pay customary building inspection and similar fees required by Owner and other governmental agencies having jurisdiction over the Premises. Tenant shall construct an asphalt ramp to connect the Hangar to the adjacent apron, if necessary, all at Tenant's cost and not at Owner's. The Tenant agrees to complete such construction of the Hangar and ramp, in accordance with final plans submitted to Owner and approved by Owner. Thereafter, Tenant shall proceed to obtain any necessary occupancy certificate, and commence operating such Expansion Hangar promptly after completion of construction. Owner agrees to cooperate with the Tenant and use its best efforts to assist Tenant in obtaining the occupancy certificate and any other required governmental permits and approvals. Further, Tenant shall, at its cost, be responsible for the following items as hereinafter set forth, with respect to the proposed construction of the Hangar:

- (i) **Design and construction of Expansion Hangar.** Tenant shall design and construct the Expansion Hangar and parking areas servicing the Expansion Hangar, pursuant to the Final Plans, including all designated supporting facilities, ramps, landscaping, soft costs and required improvements relating thereto, all at no cost to Owner.
  - (ii) **FAA Form 7460-1.** Tenant shall cooperate with Owner in preparing and submitting to FAA a Form 7460-1 [Notice of Proposed Construction or Alteration] seeking FAA approval for construction of the Expansion Hangar and in obtaining FAA approval for construction of the Expansion Hangar; and,
  - (iii) **Financing.** Tenant shall obtain all financing necessary to design and construct the Expansion Hangar and site preparation [at least Three Million Four Hundred Thousand Dollars (\$3,400,000.00)], with Owner to assist with site preparation costs as described in paragraph (f) of this Section 7 of this Lease; and,
  - (iv) **Certain Costs.** Tenant shall pay the costs of: 1) all required soil tests on the Site; 2) all other tests deemed necessary by Tenant; 3) a land survey including utility locations, elevations, and all other detail required by the Tenant or necessary for purposes of title insurance required by Tenant's lender(s) and 4) the cost of all Tenant's leasehold improvements.
  - (v) **Test Results.** If the results of soil tests or the results of any other tests performed on the Premises indicate that the Premises are not suitable for the purposes contemplated in this Lease, then Tenant shall have the right to terminate this Lease and Owner and Tenant shall have no further liability hereunder.
- (c) **Optional Installation of Fuel Tanks.** Tenant may install up to two (2) twelve thousand gallon (12,000 gal.), aboveground Fuel Tanks, with all necessary and related safety devices, dispensing equipment and electrical connections. Tenant shall carefully monitor the Fuel Tanks to determine if any leaks occur. Should any leak occur, Tenant shall promptly notify Owner's Airport Manager and Fire Marshal and any governmental agencies having jurisdiction over the Fuel Tanks which require such notice; further, Tenant will promptly repair all such leaks in accordance with all applicable governmental regulations and with sound engineering practices. Fuel may be dispensed from the Fuel Tanks only into Tenant's owned or leased aircraft, into aircraft stored or to be stored in the Hangar for at least twenty four hours and into aircraft on which a Specialty Fixed Base Operator has performed is Specialty Fixed Base Operator services within the eight hour period immediately preceding such fueling (or at the first opportunity to fuel the aircraft if inclement weather prevented fueling within the said eight hour fueling window); however, Tenant may share the capacity of the Fuel Tanks with the tenant of another, adjacent hangar owned by the Owner when the fuel dispensed

will be used only as specified in this sentence. The Fuel Tanks must be used only in strict compliance with Owners Minimum Standards.

- (i) **Design and construction of Fuel Tanks: Title.** Tenant shall design and install the Fuel Tanks, should Tenant decide to install Fuel Tanks, on the Premises at the location specified in **EXHIBIT B** and shall be installed in compliance with the requirements specified in **EXHIBIT B**, including all installing all necessary supporting facilities, ramps, landscaping, soft costs and required improvements relating thereto, all at no cost to Owner. Notwithstanding any provisions of this Lease to the contrary, the title to such Fuel Tanks shall remain in Tenant. Upon termination of this Lease, Tenant shall remove the Fuel Tanks and their appurtenant connections and equipment and restore the Premises where the Fuel Tanks and their appurtenant connections and equipment were; located to the condition the Premises was in prior to installation of the Fuel tanks and their appurtenant connections and equipment, all at Tenant's cost.
  - (ii) **FAA Form 7460-1.** Tenant shall cooperate with Owner in preparing and submitting to FAA a Form 7460-1 [Notice of Proposed Construction or Alteration] seeking FAA approval for construction of the Fuel Tanks and in obtaining FAA approval for construction of the Fuel Tanks; and,
  - (iii) **Financing.** Tenant shall obtain all financing necessary to design and install the Fuel Tanks, should Tenant decide to install Fuel Tanks, on the Premises, and to make site preparation for the Fuel Tanks and their appurtenant connections and equipment; and,
  - (iv) **Certain Costs.** Tenant shall pay the costs of: 1) all required soil tests on the Site; 2) all other tests deemed necessary by Tenant; 3) a land survey including utility locations, elevations, and all other detail required by the Tenant or necessary for purposes of title insurance required by Tenant's lender(s) and 4) the cost of all Tenant's Fuel Tanks and their appurtenant connections and equipment.
  - (v) **Test Results.** If the results of soil tests or the results of any other tests performed on the Premises indicate that the Premises are not suitable for the purposes contemplated in this Lease, then Tenant shall have the right to terminate this Lease and Owner and Tenant shall have no further liability hereunder.
- (d) **Maintenance and Property Insurance Obligations.** The Tenant agrees through out the term of this Lease to maintain the Hangar and Fuel Tanks in good repair, to keep the Hangar insured against Property Damage/Fire and Extended Coverage casualties, with a minimum level of insurance coverage equal to the total construction costs for the Hangar, and to apply the net amount of insurance proceeds received as the result of a fire or other casualty to the repair and restoration of the Hangar, all in

accordance with and subject to the more stringent requirements of the holder of the first mortgage on Tenant's leasehold estate. Owner agrees that, throughout the term of this Lease, it will undertake all maintenance, repairs and replacements necessary to keep the Airport and the AirparkOhio and all roadways, walkways and runways servicing the same in good condition and repair.

- (e) **Tenant to Protect Owner's Estate.** Tenant shall not suffer any liens to attach to or be enforced against said Premises and the Hangar or Fuel Tanks thereon except that Tenant may grant a leasehold mortgage in its interest under this Lease in connection with the financing to be obtained by Tenant under Section 7(a)(iv). Tenant shall promptly discharge any lien or claim which has or may obtain priority over this Owner's estate in the Premises; provided that Tenant shall not be required to discharge any such lien so long as Tenant shall agree in writing to the payment of the obligation secured by such lien in a manner acceptable to Owner, or shall in good faith contest such lien by, or defend against enforcement of such lien in legal proceedings which operate to prevent the enforcement of the lien or forfeiture of the property or any part thereof. In the event any such lien or claim is not promptly discharged, Owner may, at its option, require Tenant to deposit with Owner such amounts or such bonds as are acceptable to Owner to assure the priority of Owner's estate in the Premises. Tenant further agrees to pay to Owner any costs it may advance in order to protect the priority of Owner's estate in the Premises, including, but not limited to, court costs and attorney's fees.
- (f) Tenant is responsible for all site work necessary for construction of the Original Hangar and Fuel Tanks. Owner agrees to make payments to Tenant in the amounts established by the actual costs to Tenant for the site preparation and hangar construction work elements listed in **EXHIBIT C** provided, however that the total of such amounts shall not exceed the maximum sum of Two Hundred Thousand Dollars (\$200,000.00) [Owner's obligations under this provision have been fully satisfied as of the date of this Expansion Amendment].
- (g) Tenant is responsible for all site work necessary for construction of the Expansion Hangar.
- (h) Tenant shall indemnify and hold Owner harmless from any liability of any nature which may result to Owner from Tenant's use and occupancy of the Premises; including, but not limited to, any obligations that may be imposed under Chapter 4115 of the Ohio Revised Code, and Tenant shall pay all reasonable attorney's fees and court costs incurred by Owner in defending itself against any such liability. Tenant shall have the sole discretion to select the contractors it will uses in performing Tenant's construction obligations as described in this Lease.

**Section D.** Section 15, division (a) is amended to read:

- (a) Tenant agrees to pay all "Taxes" (as defined below) against the Premises, including all personal property on the Premises, becoming a lien during the Lease Term and a pro rata portion of the installments of Taxes which become a lien in the years in which the Tenant first takes possession of land included in the Premises and on the Expiration Date of this Lease occur, such pro rata share to be determined as of the date Tenant took possession of the applicable land and expiration date in accordance with the customary method of prorating real estate taxes in Clark County, Ohio. Tenant shall not be obligated to pay any installment of any special assessment that may be assessed, levied or confirmed during the Lease Term, but does not fall due and is not required to be paid until after the expiration of this Lease, except for a pro rata share of the installments becoming payable following the expiration of this Lease.

As used in this Lease, the term "Taxes" means all taxes, assessments and levies, whether general or special, ordinary or extraordinary, of every nature or kind whatsoever, including, but not limited to, real property and personal property taxes, excise and use taxes, water and sewer charges, gas and electric rates, and all other utility charges that may be taxed, charged, assessed, levied or imposed at any time during the term of this Lease by any governmental authority upon or against (1) the Premises (2) the rent or other sums payable by Tenant under this Lease, or (3) this Lease or the leasehold estate created by this Lease.

Tenant shall pay the Taxes before any delinquency can occur. Proof of payment shall be delivered promptly to Owner. If Tenant fails to pay any Taxes by the due date, then, in addition to any other remedy of Owner, Owner may (but shall not be obligated to) pay the same plus any penalties or interest, and Tenant shall reimburse Owner for all amounts so paid within 5 days after Owner notifies Tenant of the payment.

If such taxes are directly imposed on Owner, Owner may deliver to Tenant a statement of amounts payable under this subsection (a) within thirty days after receipt of notice of the levy or imposition of such taxes by Owner. In the event that Tenant does not pay such taxes within thirty days of notice by Owner, then Owner may pay such taxes and obtain reimbursement from the Tenant for such taxes as Additional Rent due within thirty days, notwithstanding any termination of the Lease.

**Section E.** Section 18, division (a) is amended to read:

- (a) **Construction of Leasehold Improvements.** The Tenant shall have the right to construct and maintain any leasehold improvements referred to in **EXHIBIT E** and **EXHIBIT I** attached hereto pursuant to the terms and conditions set forth therein. Tenant shall construct such leasehold improvements at its sole cost and expense. During the Lease Term, Tenant may install or erect additional improvements on the Premises or alter its leasehold improvements only with the prior written consent of Owner, which consent shall not be unreasonably withheld or delayed.

Tenant shall, no later than 30 days after the execution of delivery of the Lease or Expansion Amendment, as applicable, by Tenant and Owner, submit to Owner plans and specifications for such initial leasehold improvements. Tenant shall commence the construction of such initial leasehold improvements within 60 days after receipt from Owner of written approval of such plans and specifications, which approval shall not be unreasonably denied, and once commenced, such construction shall be diligently prosecuted provided, however, that Tenant shall be excused for any delays in the commencement of completion of construction caused by circumstances not within Tenant's control. Construction of leasehold improvements or alterations shall be conducted in accordance with the approval plans and specifications and no material variations therefor shall be made without the prior written approval of Owner.

**Section F.** Section 23 is amended to read:

Section 23. **ANCILLARY OWNER AND TENANT IMPROVEMENTS.**

- (a) On or before October 31, 2006 Owner shall construct, at Owner's expense: 1) a 26,000 ft<sup>2</sup> (200' x 130') apron southeast of the existing apron at the end to Taxiway J near the Premises and 2) construct water and sewer lines to within fifty feet (50') of the Premises.
- (b) Owner will use its best efforts to seek State of Ohio grant assistance to help fund the construction of the 40,800 ft<sup>2</sup> (204' x 200') apron adjacent to the apron mentioned in item (a)(1) of this Section 23 (the said 40,800 ft<sup>2</sup> (204' x 200') apron is hereinafter called the "second apron"). Tenant shall provide all local match funding and all other funding necessary to complete construction of the second apron. Tenant shall provide such additional funding within ten days of Owner's request to enable Owner to encumber any construction contract Owner determines is necessary to accomplish construction of the second apron. In the event State of Ohio grant assistance does not provide at least fifty percent (50%) of the needed construction funding, then Tenant may terminate this Expansion

Amendment by electing to do so, in writing, within ten days after the State of Ohio has made its determination concerning Owner's application for State of Ohio grant assistance to help fund the construction of the second apron.

- (c) In the event the State of Ohio provides a grant to Owner to fund construction of the second apron and Tenant does not elect to terminate this Expansion Amendment; then, upon Tenant paying over to the Owner the local match funding necessary to complete construction of the second apron, Owner shall enter into a construction contract to construct the second apron and shall diligently pursue the construction to completion. Upon Owner's request, Tenant shall pay over to Owner such additional funding as may be necessary to fund any change orders to the said construction contract necessary to complete construction of the second apron. Notwithstanding the other provisions of this Expansion Amendment, the Owner shall have the right to continue to occupy that portion of the Premises which Owner finds necessary to occupy for purposes of completing construction of the second apron.

IN WITNESS WHEREOF, and in consideration of the mutual entry into this Lease and for other good and valuable consideration, and intending to be legally bound, each party hereto has caused this agreement of lease to be duly executed as of the day and year first above written.

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
Deputy Law Director

**THE CITY OF SPRINGFIELD, OHIO**

By: \_\_\_\_\_  
James A. Bodenmiller, City Manager

**S JET, LLC**

By: \_\_\_\_\_  
Michael I. Catherwood, Manager

STATE OF OHIO            )  
COUNTY OF CLARK        )     SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me appeared James A. Bodenmiller, City Manager of The city of Springfield, Ohio, to me personally known, who being by me duly sworn, did say that he is the City Manager of The City of Springfield, Ohio who acknowledged said instrument to be the free act and deed of The City of Springfield, Ohio.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

STATE OF OHIO            )  
COUNTY OF CLARK        )     SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me appeared Michael I. Catherwood, who being by me duly sworn, did say that he is a Manager of S Jet, LLC with authority to obligate S Jet, LLC, and that said instrument was signed and sealed in behalf of that limited liability company and acknowledged said instrument to be the free act and deed of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

This instrument prepared by The City of Springfield, Ohio.

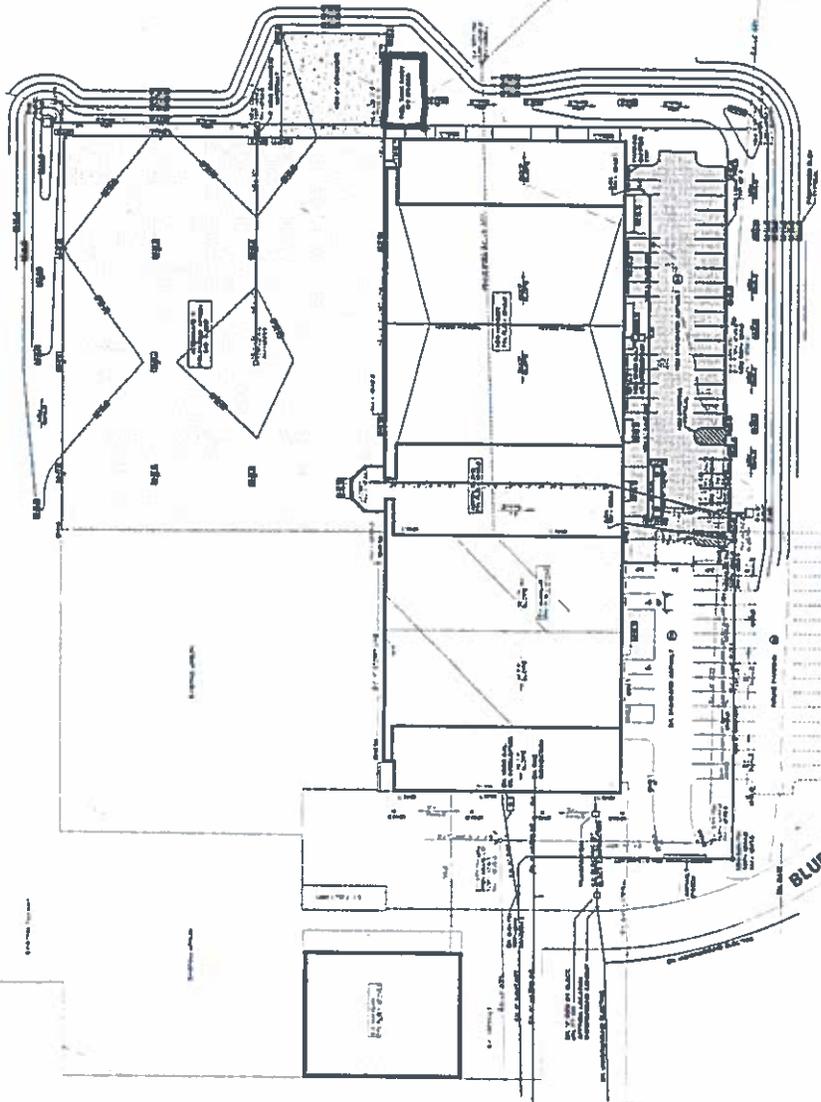
## EXHIBIT B

### FUEL TANK LOCATION AND INSTALLATIONS REQUIREMENTS

Installation of the aboveground fuel tanks described in this Lease shall be installed in compliance with the following standards:

1. NFPA Standard #407 - Aircraft Fuel Servicing (1996)
2. NFPA Standard #30 - Flammable & Combustible Liquids (1996)
3. BOCA National Fire Prevention Code (1993), Chapter 32 -  
Flammable & Combustible Liquids, Section F-3207.0 -  
Aboveground Storage Tank
4. FAA AC #150/5230-4 - Aircraft Fuel Storage, Handling &  
Dispensing on Airports
5. Fuel Tank location as per the attached map labeled Sheet S-1 of  
S-2

Fuel Tank Location  
 E-1000  
 B



SCALE: 1" = 30' 0"

SITE PLAN

8 WORKING DAYS  
 BEFORE YOU DIG  
 CALL THE PROS 800-382-2784  
 For a free brochure, visit [www.pros.com](http://www.pros.com)

Job No. E-3028  
 Drawn by DJW  
 Checked by DJW  
 Date: 17 SEPT. 2015

COLUMBIA, IL OFFICE  
 601 Riverside Plaza  
 Columbia, IL 62202  
 Phone: 618-336-8888  
 Fax: 618-336-8889

DAYTON OFFICE  
 5251 Emory Park Road  
 Dayton, OH 45424-0944  
 Phone: 937-271-0725  
 Fax: 937-271-0726

SEASIDE OFFICE  
 600 Grand Street  
 Seaside, OR 97138-0728  
 Phone: 503-738-0796  
 Fax: 503-738-0797

**IFF FERGUSON**  
 CONSTRUCTION CO.

NEW HANGAR ADDITION  
 FOR  
**SPECTRA JET**  
 CLARK COUNTY  
 6829 BLUE BIRD DRIVE  
 SPRINGFIELD, OH 45502

PRELIMINARY

CONTRACT NO. 2015-002  
 PROJECT NO. 2015-002  
 SHEET NO. S-1 OF S-2

| Rev | Date | Description |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |

## **Spectra Jet Lease Area Expansion Exhibit G**

Located in Green Township, Clark County, Ohio and being part of the south half of Section 11, Town 4, Range 8, B.M.R.S. and being further described as follows:

Beginning for reference at the point of intersection of the centerline of Runway 15-33 and Taxiway J at the Springfield-Beckley Municipal Airport, thence measure in a southwesterly direction along the centerline of Taxiway J a distance of 774.50 feet to a point, thence measure in a southeasterly direction and parallel with the centerline of Runway 15-33, a distance of 288 feet to the true point of beginning of the lease area herein described:

Thence measure in a southeasterly direction and parallel with the centerline of Runway 15-33 a distance of 270 feet to a point;

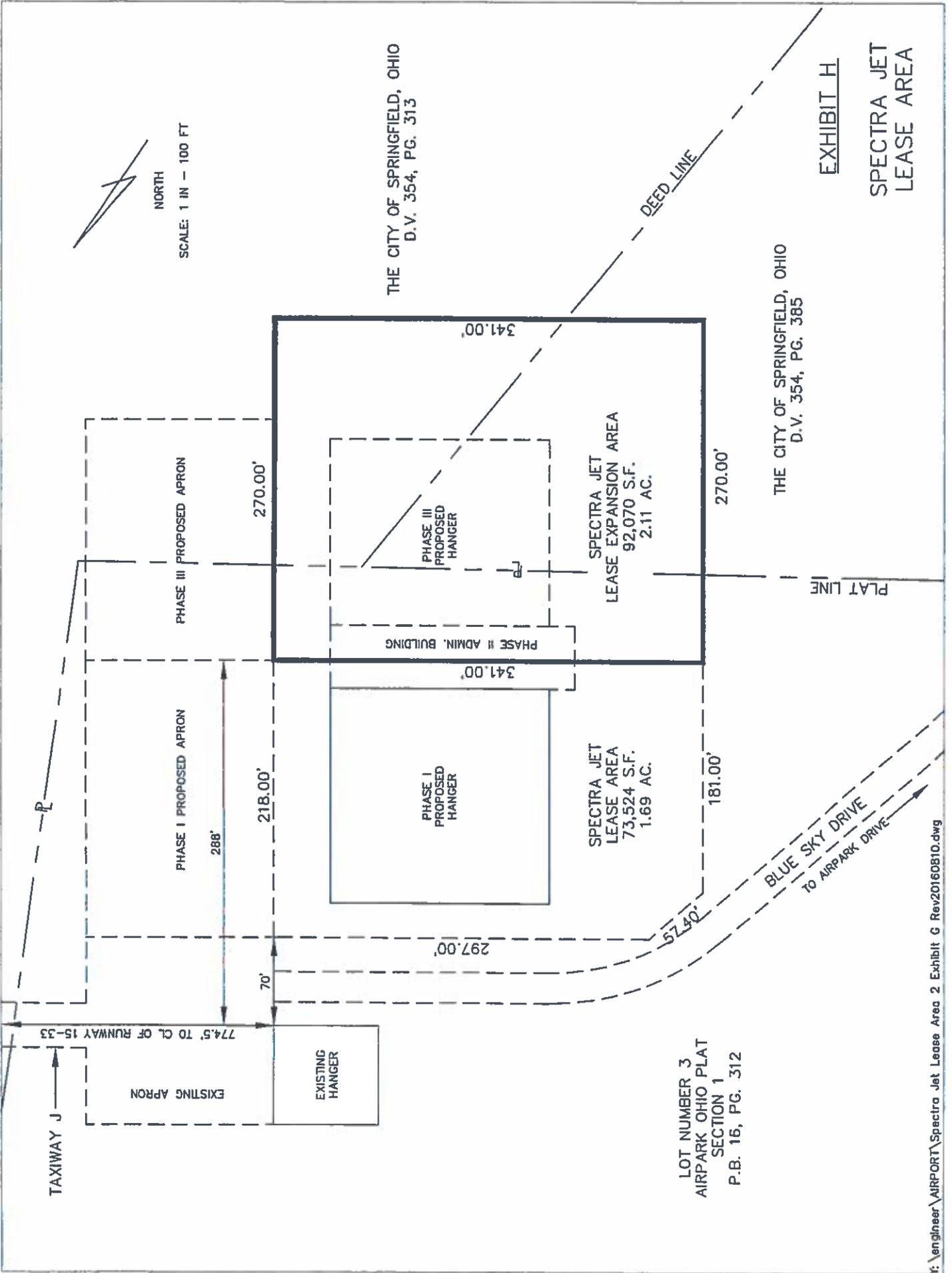
Thence measure in a southwesterly direction parallel with the centerline of Taxiway J a distance of 341 feet to a point;

Thence measure in a northwesterly direction and parallel with the centerline of Runway 15-33 a distance of 270 feet to a point;

Thence measure in a northeasterly direction and parallel with the centerline of Taxiway J a distance of 341 feet to the point of beginning, containing an area of 92,070 square feet or 2.11 acres of land, more or less.

Being part of Lot Number 3 of the Airpark Ohio Plat, recorded in Plat Book 16, Page 312 Clark County, Ohio Recorder's Office. Also being part of the premises described in deeds to The City of Springfield, Ohio from Edmund J. and Catherine Kinney dated March 27, 1944, recorded in Deed Volume 354, Page 313, and from Guy and Alice Tuttle dated March 31, 1944, recorded in Deed Volume 354, Page 385, Clark County, Ohio Recorder's Office.

Also a continuous (non-exclusive) right of vehicular ingress and egress between the above described lease area and Airpark Drive over a private road known as Blue Sky Drive located at the easterly end of said Lot Number 3 and over the lease area apron. Also a continuous (non-exclusive) right of aircraft ingress and egress between the above described lease area and the airport runways by means of the lease area apron, taxiway J and other airport taxiways and runways.



NORTH  
SCALE: 1 IN = 100 FT

THE CITY OF SPRINGFIELD, OHIO  
D.V. 354, PG. 313

THE CITY OF SPRINGFIELD, OHIO  
D.V. 354, PG. 385

EXHIBIT H  
SPECTRA JET  
LEASE AREA

**Spectra Jet Lease Area Expansion  
Exhibit I**

**Leasehold Improvements**

Pre engineered metal building to match existing structure.

Total Square Feet - 45,814 s.f. addition to existing hangar structure.

Hanger - 150'x150' with 28' high hangar door. Eave Height 33'.

Shop(s) Area - 40'x150' with rest rooms.

Office Space - Two Story "connector" between existing hangar and new hangar. Connector footprint 75' x 150'. Space on the first floor consists of offices, restrooms, break room, pilot's rooms, and customer service room. Second floor is unfinished.



AN ORDINANCE NO. \_\_\_\_\_

Vacating the first alley east of Pine Street from Maryland Avenue north 150 feet to an intersecting east-west alley.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the first alley east of Pine Street from Maryland Avenue north 150 feet to an intersecting east-west alley is hereby vacated.

Section 2. That the City hereby reserves unto itself all existing easements and rights with respect to any underground pipes or facilities within said right-of-way described in Section 1 hereof.

Section 3. As provided in Section 723.08 of the Ohio Revised Code, the rights-of-way and easements of any lot owner in and to said right-of-way shall not be impaired by the vacation thereof.

Section 4. That the Clerk of the City Commission shall file a certified copy of this Ordinance and the plat of survey with the County Auditor of Clark County, Ohio for transfer and with the County Recorder of Clark County, Ohio for recording.

Section 5. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was  
duly published in the Springfield News-Sun on \_\_\_\_\_,  
2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION



AN ORDINANCE NO. \_\_\_\_\_

Vacating the first alley west of North Western Avenue from 156 feet north of Broadway Street north 140 feet to the terminus.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the first alley west of North Western Avenue from 156 feet north of Broadway Street north 140 feet to the terminus is hereby vacated.

Section 2. That the City hereby reserves unto itself all existing easements and rights with respect to any underground pipes or facilities within said right-of-way described in Section 1 hereof.

Section 3. As provided in Section 723.08 of the Ohio Revised Code, the rights-of-way and easements of any lot owner in and to said right-of-way shall not be impaired by the vacation thereof.

Section 4. That the Clerk of the City Commission shall file a certified copy of this Ordinance and the plat of survey with the County Auditor of Clark County, Ohio for transfer and with the County Recorder of Clark County, Ohio for recording.

Section 5. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was  
duly published in the Springfield News-Sun on \_\_\_\_\_,  
2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**APPROVED**

Clark County Tax Map

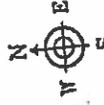
AUG 01 2016

- Legal Description
- Survey Plat / Lotsplit
- Subdivision / Annexation

THE INFORMATION SHOWN HEREON WAS DERIVED FROM RECORDS AT THE CLARK COUNTY, OHIO TAX MAP DEPARTMENT AND THE CLARK COUNTY, OHIO RECORDS OFFICE AND IS NOT THE RESULT OF A FIELD SURVEY.

THE VACATED RIGHT-OF-WAY SHALL BE DIVIDED ALONG THE CENTERLINE AND ONE HALF SHALL BE ATTACHED TO THE ADJOINING PROPERTIES. THE AREA OF VACATED RIGHT-OF-WAY TO BE ADDED TO EACH PARCEL IS SHOWN ON THE MAP.

THIS MAP WAS PREPARED UNDER THE SUPERVISION OF MARK T. SCHOLL, P.E. - OHIO REG. NO. 6889.



SCALE: 1 INCH = 30 FEET

**RIGHT OF WAY VACATION**

FIRST ALLEY WEST OF NORTH WESTERN AVENUE FROM 156 FEET NORTH OF BROADWAY STREET NORTH 140 FEET TO THE TEBORGUS

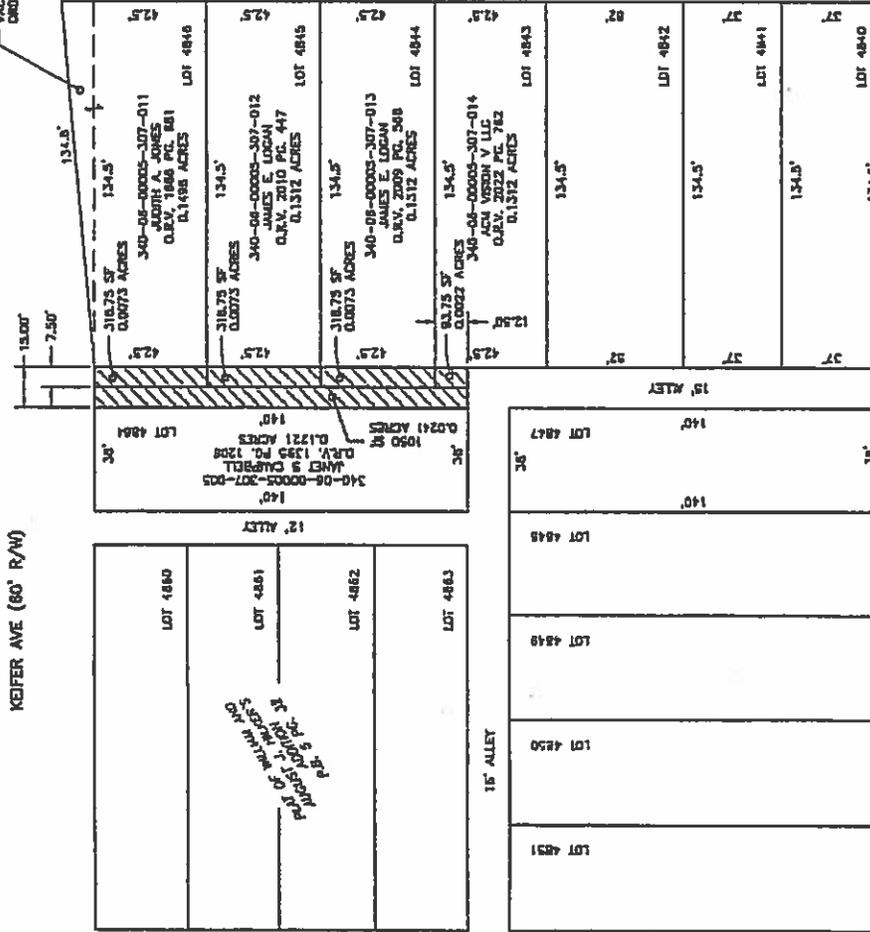
REC. 5, T. 4, R. 9 S.W.R.5  
 CITY OF SPRINGFIELD  
 CLARK COUNTY, OHIO  
 AUGUST 1, 2016

MARK T. SCHOLL, P.E. 6889  
 CITY OF SPRINGFIELD, OHIO  
 ENGINEERING DEPARTMENT  
 78 EAST HIGH STREET  
 SPRINGFIELD, OHIO 45502

FILE DESIGN/VACATION/4891.DWG

A491

VACATED R/W  
 ORD. NO. 63-12



NORTH WESTERN AVE (60' R/W)

KEIFER AVE (80' R/W)

NORTH BELL AVE (60' R/W)

BRADWAY ST (80' R/W)

PLAT OF WESTERN AVE  
 PROJECT T. 4, R. 9 S.W.R. 5  
 P.E. 5, PG. 11

LOT 4860  
 LOT 4861  
 LOT 4862  
 LOT 4863

LOT 4847  
 LOT 4848  
 LOT 4849  
 LOT 4850  
 LOT 4851  
 LOT 4852

LOT 4840  
 LOT 4841  
 LOT 4842  
 LOT 4843  
 LOT 4844  
 LOT 4845  
 LOT 4846

AN ORDINANCE NO. \_\_\_\_\_

Vacating the first alley east of Eden Avenue from West Pleasant Street south to the first intersecting east-west alley.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the first alley east of Eden Avenue from West Pleasant Street south to the first intersecting east-west alley is hereby vacated.

Section 2. That the City hereby reserves unto itself all existing easements and rights with respect to any underground pipes or facilities within said right-of-way described in Section 1 hereof.

Section 3. As provided in Section 723.08 of the Ohio Revised Code, the rights-of-way and easements of any lot owner in and to said right-of-way shall not be impaired by the vacation thereof.

Section 4. That the Clerk of the City Commission shall file a certified copy of this Ordinance and the plat of survey with the County Auditor of Clark County, Ohio for transfer and with the County Recorder of Clark County, Ohio for recording.

Section 5. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

\_\_\_\_\_, 2016)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was  
duly published in the Springfield News-Sun on \_\_\_\_\_,  
2016.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION



# Request for Commission Action City of Springfield, Ohio

Item Number: 266-14

**Agenda Date:** 9/13/16

**Today's Date:** 9/1/16

**Subject:** Amendment No. 2 to LPA Project Agreement No. 26851 for Project CLA – Belmont Ave Recon, Ph.2, PID No. 94814

**Submitted By:** Leo Shanayda, City Engineer

**Department:** Engineering

**Contact:** Leo Shanayda, City Engineer

|  |  |                                 |  |
|--|--|---------------------------------|--|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior Ordinance/Resolution:** 15-5  
15-114

**Date of Prior Ordinance/Resolution:** 1/6/15  
4/28/15

## **Summary:**

Amendment is needed for this project because ODOT has amended their Section 10 - "Non-Discrimination" to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval. This amendment revises the language in Section 10 of the previously signed agreement and requires an amendment to the LPA Agreement.

In addition, there is a amendment needed in Section 3 - "Funding" to reflect a modification to the funding sources.

## **Justification for Emergency Action:** *(use reverse side if needed)*

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

AN ORDINANCE NO. \_\_\_\_\_

Authorizing the City Manager to enter into LPA Agreement No. 26851 - Amendment No. 2 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2, PID No. 94814, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to reflect the modification of funds for various project phases.

...oooOOOooo...

WHEREAS, the City and the State of Ohio have entered into LPA Agreement No. 26851 pursuant to Ordinance No. 15-5, and amended pursuant to Ordinance No. 15-114, in connection with the Belmont Avenue Reconstruction Phase 2 Project; and

WHEREAS, ODOT has tendered an LPA Agreement Amendment No. 2 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to reflect the modification of funds for various project phases; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Manager is hereby authorized to enter into LPA Agreement No. 26851 - Amendment No. 2 between the City and the Ohio Department of Transportation, a copy of which is attached hereto and is hereby approved, in connection with the CLA Belmont Avenue Reconstruction Phase 2, PID No. 94814, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to reflect the modification of funds for various project phases.

Section 2. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

Rev. 6/23/2016

CFDA 20.205

## LOCAL-LET PROJECT AMENDMENT No. 2

Amend Section 3 to reflect the modifications of funds to allow for funds in the right of way phase, and Amend Section 10 – Non-Discrimination to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval:

### 3. FUNDING

- 3.1 The total cost for the PROJECT is estimated to be \$1,846,140 as set forth in Attachment 1. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum of \$300,000 in Federal funds (4TA7) for preliminary engineering and detail design. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated for preliminary engineering and detail design. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum of \$160,000 in Federal funds (4TA7) for right of way acquisition and services. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with right of way acquisition and services. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$1,023,911.60 in Federal funds (4TA7) for construction and engineering/inspection. These maximum amounts reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the transportation project improvements and construction engineering/inspection activities.
- 10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- 10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.
- 10.3 The LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. To meet this requirement, subcontractors who claim to be DBEs must be certified by ODOT. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

Disadvantaged Business Enterprise (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the ORC.

ODOT shall supply the percentage goal to the LPA upon review of the Engineer's Estimate. Prior to executing the contract with the contractor, and in order for ODOT to encumber the Federal/State funds, the contractor must demonstrate compliance with the DBE Utilization Plan and Good Faith Efforts requirements.

### **GOOD FAITH EFFORTS (GFEs)**

In the event that the DBE contract goal established by ODOT is not met on a project, the Contractor shall demonstrate that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

The Contractor shall demonstrate its GFEs by submitting information including but not limited to the following to the LPA:

- (1) All written quotes received from certified DBE firms;
- (2) All written (including email) communications between the Contractor and DBE firms;
- (3) All written solicitations to DBE firms, even if unsuccessful;
- (4) Copies of each non-DBE quote when a non-DBE was selected over a DBE for work on the contract;
- (5) Phone logs of communications with DBE firms.

The LPA will send the GFE documentation including their recommendation to ODOT at the following address:

Office of Small & Disadvantaged Business Enterprise  
The Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 3270  
Columbus, Ohio 43223

ODOT shall utilize the guidance set forth in 49 CFR §26.53 Appendix A in determining whether the Contractor has made adequate good faith efforts to meet the goal. ODOT will review the GFE documentation and the LPA's recommendation and issue a written determination on whether adequate GFEs have been demonstrated by the Contractor.

The Contractor may request administrative reconsideration within two (2) days of being informed that it did not perform a GFE. The Contractor must make this request in writing to the following official:

Ohio Department of Transportation  
Division of Chief Legal Counsel  
1980 West Broad Street, Mail Stop 1500  
Columbus, Ohio 43223

The reconsideration official will not have played any role in the original determination that the Contractor did not document sufficient good faith effort.

As part of this reconsideration, the Contractor will have the opportunity to provide written documentation or an argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. ODOT will send the Contractor a written decision on reconsideration explaining the basis for finding that the Contractor did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable.

ODOT may issue sanctions if the Contractor fails to comply with the contract requirements and/or fails to demonstrate the necessary good faith effort. ODOT may impose any of the following sanctions:

- (a) Letter of reprimand;
- (b) Contract termination; and/or
- (c) Other remedies available by law including administrative suspension.

Factors to be considered in issuing sanctions include, but are not limited to:

- (a) The magnitude and the type of offense;
- (b) The degree of the Consultant's culpability;
- (c) Any steps taken to rectify the situation;
- (d) The Contractor's record of performance on other projects including, but not limited to:
  - (1) Annual DBE participation over DBE goals;
  - (2) Annual DBE participation on projects without goals;
  - (3) Number of complaints ODOT has received from DBEs regarding the Contractor; and,
  - (4) The number of times the Contractor has been previously sanctioned by ODOT; and,
- (e) Whether the Contractor falsified, misrepresented, or withheld information.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest") agrees as follows:

(1) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(2) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination

prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(3) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the LPA under the contract until the LPA complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs (1) through (5) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: CITY OF SPRINGFIELD

STATE OF OHIO  
OHIO DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Jerry Wray  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment 1

PROJECT BUDGET -- SOURCES AND USES OF FUNDS

| USES  | SOURCES |   | LPA FUNDS     |     |      | FHWA FUNDS     |     |      | STATE FUNDS |   |     | TOTAL          |
|---|---------|---|---------------|-----|------|----------------|-----|------|-------------|---|-----|----------------|
|   | Amount  | % | Amount        | %   | SAC  | Amount         | %   | SAC  | Amou        | % | SAC |                |
| PRELIMINARY DEVELOPMENT                           |         |   |               |     |      | \$ 255,000     | 100 | 4TA7 |             |   |     | \$ 255,000     |
| FINAL DESIGN, CONSTRUCTION PLANS & SPECIFICATIONS |         |   |               |     |      | \$ 45,000      | 100 | 4TA7 |             |   |     | \$ 45,000      |
| ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION  |         |   |               |     |      | \$110,000      | 100 | 4TA7 |             |   |     | \$110,000      |
| RIGHT OF WAY SERVICES                             |         |   |               |     |      | \$ 50,000      | 100 | 4TA7 |             |   |     | \$ 50,000      |
| PROJECT CONSTRUCTION COSTS                        |         |   | \$237,841.50  | 20  | LNTP | \$ 951,366     | 80  | 4TA7 |             |   |     | \$1,189,207.50 |
| PROJECT CONSTRUCTION COSTS                        |         |   | \$ 106,250.50 | 100 | LNTP |                |     |      |             |   |     | \$ 106,250.50  |
| INSPECTION  |         |   | \$ 18,136.40  | 20  | LNTP | \$72,545.60    | 80  | 4TA7 |             |   |     | \$ 90,682      |
| TOTALS  |         |   | \$362,228.40  |     |      | \$1,483,911.60 |     |      |             |   |     | \$1,846,140    |

# Request for Commission Action City of Springfield, Ohio

Item Number: 97-15

**Agenda Date:** 9/13/16

**Today's Date:** 8/31/16

**Subject:** Amendment No. 1 to LPA Project Agreement No. 26857 for Project CLA – Bechtle-0.57, PID No. 99563

**Submitted By:** Leo Shanayda, City Engineer

**Department:** Engineering

**Contact:** Leo Shanayda, City Engineer

|  |  |                                 |  |
|--|--|---------------------------------|--|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior Ordinance/Resolution:** 15-100

**Date of Prior Ordinance/Resolution:** 4/14/15

## **Summary:**

Amendment is needed for this project because ODOT has amended their Section 10 - "Non-Discrimination" to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval. This amendment revises the language in Section 10 of the previously signed agreement and requires an amendment to the LPA Agreement.

In addition, there is an amendment needed in Section 3 - "Funding" to reflect additional funds added for the right of way. An additional \$10,000 was added for Acquisition of Right of Way & Utility Location and \$40,000 for Right of Way Services, bringing the total funding to \$235,000.

## **Justification for Emergency Action:** *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

AN ORDINANCE NO. \_\_\_\_\_

Authorizing the City Manager to enter into LPA Agreement No. 26857 - Amendment No. 1 between the City and the Ohio Department of Transportation in connection with the CLA Bechtle - 0.57, PID No. 99563, and further identified as Bechtle Avenue bridge over the lagoon project, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to increase ODOT funding for the project from \$185,000.00 to \$235,000.00.

...oooOOOooo...

WHEREAS, the City and the State of Ohio have entered into LPA Agreement No. 26857 pursuant to Ordinance No. 15-100 in connection with the Bechtle Avenue bridge over the lagoon project; and

WHEREAS, ODOT has tendered an LPA Agreement Amendment No. 1 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to increase ODOT funding for the project from \$185,000.00 to \$235,000.00; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Manager is hereby authorized to enter into LPA Agreement No. 26857 - Amendment No. 1 between the City and the Ohio Department of Transportation, a copy of which is attached hereto and is hereby approved, in connection with the CLA Bechtle - 0.57, PID No. 99563, and further identified as Bechtle Avenue bridge over the lagoon project, to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval and to increase ODOT funding for the project from \$185,000.00 to \$235,000.00.

Section 2. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

Rev. 6/23/2016

CFDA 20.205

## LOCAL-LET PROJECT AMENDMENT No. 1

Amend Section 3 Funding to reflect additional funds in right of way, Section 10 – Non-Discrimination to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval:

### 3. FUNDING

3.1 The total cost for the PROJECT is estimated to be \$235,000 as set forth in Attachment 1. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum of \$235,000 in Federal funds(4TA7). This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the preliminary design activities.

10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.

10.3 The LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. To meet this requirement, subcontractors who claim to be DBEs must be certified by ODOT. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

Disadvantaged Business Enterprise (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the ORC.

ODOT shall supply the percentage goal to the LPA upon review of the Engineer's Estimate. Prior to executing the contract with the contractor, and in order for ODOT to encumber the Federal/State funds, the contractor must demonstrate compliance with the DBE Utilization Plan and Good Faith Efforts requirements.

### **GOOD FAITH EFFORTS (GFEs)**

In the event that the DBE contract goal established by ODOT is not met on a project, the Contractor shall demonstrate that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

The Contractor shall demonstrate its GFEs by submitting information including but not limited to the following to the LPA:

- (1) All written quotes received from certified DBE firms;
- (2) All written (including email) communications between the Contractor and DBE firms;
- (3) All written solicitations to DBE firms, even if unsuccessful;
- (4) Copies of each non-DBE quote when a non-DBE was selected over a DBE for work on the contract;
- (5) Phone logs of communications with DBE firms.

The LPA will send the GFE documentation including their recommendation to ODOT at the following address:

Office of Small & Disadvantaged Business Enterprise  
The Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 3270  
Columbus, Ohio 43223

ODOT shall utilize the guidance set forth in 49 CFR §26.53 Appendix A in determining whether the Contractor has made adequate good faith efforts to meet the goal. ODOT will review the GFE documentation and the LPA's recommendation and issue a written determination on whether adequate GFEs have been demonstrated by the Contractor.

The Contractor may request administrative reconsideration within two (2) days of being informed that it did not perform a GFE. The Contractor must make this request in writing to the following official:

Ohio Department of Transportation  
Division of Chief Legal Counsel  
1980 West Broad Street, Mail Stop 1500  
Columbus, Ohio 43223

The reconsideration official will not have played any role in the original determination that the Contractor did not document sufficient good faith effort.

As part of this reconsideration, the Contractor will have the opportunity to provide written documentation or an argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. ODOT will send the Contractor a written decision on reconsideration explaining the basis for finding that the Contractor did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable.

ODOT may issue sanctions if the Contractor fails to comply with the contract requirements and/or fails to demonstrate the necessary good faith effort. ODOT may impose any of the following sanctions:

- (a) Letter of reprimand;
- (b) Contract termination; and/or
- (c) Other remedies available by law including administrative suspension.

Factors to be considered in issuing sanctions include, but are not limited to:

- (a) The magnitude and the type of offense;
- (b) The degree of the Consultant's culpability;
- (c) Any steps taken to rectify the situation;
- (d) The Contractor's record of performance on other projects including, but not limited to:
  - (1) Annual DBE participation over DBE goals;
  - (2) Annual DBE participation on projects without goals;
  - (3) Number of complaints ODOT has received from DBEs regarding the Contractor; and,
  - (4) The number of times the Contractor has been previously sanctioned by ODOT; and,
- (e) Whether the Contractor falsified, misrepresented, or withheld information.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest") agrees as follows:

(1) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(2) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(3) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or

leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the LPA under the contract until the LPA complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs (1) through (5) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: CITY OF SPRINGFIELD

STATE OF OHIO  
OHIO DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Jerry Wray  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

| USES   | LPA FUNDS |   |     | FHWA FUNDS |     |      | STATE FUNDS |   |     | TOTAL      |
|--|-----------|---|-----|------------|-----|------|-------------|---|-----|------------|
|  | Amount    | % | SAC | Amount     | %   | SAC  | Amount      | % | SAC |            |
| PRELIMINARY DEVELOPMENT                              |           |   |     | \$ 185,000 | 100 | 4TA7 |             |   |     | \$ 185,000 |
| FINAL DESIGN, CONSTRUCTION<br>PLANS & SPECIFICATIONS |           |   |     |            |     |      |             |   |     |            |
| ACQUISITION OF RIGHT OF WAY &<br>UTILITY RELOCATION  |           |   |     | \$ 10,000  | 100 | 4TA7 |             |   |     | \$ 10,000  |
| RIGHT OF WAY SERVICES                                |           |   |     | \$ 40,000  | 100 | 4TA7 |             |   |     | \$ 40,000  |
| PROJECT CONSTRUCTION COSTS                           |           |   |     |            |     |      |             |   |     |            |
| INSPECTION   |           |   |     |            |     |      |             |   |     |            |
|  |           |   |     |            |     |      |             |   |     |            |
|  |           |   |     |            |     |      |             |   |     |            |
|  |           |   |     |            |     |      |             |   |     |            |
|  |           |   |     |            |     |      |             |   |     |            |
|  |           |   |     |            |     |      |             |   |     |            |
| TOTALS   |           |   |     | \$ 235,000 |     |      |             |   |     | \$ 235,000 |

# Request for Commission Action City of Springfield, Ohio

Item Number: 96-13

**Agenda Date:** 9/13/16

**Today's Date:** 8/31/16

**Subject:** Amendment No. 3 to LPA Project Agreement No. 25724 for Project CLA – Middle Urbana Rehab, PID No. 94768

**Submitted By:** Leo Shanayda, City Engineer

**Department:** Engineering

**Contact:** Leo Shanayda, City Engineer

|  |  |                                 |  |
|--|--|---------------------------------|--|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution           | <input type="checkbox"/> Emergency Resolution                              | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior Ordinance/Resolution:** 13-98  
15-95  
15-124

**Date of Prior Ordinance/Resolution:** 4/16/13  
3/31/15  
4/28/15

## **Summary:**

Amendment is needed for this project because ODOT has amended their Section 10 - "Non-Discrimination" to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval. This amendment revises the language in Section 10 of the previously signed agreement and requires an amendment to the LPA Agreement.

## **Justification for Emergency Action:** *(use reverse side if needed)*

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

AN ORDINANCE NO. \_\_\_\_\_

Authorizing the City Manager to enter into LPA Agreement No. 25724 - Amendment No. 3 between the City and the Ohio Department of Transportation in connection with the CLA Middle Urbana Rehab, PID No. 94768 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval.

...oooOOOooo...

WHEREAS, the City and the State of Ohio have entered into LPA Agreement No. 25724 pursuant to Ordinance No. 13-98, and amended pursuant to Ordinance Nos. 15-95 and 15-124, in connection with the Middle Urbana Rehab Project; and

WHEREAS, ODOT has tendered an LPA Agreement Amendment No. 3 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Manager is hereby authorized to enter into LPA Agreement No. 25724 - Amendment No. 3 between the City and the Ohio Department of Transportation, a copy of which is attached hereto and is hereby approved, in connection with the CLA Middle Urbana Rehab, PID No. 94768 to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval.

Section 2. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

Rev. 6/23/2016

CFDA 20.205

## LOCAL-LET PROJECT AMENDMENT No. 3

Amend Section 10 – Non-Discrimination to reflect a revised method of how Prime Contractor will supply DBE firms for ODOT's approval:

- 10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- 10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.
- 10.3 The LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. To meet this requirement, subcontractors who claim to be DBEs must be certified by ODOT. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

Disadvantaged Business Enterprise (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the ORC.

ODOT shall supply the percentage goal to the LPA upon review of the Engineer's Estimate. Prior to executing the contract with the contractor, and in order for ODOT to encumber the Federal/State funds, the contractor must demonstrate compliance with the DBE Utilization Plan and Good Faith Efforts requirements.

## **GOOD FAITH EFFORTS (GFEs)**

In the event that the DBE contract goal established by ODOT is not met on a project, the Contractor shall demonstrate that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

The Contractor shall demonstrate its GFEs by submitting information including but not limited to the following to the LPA:

- (1) All written quotes received from certified DBE firms;
- (2) All written (including email) communications between the Contractor and DBE firms;
- (3) All written solicitations to DBE firms, even if unsuccessful;
- (4) Copies of each non-DBE quote when a non-DBE was selected over a DBE for work on the contract;
- (5) Phone logs of communications with DBE firms.

The LPA will send the GFE documentation including their recommendation to ODOT at the following address:

Office of Small & Disadvantaged Business Enterprise  
The Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 3270  
Columbus, Ohio 43223

ODOT shall utilize the guidance set forth in 49 CFR §26.53 Appendix A in determining whether the Contractor has made adequate good faith efforts to meet the goal. ODOT will review the GFE documentation and the LPA's recommendation and issue a written determination on whether adequate GFEs have been demonstrated by the Contractor.

The Contractor may request administrative reconsideration within two (2) days of being informed that it did not perform a GFE. The Contractor must make this request in writing to the following official:

Ohio Department of Transportation  
Division of Chief Legal Counsel  
1980 West Broad Street, Mail Stop 1500  
Columbus, Ohio 43223

The reconsideration official will not have played any role in the original determination that the Contractor did not document sufficient good faith effort.

As part of this reconsideration, the Contractor will have the opportunity to provide written documentation or an argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. ODOT will send the Contractor a written decision on reconsideration explaining the basis for finding that the Contractor did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable.

ODOT may issue sanctions if the Contractor fails to comply with the contract requirements and/or fails to demonstrate the necessary good faith effort. ODOT may impose any of the following sanctions:

- (a) Letter of reprimand;
- (b) Contract termination; and/or

- (c) Other remedies available by law including administrative suspension.

Factors to be considered in issuing sanctions include, but are not limited to:

- (a) The magnitude and the type of offense;
- (b) The degree of the Consultant's culpability;
- (c) Any steps taken to rectify the situation;
- (d) The Contractor's record of performance on other projects including, but not limited to:
  - (1) Annual DBE participation over DBE goals;
  - (2) Annual DBE participation on projects without goals;
  - (3) Number of complaints ODOT has received from DBEs regarding the Contractor; and,
  - (4) The number of times the Contractor has been previously sanctioned by ODOT; and,
- (e) Whether the Contractor falsified, misrepresented, or withheld information.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest") agrees as follows:

(1) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(2) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(3) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or

FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the LPA under the contract until the LPA complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs (1) through (5) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

**LPA: CITY OF SPRINGFIELD**

**STATE OF OHIO  
OHIO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Jerry Wray  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# Request for Commission Action City of Springfield, Ohio

Item Number: 026-16a

**Agenda Date:** 9/27/2016

**Today's Date:** 9/21/2016

**Subject:** 2016 correct supplemental appropriation ordinance #16-231

**Submitted By:** Mark Beckdahl

**Department:** Finance / Accounting

**Contact:** Deb Cooper

|  |   |                                 |                                   |
|--|---|---------------------------------|-----------------------------------|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |                                   |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion | <input type="checkbox"/> Contract |

**Prior Ordinance/Resolution:** 16-231

**Date of Prior Ordinance/Resolution:** 8/16/2016

**Summary:**

I hereby respectfully request legislation correcting 2016 supplemental appropriation ordinance #16-231 to the following:

620 Water Revenue Fund

|                     |                |              |
|---------------------|----------------|--------------|
| Utilities / Capital | Other Services | \$669,540.00 |
|---------------------|----------------|--------------|

**Justification for Emergency Action: (use reverse side if needed)**

An emergency ordinance has been requested for inclusion on the City Commission legislative agenda to approve a correction to supplemental appropriation ordinance #16-231. The original ordinance did not include the Division for the appropriations.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Amending Ordinance No. 16-231 to include the appropriate division for the appropriations; and declaring an emergency.

...oooOOOooo...

WHEREAS, in Ordinance No. 16-231, the City Commission authorized Supplemental Appropriations but the Ordinance did not include the division; and

WHEREAS, the Finance Director has advised the City Commission that supplemental appropriations are necessary to make funding available to carry on the operations of various municipal departments, thereby avoiding inadvertently creating a technical Ohio Revised Code violation by committing funds twice for different purposes, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section A. That Section 1 of Ordinance No. 16-231 is hereby amended to read as follows:

Section 1. That the sums listed below are hereby appropriated from the unappropriated balances of the funds indicated:

|                        |                   |                |              |
|------------------------|-------------------|----------------|--------------|
| 620 Water Revenue Fund | Utilities/Capital | Other Services | \$669,540.00 |
|------------------------|-------------------|----------------|--------------|

Section B. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# Request for Commission Action City of Springfield, Ohio

Item Number: 026-16b

Agenda Date: 9/27/2016

Today's Date: 9/21/2016

Subject: 2016 Supplemental Appropriations

Submitted By: Mark Beckdahl

Department: Finance / Accounting

Contact: Deb Cooper

|  |   |                                 |                                   |
|--|---|---------------------------------|-----------------------------------|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |                                   |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion | <input type="checkbox"/> Contract |

Prior  
Ordinance/Resolution:

Date of Prior  
Ordinance/Resolution:

### **Summary:**

I hereby respectfully request legislation approving 2016 supplemental appropriations per the attached listing.

### **Justification for Emergency Action: (use reverse side if needed)**

An emergency ordinance has been requested for inclusion on the City Commission legislative agenda to approve a supplemental appropriation ordinance for the 237 Community Activities Fund for additional donations; the Probation Fund - originally two employees were budgeted to be paid from this fund, currently three employees are being paid from this fund; the Contractor Retainer Fund for additional needs.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Providing for Supplemental Appropriations within various funds, and declaring an emergency.

...oooOOOooo...

WHEREAS, the Finance Director has advised the City Commission that supplemental appropriations are necessary to make funding available to carry on the operations of the various municipal departments, thereby avoiding inadvertently creating a technical Ohio Revised Code violation by committing funds twice for different purposes, which creates an emergency to preserve the public peace, property, health and safety, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the sums listed on the attached Exhibit A are hereby appropriated from the unappropriated balances of the funds indicated.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**EXHIBIT A**

**SUPPLEMENTAL APPROPRIATIONS  
2016 Appropriations  
September 27, 2016**

**100 GENERAL FUND**

|                           |                |                  |
|---------------------------|----------------|------------------|
| Development / Inspections | Other Services | <u>10,600.00</u> |
|---------------------------|----------------|------------------|

**237 COMMUNITY ACTIVITIES FUND**

|                                |                |               |
|--------------------------------|----------------|---------------|
| Development / Code Enforcement | Other Services | 500.00        |
| Development / Human Relations  | Other Services | <u>40.00</u>  |
|                                |                | <u>540.00</u> |

**264 PROBATION FEE FUND**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Municipal Court / Judicial | Personal Services | 55,730.00        |
| Municipal Court / Judicial | Other Services    | <u>2,270.00</u>  |
|                            |                   | <u>58,000.00</u> |

**964 CONTRACTOR RETAINER FUND**

|                |                  |
|----------------|------------------|
| Other Services | <u>47,100.00</u> |
|----------------|------------------|

# Request for Commission Action City of Springfield, Ohio

Item Number: 135-16

**Agenda Date:** 9/27/2016

**Today's Date:** 9/21/2016

**Subject:** 2016 Transfer Appropriations

**Submitted By:** Mark Beckdahl

**Department:** Finance / Accounting

**Contact:** Deb Cooper

|  |   |                                 |                                   |
|--|---|---------------------------------|-----------------------------------|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |                                   |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion | <input type="checkbox"/> Contract |

**Prior  
Ordinance/Resolution:**

**Date of Prior  
Ordinance/Resolution:**

**Summary:**

I hereby respectfully request legislation approving 2016 transfer appropriations per the attached listing.

**Justification for Emergency Action: (use reverse side if needed)**

An emergency ordinance has been requested for inclusion on the City Commission legislative agenda to approve a transfer appropriation ordinance within the General Fund and Stormwater Fund for additional operating needs.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Approving the transfer of appropriations within various funds, and declaring an emergency.

...oooOOOooo...

WHEREAS, the Finance Director has advised the City Commission that transfers of appropriations were necessary to make funding available to carry on the operations of the various municipal departments, thereby avoiding inadvertently creating a technical Ohio Revised Code violation by committing funds twice for different purposes, which creates an emergency to preserve the public peace, property, health and safety, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That this City Commission hereby approves the following transfer of appropriations, as listed on the attached Exhibit A.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

**EXHIBIT A**

**TRANSFER OF APPROPRIATIONS  
2016 Appropriations  
September 27, 2016**

**100 GENERAL FUND**

**Transfer from:**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Municipal Court / Judicial | Personal Services | 11,000.00        |
| Municipal Court / Clerk    | Personal Services | <u>13,800.00</u> |
|                            |                   | 24,800.00        |

**Transfer to:**

|                            |                |                  |
|----------------------------|----------------|------------------|
| Municipal Court / Judicial | Other Services | 11,000.00        |
| Municipal Court / Clerk    | Other Services | <u>13,800.00</u> |
|                            |                | <u>24,800.00</u> |

**680 STORMWATER REVENUE FUND**

**Transfer from:**

|                                |                |                 |
|--------------------------------|----------------|-----------------|
| Engineering / Capital Projects | Other Services | <u>4,500.00</u> |
|--------------------------------|----------------|-----------------|

**Transfer to:**

|             |                |                 |
|-------------|----------------|-----------------|
| Engineering | Other Services | <u>4,500.00</u> |
|-------------|----------------|-----------------|

# Request for Commission Action City of Springfield, Ohio

Item Number: 233-16

**Agenda Date:** 9/27/2016

**Today's Date:** 09/16/2016

**Subject:** Confirm and approve the 2016-2017 Selective Traffic Enforcement Program and the Impaired Driving Enforcement Program Grant Awards.

**Submitted By:** Stephen P. Moody, Chief of Police

**Department:** Police

**Contact:** 937-324-7720

|  |   |                                 |  |
|--|---|---------------------------------|--|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior  
Ordinance/Resolution:**

**Date of Prior  
Ordinance/Resolution:**

## **Summary:**

It is respectfully requested that the City Commission authorize the City Manager and Chief of Police authority to confirm and accept the 2016-2017 Selective Traffic Enforcement Program award of \$17,378.20 and the Impaired Driving Enforcement Program award of \$22,343 through the Ohio Department of Public Safety, Governor's Highway Safety Office, effective October 1, 2016 through September 30, 2017; and further authorize the City Manager, Finance Director and the Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant agreements and to comply with all relevant local and state requirements.

## **Justification for Emergency Action: (use reverse side if needed)**

I respectfully request approval for and Emergency Ordinance for the September 27th, 2016 agenda to accept the \$17,378.20 and \$22,343 awarded on the 2016-2017 Selective Traffic Enforcement and the Impaired Driving Enforcement Programs, funded through the Governor's Highway Safety Office, for High Visibility Traffic Enforcement.

The Emergency Ordinance is requested, so as not to delay acceptance of the grants.

Thank you for your consideration.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

**Total Cost:**

AN ORDINANCE NO. \_\_\_\_\_

Confirming and approving the acceptance of a 2016-2017 Selective Traffic Enforcement Program Grant in an amount up to \$17,378.20 and a 2016-2017 Impaired Driving Enforcement Program Grant in an amount up to \$22,343.00, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant applications and to comply with all relevant local, state and federal legal requirements; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City has applied for and received notification from the Ohio Department of Public Safety, Governor's Highway Safety Office, of an award of funding in the amount of \$17,378.20 for the 2016-2017 Selective Traffic Enforcement Program and \$22,343.00 for the 2016-2017 Impaired Driving Enforcement Program; and

WHEREAS, the grant funds will be used to cover overtime hours worked to address primarily speed, seatbelt violations, and OVI, along with various other traffic violations to achieve grant requirements with a goal to reduce traffic crashes resulting in injuries and fatal accidents for a period from October 1, 2016 through September 30, 2017; and

WHEREAS, it is necessary for this Ordinance to become effective immediately in order to comply with Ohio Department of Public Safety timelines, which this Commission finds creates an emergency to preserve the public peace, property, health and safety, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the acceptance of a 2016-2017 Selective Traffic Enforcement Program Grant in an amount up to \$17,378.20 and a 2016-2017 Impaired Driving Enforcement Program Grant in an amount up to \$22,343.00, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects are hereby confirmed and approved.

Section 2. That the City Manager, Finance Director, Law Director and Chief of Police are hereby authorized to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant applications and to comply with all relevant local, state and federal legal requirements. The grants are described in the letters attached hereto as Exhibit A.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

## EXHIBIT A



- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol



John R. Kasich, Governor  
John Born, Director  
Colonel Paul A. Pride  
Superintendent

Ohio State Highway Patrol  
1970 West Broad Street  
P.O. Box 182074  
Columbus, Ohio 43218-2074  
www.statepatrol.ohio.gov

August 22, 2016

Chief Steve Moody  
Springfield Police Department  
130 N. Fountain Ave.  
Springfield, OH 45502

Attention: Lt. Tom Zawada

Re: FFY 2017 Grant # STEP-2017-12-00-00-00546-00

Dear Chief Steve Moody:

Your Federal Fiscal Year (FFY) 2017 grant proposal titled Selective Traffic Enforcement Program 2017 is approved for \$17,378.20. Your executed agreement can be found on the Grants Records & Application Network for Traffic Safety (GRANTS) system portal at: <http://ghsogrants.dps.ohio.gov/Portal.asp>. You will need to generate a new full PDF file of the executed agreement in order to have a copy for your files. The new PDF file, this letter and any attached Special Conditions comprise the entire executed agreement for this grant.

Modifications to your initial proposal are reflected in this executed agreement. **Concerns regarding your executed agreement must be addressed and resolved prior to the expenditure of grant funds.**

All applicable forms related to your grant can be found, and must be submitted, online through the GRANTS system portal. The "Authorized to Proceed Date" for this agreement is **October 1, 2016**. The "Agreement Termination Date" is **September 30, 2017**. The only costs eligible for reimbursement under this agreement are those incurred within these dates.

Before proceeding with this agreement, a representative from your agency is required to read in its entirety the "Pre-Activity" presentation provided online and acknowledge completion by returning the Pre-Activity form prior to starting any grant-related activity. Instructions on how to access the presentation will be forwarded at a later date. The representative assigned to this agreement is Kelvin Williams and can be contacted at (614) 466-3170.

**Note: All sub-recipients must follow the Uniform Guidance, 2 C.F.R. Part 200. This agreement is to be funded under the federal grant program that begins October 1, 2016. This grant is funded under Catalog of Federal Domestic Assistance (CFDA) program State and Community Highway Safety number 20.600. Funding of this agreement is dependent upon the availability of federal funds as appropriated and obligated by the US Department of Transportation for FFY 2017. Should any change in federal funding adversely affect the OTSO's ability to implement an approved agreement, the OTSO reserves the right to revise or terminate any approved grant in writing. The OTSO reserves the right to limit grant amounts at any time based on performance and/or available funding.**

The staff of the OTSO looks forward to working with you to reduce traffic related fatal and serious injury crashes in Ohio.

Sincerely,

A handwritten signature in black ink that reads "Lt. Andre Swinerton".

Lieutenant Andre Swinerton, Commander  
Ohio Traffic Safety Office

## EXHIBIT A



- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol



John R. Kasich, Governor  
John Born, Director  
Colonel Paul A. Pride  
Superintendent

Ohio State Highway Patrol  
1970 West Broad Street  
P.O. Box 182074  
Columbus, Ohio 43218-2074  
[www.statepatrol.ohio.gov](http://www.statepatrol.ohio.gov)

August 22, 2016

Chief Steve Moody  
Springfield Police Department  
130 N. Fountain Ave.  
Springfield, OH 45502

Attention: Lt. Tom Zawada

Re: FFY 2017 Grant # IDEP-2017-12-00-00-00396-00

Dear Chief Steve Moody:

Your Federal Fiscal Year (FFY) 2017 grant proposal titled Impaired Driving Enforcement Program 2017 is approved for \$22,343.00. Your executed agreement can be found on the Grants Records & Application Network for Traffic Safety (GRANTS) system portal at: <http://qhsogrants.dps.ohio.gov/Portal.asp>. You will need to generate a new full PDF file of the executed agreement in order to have a copy for your files. The new PDF file, this letter and any attached Special Conditions comprise the entire executed agreement for this grant.

Modifications to your initial proposal are reflected in this executed agreement. **Concerns regarding your executed agreement must be addressed and resolved prior to the expenditure of grant funds.**

All applicable forms related to your grant can be found, and must be submitted, online through the GRANTS system portal. The "Authorized to Proceed Date" for this agreement is **October 1, 2016**. The "Agreement Termination Date" is **September 30, 2017**. The only costs eligible for reimbursement under this agreement are those incurred within these dates.

Before proceeding with this agreement, a representative from your agency is required to read in its entirety the "Pre-Activity" presentation provided online and acknowledge completion by returning the Pre-Activity form prior to starting any grant-related activity. Instructions on how to access the presentation will be forwarded at a later date. The representative assigned to this agreement is Kelvin Williams and can be contacted at (614) 466-3170.

**Note: All sub-recipients must follow the Uniform Guidance, 2 C.F.R. Part 200. This agreement is to be funded under the federal grant program that begins October 1, 2016. This grant is funded under Catalog of Federal Domestic Assistance (CFDA) program National Priority Safety Programs number 20.616. Funding of this agreement is dependent upon the availability of federal funds as appropriated and obligated by the US Department of Transportation for FFY 2017. Should any change in federal funding adversely affect the OTSO's ability to implement an approved agreement, the OTSO reserves the right to revise or terminate any approved grant in writing. The OTSO reserves the right to limit grant amounts at any time based on performance and/or available funding.**

The staff of the OTSO looks forward to working with you to reduce traffic related fatal and serious injury crashes in Ohio.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Andre Swinerton".

Lieutenant Andre Swinerton, Commander  
Ohio Traffic Safety Office

# Request for Commission Action City of Springfield, Ohio

Item Number: 016-16

**Agenda Date:** 9/27/16

**Today's Date:** 9/21/16

**Subject:** Change Order No. 6 with J & J Schlaegel, Inc., for the CLA - Little Miami Trail Extension Project, PID 82314

**Submitted By:** Leo Shanayda

**Department:** Engineering

**Contact:** Leo Shanayda

|  |   |  |
|--|---|--|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |  |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion <span style="float: right;"><input type="checkbox"/> Contract</span> |

**Prior Ordinance/Resolution:** 16-13  
16-160  
16-210  
16-219  
16-251  
16-264

**Date of Prior Ordinance/Resolution:** 1/5/16  
6/7/16  
7/19/16  
8/2/16  
8/30/16  
9/13/16

**Summary:**

All work is completed on the above referenced project. In order to compensate the contractor for all work items completed on this project, a final change order must be authorized by City Commission.

**Justification for Emergency Action: (use reverse side if needed)**

It is the recommendation of this office that City Commission authorize the City Manager to confirm and approve Change Order No. 6 to J & J Schlaegel, Inc., in the amount of (\$41,529.39), by emergency ordinance at its September 27<sup>th</sup> meeting.

| Department/Division | Fund Description | Account Number     | Actual Cost    |
|---------------------|------------------|--------------------|----------------|
| Engineering         | ODOT             | 141465-6070 (4716) | (\$ 41,529.39) |

**Total Cost: (\$ 41,529.39)**

AN ORDINANCE NO. \_\_\_\_\_

Confirming and approving Change Order No. 6 to the contract between the City and J & J Schaegeel, Inc. for the CLA-Little Miami Trail Extension Project, PID No. 82314 to decrease the contract amount by \$41,529.39, for a total contract amount not to exceed \$938,834.69; authorizing the City Manager to execute said Change Order No. 6; and declaring an emergency.

...oooOOOooo...

WHEREAS, it is necessary that this Ordinance become effective immediately in order to compensate J & J Schaegeel, Inc. for work previously completed, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That this Commission hereby confirms and approves Change Order No. 6 to the contract between the City and J & J Schaegeel, Inc. for the CLA-Little Miami Trail Extension Project, PID No. 82314 to decrease the contract amount by \$41,529.39, for a total contract amount not to exceed \$938,834.69.

Section 2. That the City Manager is hereby directed and authorized to endorse upon Change Order No. 6, a copy of which is attached, his approval on behalf of the City.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# CONTRACT CHANGE ORDER

NUMBER   6 (Six)  

DATE   September 21, 2016  

TYPE OF PROJECT:   CLA - Little Miami Trail Extension, PID 82314  

CONTRACTOR:   J & J Schlaegel, Inc., 518 Miami Street, Urbana, OH 43078  

The following changes are hereby made to the contract plans and specifications:

| ITEM NO.              | DESCRIPTION OF CHANGE | Contract Cost        |                    |
|-----------------------|-----------------------|----------------------|--------------------|
|                       |                       | DECREASE             | INCREASE           |
|                       | NOTE ATTACHED SHEETS  |                      |                    |
|                       |                       |                      |                    |
| <b>TOTAL INCREASE</b> |                       |                      | <b>\$57,916.81</b> |
| <b>TOTAL DECREASE</b> |                       | <b>(\$99,446.20)</b> |                    |

The sum of (\$41,529.39) is hereby ~~added to~~, deducted from the total. Therefore, the adjusted contract price to date is \$938,834.69.

The time provided for completion in the contract is unchanged. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

ACCEPTED BY: \_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date

RECOMMENDED BY: \_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

APPROVED BY: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

# CONTRACT CHANGE ORDER

| CLA - Little Miami Trail Extension, PID #82314 |   |               |             |
|--|---|---------------|-------------|
| ITEM NO.                                       | DESCRIPTION OF CHANGE   | Contract Cost |             |
|  |   | DECREASE      | INCREASE    |
| *202   | Walk Removed<br>133.35 SF @ \$2.50  |               | \$333.38    |
| 202  | Removal, Misc: Pole Removed<br>1 EA @ \$250.00                                  |               | \$250.00    |
| 607  | Fence, Misc: Gate, Type CL, w/o Barbed Wire, 6' Height<br>(7) EA @ \$250.00     | (\$1,750.00)  |             |
| *608   | 4" Concrete Walk<br>345 SF @ \$6.50   |               | \$2,242.50  |
| *608   | 6" Concrete Walk<br>(1,018) SF @ \$7.50   | (\$7,635.00)  |             |
| 608  | Curb Ramp, As Per Plan<br>78 SF @ \$13.50                                       |               | \$1,053.00  |
| *608   | 8" Concrete Drive<br>(114) SY @ \$52.50   | (\$5,985.00)  |             |
| SPEC   | Mailbox Support System Single<br>(1) EA @ \$250.00                              | (\$250.00)    |             |
| *659   | Seeding and Mulching, As Per Plan<br>15,327 SY @ \$1.25                         |               | \$19,158.75 |
| 832  | Erosion Control<br>(56,750) EA @ \$1.00   | (\$56,750.00) |             |
| *804   | Manhole, No. 1<br>(1) EA @ \$2,500.00   | (\$2,500.00)  |             |
| *804   | Manhole Adjusted to Grade<br>(1) EA @ \$350.00                                  | (\$350.00)    |             |
| *261   | Pavement Restoration, Type A<br>36.37 SY @ \$90.00                              |               | \$3,273.30  |
| *261   | Pavement Restoration, Type D-Mod<br>17.87 SY @ \$250.00                         |               | \$4,467.50  |
| *261   | Pavement Restoration, Type E<br>(28.94) SY @ \$110.00                           | (\$3,183.40)  |             |
| *407   | Tack Coat for Intermediate Course<br>(52) GAL @ \$2.25                          | (\$117.00)    |             |
| 441  | Asphalt Concrete Surface Course, Type 1, (448), PG64-22<br>(9.97) CY @ \$166.00 | (\$1,655.02)  |             |
| 441  | Asphalt Concrete Surface Course, Type 1, (448), Driveways<br>4.18 CY @ \$190.00 |               | \$794.20    |
| 441  | Asphalt Concrete Surface Course, Type 2, (448), Driveways<br>1.45 CY @ \$190.00 |               | \$275.50    |
| *609   | Combination Curb and Gutter, Type C<br>(245) FT @ \$29.50                       | (\$7,227.50)  |             |
| *609   | Curb, Type A<br>209 FT @ \$25.50  |               | \$5,329.50  |
| *609   | Curb, Type 8, As Per Plan<br>(80) FT @ \$31.50                                  | (\$2,520.00)  |             |

# CONTRACT CHANGE ORDER

| CLA - Little Miami Trail Extension, PID #82314 |   |                      |                    |
|--|---|----------------------|--------------------|
| ITEM NO.                                       | DESCRIPTION OF CHANGE   | Contract Cost        |                    |
|  |   | DECREASE             | INCREASE           |
| 610  | Special - Retaining Wall, Misc: Modular Block Wall,<br>As Per Plan<br>(228.76) SF @ \$38.00 | (\$8,692.88)         |                    |
| SPEC   | Material Cost for Special Order Block Removed<br>1 LS @ \$5,954.88                          |                      | \$5,954.88         |
| 625  | Conduit, 2", 725.051<br>25 FT @ \$4.75  |                      | \$118.75           |
| 625  | Ground Rod<br>1 EA @ \$166.00   |                      | \$166.00           |
| 632  | Covering of Pedestrian Signal Head<br>(1) EA @ \$13.40                                      | (\$13.40)            |                    |
| 632  | Loop Detector Unit, 2 Channel, Delay and Extension Type<br>(1) EA @ \$602.00                | (\$602.00)           |                    |
| 632  | Pedestal Foundation<br>1 EA @ \$8.55  |                      | \$8.55             |
| 632  | Loop Detector Lead-In Cable<br>230 FT @ \$2.20  |                      | \$506.00           |
| 632  | Pedestal, 8', Transformer Base<br>1 EA @ \$590.00   |                      | \$590.00           |
| 632  | Reuse of Traffice Control Item, Existing Signal Support<br>Foundation<br>(1) EA @ \$215.00  | (\$215.00)           |                    |
| SPEC   | Coco Matting Erosion Control<br>(1) LS @ \$13,395.00  |                      | \$13,395.00        |
| <b>TOTAL INCREASE</b>                          |   |                      | <b>\$57,916.81</b> |
| <b>TOTAL DECREASE</b>                          |   | <b>(\$99,446.20)</b> |                    |

# Request for Commission Action City of Springfield, Ohio

Item Number: 182-14

**Agenda Date:** 9/27/16

**Today's Date:** 9/16/16

**Subject:** Change Order No. 8 with A & B Asphalt Corporation for the 2015 OPWC Paving Project

**Submitted By:** Leo Shanayda, City Engineer

**Department:** Engineering

**Contact:** Leo Shanayda

|  |   |   |
|--|---|---|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |   |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion <span style="float: right;"><input checked="" type="checkbox"/> Contract</span> |

**Prior Ordinance/Resolution:** 15-183  
15-312  
15-333  
16-132  
16-211  
16-220  
16-250

**Date of Prior Ordinance/Resolution:** 6/23/15  
11/24/15  
12/8/15  
5/24/16  
7/19/16  
8/2/16  
8/30/16

**Summary:**

In processing a pay request, it was discovered there was an error in the previous final quantities. This resulted in an increase in quantities so that all numbers matched throughout the program, therefore, a contract change order must be authorized by City Commission.

**Justification for Emergency Action: (use reverse side if needed)**

It is the recommendation of this office that City Commission authorize the City Manager to confirm and approve Change Order No. 8 to A & B Asphalt Corporation in the amount of \$51.00 by emergency ordinance at its September 27<sup>th</sup> meeting.

| Department/Division | Fund Description | Account Number     | Actual Cost |
|---------------------|------------------|--------------------|-------------|
| Engineering         | PI               | 140012-6070 (4705) | \$ 25.50    |
| Engineering         | OPWC             |                    | \$ 25.50    |

**Total Cost: \$51.00**

AN ORDINANCE NO. \_\_\_\_\_

Confirming and approving Change Order No. 8 to the contract between the City and A & B Asphalt Corporation for the 2015 OPWC Paving project to increase the contract amount by \$51.00, for a total contract amount not to exceed \$895,662.95; authorizing the City Manager to execute said Change Order No. 8; and declaring an emergency.

...oooOOOooo...

WHEREAS, it is necessary that this Ordinance become effective immediately in order to compensate A & B Asphalt Corporation, for work previously completed, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That this Commission hereby confirms and approves Change Order No. 8 to the contract between the City and A & B Asphalt Corporation, for the 2015 OPWC Paving project to increase the contract amount by \$51.00, for a total contract amount not to exceed \$895,662.95.

Section 2. That the City Manager is hereby directed and authorized to endorse upon Change Order No. 8, a copy of which is attached, his approval on behalf of the City.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

# CONTRACT CHANGE ORDER

NUMBER 8 (Eight)

DATE September 16, 2016

**TYPE OF PROJECT:** 2015 OPWC Paving

**CONTRACTOR:** A & B Asphalt Corp., 1780 Enon Rd., Springfield, OH 45502

The following changes are hereby made to the contract plans and specifications:

| ITEM NO.              | DESCRIPTION OF CHANGE              | Contract Cost |                |
|-----------------------|------------------------------------|---------------|----------------|
|                       |                                    | DECREASE      | INCREASE       |
| 202                   | Pavement Removed<br>3 SY @ \$17.00 |               | \$51.00        |
|                       |                                    |               |                |
|                       |                                    |               |                |
| <b>TOTAL DECREASE</b> |                                    | <b>\$0.00</b> | <b>\$51.00</b> |

The sum of \$51.00 is hereby added to, ~~deducted from the total~~. Therefore, the adjusted contract price to date is \$895,662.95.

The time provided for completion in the contract is unchanged. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

ACCEPTED BY: \_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date

RECOMMENDED BY: \_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

APPROVED BY: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

# Request for Commission Action City of Springfield, Ohio

Item Number: 266-14

Agenda Date: 9/27/16

Today's Date: 9/16/16

**Subject:** Authorization to enter into Agreement No. 19868 with Korda Nemeth Engineering, Inc., for the CLA - Belmont Ave Recon Ph 2 project, PID No. 94814

**Submitted By:** Leo Shanayda, City Engineer

**Department:** Engineering

**Contact:** Leo Shanayda

|  |   |                                 |  |
|--|---|---------------------------------|--|
| <input type="checkbox"/> 14-Day Ordinance  | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |                                 |  |
| <input type="checkbox"/> 14-Day Resolution | <input type="checkbox"/> Emergency Resolution   | <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |

**Prior Ordinance/Resolution:** 15-5  
15-114

**Date of Prior Ordinance/Resolution:** 1/6/15  
4/28/15

## **Summary:**

Engineering proposals were received and reviewed by City staff for the above referenced project. Upon conclusion of the review, it was determined that the best proposal was submitted by Korda Nemeth Engineering, Inc.

## **Justification for Emergency Action:** *(use reverse side if needed)*

This agreement will be for the preparation of reconstruction and resurfacing on Belmont Avenue from Home Road to Mitchell Boulevard. It will consist of approximately 4,100 lineal feet of full depth replacement or full-depth reclamation of pavement.

It is the recommendation of this office that City Commission authorize the City Manager to enter into this agreement with Korda Nemeth Engineering, Inc., in the amount of \$87,751 by emergency ordinance so design can move forward.

| Department/Division | Fund Description | Account Number | Actual Cost  |
|---------------------|------------------|----------------|--------------|
| Engineering         | FHWA/ODOT        |                | \$ 87,751.00 |

**Total Cost:** \$ 87,751.00

AN ORDINANCE NO. \_\_\_\_\_

Authorizing the City Manager to enter into Agreement No. 19868 with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814 for an amount not to exceed \$87,751.00, and declaring an emergency.

...oooOOOooo...

WHEREAS, the City's Engineering Department has accepted proposals for engineering and design services for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814; and

WHEREAS, after receiving and reviewing the proposals submitted, the City's Engineering Department has recommended award of contract to Korda Nemeth Engineering, Inc. for an amount not to exceed \$87,751.00, which was the lowest and best proposal; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to expedite the start of design, thereby providing for the usual daily operation of the Engineering Department, which this Commission finds creates an emergency necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into Agreement No. 19868, a copy of which is attached hereto and is hereby approved, with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814 for an amount not to exceed \$87,751.00.

Section 2. That the contract entered into by the City shall incorporate the Request for Proposals prepared by the Engineering Department, which are hereby approved, and made available to providers submitting bids to the City, and shall conform to the recommendations of the City's Purchasing Division as made to this Commission.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

CITY OF SPRINGFIELD

AGREEMENT NO. 19868

This Agreement No. 19868 entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Springfield, acting by and through the City Manager, hereinafter referred to as the City, and Korda Nemeth Engineering, Inc., hereinafter referred to as the Consultant, with an office located at 1650 Watermark Drive, Columbus, Ohio 43215.

CLAUSE I - WORK DESCRIPTION

The Consultant agrees to perform all professional services as may be authorized by the City for preparation of the Project Development Process for reconstruction and resurfacing of Belmont Avenue in Clark County, Ohio, identified as CLA-Belmont Ave Recon Ph 2.

CLAUSE II - INVOICE & PROGRESS SCHEDULE

The City and the Consultant agree to the attached Invoice and Progress Schedule including the overall Agreement length, and Scheduled Submittal dates and Review Times set out in the Progress Schedule.

The Consultant agrees to submit the completed Invoice and Progress Schedule transmittal letter together with the updated Invoice and Progress Schedule for all billing purposes for all Parts of this Agreement every thirty (30) days as follows:

- (a) Signed original transmittal letter and invoice (IPS) and three (3) copies of same.
- (b) Two (2) copies of the updated Progress Schedule.

CLAUSE III - PRIME COMPENSATION

The City agrees to compensate the Consultant for the performance of the authorized portions of the Work specified in this Agreement.

Project Development Process.

Part 1: Planning thru Preliminary Engineering.

Actual costs plus a net fee of Six Thousand Five Hundred Nine Dollars (\$6,509.00). However, the maximum prime compensation shall not exceed Sixty-Three Thousand Nine Hundred Twenty-Four Dollars (\$63,924.00).

Part 2: Geotechnical Services.

Actual costs plus a net fee of One Hundred Five Dollars (\$105.00). However, the maximum prime compensation shall not exceed Twenty-Three Thousand Eight Hundred Twenty-Seven Dollars (\$23,827.00).

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Eighty-Seven Thousand Seven Hundred Fifty-One Dollars (\$87,751.00).

Prime Compensations, only as agreed and by proper modification of this Agreement and authorized in writing by the City, may be added to or subtracted from under the authority of the Department of Transportation's "Specifications for Consulting Services, 2010 Edition".

#### CLAUSE IV - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

- (a) The Department of Transportation's "Specifications for Consulting Services, 2010 Edition".
- (b) The attached Final Scope of Services Minutes dated August 19, 2016.
- (d) The Invoice & Progress Schedule.
- (e) The most current Office of Budget and Management Travel Policy as published on the State of Ohio Website (<http://obm.ohio.gov/MiscPages/TravelRule>).

#### CLAUSE V - GENERAL PROVISIONS

Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Agreement shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the City Manager.

KORDA NEMETH ENGINEERING, INC.

By: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF SPRINGFIELD

\_\_\_\_\_  
James Bodenmiller  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_

Title: \_\_\_\_\_



August 19, 2016

Juli Springer, PE  
Engineering Project Manager  
City of Springfield  
76 East High Street, 2nd Floor  
Springfield, OH 45502

RE: Part 1 Scope of Services & Fee Proposal  
CLA-Belmont Avenue Phase II, PID 94814  
Korda File: 2016-0415

Dear Ms. Springer:

This is our proposal for professional services on this project. If this proposal is acceptable to you, it may become our Agreement, or you may incorporate its terms into a more formal agreement. We appreciate the opportunity to submit this proposal. For this part of the project, we have included subconsultant, S&ME, Inc., for geotechnical services. Their proposal to us is attached, and costs have been included with this proposal.

The project, as we understand it, is the reconstruction of Belmont Avenue from Mitchell Boulevard to Home Road to improve the roadway and also enhance pedestrian safety and mobility within the corridor. We anticipate the existing pavement will be narrowed and reconstructed, curbs and walks replaced and added, impacts to right of way minimized, and other associated items as summarized on the attached *Project Task List*, which details the expected scope of services based on coordination with your office.

**Scope of Services**

- Our scope of services for Part 1 of the project is attached, mainly surveying, geotechnical services (by S&ME, Inc.), and preparing a Feasibility Study to establish the scope for the remainder of the project.

**Assumptions**

- The project will follow the Ohio Department of Transportation's (ODOT) Project Development Process (PDP) and will be administered as a Local-Let LPA project. All design, submittals, and documentation will be provided to meet ODOT requirements.

**Deliverables**

- Feasibility Study

#### Exclusions/Assumptions

- Environmental studies and documentation will be completed by ODOT District 7. Korda will prepare any minor exhibits, construction limits, etc. for the District's use.
- Improvements to traffic signals, other than re-cutting loop detectors, are excluded.
- Street lighting design, outside of utility coordination with Ohio Edison, is excluded.
- We anticipate the Part 2 project scope will generally include Stage 1, 2, and 3 design plans, preliminary and final right of way plans, title reports (by subconsultant O.R. Colan performed when limits of new right of way are established and updated prior to acquisition), and Subsurface Utility Engineering (by subconsultant DHDC, Inc. - if authorized for Quality Level A Test Holes).

#### Schedule

- Attached is our anticipated schedule.

#### Design Criteria

- ODOT Location and Design (L&D) Manual, Volume 1 will be used as a basis for the roadway and pedestrian facility design.
- ODOT L&D Manual, Volume 2, will be used as a basis for drainage and post-construction Storm Water Best Management Practice design.
- ODOT Pavement Design Manual
- ODOT Bridge Design Manual (BDM) will be used as a basis for bridge design.
- ODOT Traffic Control Design Information Manual and the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) will be used as a basis for any traffic and maintenance of traffic design.
- ODOT Project Development Process (PDP) Manual.
- ODOT Construction and Materials Specifications (CMS) and Standard Construction Drawings will be used for certain items.
- City of Springfield Construction Specifications and Standard Drawings will be used for most items.

For these Services, we propose that our compensation be a stipulated base fee of \$87,751. Invoices will be submitted monthly in proportion to services performed. A scope and fee proposal for Part 2 of the project will be developed after approval of the Feasibility Study and establishment of the final project scope.

Our fees for services, as proposed above, include our ordinary project expenses (computers, in-house printing, phone, fax, postage, etc.). However, extraordinary expenses are not included. If any are required, they will be Reimbursable Expenses, billed to you at our actual cost plus 10%. Examples include:

- Fees paid for securing approval of authorities having jurisdiction,
- Printing of document sets for Owner review, permits, or bidding.

We will proceed with the services noted within this proposal immediately after receipt of an authorization to proceed. If the services described above have not been completed within twelve (12) months of the date of this proposal, the rates of compensation will be equitably adjusted.

Juli Springer, PE  
August 19, 2016  
Page Three

Authorization by the Client to proceed, whether oral or written, constitutes acceptance of all terms and conditions of this Proposal/Agreement, without modification, addition or deletion. Note that the attached Standard Terms & Conditions are an integral part of this Proposal/Agreement. No waiver or modification of the terms and conditions set forth herein shall be binding upon Korda/Nemeth Engineering unless made in writing and signed by an officer of Korda/Nemeth Engineering.

We assume that the description of services in this proposal is consistent with what you require. If there are differences, which will affect the services required of us, please advise us so that we might adjust our proposal accordingly.

Thank you for the opportunity to make this proposal. To initiate our services, please sign and return one copy for our files. Note that your signature is required below, and on the attached Standard Terms & Conditions.

Yours truly,

KORDA/NEMETH ENGINEERING, INC.  
Consulting Engineers



Brooks M. Vogel, PE, LEED AP  
Partner, Project Manager

BMV/arm  
Enclosure(s): Project Task List  
Project Fee Proposal  
Project Schedule

| CLAs - Belmont Ave<br>Project Description Summary                  |   |   |
|--|---|---|
| <b>1 Planning Phase</b>  |   |   |
| <b>1.1 Existing Data, Research and Analysis</b>                    |   |   |
| 1.1.B Crash Analysis   | x | Will need for design exception  |
| 1.1.E Certified Traffic - No Build Condition                       | x | Coordinate with ODOT to obtain.   |
| <b>2 Preliminary Engineering Phase</b>                             |   |   |
| <b>2.2 Perform Environmental Field Studies</b>                     |   |   |
| 2.2.A Property Owner Notification                                  | x | Korda letterhead. Apprx. 71 properties.   |
| <b>2.3 AER Design</b>  |   |   |
| 2.3.A Field Survey and Aerial Mapping                              |   |   |
| 2.3.A.A Project Control, Benchmarks, and Reference Points          | x |   |
| 2.3.A.B Monumentation recovery                                     | x |   |
| 2.3.A.C Base Mapping (incl. field verify)                          | x |   |
| 2.3.A.E Bridge Survey  | x | West headwall/wingwalls of Conspan - 800' south of Home Rd.   |
| 2.3.A.F Establish property lines, tax id, & ownerships on base map | x | Review ROW northwest of Mitchell - ROW or a separate parcel?  |
| 2.3.B Roadway  |   |   |
| 2.3.B.A Design Criteria  | x | <ul style="list-style-type: none"> <li>-Evaluate curb reveal, pavement section, FDR, walk width, drives, etc. with respect to ROW width.</li> <li>-Salvage curb near Mitchell Blvd and Home Rd. Mill &amp; overlay.</li> <li>-Evaluate flush curb/walk for portions of east side.</li> <li>-Curbed = 11' lanes + 1' shldr to Spgfld Type A curb.</li> <li>-Uncurbed = 6' grd shldr, 4' bit Srf. Trt. /chip seal.</li> <li>-Prof. 5' walk, 4' min</li> </ul> |
| 2.3.B.B Conceptual Typical Sections                                | x | <ul style="list-style-type: none"> <li>-Roll plats for PE</li> <li>-Extend walk on east side to Oakdale Ave.</li> <li>-Remove parking at bend in road.</li> <li>-North of Oakdale, prefer no curb on east</li> <li>-West side, extend walk to Home Rd. minimal culvert impact</li> </ul>  |
| 2.3.B.C Horizontal Alignment and Vertical Profile - Machine        | x | Concept sections in critical areas to define reasonable worst case construction limits. Assume 15 sections.   |
| 2.3.B.F Conceptual cross sections                                  | x |   |
| 2.3.B.H Analyze Drive Locations                                    | x |   |
| 2.3.B.I Identify Construction Limits                               | x | For environmental and concept ROW   |
| 2.3.B.J Preliminary Pavement Design                                | x |   |
| 2.3.C Drainage   |   |   |
| 2.3.C.D Conceptual Storm Sewer Locations                           | x | Evaluate drainage scheme, capacity spread, etc. in the corridor. Perform delineation, calcs, make recommendations to improve as necessary. Poor existing drainage between top of hill and Oakdale.  |
| 2.3.C.F Conceptual BMP   | x | Provide water quality, analyze options. No quantity anticipated.  |

| Task    | Task  | Expenditure<br>by Authorized MO/D | Project/Stage/Discretion  |
|---------|---|-----------------------------------|---|
| 2.3.F   | Maintenance of Traffic                                |                                   |   |
| 2.3.F.A | Concept MOT   | x                                 | Phased construction. Maintain NB traffic. Detour SB to SR4.   |
| 2.3.G   | Utilities   |                                   |   |
| 2.3.G.A | Utility Coordination and Documentation                | x                                 | -Coordinate with utilities. Tasks with Part 1 contract - sending plans. Part 2 include add'l coordination and relocation coordination.  |
| 2.3.H   | Miscellaneous   |                                   |   |
| 2.3.H.A | Improvements to City water & sanitary                 | x                                 | Scope provided by City. Include costs in PE, details in Part 2 Detail Design Contract.  |
| 2.3.H.C | Determine potential locations for retaining walls     | x                                 | Some existing walls, consider proposed in areas?  |
| 2.3.H.I | Determine need for Design Exception                   | x                                 | Anticipate needed for Shoulder Width (in uncurbed areas) since project will be change cross section. Possibly Maximum Grade and Stopping Site Distance (Crest Vertical Curve), both of which are existing conditions. |
| 2.4     | Prepare Cost Estimates                                |                                   |   |
| 2.4.A   | Roadway/Interchange/Bridge Costs for each alternative | x                                 | Evaluate options for construction costs vs right of way costs. Includes City-owned utilities.   |
| 2.4.B   | Right of Way Costs                                    | x                                 |   |
| 2.5     | AER Submittal and Other Studies                       |                                   |   |
| 2.5.A   | Prepare Alternative Evaluation Report                 | x                                 | Will be "Feasibility Study". Brief study to evaluate alternatives to minimize ROW impacts, improve pedestrian safety/access, minimize costs. Also address drainage issues.  |
| 2.7     | Stage 1 Design  |                                   |   |
| 2.7.D   | Geotechnical Services                                 |                                   |   |
| 2.7.D.A | Geotechnical Services and Report                      | x                                 | Recommendations for both full-depth replacement and FDR. Includes subgrade recommendations and FDR design.  |
| 2.8     | Project Management for Preliminary Engineering Phase  |                                   |   |
| 2.8.A   | Meetings  | x                                 | Anticipate 2 meetings in PE phase - 1 to review options, 1 to review final report.  |
| 2.8.B   | General Oversight                                     | x                                 | Includes project set up, general oversight in PE phase.<br>**ODOT review Stage 2, prelim ROW, PS&E.   |



**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL**

**AND LABOR RATES**

|                           |                                      |
|---------------------------|--------------------------------------|
| County Route and Section: | CLA-Belmont Ave. Reconstruction Ph 2 |
| Agreement No.:            | 1                                    |
| PID:                      | 94814                                |
| PDP Path Used:            | 2-3                                  |
| CONSULTANT:               | Korda                                |

|                |           |
|----------------|-----------|
| Proposal Date: | 8/22/2016 |
| Revised Date:  |           |

|                      |  |
|----------------------|--|
| PROJECT DESCRIPTION: | Reconstruction of Belmont Avenue from Mitchell Blvd to Home Rd and enhancing pedestrian mobility and safety. -Part 1 contract through Feasibility Study. |
|----------------------|--|

**HOURLY RATES**

|                        |         |
|------------------------|---------|
| Proj Exec/Proj Mgr     | \$60.00 |
| Sr. Engr/Survey Mgr    | \$43.00 |
| Proj Engineer          | \$35.00 |
| R/W Spec or Crew Chief | \$35.00 |
| Technician             | \$22.00 |
| Clerical               | \$15.00 |

| Task #  | Task Description                                      | Proj Exec/Proj Mgr | Sr. Engr/Survey Mgr | Proj Engineer | R/W Spec or Crew Chief | Technician | Clerical  | Overall Total Hours | Labor Costs        |
|---------|---|--------------------|---------------------|---------------|------------------------|------------|-----------|---------------------|--------------------|
| 2.4.A   | Roadway/Interchange/Bridge Costs for each alternative | 2                  | 5                   | 5             |                        | 4          |           | 16                  | \$598.00           |
| 2.4.B   | Right of Way Costs                                    |                    | 2                   | 2             |                        | 2          |           | 6                   | \$208.00           |
| 2.4     | Subtotal  | 2                  | 9                   | 9             | 0                      | 6          | 0         | 26                  | \$954.00           |
| 2.5     | AER Submittal and Other Studies                       |                    |                     |               |                        |            |           |                     |                    |
| 2.5.A   | Prepare Alternative Evaluation Report                 | 4                  | 4                   | 8             |                        | 3          | 3         | 22                  | \$803.00           |
| 2.5     | Subtotal  | 4                  | 4                   | 8             | 0                      | 3          | 3         | 22                  | \$803.00           |
| 2.7     | Stage I Design  |                    |                     |               |                        |            |           |                     |                    |
| 2.7.D   | Geotechnical Services                                 |                    |                     |               |                        |            |           |                     |                    |
| 2.7.D.A | Geotechnical Services and Report                      | 4                  |                     | 4             |                        |            |           | 8                   | \$380.00           |
| 2.7     | Subtotal  | 4                  | 0                   | 4             | 0                      | 0          | 0         | 8                   | \$380.00           |
| 2.8     | Project Management for Preliminary Engineering Phase  |                    |                     |               |                        |            |           |                     |                    |
| 2.8.A   | Meetings  | 3                  | 3                   |               |                        |            |           | 6                   | \$309.00           |
| 2.8.B   | General Oversight                                     | 10                 | 5                   |               |                        |            |           | 15                  | \$815.00           |
| 2.8     | Subtotal  | 13                 | 8                   | 0             | 0                      | 0          | 0         | 21                  | \$1,124.00         |
|         | <b>SUBTOTAL PRELIMINARY ENGINEERING PHASE</b>         | <b>36</b>          | <b>117</b>          | <b>92</b>     | <b>210</b>             | <b>247</b> | <b>10</b> | <b>712</b>          | <b>\$23,345.00</b> |
|         | <b>SUBTOTAL - AUTHORIZED TASKS</b>                    | <b>40</b>          | <b>119</b>          | <b>96</b>     | <b>210</b>             | <b>251</b> | <b>10</b> | <b>716</b>          | <b>\$23,899.00</b> |
|         | <b>IF AUTHORIZED TASKS</b>                            |                    |                     |               |                        |            |           |                     |                    |
| ###     | xxx   |                    |                     |               |                        |            |           | 0                   | \$0.00             |
| ###     | xxx   |                    |                     |               |                        |            |           | 0                   | \$0.00             |
|         | Subtotal of If-Authorized Tasks                       | 0                  | 0                   | 0             | 0                      | 0          | 0         | 0                   | \$0.00             |
|         | <b>GRAND TOTAL</b>                                    | <b>40</b>          | <b>119</b>          | <b>96</b>     | <b>210</b>             | <b>251</b> | <b>10</b> | <b>716</b>          | <b>\$23,899.00</b> |

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES, AND LABOR RATES**

County Route and Section: CLA-Belmont Ave. Reconstruction Ph 2  
 Agreement No.: 1  
 PID: 94814  
 PDP Path Used: 2-3  
 CONSULTANT: Korda

Proposal Date: R/22/2016  
 Revised Date:

**PROJECT DESCRIPTION:** Reconstruction of Belmont Avenue from Mitchell Blvd to Home Rd and enhancing pedestrian mobility and safety. -Part 1 contract through Feasibility Study.

**HOURLY RATES**

Proj Exec/Proj Mgr \$60.00  
 Sr. Engr/Survey Mgr \$43.00  
 Proj Engineer \$35.00  
 R/W Spec or Crew Chief \$35.00  
 Technician \$22.00  
 Clerical \$15.00

Average Overhead Rate = 151.58% (Net Fee Calc)  
 Overhead Percentage = 139.90%  
 Net Fee Percentage = 11.00%  
 Cost of Money = 0.00%

| Task #                                 | Task Description   | N o. | Hourly Rate | Total Hours | Labor Costs | Overhead Costs | Cost of Money | Direct Costs | Subcon Costs | Net Fee | Total Cost |
|--|--|------|-------------|-------------|-------------|----------------|---------------|--------------|--------------|---------|------------|
| <b>1 Planning Phase</b>                |  |      |             |             |             |                |               |              |              |         |            |
| 1.3                                    | Existing Data, Research and Analysis                       |      |             |             |             |                |               |              |              |         |            |
| 1.3 B                                  | Crash Analysis   |      | \$34.00     | 11          | \$374       | \$523          | \$0           |              |              | \$104   | \$1,001    |
| 1.3 E                                  | Certified Traffic - No Build Condition                     |      | \$60.00     | 3           | \$180       | \$252          | \$0           |              |              | \$90    | \$482      |
| 1.3                                    | Subtotal   |      | \$39.57     | 14          | \$554       | \$775          | \$0           | \$0          | \$0          | \$153   | \$1,482    |
|  | SUBTOTAL PLANNING PHASE                                    |      | \$39.57     | 14          | \$554       | \$775          | \$0           | \$0          | \$0          | \$153   | \$1,482    |
| <b>2 Preliminary Engineering Phase</b> |  |      |             |             |             |                |               |              |              |         |            |
| 2.1                                    | Subtotal   |      | #DIV/0!     | 0           | \$0         | \$0            | \$0           | \$250        | \$0          | \$0     | \$250      |
| 2.2                                    | Perform Environmental Field Studies                        |      |             |             |             |                |               |              |              |         |            |
| 2.2 A                                  | Property Owner Notification                                |      | \$23.41     | 17          | \$398       | \$557          | \$0           | \$50         |              | \$110   | \$1,115    |
| 2.2                                    | Subtotal   |      | \$23.41     | 17          | \$398       | \$557          | \$0           | \$50         | \$0          | \$110   | \$1,115    |
| 2.3                                    | AER Design   |      |             |             |             |                |               |              |              |         |            |
| 2.3 A                                  | Field Survey and Aerial Mapping                            |      |             |             |             |                |               |              |              |         |            |
| 2.3 A.A                                | Project Control, Benchmarks, and Reference Points          |      | \$31.18     | 56          | \$1,746     | \$2,443        | \$0           |              |              | \$483   | \$4,672    |
| 2.3 A.B                                | Monumentation recovery                                     |      | \$30.11     | 54          | \$1,626     | \$2,275        | \$0           |              |              | \$450   | \$4,351    |
| 2.3 A.C                                | Base Mapping (incl. field verify)                          |      | \$29.54     | 268         | \$7,918     | \$11,077       | \$0           | \$594        |              | \$2,191 | \$21,788   |
| 2.3 A.E                                | Bridge Survey  |      | \$28.50     | 4           | \$114       | \$159          | \$0           |              |              | \$32    | \$305      |
| 2.3 A.F                                | Establish property lines, tax id, & ownerships on base map |      | \$34.59     | 68          | \$2,352     | \$3,290        | \$0           |              |              | \$651   | \$6,293    |
| 2.3 B                                  | Roadway  |      |             |             |             |                |               |              |              |         |            |
| 2.3 B.A                                | Design Criteria  |      | \$46.40     | 5           | \$232       | \$325          | \$0           |              |              | \$64    | \$621      |
| 2.3 B.B                                | Conceptual Typical Sections                                |      | \$31.13     | 16          | \$498       | \$697          | \$0           |              |              | \$138   | \$1,333    |
| 2.3 B.C                                | Horizontal Alignment and Vertical Profile - Mainline       |      | \$33.44     | 50          | \$1,672     | \$2,339        | \$0           |              |              | \$463   | \$4,474    |
| 2.3 B.F                                | Conceptual cross sections                                  |      | \$32.32     | 31          | \$1,002     | \$1,402        | \$0           |              |              | \$277   | \$2,681    |
| 2.3 B.H                                | Analyze Drive locations                                    |      | \$37.67     | 6           | \$226       | \$316          | \$0           |              |              | \$63    | \$605      |
| 2.3 B.I                                | Identify Construction Limits                               |      | \$39.00     | 10          | \$390       | \$546          | \$0           |              |              | \$108   | \$1,044    |
| 2.3 B.J                                | Preliminary Pavement Design                                |      | \$39.00     | 2           | \$78        | \$109          | \$0           |              |              | \$22    | \$209      |
| 2.3 C                                  | Drainage   |      |             |             |             |                |               |              |              |         |            |
| 2.3 C.D                                | Conceptual Storm Sewer Locations                           |      | \$38.10     | 20          | \$762       | \$1,066        | \$0           |              |              | \$211   | \$2,039    |
| 2.3 C.F                                | Conceptual BMP   |      | \$37.67     | 6           | \$226       | \$316          | \$0           |              |              | \$63    | \$605      |
| 2.3 F                                  | Maintenance of Traffic                                     |      |             |             |             |                |               |              |              |         |            |
| 2.3 F.A                                | Concept MOT  |      | \$43.14     | 7           | \$302       | \$422          | \$0           |              |              | \$84    | \$808      |
| 2.3 G                                  | Utilities  |      |             |             |             |                |               |              |              |         |            |
| 2.3 G.A                                | Utility Coordination and Documentation                     |      | \$31.00     | 8           | \$248       | \$347          | \$0           |              |              | \$69    | \$664      |
| 2.3 H                                  | Miscellaneous  |      |             |             |             |                |               |              |              |         |            |
| 2.3 H.A                                | Improvements to City water & sanitary                      |      | \$47.50     | 2           | \$95        | \$133          | \$0           |              |              | \$26    | \$254      |
| 2.3 H.C                                | Determine potential locations for retaining walls          |      | \$37.67     | 3           | \$113       | \$158          | \$0           |              |              | \$31    | \$302      |
| 2.3 H.I                                | Determine need for Design Exception                        |      | \$43.00     | 2           | \$86        | \$120          | \$0           |              |              | \$24    | \$230      |
| 2.3                                    | Subtotal   |      | \$31.85     | 618         | \$19,686    | \$27,541       | \$0           | \$594        | \$0          | \$5,448 | \$53,269   |

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES, AND LABOR RATES**

County Route and Section: CLA-Belmont Ave. Reconstruction Ph 2  
 Agreement No.: 1  
 PID: 94814  
 PDP Path Used: 2-3  
 CONSULTANT: Korda

Proposal Date: 8/22/2016  
 Revised Date:

**PROJECT DESCRIPTION:** Reconstruction of Belmont Avenue from Mitchell Blvd to Home Rd and enhancing pedestrian mobility and safety. Part 1 contract through Feasibility Study.

**HOURLY RATES**

|                        |         |
|------------------------|---------|
| Proj Exec/Proj Mgr     | \$60.00 |
| Sr Engr/Survey Mgr     | \$43.00 |
| Proj Engineer          | \$35.00 |
| R/W Spec or Crew Chief | \$35.00 |
| Technician             | \$22.00 |
| Clerical               | \$15.00 |

|                         |                         |
|-------------------------|-------------------------|
| Average Overhead Rate = | 151.58% (Net Fee Calc.) |
| Overhead Percentage =   | 139.90%                 |
| Net Fee Percentage =    | 11.00%                  |
| Cost of Money =         | 0.00%                   |

| Task #  | Task Description                                      | N o. | Hourly Rate    | Total Hours | Labor Costs     | Overhead Costs  | Cost of Money | Direct Costs | Subcon Costs    | Net Fee        | Total Cost      |
|---------|---|------|----------------|-------------|-----------------|-----------------|---------------|--------------|-----------------|----------------|-----------------|
| 2.4     | Prepare Cost Estimates                                |      |                |             |                 |                 |               |              |                 |                |                 |
| 2.4.A   | Roadway/Interchange/Bridge Costs for each alternative |      | \$37.38        | 16          | \$598           | \$837           | \$0           |              |                 | \$165          | \$1,600         |
| 2.4.B   | Right of Way Costs                                    |      | \$33.33        | 6           | \$200           | \$280           | \$0           |              |                 | \$55           | \$535           |
| 2.4     | Subtotal  |      | \$36.69        | 26          | \$954           | \$1,335         | \$0           | \$0          | \$0             | \$264          | \$2,533         |
| 2.5     | AER Submittal and Other Studies                       |      |                |             |                 |                 |               |              |                 |                |                 |
| 2.5.A   | Prepare Alternative Evaluation Report                 |      | \$36.50        | 21          | \$803           | \$1,123         | \$0           |              |                 | \$221          | \$2,149         |
| 2.5     | Subtotal  |      | \$36.50        | 22          | \$803           | \$1,123         | \$0           | \$0          | \$0             | \$221          | \$2,149         |
| 2.7     | Stage 1 Design  |      |                |             |                 |                 |               |              |                 |                |                 |
| 2.7.D   | Geotechnical Services                                 |      |                |             |                 |                 |               |              |                 |                |                 |
| 2.7.D.A | Geotechnical Services and Report                      |      | \$47.50        | 8           | \$380           | \$531           | \$0           |              | \$22,810        | \$105          | \$23,827        |
| 2.7     | Subtotal  |      | \$47.50        | 8           | \$380           | \$531           | \$0           | \$0          | \$22,810        | \$105          | \$23,827        |
| 2.8     | Project Management for Preliminary Engineering Phase  |      |                |             |                 |                 |               |              |                 |                |                 |
| 2.8.A   | Meetings  |      | \$51.50        | 6           | \$309           | \$432           | \$0           | \$100        |                 | \$86           | \$927           |
| 2.8.B   | General Oversight                                     |      | \$54.33        | 15          | \$815           | \$1,140         | \$0           |              |                 | \$226          | \$2,181         |
| 2.8     | Subtotal  |      | \$53.52        | 21          | \$1,124         | \$1,572         | \$0           | \$100        | \$0             | \$311          | \$3,108         |
|         | SUBTOTAL PRELIMINARY ENGINEERING PHASE                |      | \$2,787.92     | 712         | \$23,345        | \$32,660        | \$0           | \$994        | \$22,810        | \$6,460        | \$86,269        |
|         | <b>SUBTOTAL - AUTHORIZED TASKS</b>                    |      | <b>\$32.92</b> | <b>726</b>  | <b>\$23,899</b> | <b>\$33,435</b> | <b>\$0</b>    | <b>\$994</b> | <b>\$22,810</b> | <b>\$6,614</b> | <b>\$87,751</b> |
|         | <b>IF AUTHORIZED TASKS</b>                            |      |                |             |                 |                 |               |              |                 |                |                 |
| ###     | xxx   |      | #DIV/0!        | 0           | \$0             | \$0             | \$0           |              |                 | \$0            | \$0             |
| ###     | xxx   |      | #DIV/0!        | 0           | \$0             | \$0             | \$0           |              |                 | \$0            | \$0             |
|         | <b>SUBTOTAL - AUTHORIZED TASKS</b>                    |      | #DIV/0!        | 0           | \$0             | \$0             | \$0           | \$0          | \$0             | \$0            | \$0             |
|         | <b>GRAND TOTAL - ALL TASKS</b>                        |      | <b>\$32.92</b> | <b>726</b>  | <b>\$23,899</b> | <b>\$33,435</b> | <b>\$0</b>    | <b>\$994</b> | <b>\$22,810</b> | <b>\$6,614</b> | <b>\$87,751</b> |





August 12, 2016

Korda/Nemeth Engineering, Inc.  
1650 Watermark Drive  
Suite 200  
Columbus, OH 43215

Attention: Mr. Brooks M. Vogel, P.E., LEED AP

Reference: **Proposal - Subgrade Exploration**  
**CLA-Belmont Avenue**  
Springfield, Ohio  
S&ME Project No. 1117-16-038

Mr. Vogel:

S&ME, Inc. (S&ME) is pleased to provide Korda/Nemeth Engineering, Inc. (Korda) with this proposal to perform a Subgrade Exploration for the proposed improvements to CLA-Belmont Ave. in Springfield, Ohio. This proposal outlines our proposed scope of work and our estimated project schedule, and includes a cost plus net fee for performing the work.

### ❖ Scope of Project

Based on your August 5, 2016, email and our August 5, 2016, telephone discussion, S&ME understands that Belmont Avenue is to be improved between Home Road and Mitchell Boulevard, a distance of approximately 4,100 linear feet. Based on your information, we understand this roadway reconstruction project will consider either full-depth pavement replacement or full-depth reclamation for the roadway pavement, along with enhancing pedestrian mobility and safety.

S&ME understands that this Subgrade Exploration is to be performed in accordance with the current ODOT Specifications for Geotechnical Explorations (SGE), including the preparation of ODOT style soil profile plan sheets, and that ODOT District 7 Geotechnical Engineer will review our submissions.

### ❖ Scope of Work

#### Roadway/Subgrade Exploration

The geotechnical exploration program for this project will include the borings, laboratory testing, and the preparation of "draft" and "final" engineering reports in accordance with ODOT specifications. These documents will discuss the findings of the borings and present geotechnical recommendations pertaining to the proposed roadway subgrade, including an ODOT Geotechnical Bulletin GB1 subgrade analysis table.

Based on an approximate project length of 4100 linear feet, S&ME proposes to perform a field exploration program consisting of 11 subgrade borings spaced at 400-foot maximum intervals. As only slight



adjustments to the existing pavement profile are anticipated, these borings will be advanced to a depth of 6 feet below the estimated subgrade level with continuous Standard Penetration Test (SPT) sampling. As complete pavement reclamation is being considered for this project, S&ME proposes to perform cores of the existing pavement to obtain accurate measurements of the existing pavement thickness.

### **Boring Location Staking/Surveying**

S&ME will mark the proposed boring locations in the field (as required by OUPS) using available preliminary site plan and profile information to be provided by Korda. S&ME will also obtain *approximate* locations of the borings using information shown on the preliminary plan information, any available centerline stationing which has been marked in the field, or a hand-held GPS unit. S&ME will provide Korda with these approximate locations, so that Korda may arrange for surveyors to obtain exact locations of the borings (station/offset, and latitude/longitude to 6 significant digits) and the ground surface elevations at the completed boring locations. We request this survey information be provided to us within 2 weeks of the completion of the drilling program.

Although numerous and driveways are present along this section of Belmont Avenue, S&ME will attempt to select boring locations that do not result alleys/driveways being temporarily blocked by the drilling equipment. However, ODOT requirements for boring spacing along with the location of existing overhead and/or underground utilities may result in some temporary blockages of alley/driveways to maintain a safe work area for the drilling crew. The presence of these alleys and driveways may also require the placement of additional traffic control devices. As such, we anticipate that more than standard effort and time may be required to establish a safe MOT zone at each boring location.

### **Utility Clearance/Permits/Field Work Restrictions**

S&ME will apply for a permit from the City of Springfield, if required, to work within the existing right-of-way of Belmont Avenue. S&ME anticipates that there is no fee associated with any required permits. S&ME has also considered that there will be no restrictions to day-time working hours established by any required permit(s).

Once the borings have been marked in the field, S&ME will contact the Ohio Utilities Protection Service (OUPS) at least 48 hours prior to performing the borings. As it is possible that utility companies not notified by OUPS may have lines or structures in the area of the proposed borings, S&ME requests that Korda and the City of Springfield inform us of any known site utilities or appurtenances that could affect our work.

### **Drilling and Sampling**

S&ME plans to mobilize a truck-mounted drilling rig to perform the borings. S&ME will provide experienced personnel to complete the field work and perform the following duties: 1) recommend drilling and sampling procedures depending on the conditions being encountered; 2) visually identify all recovered samples and prepare a log of each boring; 3) preserve samples for transportation to our laboratory; 4) make seepage and groundwater observations during drilling; and, 5) provide liaison between the field work and the Project Manager so that the exploratory program can be modified in the event that unusual or unexpected conditions are encountered. In addition, S&ME will measure and record the thickness of the existing pavement from the recovered cores of the existing pavement.



Disturbed, but representative, soil samples will be obtained using a 2-inch O.D. split-barrel sampler driven by blows from a 140-pound hammer freely falling 30 inches (Standard Penetration Test). Recovered samples will be preserved in airtight glass jars. At the completion of drilling, each boring will be backfilled or sealed in accordance with the guidelines put forth in Appendix F of the ODOT SGE. Where borings/cores are advanced through existing pavement, the surface of the pavement will be repaired with an equivalent thickness of cold-patch asphalt.

S&ME anticipates that the work will be performed within the existing right-of-way of Belmont Avenue. However, the locations of existing utilities (both overhead and underground) and traffic control requirements may dictate that access outside existing right-of-way and on private property is required. If such access is determined to be necessary, S&ME will immediately contact Korda so that access onto the private property may be obtained for S&ME by Korda.

### Traffic Maintenance

As the drilling rig will be positioned at least partially within one of the two existing lanes of Belmont Avenue, S&ME will arrange for temporary traffic control (signs, cones, and flaggers) in accordance with TA-10 of the Ohio Manual of Uniform Traffic Control Devices to safely perform the drilling program (2 days of drilling anticipated).

### Laboratory Testing Program

In the laboratory, a testing program will be assigned and supervised by a registered Professional Engineer. In accordance with ODOT specifications, moisture content tests will be performed on all recovered samples and two complete classification test series (moisture content, Atterberg Limits, and sieve/short hydrometer gradation analyses) will be performed on samples recovered from each boring. The results of these tests will provide information for accurate identification of the soils and also for an approximation of their strength, consolidation, and subgrade support characteristics by comparison to existing data.

In accordance with ODOT Geotechnical Bulletin GB1, sulfate testing is to be performed on a minimum of one soil sample from each boring obtained within 3 feet of the proposed subgrade. The sulfate testing is performed to help evaluate whether chemical modification is an appropriate remediation option for poor subgrade soils or in-place reclamation.

### Report

Field information and laboratory test results will provide the basis for analyses and recommendations which will be submitted in a report addressing the issues required in the latest revisions of the ODOT Geotechnical Bulletins and the Geotechnical Engineering Design Checklists. The report will also include:

- o an evaluation of the subgrade conditions encountered in the borings, including an ODOT GB1 table;
- o existing pavement thickness measurements and photographs of the recovered pavement cores;
- o recommended CBR value and subgrade support parameters for use during pavement design to be performed by others;
- o discussion on site preparation, and recommendations with regard to specifications for the preparation of the roadway embankment and the pavement subgrade;
- o discussion regarding subgrade remediation options;



- o discussion regarding full depth in-place reclamation options, if warranted;
- o completed OGE checklists for the appropriate design items; and,
- o an Appendix including a plan of borings, logs of the borings, laboratory test results, supporting calculations, and any other pertinent information and data.

In accordance with the current ODOT SGE, S&ME will initially submit a "draft" version of this report. An electronic copy of this report will be submitted to Korda for forwarding to Springfield and the ODOT District 7 Geotechnical Engineer (DGE) for review. Following the receipt of all review comments, S&ME will prepare a "final" Subgrade Exploration report.

Once we have been provided with plan and profile drawings of the approved alignment, S&ME will prepare Soil Profile plan sheets in accordance with ODOT SGE requirements. S&ME has considered that the plan, profile, and basemap information necessary to prepare these report sheets will be provided by Korda in MicroStation® format.

### Excluded Services

The Scope of Work does not include any work associated with pre- or post-construction water management issues, new or existing culverts, bridge structures, stability analyses, or support of temporary excavations. The Scope of Work does not include pavement thickness or design recommendations. It is considered that these services will be provided by others.

Exploration equipment may unavoidably disturb, alter or damage the vegetation and terrain at the site. S&ME will take reasonable precautions to limit possible damage, but will accept no responsibility to restore the site to its original conditions or pay for damage unless specific arrangements and reimbursements are contractually agreed upon prior to initiation of our field work.

The investigation will be performed to provide geotechnical recommendations only. The scope of work does not address environmental issues that may be present on the site. If environmental issues are brought to our attention or are encountered during the course of our field work, we will discuss how to proceed with field work and any associated additional costs.

If it is determined prior to commencing the field work that full-depth reclamation is no longer being considered and the pavement coring is eliminated, it must be understood that the remaining work scope is based on the drilling rig being able to advance an auger through the existing Belmont Avenue pavement and does not include the costs for coring through an existing brick pavement, reinforced concrete pavement, or thick unreinforced concrete pavement (> 6 inches). If such existing pavement materials are encountered, S&ME will submit a modification of scope and fee for the additional work necessary to penetrate the existing pavement.

### Client Responsibility

The Scope of Work, schedule, and fee presented herein are contingent upon the client fulfilling the following responsibilities:

- o Prior to our arrival on-site, notify S&ME of any known underground utilities or buried structures which may affect our services, and mark their locations;



- Provide surveyed locations and ground surface elevations of the borings to S&ME shortly following the completion of the drilling program;
- Obtain permission from affected property owners and tenants for S&ME to work on private property outside the existing right-of-way (as dictated by ditches and utility obstructions), and provide S&ME with copies of any property owner notification letters; and,
- Provide all necessary plan, profile, and topographic information needed by S&ME for preparation of the Subgrade Exploration report and Soil Profile plan sheets.

### Project and Task Schedule

S&ME will commence with the planning, permitting, and utility clearance for the Subgrade Exploration upon receiving formal notice to proceed and all necessary plan and profile information. Assuming that the preliminary plan information needed to select boring locations is available at the time of receiving authorization to proceed, and assuming that all required permits are received within approximately 2 to 3 weeks, an estimated time line for this investigation is presented as follows:

- Week 1 - Select and field mark boring locations, then file/wait for permit
- Week 2-3 - Schedule utility clearance and temporary maintenance of traffic
- Week 4 - Perform field work (2 days of drilling anticipated)
- Week 4-7 - Complete laboratory classification and sulfate content testing
- Week 6-8 - Data Reduction/Analyses/Recommendations/"Draft" Report Preparation

### Fee

S&ME proposes to perform the Scope of Work summarized in this proposal for a total **Cost Plus-Net Fee** of **\$ 22,810**. If, however, it is determined prior to the initiation of our field work that full-depth pavement reclamation is no longer being considered, S&ME believes the pavement cores may be eliminated, resulting in a potential cost savings of \$2,750.

Invoices will be submitted monthly on a percent-complete basis and will be payable within 30 days of receipt. The fee and schedule quoted in this proposal are valid for a period of 6 months after the submittal date. After that time, S&ME reserves the right to modify the fee and schedule, as necessary.

### Authorization

Our Agreement for Services, Form Number AS-071, (Rev. 06-29-2012-OH-Korda) which was previously approved by Korda/Nemeth Engineering, Inc., is attached and is incorporated as a part of this proposal. Please indicate your acceptance of our proposal by signing page 5 of the form and returning the signed form along with the proposal to our office, or by providing us an alternative Agreement for Services, which references this proposal, for our review. We will proceed with the performance of the services upon receiving a fully executed agreement.



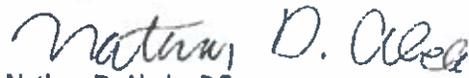
Proposal - Subgrade Exploration  
CLA-Belmont Ave.  
Springfield, Ohio  
S&ME Project No. 1117-16-038

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S&ME, Inc., appreciates the opportunity to submit this proposal for geotechnical services and look forward to working with you on this project. If you should have any questions concerning this proposal, or if additional information is required, please do not hesitate to contact us.

Respectfully,

**S&ME, Inc.**

  
Nathan D. Abele, P.E.  
Project Manager

  
Richard S. Weigand, P.E.  
Senior Reviewer

Attachment: ODOT Cost Estimate Spreadsheet (6 sheets)  
S&ME, Inc., Agreement for Services (Rev. 06-29-2012-OH-Korda) (5 sheets)

Submitted: E-mail



**OHIO DEPARTMENT OF TRANSPORTATION**  
**OFFICE OF GEOTECHNICAL ENGINEERING**

**PROPOSAL**  
*for the*  
**GEOTECHNICAL EXPLORATION**

**CLA-Belmont Ave.**

**PID 94814**

**Belmont Ave. reconstruction from Home Road to Mitchell Blvd. Approx. 4,100 l.f. Full-depth replacement or full-depth reclamation of pavement is being considered.**

***S&ME, Inc.***

Prepared By: **Nathan D. Abele, P.E.**

Date prepared: **August 12, 2016**

**S&ME, Inc.**  
**6190 Enterprise Court**  
**Dublin, OH 43016-3293**

**614-793-2226**  
**nabele@smeinc.com**

**COST SUMMARY**

**GEOTECHNICAL EXPLORATION PROPOSAL**

C/R/S : CLA-Belmont Ave. Overhead Percentage = 178.91%  
 PID NO.: PID 94814 ODOT Statewide Percentage for Net Fee = 151.58%  
 CONSULTANT: S&ME, Inc. Net Fee Percentage = 11.00%  
 DATE: August 12, 2016 Cost of Money = 0.31%

| Task                                   | Hourly Rate      | Total Hours | Direct Labor Costs | Overhead Costs | Cost of Money | Other Direct Costs | Subcon. Costs | Net Fee      | Total Cost      | Percent of Total Cost                               |
|--|------------------|-------------|--------------------|----------------|---------------|--------------------|---------------|--------------|-----------------|---|
| <b>RECONNAISSANCE AND PLANNING</b>     |                  |             |                    |                |               |                    |               |              |                 |   |
| Office Reconnaissance                  | \$41.25          | 4           | \$165              | \$295          | \$1           |                    |               | \$46         | \$507           |   |
| Field Reconnaissance                   | \$33.86          | 7           | \$237              | \$424          | \$1           |                    |               | \$66         | \$728           |   |
| Exploration Plan                       | \$39.50          | 2           | \$79               | \$141          | \$0           | \$52               | \$0           | \$22         | \$294           |   |
| <b>Subtotal</b>                        | <b>Avg. Rate</b> | <b>13</b>   | <b>\$481</b>       | <b>\$860</b>   | <b>\$2</b>    | <b>\$52</b>        | <b>\$0</b>    | <b>\$134</b> | <b>\$1,529</b>  | <b>7%</b>   |
| <b>FIELD COORDINATION</b>              |                  |             |                    |                |               |                    |               |              |                 |   |
| Field Coordination                     | \$29.21          | 24          | \$701              | \$1,254        | \$2           | \$104              |               | \$194        | \$2,255         | 10%   |
| Logging (if drilling is subcontracted) | \$0.00           | 0           | \$0                | \$0            | \$0           | \$0                |               | \$0          | \$0             | 0%  |
| <b>Subtotal</b>                        | <b>Avg. Rate</b> | <b>24</b>   | <b>\$701</b>       | <b>\$1,254</b> | <b>\$2</b>    | <b>\$104</b>       | <b>\$0</b>    | <b>\$194</b> | <b>\$2,255</b>  |   |
| <b>FIELD EXPLORATION</b>               |                  |             |                    |                |               |                    |               |              |                 |   |
| <b>Subtotal</b>                        |                  |             |                    |                |               |                    | <b>\$0</b>    |              | <b>\$8,189</b>  | <b>36%</b>  |
| <b>LABORATORY TESTING</b>              |                  |             |                    |                |               |                    |               |              |                 |   |
| <b>Subtotal</b>                        |                  |             |                    |                |               |                    | <b>\$0</b>    |              | <b>\$5,125</b>  | <b>22%</b>  |
| <b>GEOTECHNICAL EXPLORATION REPORT</b> |                  |             |                    |                |               |                    |               |              |                 |   |
| Subgrade and Roadway                   | \$33.09          | 56          | \$1,853            | \$3,315        | \$6           | \$25               | \$0           | \$513        | \$5,712         |   |
| Bridge                                 | \$0.00           | 0           | \$0                | \$0            | \$0           |                    |               | \$0          | \$0             |   |
| Other Structures (describe)            | \$0.00           | 0           | \$0                | \$0            | \$0           |                    |               | \$0          | \$0             |   |
| Geohazard (describe)                   | \$0.00           | 0           | \$0                | \$0            | \$0           |                    |               | \$0          | \$0             |   |
| <b>Subtotal</b>                        | <b>Avg. Rate</b> | <b>56</b>   | <b>\$1,853</b>     | <b>\$3,315</b> | <b>\$6</b>    | <b>\$25</b>        | <b>\$0</b>    | <b>\$513</b> | <b>\$5,712</b>  | <b>25%</b>  |
| <b>Total</b>                           | <b>Avg. Rate</b> | <b>93</b>   | <b>\$3,035</b>     | <b>\$5,429</b> | <b>\$10</b>   | <b>\$181</b>       | <b>\$0</b>    | <b>\$841</b> | <b>\$22,810</b> | <b>Cost per foot w/ cores \$259 w/o cores \$228</b> |

**GEOTECHNICAL EXPLORATION PROPOSAL**

**LABOR HOURS**

C/R/S : CLA-Belmont Ave.

PID NO.: PID 94814

CONSULTANT: S&ME, Inc.

DATE: August 12, 2016

**HOURLY RATES**

| Personnel Category     | Salary Rate |
|------------------------|-------------|
| Manager, P.E.          | \$52.00     |
| Project Engineer, P.E. | \$45.50     |
| Staff Engineer         | \$33.88     |
| CADD Technician        | \$26.60     |
| Field Supervisor       | \$27.00     |
| Technician             | \$20.16     |
| Geologist              | \$30.70     |
| Secretary              | \$19.35     |

**HOURS BY PERSONNEL CATEGORY**

| Task                                   | Manager  | Project Engineer | Staff Engineer | CADD Technician | Field Supervisor | Technician | Geologist | Secretary | Total Hours | Labor Costs    |
|--|----------|------------------|----------------|-----------------|------------------|------------|-----------|-----------|-------------|----------------|
| <b>RECONNAISSANCE AND PLANNING</b>     |          |                  |                |                 |                  |            |           |           |             |                |
| Office Reconnaissance                  | 1        | 1                | 2              | 0               | 0                | 0          | 0         | 0         | 4           | \$165          |
| Field Reconnaissance                   | 0        | 0                | 7              | 0               | 0                | 0          | 0         | 0         | 7           | \$237          |
| Exploration Plan                       | 0        | 1                | 1              | 0               | 0                | 0          | 0         | 0         | 2           | \$79           |
| <b>Subtotal</b>                        | <b>1</b> | <b>2</b>         | <b>10</b>      | <b>0</b>        | <b>0</b>         | <b>0</b>   | <b>0</b>  | <b>0</b>  | <b>13</b>   | <b>\$481</b>   |
| <b>FIELD COORDINATION</b>              |          |                  |                |                 |                  |            |           |           |             |                |
| Field Coordination                     | 1        | 2                | 10             | 0               | 0                | 8          | 0         | 3         | 24          | \$701          |
| Logging (if drilling is subcontracted) | 0        | 0                | 0              | 0               | 0                | 0          | 0         | 0         | 0           | \$0            |
| <b>Subtotal</b>                        | <b>1</b> | <b>2</b>         | <b>10</b>      | <b>0</b>        | <b>0</b>         | <b>8</b>   | <b>0</b>  | <b>3</b>  | <b>24</b>   | <b>\$701</b>   |
| <b>GEOTECHNICAL EXPLORATION REPORT</b> |          |                  |                |                 |                  |            |           |           |             |                |
| Subgrade and Roadway                   | 2        | 10               | 22             | 17              | 0                | 0          | 0         | 5         | 56          | \$1,853        |
| Bridge                                 | 0        | 0                | 0              | 0               | 0                | 0          | 0         | 0         | 0           | \$0            |
| Other Structures (describe)            | 0        | 0                | 0              | 0               | 0                | 0          | 0         | 0         | 0           | \$0            |
| Geohazard (describe)                   | 0        | 0                | 0              | 0               | 0                | 0          | 0         | 0         | 0           | \$0            |
| <b>Subtotal</b>                        | <b>2</b> | <b>10</b>        | <b>22</b>      | <b>17</b>       | <b>0</b>         | <b>0</b>   | <b>0</b>  | <b>5</b>  | <b>56</b>   | <b>\$1,853</b> |
| <b>LABOR TOTAL ALL PARTS</b>           | <b>4</b> | <b>14</b>        | <b>42</b>      | <b>17</b>       | <b>0</b>         | <b>8</b>   | <b>0</b>  | <b>8</b>  | <b>93</b>   | <b>\$3,035</b> |

**GEOTECHNICAL EXPLORATION PROPOSAL**

**FIELD EXPLORATION**

CR/S : CLA-Belmont Ave.  
 PID NO : PID 94814  
 CONSULTANT : S&ME, Inc.  
 DATE : August 12, 2016

| Task  | Quantity | Unit      | Unit Cost | Cost           | Task Description  |   |
|---|----------|-----------|-----------|----------------|---|---|
| Mobilization/Demobilization                             | 1        | lump      | \$700.00  | \$700          | Getting the necessary equipment and personnel to and from the project site. Includes crew travel time and mileage to and from the site, at the start and upon completion.   |   |
| <b>Subtotal</b>   |          |           |           | <b>\$700</b>   |   |   |
| <b>Traffic Maintenance</b>                              |          |           |           |                |   |   |
| Typical Application No.                                 | 10       | 1 days    | \$955.00  | \$955          | Describe each traffic control set-up, as referenced in the Ohio Manual of Uniform Traffic Control Devices, by the Typical Application No. Includes all flaggers, law enforcement, per diem, mileage, and equipment and personnel to set-up, maintain, and tear down traffic control zones |   |
| Typical Application No.                                 | 10       | 1 days    | \$735.00  | \$735          |   |   |
| Railroad Traffic Control                                |          | days      |           | 50             |   |   |
| <b>Subtotal</b>   |          |           |           | <b>\$1,690</b> |   |   |
| <b>Subsurface Exploration</b>                           |          |           |           |                |   |   |
| <b>Hand Sampling</b>                                    |          |           |           |                |   |   |
| Method Description                                      |          | feet      |           | \$0            | Includes all equipment and personnel to excavate, sample, log and backfill each hand sampling method  |   |
| Method Description                                      |          | feet      |           | \$0            |   |   |
| Test Pits   |          | each      |           | \$0            | Includes all equipment and personnel to excavate, sample, log and backfill test pit   |   |
| <b>Pavement/Bridge Deck Coring</b>                      |          |           |           |                |   |   |
| Core Diameter   |          | 6 in.     |           |                | Includes all equipment, personnel, and material to core and patch pavement/bridge deck and either handle or dispose of cores  |   |
|   | 11       | each      | \$250.00  | \$2,750        |   |   |
| Core Diameter   |          | in.       |           | \$0            |   |   |
| <b>Truck/ATV/Trailer Mounted Rotary Drilling</b>        |          |           |           |                |   |   |
| Number of Drill Rig Days                                |          | 2 days    |           |                | Includes all methods of rotary drilling on land, except skid rig  |   |
| Total Soil Footage (ft)                                 | 88       | 44 ft/day |           |                |   |   |
| Total Rock Footage (ft)                                 | 0        | 0 ft/day  |           |                |   |   |
| No Sampling   | 22       | feet      | \$9.00    | \$198          |   |   |
| 5-ft SPT  |          | feet      |           | \$0            |   |   |
| 2.5-ft SPT  |          | feet      |           | \$0            |   |   |
| Continuous SPT  | 66       | feet      | \$26.00   | \$1,716        |   |   |
| Undisturbed Samples                                     |          | each      |           | \$0            |   |   |
| Rock Coring   |          | feet      |           | \$0            |   |   |
| Permanent Borehole Sealing                              |          | feet      |           | \$0            |   |   |
| <b>Skid Drilling</b>                                    |          |           |           |                |   |   |
| Number of Drill Rig Days                                |          | days      |           |                |   | Includes press, preservation, transport, and extraction, minimum 50% recovery |
| Total Soil Footage (ft)                                 | 0        | 0 ft/day  |           |                |   |   |
| Total Rock Footage (ft)                                 | 0        | 0 ft/day  |           |                |   |   |
| No Sampling   |          | feet      |           | \$0            |   |   |
| 5-ft SPT  |          | feet      |           | \$0            |   |   |
| 2.5-ft SPT  |          | feet      |           | \$0            |   |   |
| Continuous SPT  |          | feet      |           | \$0            |   |   |
| Undisturbed Samples                                     |          | each      |           | \$0            |   |   |
| Rock Coring   |          | feet      |           | \$0            |   |   |
| Permanent Borehole Sealing                              |          | feet      |           | \$0            |   |   |
| <b>Barge Drilling</b>                                   |          |           |           |                |   |   |
| Number of Drill Rig Days                                |          | days      |           |                | Includes press, preservation, transport, and extraction, minimum 50% recovery   |   |
| Total Soil Footage (ft)                                 | 0        | 0 ft/day  |           |                |   |   |
| Total Rock Footage (ft)                                 | 0        | 0 ft/day  |           |                |   |   |
| 5-ft SPT  |          | feet      |           | \$0            |   |   |
| 2.5-ft SPT  |          | feet      |           | \$0            |   |   |
| Continuous SPT  |          | feet      |           | \$0            |   |   |
| Undisturbed Samples                                     |          | each      |           | \$0            |   |   |
| Rock Coring   |          | feet      |           | \$0            |   |   |
| Permanent Borehole Sealing                              |          | feet      |           | \$0            |   |   |
| <b>Barge</b>  |          |           |           |                |   |   |
| Barge   |          | days      |           | \$0            | Includes all costs associated with barge drilling access (permits, spuds, safety equipment, boats, tugs, etc.)  |   |
| <b>Other Exploratory Methods</b>                        |          |           |           |                |   |   |
| Method Description                                      |          | days      |           | \$0            | CPT, DCP, Geophysical, etc. Propose a daily rate to include all costs associated with performing the described exploratory method   |   |
| Method Description                                      |          | days      |           | \$0            |   |   |
| <b>In-situ Testing</b>                                  |          |           |           |                |   |   |
| Test:   |          | days      |           | \$0            | Includes all mobilization/demobilization, equipment, material, labor, travel, per diem, calibration, and data reduction   |   |
| Test:   |          | days      |           | \$0            |   |   |
| Test:   |          | days      |           | \$0            |   |   |
| <b>Installation/Reading of Geotechnical Instruments</b> |          |           |           |                |   |   |
| Open Standpipe Piezometer                               |          | feet      |           | \$0            | Excludes cost of drilling - present above. Includes all material and labor for installation   |   |
| Monitoring Well   |          | feet      |           | \$0            |   |   |
| Inclinometer  |          | feet      |           | \$0            |   |   |
| Misc (describe)   |          | each      |           | \$0            |   |   |
| Instrument Readings                                     |          | trips     |           | \$0            | pneumatic or vibrating wire piezometers, strain gages, extensometers, TOR cable, etc.   |   |
| <b>Subtotal</b>   |          |           |           | <b>\$4,684</b> |   |   |
| <b>Direct Costs</b>                                     |          |           |           |                |   |   |
| Asphalt Patch of Cores                                  | 11       | cores     | \$35.00   | \$385          | ~15-20 minutes per location   |   |
| Drill Rig Standby during coring                         | 3        | hr        | \$250.00  | \$750          |   |   |
| <b>Subtotal</b>   |          |           |           | <b>\$1,135</b> |   |   |
| <b>FIELD EXPLORATION TOTAL ALL PARTS</b>                |          |           |           | <b>Total</b>   | <b>\$8,189</b>  |   |

**GEOTECHNICAL EXPLORATION PROPOSAL**

**LABORATORY TESTING**

C/R/S : CLA-Belmont Ave.

PID NO.: PID 94814

CONSULTANT: S&ME, Inc.

DATE: August 12, 2016

| Test  | Test Method |          | Quantity | Unit     | Unit Cost | Cost           | Remarks  |
|---|-------------|----------|----------|----------|-----------|----------------|--|
|   | AASHTO      | ASTM     |          |          |           |                |  |
| Complete Classification   | Multiple    | Multiple | 22       | each     | \$160     | \$3,520        | Includes Visual Description per SGE Section 602, T285, T88, T89, T90 |
| Water Content Test and Visual Description   | T265        | D2216    | 28       | each     | \$12      | \$336          | Visual Description per SGE Section 602                               |
| Particle Size Analysis - Sieve Only   | T88         | D422     | 0        | each     | \$57      | \$0            | As modified per SGE Section 603.3                                    |
| Particle Size Analysis - Sieve and 2-hour Hydrometer                              | T88         | D422     | 0        | each     | \$88      | \$0            | As modified per SGE Section 603.3                                    |
| Liquid Limit Test   | T89         | D4318    | 2        | each     | \$40      | \$80           | As modified per SGE Section 603.3                                    |
| Plastic Limit Test  | T90         | D4318    | 0        | each     | \$37      | \$0            | As modified per SGE Section 603.3                                    |
| Organic Content by Loss on Ignition   | T267        | D2974    | 2        | each     | \$50      | \$100          |  |
| Soil Unconfined Compression Test  | T208        | D2166    | 0        | each     | \$78      | \$0            |  |
| Unconsolidated-Undrained Triaxial Compression Test                                | T286        | D2850    | 0        | 1 point  | \$183     | \$0            |  |
| Consolidated-Undrained Triaxial Compression Test (with pore pressure measurement) | T297        | D4767    | 0        | 3 points | \$930     | \$0            |  |
| One-Dimensional Consolidation Test  | T216        | D2435    | 0        | each     | \$500     | \$0            |  |
| Specific Gravity Test   | T100        | D854     | 0        | each     | \$63      | \$0            |  |
| Direct Shear Test   | T236        | D3080    | 0        | 3 points | \$510     | \$0            |  |
| Sulfate Content in Soils, Colometric Method                                       | ODOT S1122  | NA       | 11       | each     | \$99      | \$1,089        |  |
| Misc. (identify test)   |             |          | 0        |          |           | \$0            | Identify the test and test method for any tests not listed above     |
| Misc. (identify test)   |             |          | 0        |          |           | \$0            | Identify the test and test method for any tests not listed above     |
| <b>Subtotal</b>   |             |          |          |          |           | <b>\$5,125</b> |  |

| Test  | Test Method |                        | Quantity | Unit | Unit Cost | Cost       | Remarks  |
|---|-------------|------------------------|----------|------|-----------|------------|--|
|   | AASHTO      | ASTM                   |          |      |           |            |  |
| Unconfined Compressive Strength of Intact Rock Core Specimen  | NA          | D7012, Method C        | 0        | each | \$96      | \$0        |  |
| Slake Durability of Shales and Similar Weak Rocks   | NA          | D4644                  | 0        | each | \$222     | \$0        |  |
| Determination of the Point Load Strength Index of Rock Elastic Moduli of Intact Rock Core Specimens in Uniaxial Compression | NA          | D5731, D7012, Method D | 0        | each | \$64      | \$0        |  |
| Misc. (identify test)   |             |                        | 0        |      | \$229     | \$0        | Identify the test and test method for any tests not listed above |
| Misc. (identify test)   |             |                        | 0        |      |           | \$0        | Identify the test and test method for any tests not listed above |
| Misc. (identify test)   |             |                        | 0        |      |           | \$0        | Identify the test and test method for any tests not listed above |
| <b>Subtotal</b>   |             |                        |          |      |           | <b>\$0</b> |  |

| LABORATORY TESTING TOTAL ALL PARTS |  |  |  |  |  | Total          |
|------------------------------------|--|--|--|--|--|----------------|
| <b>Subtotal</b>                    |  |  |  |  |  | <b>\$5,125</b> |

**GEOTECHNICAL EXPLORATION PROPOSAL**

**DIRECT COSTS**

C/R/S :           CLA-Belmont Ave.

PID NO.:         PID 94814

CONSULTANT:    S&ME, Inc.

DATE:            August 12, 2016

| Task   | Quantity | Unit | Unit Cost    | Cost            |
|--|----------|------|--------------|-----------------|
| <b>RECONNAISSANCE AND PLANNING</b>               |          |      |              |                 |
| Mileage  | 100      |      | \$0.52       | \$52.00         |
| (describe)                                       | 0        |      | \$0.00       | \$0.00          |
| (describe)                                       | 0        |      | \$0.00       | \$0.00          |
| <b>Subtotal</b>                                  |          |      |              | <b>\$52.00</b>  |
| <b>FIELD COORDINATION</b>                        |          |      |              |                 |
| <b>Field Coordination</b>                        |          |      |              |                 |
| Meals and Lodging                                | 0        | day  | \$150.00     | \$0.00          |
| Mileage  | 200      | mile | \$0.52       | \$104.00        |
| Permits  | 0        | each | \$0.00       | \$0.00          |
| Dozer and Operator (site access and restoration) | 0        | hour | \$0.00       | \$0.00          |
| Site Restoration (not including Dozer)           | 0        | site | \$0.00       | \$0.00          |
| Railroad Permits                                 | 0        | each | \$0.00       | \$0.00          |
| Other (describe)                                 | 0        |      | \$0.00       | \$0.00          |
| Other (describe)                                 | 0        |      | \$0.00       | \$0.00          |
| <b>Subtotal</b>                                  |          |      |              | <b>\$104.00</b> |
| <b>Logging (if drilling is subcontracted)</b>    |          |      |              |                 |
| Meals and Lodging                                | 0        | day  | \$0.00       | \$0.00          |
| Mileage  | 0        | mile | \$0.52       | \$0.00          |
| Other (describe)                                 | 0        |      | \$0.00       | \$0.00          |
| <b>Subtotal</b>                                  |          |      |              | <b>\$0.00</b>   |
| <b>Subtotal</b>                                  |          |      |              | <b>\$104.00</b> |
| <b>GEOTECHNICAL EXPLORATION REPORT</b>           |          |      |              |                 |
| Plan Sheets                                      | 5        |      | \$5.00       | \$25.00         |
| (describe)                                       | 0        |      | \$0.00       | \$0.00          |
| <b>Subtotal</b>                                  |          |      |              | <b>\$25.00</b>  |
| <b>DIRECT COSTS TOTAL ALL PARTS</b>              |          |      | <b>Total</b> | <b>\$181.00</b> |

229-16

**LIQUOR PERMIT REQUEST REVIEW FORM**

DATE: September 6, 2016

APPLICANT'S NAME: Shree Gurudev Inc  
dba Marathon Springfield

ADDRESS OF PERMIT PREMISE: 2001 E Main Street  
Springfield, OH 45503

RETURN REPORT BY: September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED \_\_\_\_\_

FIRE CHIEF RECEIVED \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED \_\_\_\_\_

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE: Investigations 9/6/16  
Police Chief *[Signature]*

FIRE: Objection can be addressed through building permit or COO\*\* processes   
Fire Marshal \_\_\_\_\_  
Fire Chief \_\_\_\_\_

COMMUNITY DEVELOPMENT: Objection can be addressed through building permit or COO\*\* processes

Zoning\* \_\_\_\_\_  
Building \_\_\_\_\_  
Code Enforcement \_\_\_\_\_  
Community Development Director \_\_\_\_\_

\*Map Attached  
\*\*Certificate of Occupancy  
(ATTACH BACK-UP MATERIAL IF NEEDED)  
Rev. 08-06-13

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6608 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2380 FAX(614)644-3168

|             |  |                |                          |  |
|-------------|--|----------------|--------------------------|--|
| 81128330005 |  | TRFO           | TO                       |  |
| 06 01 2015  |  | PERMIT NUMBER  | SHREE GURUDEV INC        |  |
| 08 26 2016  |  | ISSUE DATE     | DBA MARATHON SPRINGFIELD |  |
| C1 C2       |  | FILING DATE    | 2001 E MAIN ST           |  |
| 12 099 A    |  | PERMIT CLASSES | SPRINGFIELD OHIO 45503   |  |
| F16960      |  | TAX DISTRICT   | RECEIPT NO.              |  |

FROM 08/30/2016

|            |  |                |                        |  |
|------------|--|----------------|------------------------|--|
| 9122670    |  |                | 2001 E MAIN INC        |  |
| 06 01 2015 |  | PERMIT NUMBER  | DBA MARATHON           |  |
| 08 26 2016 |  | ISSUE DATE     | 2001 E MAIN ST         |  |
| C1 C2      |  | FILING DATE    | SPRINGFIELD OHIO 45503 |  |
| 12 099     |  | PERMIT CLASSES |                        |  |
| F16960     |  | TAX DISTRICT   | RECEIPT NO.            |  |



MAILED 08/30/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN 09/30/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 8112833-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) -  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF SPRINGFIELD CITY COUNCIL  
76 E HIGH ST  
SPRINGFIELD OHIO 45502

**FOR OFFICE USE ONLY**

NEW  TRANSFER  REN

PERMIT # 1117233 2185

OHIO DEPARTMENT OF COMMERCE  
 DIVISION OF LIQUOR CONTROL  
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
 Telephone: (614) 644-2360 http://www.com.ohio.gov/liqr

**OFFICER/SHAREHOLDERS DISCLOSURE FORM**



**SECTION A.** (This form must accompany all applications of a corporate business entity)

|  |                             |  |                       |
|--|-----------------------------|--|-----------------------|
| Name of Corporation <u>Shree Gurudev, Inc.</u>     |                             | DBA Name <u>Marathon Springfield</u>           |                       |
| Permit Premises Address <u>2001 E. Main Street</u> |                             | City, State <u>Springfield, OH</u>             | Zip Code <u>45503</u> |
| Township, if in Unincorporated Area                |                             | Tax Identification No. (TIN) <u>47-2543341</u> |                       |
| Email Address                                      | <u>chechpulei@yahoo.com</u> |  |                       |

**SECTION B.**

1 Is stock publicly traded?  
 If "YES", indicate exchange \_\_\_\_\_ & Do NOT complete SECTION D.  YES  NO

2 Does any stockholder own 5% or more shares? If YES, complete SECTION D.  YES  NO

3 Total Number of shares issued 1.00

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

**SECTION C.** List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCIA AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLCA191.

| NAME OF OFFICER                         | SOCIAL SECURITY NUMBER | DATE OF BIRTH |
|---|------------------------|---------------|
| 1) CEO <u>None</u>                      |                        |               |
| 2) President <u>Kantabehen T. Patel</u> | <u>N/A</u>             | <u>N/A</u>    |
| 3) Vice-President <u>None</u>           |                        |               |
| 4) Secretary <u>Kantabehen T. Patel</u> | <u>N/A</u>             | <u>N/A</u>    |
| 5) Treasurer <u>Kantabehen T. Patel</u> |                        |               |

**SECTION D.** Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCIA AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLCA191. If none, please indicate by writing "NONE".

| 1) Stockholder's Name      | Residence Address | City and State | Zip Code | Social Security No. (if Individual) | Tax Identification No. (if applicable) | Telephone No. | Date of Birth | NUMBER OF SHARES HELD (NOT PERCENTAGE) |
|----------------------------|-------------------|----------------|----------|-------------------------------------|--|---------------|---------------|--|
| <u>Kantabehen T. Patel</u> |                   |                |          |                                     |  |               |               | <u>1.00</u>                            |
| 2) Stockholder's Name      | Residence Address | City and State | Zip Code | Social Security No. (if Individual) | Tax Identification No. (if applicable) | Telephone No. | Date of Birth | NUMBER OF SHARES HELD (NOT PERCENTAGE) |
|                            |                   |                |          |                                     |  |               |               |  |

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO, COUNTY of                     

I, Kantabehen T. Patel being first duly sworn, according to law, deposes and says that he/she is (Title) President of the Shree Gurudev, Inc. a Corporation duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Corporate Title) KANTABHEEN PATEL (OWNER)

Sworn to on 10th day of August 2016

DAVID TODD RUSH Attorney at Law  
 Notary Public, State of Ohio  
 My Commission Has No Expiration

[Signature] (Notary Signature)  
 Notary Public  
 (Notary Expiration)                     



**Springfield Police Division  
Intelligence Unit**

From the Office of: Capt. Hill  
To: Investigative Case File  
Date: 09-19-16  
Re: Liquor Permit Transfer Request

Sir,

I would like to offer the following information regarding the liquor permit transfer request for Shree Gurudev Inc, DBA Marathon Springfield, 2001 E Main St, Ohio 45503, business phone 937-504-7377. The transfer is from 2001 E Marathon Inc, DBA Marathon. The permit number for the premises is 81128330005. The liquor permit is for a Class C1 and C2 permit. The C1 liquor permit would allow for Beer only in original sealed container for carry out only. The C2 permit would allow for Wine and mixed beverages in sealed containers for carry out.

Shree Gurudev Inc, also known as marathon is located in a business area and residential area. On 09-19-16 I spoke to Sunny Patel, who is the manager of Marathon. Mr. Patel stated that there were (2) total employees and that they are all familiar with the current Ohio Liquor Laws. Business hours for the establishment are 600AM through 1200AM, Monday through Sunday. Mr. Patel further stated that they require identification for every liquor purchase.

A local Police Records check was conducted on Patel, as he is the applicant for the permit transfer. There was no record of arrest history in the Police NWS Database.

I also conducted a records check for calls for service regarding the location of 2001 E Main St. There have been 5 calls for service in the last year.

Respectfully Submitted,

*Detective Anna Wildeman*

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: September 6, 2016

APPLICANT'S NAME: Shree Gurudev Inc dba Marathon Springfield

ADDRESS OF PERMIT PREMISE: 2001 E Main Street Springfield, OH 45503

RETURN REPORT BY: September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED \_\_\_\_\_

FIRE CHIEF

RECEIVED 09/06/16 DSK

COMMUNITY DEVELOPMENT DIRECTOR

RECEIVED \_\_\_\_\_

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations \_\_\_\_\_

Police Chief \_\_\_\_\_

FIRE: Objection can be addressed through building permit or COO\*\* processes

Fire Marshal \_\_\_\_\_

Fire Chief \_\_\_\_\_

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO\*\* processes

Zoning\* \_\_\_\_\_

Building \_\_\_\_\_

Code Enforcement \_\_\_\_\_

Community Development Director \_\_\_\_\_

\*Map Attached

\*\*Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13

City of Springfield, Ohio, Fire Rescue Division  
FMB Fire Safety Inspection Report

Date: 9/2/16  Inspection  System Test Time Begin: 1245 hrs. Time End: 1300 hrs.

Occupancy Name (DBA)  
MARATHON Gas Station (Liquor Permit inspection)

Number Prefix Street  
2100 N S E W MAIN ST

City State Zip Code  
Springfield Ohio 45503

Phone Number Extension Type (Check One)  
( )  MOBL  OFFC  HOME  WORK

| Owners & Contacts - Last Name | First Name | Phone |
|-------------------------------|------------|-------|
|                               |            | ( )   |
|                               |            | ( )   |

Findings/Violations

The following violations shall be corrected by: 30 day (10-8-16) (Date)

- REAR "EXIT" MUST REMAIN UNLOCKED AND NOT BLOCKED DURING HOURS OF OPERATION

- FIRE EXTINGUISHER HAS BEEN DISCHARGED AND NEEDS TO BE REPLACED.

- EXTENSION CORDS USED AS PERMITS WIRING NEED TO BE REMOVED

Inspector's Signature: [Signature] Employee No. 703

Failure to correct noted violations shall be in violation of Section 1503.99 of the Codified Ordinances of the City of Springfield, Ohio.

Owner/Occupant/Contractor Signature: [Signature]

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: September 6, 2016

APPLICANT'S NAME: Shree Gurudev Inc  
dba Marathon Springfield

ADDRESS OF PERMIT PREMISE: 2001 E Main Street  
Springfield, OH 45503

RETURN REPORT BY: September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED \_\_\_\_\_

FIRE CHIEF RECEIVED \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED \_\_\_\_\_

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations \_\_\_\_\_

Police Chief \_\_\_\_\_

FIRE: Objection can be addressed through building permit or COO\*\* processes

Fire Marshal \_\_\_\_\_

Fire Chief \_\_\_\_\_

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO\*\* processes

Zoning\* \_\_\_\_\_

Building \_\_\_\_\_

Code Enforcement \_\_\_\_\_

Community Development Director *Shannon Meadows*

\*Map Attached

\*\*Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13

*Remove things bolt and open exit open / Done*



Zoned CC-2, Community Commercial District

**LIQUOR PERMIT REQUEST REVIEW FORM**

DATE: September 15, 2016

APPLICANT'S NAME:

Springfield Wing Company LLC  
Db a Buffalo Wild Wings

ADDRESS OF PERMIT PREMISE:

1960 N. Bechtle Ave  
Springfield OH 45504

RETURN REPORT BY:

September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED \_\_\_\_\_

FIRE CHIEF

RECEIVED \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR

RECEIVED \_\_\_\_\_

RECOMMENDATIONS:

NO OBJECTION

OBJECTION W/REASONS

POLICE:

Investigations

9/20/16  
*[Signature]*  
Byeody

Police Chief

FIRE:

Objection can be addressed through building permit or COO\*\* processes

Fire Marshal

Fire Chief

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO\*\* processes

Zoning\*

Building

Code Enforcement

Community Development Director

\*Map Attached

\*\*Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6608 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

|            |  |                |                              |  |
|------------|--|----------------|------------------------------|--|
| 8460250    |  | TRFO           | TO                           |  |
| 06 01 2016 |  | PERMIT NUMBER  | SPRINGFIELD WING COMPANY LLC |  |
| 09 07 2016 |  | ISSUE DATE     | DBA BUFFALO WILD WINGS       |  |
| D51 D6     |  | PERMIT CLASSES | 1960 N BECHTLE AV            |  |
| 12 099 A   |  | TAX DISTRICT   | SPRINGFIELD OH 45504         |  |
| F17032     |  | RECEIPT NO.    |                              |  |

FROM 09/09/2016

|            |  |                |                      |  |
|------------|--|----------------|----------------------|--|
| 8594000    |  |                | STIR IT UP LLC       |  |
| 06 01 2016 |  | PERMIT NUMBER  | 1960 N BECHTLE AV    |  |
| 09 07 2016 |  | ISSUE DATE     | SPRINGFIELD OH 45504 |  |
| D51 D6     |  | PERMIT CLASSES |                      |  |
| 12 099     |  | TAX DISTRICT   |                      |  |
|            |  | RECEIPT NO.    |                      |  |



MAILED 09/09/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN 10/11/2016

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A TRFO 8460250**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE.

(Signature)

(Title)  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF SPRINGFIELD CITY COUNCIL  
76 E HIGH ST  
SPRINGFIELD OHIO 45502

LLC / PARTNERSHIP CROSS REFERENCE  
DISPLAY

PGECC

8460250 PERMIT NBR  
SPRINGFIELD WING COMPANY LLC  
DBA BUFFALO WILD WINGS  
1960 N BECHTLE AV  
SPRINGFIELD OH 45504

\*\*\*\*\*

|                |                   |           |         |
|----------------|-------------------|-----------|---------|
| • STEVEN GRUBE | 09/07/2016 ACTIVE | PRESIDENT |         |
| • GRUBE INC    | 09/07/2016 ACTIVE |           | MAN-MBR |

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

## INTER-OFFICE COMMUNICATION

FROM THE DESK OF: CAPT. HILL

DATE: September 19, 2016

TO: INVESTIGATIVE FILE

RE: LIQUOR PERMIT TRANSFER FOR

Springfield Wing Company LLC dba  
Buffalo Wild Wings  
1960 N. Bechtle Ave.

Sir,

I would like to offer the following information regarding the liquor permit transfer for Springfield Wing Company LLC dba Buffalo Wild Wings, located at 1960 N. Bechtle Ave., Springfield, Ohio, 45504. The current permit number is 8594000 under Stir It Up LLC, and it will be transferred to permit number 8460250. The permit is a class D5I and a D6 permit. A D5I permits the sale of beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit. A D6 permit allows for the sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

On September 19, 2016 I spoke with store manager Teresa Sample. Ms. Sample stated that the hours of operation for the business are Sunday through Thursday 11:00 AM to 12:00 AM, and Friday and Saturday 11:00 AM to 1:00 AM. She advised that they have a total of 66 employees, with 6 bartenders and 5 bar servers. She advised that there are 4 total store managers. Ms. Sample stated that business identification policy is to ask for ID from anyone who appears to be under the age of 40. The business phone will stay the same at (937) 390-9464.

Local Police and Court records checks did not reveal any records for Steven Grube (the name provided with the permit transfer). A local Police records check was also conducted on manager Teresa Sample, with no criminal entries found. The business is located in a commercial area.

Police records show the following calls for service to 1960 N. Bechtle Ave. in the past twelve months:

Alarms- 10

Parking Complaint- 1

Suspicious Activity- 1

Theft- 6

Disorderly- 6

Dangerous Condition- 1

Traffic Accident- 1

Get Property- 1

Injured Person- 1

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SJAENBA', written in a cursive style.

Sergeant Allison Bennett

**LIQUOR PERMIT REQUEST REVIEW FORM**

DATE: September 15, 2016

APPLICANT'S NAME: Springfield Wing Company LLC  
Dbas Buffalo Wild Wings

ADDRESS OF PERMIT PREMISE: 1960 N. Bechtle Ave  
Springfield OH 45504

RETURN REPORT BY: September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED \_\_\_\_\_

FIRE CHIEF RECEIVED 09-15-16 / dsk

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED \_\_\_\_\_

RECOMMENDATIONS:                      NO OBJECTION                      OBJECTION W/REASONS

**POLICE:**

Investigations \_\_\_\_\_

Police Chief \_\_\_\_\_

**FIRE:**                      Objection can be addressed through building permit or COO\*\* processes

Fire Marshal J. J. [Signature] \_\_\_\_\_

Fire Chief [Signature] \_\_\_\_\_

**COMMUNITY DEVELOPMENT:**

Objection can be addressed through building permit or COO\*\* processes

Zoning\* \_\_\_\_\_

Building \_\_\_\_\_

Code Enforcement \_\_\_\_\_

Community Development Director \_\_\_\_\_

\*Map Attached

\*\*Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

City of Springfield, Ohio, Fire Rescue Division  
FMB Fire Safety Inspection Report

Date: 9/19/16  Inspection  System Test Time Begin: 1500 hrs. Time End: 1530 hrs.

Occupancy Name (DBA)  
Buffalo Wild Wings (Liquor Permit Inspection)

Number 1960 Prefix N S E W Street Bechtel Ave

City Springfield State Ohio Zip Code 45501

Phone Number ( ) Extension      Type (Check One)  
 MOBL  OFFC  HOME  WORK

| Owners & Contacts -- Last Name | First Name | Phone |
|--------------------------------|------------|-------|
|                                |            | ( )   |
|                                |            | ( )   |

Findings/Violations

The following violations shall be corrected by: \_\_\_\_\_ (Date)  
ALARM SYSTEM THAT BUFFALO WILD WINGS TIES INTO HAS BEEN OUT OF SERVICE SINCE 6/15/15 WITHOUT REPAIR. THIS PANEL CALLS OUT FOR BW3 WHEN THE ALARM ACTIVATES, SHALL BE REPAIRED AND TESTED.

Inspector's Signature: LT Jeff Lyday 0028469 Employee No. 703  
(OFFICE 324-7610)

Failure to correct noted violations shall be in violation of Section 1503.99 of the Codified Ordinances of the City of Springfield, Ohio.

Owner/Occupant/Contractor Signature: (X) Seresa Sample

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: September 15, 2016

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Db a Buffalo Wild Wings

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Springfield OH 45504

RETURN REPORT BY: September 21, 2016 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED \_\_\_\_\_

FIRE CHIEF RECEIVED \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED \_\_\_\_\_

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations \_\_\_\_\_

Police Chief \_\_\_\_\_

FIRE: Objection can be addressed through building permit or COO\*\* processes

Fire Marshal \_\_\_\_\_

Fire Chief \_\_\_\_\_

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO\*\* processes

Zoning\* \_\_\_\_\_

Building \_\_\_\_\_

Code Enforcement \_\_\_\_\_

Community Development Director *James Meadows*

\*Map Attached

\*\*Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)



Zoned CC-2A, Shopping Center District