

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 6, 2011
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

EXECUTIVE SESSION:

Move to Executive Session to consider pending or imminent litigation and to consider the purchase or sale of property for public purposes.

ADJOURNMENT

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the August 16, 2011 Regular Piqua City Commission Meeting

B. OLD BUSINESS

- a. ORD. NO. 9-11 (3rd Reading)
An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction
- b. ORD. NO. 10-11 (3rd Reading)
An Ordinance to levy special assessments to pay for the cost of nuisance abatement assessments relating to Stormwater Improvement
- c. ORD. NO. 11-11 (2nd Reading)
An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments
- d. ORD. NO. 12-11 (2nd Reading)
An Ordinance amending Schedule I-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77.01 – Traffic Schedules Adopted of Chapter 77 Traffic Code

C. NEW BUSINESS

- a. ORD. NO. 13-11 (1st Reading)
An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2011

- b. RES. NO. R-97-11
A Resolution requesting authorization to purchase the real property located at State Route 66, Parcel ID No. M40-04100, 18.823 acres on the Water Treatment Plant Construction, payable to Rosalyn Lee Toland, Bradley W. Jacob, C. Patricia Jacob, Andrew Douglas Keyt, Bernard Morris Keyt, Ann Gantvoort, Bets Vondrasek and Gretchen Gantvoort in the amount not to exceed \$140,000
- c. RES. NO. R-98-11
A Resolution awarding a contract to VTF Excavation, LLC for the north Cemetery Bridge replacement project
- d. RES. NO. R-99-11
A Resolution awarding a contract to Walls Brothers Asphalt Company, Inc. for the 2011 Street Resurfacing Program
- e. RES. NO. R-100-11
A Resolution authorizing the adoption of the Operations and Maintenance manual for the Shawnee Pump Station, as certified by the City Engineer, including all amendments thereto
- f. RES. NO. R-101-11
A Resolution amending the total payment to Sulzer Turbo services for emergency repairs to #8 gas turbine
- g. RES. NO. R-102-11
A Resolution awarding a purchase order to Barrett Paving Materials, Inc. for the purchase of stone for the Street Department
- h. RES. NO. R-103-11
A Resolution authorizing a purchase order to Wall Bros. Asphalt Co., for the placement of 301 Asphalt Base
- i. RES. NO. R-104-11
A Resolution authorizing the settlement of the appropriation of 439 E. Ash Street, Piqua, Miami County, Ohio
- j. RES. NO. R-105-11
A Resolution authorizing the reassignment of the City's Canal Sublease for 110 E. Ash Street, Piqua, Ohio, Parcel No. N44-000895
- k. RES. NO. R-106-11
A Resolution authorizing the City of Piqua to terminate the Master Canal Lease with the State of Ohio, being entered into March 30, 1926, and to modify the terms and conditions to enter into a new Master Lease

D. OTHER

- a. Monthly Reports – July 2011

E. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday August 16, 2011
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Vice Mayor Vogt called the meeting to order. Also present were Commissioners Martin, Terry, and Wilson. Absent: Mayor Fess

REGULAR CITY COMMISSION MEETING

Moved by Commissioner Martin, seconded by Commissioner Terry, to excuse Mayor Fess from the August 16, 2011 Piqua City Commission Meeting. Voice vote, Aye: Martin, Vogt, Wilson, and Terry. Nay: None.

Vice Mayor Vogt stated Mayor Fess had shoulder surgery recently and wished her a speedy recovery.

PRESENTATION

Girl Scout Troop 31091 Presentation

A presentation was made to the City Commission by four young Girl Scouts from Troop 31091 highlighting some of the projects and activities they have participated in and their goals for the future.

PROCLAMATION

***Proclamation** – Honoring Girl Scout Troop 31091

Vice Mayor Vogt read the proclamation and presented it to Madelyn Concello, Annie Fletcher, Whitney Boda, and Elisha Davidson.

***Proclamation** – 9/11 Day of Honor in the City of Piqua

Vice Mayor Vogt read the proclamation and presented it to Mike Yannucci.

Mr. Yannucci gave a brief overview of the 9/11 Day of Honor Program and invited citizens to participate.

***Proclamation** – Honoring Piqua Baptist Church

Vice Mayor Vogt read the proclamation and presented it to Charles Black accepting on behalf of the Piqua Baptist Church.

Consent Agenda

Approval of Minutes

Approval of the minutes from the August 2, 2011 Regular Piqua City Commission Meeting, and the minutes from the Executive Sessions of July 15, August 4, and August 5, 2011.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the Regular Piqua City Commission Meeting of August 2, 2011 and the minutes of the Executive Sessions of July 15, August 4, and August 5, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 8-11(3rd Reading)

An Ordinance amending Chapter 34 of the Piqua Municipal Code to permit the disposal of personal property no longer needed for City purposes

Interim City Manager Murphy stated this is the third reading of Ordinance No. 8-11 to amend Chapter 34, specifically Section 34.35 Disposal of Personal Property this would provide the city additional alternatives to dispose of personal property that would include allowing the city to sell, donate or otherwise dispose of property to other governmental organizations. It would also allow the city to donate to an appropriate charitable organization, and specifically excludes donations to a private individual, private company or a for profit organization.

Public Comment

No one came forward to speak for or against Ordinance No. 8-11.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 8-11 be adopted. Roll call; Aye: Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Ordinance No. 8-11 adopted.

ORD. NO. 9-11 (2nd Reading)

An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction

Interim City Manager Bill Murphy stated this is the second phase of the Riverside Broadway project. The project costs which include sidewalk, curb and gutter assessments are either paid by the property owner within thirty days of completion of the project, or at their choice, financed over a five or ten year period. Roughly half of the residents choose to pay the city for the improvements with twenty-nine property owners choosing the five year option, and eight choosing the ten year option.

Payments will be accepted thru August 31, 2011, stated Finance Director Cynthia Holtzapple.

Public Comment

No one came forward to speak for or against Ordinance No. 9-11 at this time.

Ordinance No. 9-11 was given a second reading.

ORD. NO. 10-11 (2nd Reading)

An Ordinance to levy special assessment to pay for the cost of nuisance abatement assessments relating to a Stormwater Improvement

Interim City Manager Bill Murphy stated this Resolution involves a property on Garfield Street that water was draining across the sidewalk and across the roadway, particularly in cold weather causing some icing issues. The city worked with the property owner to correct the problem, which was a broken tile in her yard and was able to get it done for a little less than \$3000. The property owner chose to have the costs assessed over a five-year period.

Public Comment

No one came forward to speak for or against Ordinance No.10-11.

Ordinance No.10-11 was given a second reading.

NEW BUSINESS

ORD. NO. 11-11 (1ST Reading)

An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments

Interim City Manager Murphy stated this is the unpaid billing for property maintenance, mowing, trimming or trash removal by the City of Piqua that will be forwarded to the Miami County Auditor's Office to be placed on the property tax records. The total amount is \$27,252.54 that is to be assessed for collection in two installments during the year of 2012. Bills have been sent to property owners and the Finance Department is accepting payments through August 31, 2011. The assessments must be in the Miami County Auditor's Office by September 12, 2011, said Interim City Manager Murphy.

Commissioner Terry asked what is included in the assessments under property maintenance. Amy Welker Health & Sanitation Director explained that trash and grass issues were not included, just actual structural problems with the buildings are addressed.

Public Comment

No one came forward to speak for or against Ordinance No. 11-11.

Ordinance No. 11-11 was given a first reading.

ORD. NO. 12-11 (1ST Reading)

An Ordinance amending Schedule 1-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77.01-Traffic Schedules Adopted of Chapter 77 Traffic Codes

Interim City Manager Murphy stated this relates to the Resolution coming up rerouting State Route 185 and modifies the speed limits on the portions of the existing State Route 185 being abandoned. Mr. Murphy asked City Planner Chris Schmiesing to give a brief explanation of the changes that are being made.

City Planner Chris Schmiesing gave a brief power point presentation on the changes that are to be made in the Traffic Schedule 1 –Speed Limits.

The proposed rerouting will result in modifications to the State Route 185 route designations.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.
- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington Avenue and Sunset will become the new beginning/ending point of State Route 185.

With the removal of the state route designation from Park Avenue, Broadway and Ash Streets, the affected portions will no longer be required to be posted as 35 MPH speed limit and the posted speed limit will be adjusted to reflect the change.

The changes include the following streets:

Park Avenue – Sunset Drive to Broadway	25 MPH
Broadway – Park Avenue to Ash Street	25 MPH
Ash Street – Broadway to Spring Street	25 MPH

There was discussion on leaving Washington to Sunset at 35 MPH, and if it would jeopardize any funding we might receive from the State by doing so. Law Director Stacy Wall explained how the general laws work, which include the setting of speed limits. It was mentioned that Clark Avenue is currently 35 MPH and it is not a Highway or a County Road. Mr. Schmiesing explained they have actually done some research on Clark Avenue to see why it is posted at 35 MPH and will be looking at it further in the near future. If the speed limit is reduced on Park Avenue will the snow removal be changed since it is no longer considered a State Route? Mr. Schmiesing explained that Park Avenue will still remain a priority route for snow removal because of the circumstances with the grade of the hill and it is a primary route through the city.

Public Comment

Brad Boehringer, Mound Street came forward and voiced several comments regarding the changes including the length of Broadway and the speed limits, lowering of the speed limits to 25 MPH, and if traffic signals will be removed at High Street, Greene Street, and North Street. Mr. Schmiesing explained the reason for the traffic signals at those locations.

Ordinance No. 12-11 was given a first reading.

RES. NO. R-92-11

A Resolution establishing "Trick or Treat/Beggars" Night in the City of Piqua

Interim City Manager Bill Murphy stated Resolution No. R-92-11 establishes "Trick or Treat/Beggars" Night in the City of Piqua for October 31, 2011 from 6:00 P.M. to 8:00 P.M. Miami County set this date at their meeting and all of the Miami County Municipalities follow the same night for consistency.

Public Comment

No one came forward to speak for or against Resolution No. R-92-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Resolution No. R-92-11. Roll call, Aye: Vogt, Martin, Terry, and Wilson. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-92-11 adopted.

RES. NO. R-93-11

A Resolution authorizing the amendment rerouting of State Route 185

Interim City Manager Bill Murphy stated Resolution No. R-93-11 is authorizing the rerouting of State Route 185 and the modifications of the speed limits on the portions of the existing State Route 185 to be abandoned.

As part of the Plan It Piqua Comprehensive Plan Update process a community interest in the possibility of rerouting State Route 185 was identified. Further exploring of this possibility and after completion of a study necessary to complete the desired modification to the route alignment was included as an objective in the transportation chapter of the Plan.

The proposed rerouting will result in modifications to the State Route 185 route designations.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.
- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington Avenue and Sunset will be come the new beginning/ending point of State Route 185.

The City will assume resurfacing responsibilities for the abandoned portions of State Route 185 and ODOT will assume responsibility for resurfacing the affected portion of Sunset Drive. The

agencies will trade maintenance responsibilities concerning the two affected bridge structures. The removal of trucks and other through traffic from the current state route alignment located in residential neighborhood is expected to have a positive impact on the community.

Public Comment

No one came forward to speak for or against Resolution No. R-93-11.

Commissioner Terry stated from the comments she has received everyone is asking why they waited so long to do this, and feels it is a good idea that will be readily accepted.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-93-11 be adopted. Roll call, Aye: Terry, Wilson, Martin and Vogt. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-93-11 adopted.

RES. NO. R-94-11

A Resolution authorizing the purchase of Real Estate

Interim City Manager Bill Murphy stated Resolution No. R-94-11 is related to the clean up of the hospital site and is authorized to purchase the property located at 624 Park Avenue and 813 Nicklin Avenue, also known as the former Piqua Memorial Medical Center property. As part of the strategy, the City and the current property owner executed an Option Agreement granting the City the right to purchase the property for \$1 contingent upon certain terms and conditions being satisfied. At the core of the strategy is the condition that the current property owner permits the city to utilize prior expenditures by the property owner as the local match funding commitment needed to prepare a competitive Clean Ohio Revitalization Fund grant application. At this time funding for the project is in place and it is necessary for the City to purchase the property to move forward with the project.

Law Director Stacy Wall explained in Resolution No. R-94-11, Section 2, the resolution states the purchase shall be as set forth in the Option Agreement. This language was changed, but should read **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement"**

Ms. Wall stated she wanted to clarify this resolution is not approving a purchase in accordance with the option, it will be in accordance with a purchase agreement those terms being consistent with the Option attached to the resolution. The resolution should be amended in Section 2 to read as **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement attached hereto as Exhibit "B"**.

Moved by Commissioner Wilson, seconded by Commissioner Terry to amend Resolution No. R-94-11 under Section 2 to strike out after the words shall be " ~~as set forth in the executed Option Agreement attached hereto as Exhibit "B"~~ and insert after the words shall be *"in accordance with a Purchase Agreement consistent with the terms of the Option Agreement"*. Section 2 should read fully as **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement attached hereto as Exhibit "B"**. Voice vote, Aye: Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried.

Public Comment

No one came forward to speak for or against Resolution No. R-94-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-94-11 be adopted, as amended. Roll call, Aye: Wilson, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-94-11 adopted, as amended.

RES. NO. R-95-11

A Resolution to authorize the commencement of the appropriation of 439 W. Ash Street, Piqua, Miami County, Ohio in the Common Pleas Court of Miami County, Ohio for public purposes

Interim City Manager Murphy stated the next two resolutions have to do with the East Ash Street Corridor Project and asked Law Director Wall to give a brief update.

Law Director Stacy Wall explained there are two properties remaining on East Ash Street the City needs to acquire for the Ash Street widening project. This project has been in the planning stages since 2005, and part of the planning stages are that the funds are coming from State and Federal funding and there are very strict guidelines that need to be followed. One of the properties remaining is a residential property and the City needs to get a right-of-way. The second resolution is for a commercial property, and the City needs to purchase the actual property not just a right-of-way and will be purchasing the building on the property. Discussions are continuing with negotiations on the purchase of the property and the right-of-way. However, in order for the project to continue, a decision has to be made at this time. These resolutions give the Law Director the authority to file complaints in Common Pleas Court to appropriate the property or to condemn or to take it. The property owners will be compensated at fair market value which appraisals have been done. At this time we are at a stopping point with negotiations and this is the next step in the process. Ms. Wall stated she would be in negotiations the rest of the week with the two property owners, and will know by the end of the week if the negotiations will be successful. If the negotiations are not successful she will proceed with the filing of a complaint in the Common Pleas Court to begin the appropriations procedures.

Commissioner Martin asked if the property owners would not agree to take the appraisal as the price the City would give for the property. Ms Wall stated no, on the residential property money is not the real issue they do not want to move, it is their home. There is a relocation process and this would find the owners a comparable home under the fair market value terms and help them to relocate. The property owner is very uncomfortable about what happens once his home is sold. The property owner is not represented by counsel, so it is difficult to explain the process to them. The commercial property owner is represented by an Attorney and is in discussion with them. Because it is a commercial property they have different concerns and the business owner is looking at loss of income and loss of future revenue.

Vice Mayor Vogt asked what would happen to the residential property if all we can get from them is the right-of-way. Ms. Wall explained the widening of the street would bring the street right up next to the home. In order for the project to proceed the City needs the right-of-way. The property owner is aware of where the street would be located, stated Ms. Wall.

Commissioner Wilson posed the following question, "the City is offering fair market value and moving expenses, correct?" Ms. Wall stated "yes, it is governed by State Law" and further explained what would take place to ensure the property owner is compensated.

Vice Mayor Vogt asked if the property owner does not have an attorney could the City appoint one. Ms. Wall stated the City cannot be involved in that process, it is their choice.

Interim City Manager Murphy stated the City remains hopeful that a settlement will be reached before it comes to that.

Ms Wall stated the Resolutions had to be on this agenda, as they could not wait another two weeks.

Commissioner Martin stated he does not like having to do this, but the Commission is left with no choice.

Public Comment

Jim Cruse, Co. Rd. 25-A came forward and asked if the City had considered moving the house from the current location to another location for the resident?

Ms. Wall noted there have been several properties on Ash Street where the City needed a right-of-way or purchase of the property, and there has been cooperation with everyone. These are just the two remaining properties.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-95-11 be adopted. Roll call, Aye: Martin, Vogt, Terry and Wilson. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-95-11 adopted.

RES. NO. R-96-11

A Resolution to authorize the commencement of the appropriation of right-of-way of 515 E. Ash Street, Piqua, Miami County, Ohio in the Common Pleas Court of Miami County, Ohio for public purposes

Interim City Manager Murphy stated this is the residential property in question and is part of the previous explanation by the Law Director.

Public Comment

No one came forward to speak for or against Resolution No. R-96-11.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-96-11 be adopted. Roll call, Aye: Vogt, Terry, Wilson, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-96-11 adopted.

OTHER

Presentation by Chris Schmiesing, City Planner
Topic: "ReDO" Redevelopment Opportunities Plan

Mr. Schmiesing presented a quick update on the status of implementing the ReDO Plan explaining the various steps involved and some the projects they have implemented and participated in.

The five top sites include:

- Riverfront Mill District
- North County Road 25-A Corridor
- East Ash Street Corridor
- South Main Street and Clark Avenue Area
- Former Hospital Site

Other:

- Outside Funding Resources
- Retail Recruitment Strategy
- National Brownfield Association

Commissioner Martin asked if the CORF grant included clearing all of the buildings on the hospital property. Mr. Schmiesing stated yes it would clear all the buildings on the hospital property.

Commissioner Wilson asked what are some of the milestones for the hospital site in the future. Mr. Schmiesing gave a brief explanation.

Interim City Manager Murphy stated once we get the certified professional on board we will post a rough draft on the City website and on facebook for residents and provide an update a future City Commission meetings as well.

Bill Shinall, New Haven Rd., inquired as to power plant demolition and what the status is of the Dam and how will it be affected. Mr. Schmiesing explained the Dam would not be affected with the demolition of the Power Plant, but modifications will be made and further explained.

Jim Cruse, County Road 25-A commented on the State Route 36 Interchange stating it is a fantastic improvement. Mr. Cruse also asked if it would be possible to put the little badge that is on the City flag on wall with the word Piqua to give it some color, and if it would be possible to add some accent lighting as well. Mr. Cruse also mentioned having a mowing company maintain the area and asked if someone could look into it to ease the burden on the Street Department. Mr. Cruse ended by stating, "Troy has to be tremendously jealous of it."

Brad Boehringer, Mound Street, mentioned Operation Cloverleaf, and asked if it would be possible for the Neighborhood Associations to take on the mowing of that area as a project.

Valeria Mulligan, Caldwell Street came forward and commented on the improvements at the Route 36 and Ash Street intersection, stating it is a job well done.

PUBLIC COMMENT

Brad Boehringer, Mound Street came forward and complimented the 9/11 Day of Honor and mentioned Pearl Harbor Day and asked if it would be possible to observe that anniversary this year also.

Valeria Mulligan, Caldwell Street stated Grace United Methodist Church will be hosting its first annual Back to School Bash on August 28th from 6:00 to 9:00 P.M. at the Church, and encouraged youth from grades 7-12 to come and encouraged them to seek a good education and to know that the Community and the Church is behind them. The businesses in the city have been very generous in helping with this program and they will have three up-and-coming Christian bands there to entertain the youth. She is excited for the City of Piqua to see what great kids we have in the community.

Kathy Sherman came forward representing the Piqua Area Chamber of Commerce. Ms. Sherman announced the 2nd Regional Business Showcase will be held on October 13th, 2011 at the Piqua High School from 5:00 P.M. to 7:00 P.M with the Keynote Address at 4:00 P.M. This year there are four counties participating and they include, Miami, Darke, Shelby and Clark. At this time there are 123 registered for booth space, this is up from the 117 registered last year. There is still time to reserve booth space by contacting the Chamber of Commerce, stated Ms. Sherman.

Bob Bloom, Union Shelby Road came forward and commended the City Commission on the decision they had made regarding the purchase of the properties. He further stated he knows it was not easy to make those decisions but stated they are elected to represent all the citizens of the City of Piqua. He further stated he has come forward before and let them know when he was not happy with their decisions, and wanted to commend them for this decision they made.

Commissioner Wilson wished Mayor Fess a speedy recovery.

Commissioner Terry congratulated the Girl Scout Troop 31091 on their activities, the Piqua Baptist Church on their longevity, and invited citizens to participate in the 9/11 activities at Fountain Park on 9/11 a Day of Remembrance. Commissioner Terry stated she is very happy to see the hospital project move forward and it might be a possibility the 4th Ward Neighborhood Association could host a party next year on the site.

Commissioner Martin inquired about the former McDonalds restaurant in front of the old Kroger Store on Covington Ave. Law Director Wall explained that the County has jurisdiction over that property.

Interim City Manager Murphy stated the City has been contacted by the former Kmart and Kroger owners about redevelopment opportunities and have encouraged them about the advantages of annexing into the City, and bringing incentives to developing the site. We hope they look at it as a potential redevelopment, stated Murphy.

Interim City Manager Murphy stated the current message board on Piqua TV 5 is not working, as it is a victim of old technology. The programs are still airing but the program schedule is not scrolling. The program schedule can be found on the City website. The newly formed Western Ohio TV Consortium has been fundraising for new digital equipment and has made the equipment investment. New digital programming will begin later this year.

Vice Mayor Vogt stated this is the second meeting he has served as Vice Mayor, and stated it goes to show what a nice community we have as reflected in the proclamations he presented. It is a pleasure to see the youth of our community being involved and building character.

Adjournment

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Regular Piqua City Commission Meeting at 8:50 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

WILLIAM D. VOGT, VICE MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 9-11

**AN ORDINANCE DETERMINING TO PROCEED WITH
AND LEVYING ASSESSMENTS FOR THE
IMPROVEMENT OF BROADWAY STREET
RECONSTRUCTION**

WHEREAS, this Commission did duly adopt Resolution No. R-46-10 on the 6th day of April 2010 declaring therein the necessity of the proposed improvement hereinafter described; and

WHEREAS, pursuant to said resolution, estimated assessments with respect to said improvement were duly prepared and placed on file in the office of the Clerk of this Commission; and

WHEREAS, no objections to said estimated assessments having been filed, the Board of Revision of Assessments heard and determined the equalization of the assessment report; and

WHEREAS, the report of the Board of Revision as reviewed, has been submitted to this Commission and attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The revised assessment report of the Board of Revision of Assessments is hereby approved and the assessments as recommended in said report are hereby approved and shall be filed in the office of the Clerk of this Commission;

SEC. 2: It is hereby determined to proceed with the improvement of Riverside Drive Street Reconstruction Project in accordance with the provisions of said Resolution No. R-46-10 and in accordance with the plans, profiles, specifications and the estimate of cost for said improvement heretofore approved and filed in the office of Clerk of this Commission;

SEC. 3: The final assessments of the cost of said improvement heretofore prepared and filed in the office of said clerk (and as equalized by the Board of Revision of Assessments hereinabove referred to) be and the same hereby are adopted;

SEC. 4: It is further determined that the portion of the cost of said improvement to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in said resolution declaring the necessity of said improvement;

SEC. 5: All claims for damages resulting from said improvement that may be filed in accordance with law shall be inquired into after completion of said improvement;

SEC. 6: There be and hereby are levied and assessed upon the lots and lands bounding and abutting upon said improvement the several amounts reported in said assessment report (which assessments are at the rate of \$10.00 per front foot of curb and gutter removed and installed, \$3.25 per square foot of 4" sidewalk removed and installed, \$42.50 per square yard of 6" driveway with sidewalk removed and installed). Said assessments do not exceed any statutory limitation;

SEC. 7: It is hereby determined that the assessments in the revised assessment report as recommended by the Board of Revision of Assessments are based upon the actual cost of said improvement;

SEC. 8: The total assessment against each lot and parcel of land shall be payable in cash to the Finance Director of the City within thirty days after completion of this improvement, or, at the option of the property owner assessed, in five or ten annual installments with interest at the same rate as is borne by the bonds issued in anticipation of the collection of such assessments and installments thereof which have not been paid at the expiration of said thirty day period shall be certified by the Clerk of this Commission to the County Auditor to be placed by him on the tax duplicate and collected at the same time and in the same manner as other taxes are collected, as provided by law;

SEC. 9: The Clerk of this Commission be, and she hereby is, authorized and directed to cause notice of the passage of this ordinance to be published once in a newspaper of general circulation in the City as required by law;

SEC. 10: The Clerk of this Commission is authorized and directed to keep said adjusted assessments on file in her office for so long as any of them remain unpaid;

SEC. 11: The Clerk of this Commission be, and she hereby is, authorized and directed to cause notice of the levy of the assessments herein provided for to be filed with the County Auditor within thirty days after passage of this ordinance;

SEC. 12: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 8-2-2011

2nd Reading 8-16-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

August 31, 2011

Bill Murphy
Interim City Manager

RE: Special Assessments for Broadway Street Reconstruction

I am requesting this ordinance be placed on the agenda for the city commission meeting of August 2, 2011. This is for authorization to certify the unpaid sidewalk, curb and gutter assessments to the county auditor's office to be placed on the property tax duplicate. The project costs are either paid by the property owner or, at their choice, financed for a five or ten year period. Following is a breakdown of the property owners' payments and choices as of today; however, we will continue to accept payments here in the office until August 31, 2011. Assessments must be to the county auditor's office by September 12th, 2011.

	<u>PRINCIPAL</u>	<u>INTEREST & ADMIN</u>
Original Total Property Owners' Costs	\$ 98,249.54	
Paid in Cash	\$ 51,289.33	
Choice of Five Year Financing by Property Owners	\$ 33,119.53	\$ 15,251.55
Choice of Ten Year Financing by Property Owners	\$ 13,840.68	\$ 9,954.88

If you need any additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Assistant City Manager/Finance Director

Exhibit A
Broadway Reconstruction - Phase II
Project # 07-11
Bid Quantity Assessments

PARCEL # N44-	OWNER	LOT #	LOCATION	TOTAL COST PER PARCEL	Total 5-Year	Total 5-Year Costs With	Total 10-Year	Total 10-Year Costs With
					Admin. & Int.	Admin. & Int.	Admin. & Int.	Admin. & Int.
53120	Cheryl S. England	4636	1402 Broadway	\$1,892.25	\$871.38	\$2,763.63		
95400	Lloyd & Joyce Ridenour	176	1404 Broadway	\$356.95	\$164.37	\$521.32		
53140	Durbin P. & Rita J. Lawson	4638	1408 Broadway	\$920.00	\$423.66	\$1,343.66		
49140	Michelle L. Bednarczyk	4254	1502 Broadway	\$920.00	\$423.66	\$1,343.66		
49110	Daria S. Flora	4251	1508 Broadway	\$1,070.42	\$492.92	\$1,563.34		
49080	Kirk E. Klingler	4247	1516 Broadway	\$954.13	\$438.38	\$1,393.51		
49050	Richard D. Henson	4244	1600 Broadway	\$920.00	\$423.66	\$1,343.66		
49030	Jeffery A. & Constance M. Stephanson	4242	1604 Broadway	\$920.00	\$423.66	\$1,343.66		
49020	Kenneth F. & Cathryn Ann Stambaugh	4241	1606 Broadway	\$920.00	\$423.66	\$1,343.66		
49010	Scott J & Ginger E. Ponchillia	4240	1608 Broadway	\$674.11	\$310.43	\$984.54		
49000	Jessica Lutz	4239	1610 Broadway	\$855.00	\$393.73	\$1,248.73		
48970	Tara Swarts	4236	1616 Broadway	\$816.00	\$375.77	\$1,191.77		
48930	Richard R. Chavers	4233	1700 Broadway	\$952.50	\$438.63	\$1,391.13		
48910	BAC Home Loans Servicing LP	4231	1704 Broadway	\$1,260.94	\$580.66	\$1,841.60		
48900	Jennifer K. Dever	4230	1706 Broadway	\$1,256.93	\$578.82	\$1,835.75		
48880	Elisabeth R. Cooke Katz	4228	1710 Broadway	\$959.00	\$441.62	\$1,400.62		
48870	Mark Carnes	4227	1712 Broadway	\$920.00	\$423.66	\$1,343.66		
48840	William R. & Cheri L. McGill	4224	1718 Broadway	\$400.00	\$184.20	\$584.20		
48830	Charles P. & Jennifer D. Morris	4223	1720 Broadway	\$400.00	\$184.20	\$584.20		
51670	Kimberly L. Neal	4498	1403 Broadway	\$400.00	\$184.20	\$584.20		
97900	Catherine J. Mackellar	252	1505 Broadway	\$2,334.63	\$1,075.09	\$3,409.72		
98160	Kimberly A. Ramer	252	1511 Broadway	\$1,971.00	\$907.65	\$2,878.65		
97920	B First Properties Limited	252	1603 Broadway	\$2,370.72	\$1,091.72	\$3,462.44		
97980	Pamela J. Maher	252	1623 Broadway	\$1,074.00	\$484.58	\$1,568.58		
97880	Ted & Katherine I. Hartley	252	1701 Broadway	\$1,662.00	\$765.35	\$2,427.35		
98320	Federal National Mortgage Association	252	1705 Broadway	\$2,261.17	\$1,041.27	\$3,302.44		
98300	Thomas K. & Sondra J. Schneider	252	1721 Broadway	\$3,677.78	\$1,683.62	\$5,371.40		
49070	Keith & Julie Murphy	4246 & 4245	1518 Broadway	\$2,180.94		\$1,568.64	\$3,749.58	
48980	Michael B. & Tracy L. Leonard	4237	1614 Broadway	\$920.00		\$661.71	\$1,581.71	
48860	Douglas Henderson	4226	1714 Broadway	\$959.00		\$689.76	\$1,648.76	
51610	Garon M. Douglas	4492	1303 Broadway	\$959.00		\$689.76	\$1,648.76	
95480	Frances C. Shefbuch	177	1409 Broadway	\$4,136.96		\$2,975.50	\$7,112.46	
98040	West Michelle Investments, LLC	252	1609 Broadway	\$1,785.83		\$1,285.17	\$3,072.00	
98020	Kyle C. & Sarah Jane Magoleaux	252	1611 Broadway	\$1,136.89		\$817.70	\$1,954.59	
97960	Steven A. & Nicole R. Palsgrove	252	1707 Broadway	\$1,761.06		\$1,266.64	\$3,027.70	
				\$46,960.21	\$15,251.55	\$48,371.08	\$9,954.88	\$23,795.56

**Broadway Reconstruction - Phase II
Project # 07-11
Bid Quantity Assessments**

PARCEL # N44-	OWNER	LOT #	LOCATION	TOTAL COST PER PARCEL	Admin. Costs	Total 5-Year		Total 5-Year Costs With Admin & Int.	Dec. '11	Jun. '12	Dec. '12	Jun. '13	Dec. '13	Jun. '14	Dec. '14	Jun. '15	Dec. '15	Jun. '16	Total Payment
						Interest	Admin&Int												
48010	Scott J & Ginger E. Ponchillia	4240	1608 Broadway	\$674.11	\$101.12	\$208.31	\$310.43	\$984.54	\$112.41	\$66.70	\$105.43	\$98.45	\$98.45	\$91.48	\$91.48	\$91.48	\$94.51	\$94.48	\$984.54
48830	Charles P. & Jennifer D. Morris	4223	1720 Broadway	\$400.00	\$60.00	\$124.20	\$184.20	\$584.20	\$86.70	\$66.70	\$82.56	\$68.42	\$68.42	\$54.28	\$54.28	\$54.28	\$60.15	\$60.13	\$584.20
53120	Cheryl S. England	4638	1402 Broadway	\$1,892.25	\$283.84	\$567.54	\$871.36	\$2,763.63	\$315.53	\$315.53	\$285.85	\$276.36	\$276.36	\$256.76	\$256.76	\$256.76	\$237.20	\$237.19	\$2,763.63
95400	Lloyd & Joyce Ridenour	178	1404 Broadway	\$356.95	\$53.54	\$110.83	\$184.37	\$521.32	\$59.52	\$59.52	\$55.83	\$52.13	\$52.13	\$48.44	\$48.44	\$48.44	\$44.75	\$44.73	\$521.32
53140	Durbin P. & Rita J. Lawson	4638	1408 Broadway	\$920.00	\$136.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.88	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
48140	Michelle L. Bednarczyk	4254	1502 Broadway	\$920.00	\$136.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.88	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
48110	Darla S. Flora	4281	1508 Broadway	\$1,070.42	\$160.56	\$332.36	\$492.92	\$1,563.34	\$178.49	\$178.49	\$167.41	\$156.33	\$156.33	\$145.25	\$145.25	\$145.25	\$134.19	\$134.19	\$1,563.34
49080	Kirk E. Klingler	4247	1516 Broadway	\$954.13	\$143.12	\$288.26	\$438.38	\$1,393.51	\$158.10	\$158.10	\$148.23	\$139.35	\$139.35	\$128.48	\$128.48	\$128.48	\$119.61	\$119.58	\$1,393.51
49050	Richard D. Henson	4244	1600 Broadway	\$920.00	\$136.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.88	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
49030	Jeffery A. & Constance M. Stephenson	4242	1604 Broadway	\$920.00	\$136.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.88	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
49020	Kenneth F. & Cathryn Ann Stambaugh	4241	1606 Broadway	\$920.00	\$136.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.88	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
49000	Jessica Lutz	4238	1610 Broadway	\$955.00	\$126.25	\$285.48	\$395.73	\$1,248.73	\$142.57	\$142.57	\$133.72	\$124.87	\$124.87	\$116.02	\$116.02	\$116.02	\$107.18	\$107.19	\$1,248.73
48870	Tara Swarts	4236	1618 Broadway	\$916.00	\$122.40	\$253.37	\$375.77	\$1,191.77	\$136.07	\$136.07	\$127.62	\$118.18	\$118.18	\$110.73	\$110.73	\$110.73	\$102.30	\$102.27	\$1,191.77
48830	Richard R. Chavers	4233	1700 Broadway	\$952.50	\$142.88	\$285.75	\$438.63	\$1,391.13	\$158.83	\$158.83	\$148.87	\$139.11	\$139.11	\$128.25	\$128.25	\$128.25	\$118.41	\$118.40	\$1,391.13
46910	BAC Home Loans Servicing LP	4231	1704 Broadway	\$1,260.84	\$188.14	\$391.52	\$580.66	\$1,841.80	\$210.26	\$210.26	\$197.21	\$184.16	\$184.16	\$171.11	\$171.11	\$171.11	\$158.07	\$158.05	\$1,841.80
48800	Jennifer K. Dever	4230	1706 Broadway	\$1,256.83	\$188.54	\$390.28	\$578.82	\$1,835.75	\$209.59	\$209.59	\$196.56	\$183.58	\$183.58	\$170.57	\$170.57	\$170.57	\$157.57	\$157.54	\$1,835.75
48880	Elisabeth R. Cooke Katz	4228	1710 Broadway	\$959.00	\$143.85	\$287.77	\$441.62	\$1,400.82	\$189.91	\$189.91	\$148.89	\$140.06	\$140.06	\$130.14	\$130.14	\$130.14	\$120.22	\$120.20	\$1,400.82
48870	Mark Carnes	4227	1712 Broadway	\$920.00	\$138.00	\$285.86	\$423.66	\$1,343.86	\$153.41	\$153.41	\$143.89	\$134.37	\$134.37	\$124.84	\$124.84	\$124.84	\$115.33	\$115.31	\$1,343.86
48840	William R. & Cheri L. McGill	4224	1718 Broadway	\$400.00	\$80.00	\$124.20	\$184.20	\$584.20	\$86.70	\$86.70	\$82.56	\$68.42	\$68.42	\$54.28	\$54.28	\$54.28	\$60.15	\$60.13	\$584.20
51670	Kimberly L. Neal	4488	1403 Broadway	\$400.00	\$60.00	\$124.20	\$184.20	\$584.20	\$86.70	\$86.70	\$82.56	\$68.42	\$68.42	\$54.28	\$54.28	\$54.28	\$60.15	\$60.13	\$584.20
97900	Catherine J. Mackellar	252	1505 Broadway	\$2,334.83	\$350.19	\$724.80	\$1,075.09	\$3,409.72	\$389.30	\$389.30	\$365.14	\$340.97	\$340.97	\$316.81	\$316.81	\$316.81	\$292.66	\$292.62	\$3,409.72
98160	Kimberly A. Ramer	252	1511 Broadway	\$1,871.00	\$285.85	\$612.00	\$907.85	\$2,878.85	\$328.66	\$328.66	\$308.27	\$287.87	\$287.87	\$267.46	\$267.46	\$267.46	\$247.08	\$247.05	\$2,878.85
97920	B First Properties Limited	252	1603 Broadway	\$2,370.72	\$355.61	\$738.11	\$1,091.72	\$3,482.44	\$395.32	\$395.32	\$370.76	\$346.24	\$346.24	\$321.71	\$321.71	\$321.71	\$297.18	\$297.16	\$3,482.44
97980	Pamela J. Maher	252	1623 Broadway	\$1,074.00	\$161.10	\$333.48	\$484.58	\$1,568.58	\$179.09	\$179.09	\$167.97	\$156.86	\$156.86	\$145.74	\$145.74	\$145.74	\$134.84	\$134.82	\$1,568.58
97890	Ted & Katherine I. Hartley	252	1701 Broadway	\$1,662.00	\$249.30	\$516.05	\$765.35	\$2,427.35	\$277.14	\$277.14	\$256.94	\$242.74	\$242.74	\$225.53	\$225.53	\$225.53	\$208.34	\$208.31	\$2,427.35
98920	Federal National Mortgage Association	252	1705 Broadway	\$2,261.17	\$339.18	\$702.09	\$1,041.27	\$3,302.44	\$377.05	\$377.05	\$353.65	\$330.24	\$330.24	\$306.84	\$306.84	\$306.84	\$283.45	\$283.43	\$3,302.44
98300	Thomas K. & Sondra J. Schneider	252	1721 Broadway	\$3,677.78	\$551.87	\$1,141.95	\$1,693.62	\$5,371.40	\$613.27	\$613.27	\$575.21	\$537.14	\$537.14	\$499.07	\$499.07	\$499.07	\$461.02	\$461.00	\$5,371.40
				\$33,118.53	\$4,967.94	\$10,283.61	\$15,251.55	\$48,371.08	\$5,522.87	\$5,522.87	\$5,176.92	\$4,837.12	\$4,837.12	\$4,494.28	\$4,494.28	\$4,494.28	\$4,151.81	\$4,151.27	\$48,371.08

Broadway Reconstruction - Phase II
Project # 07-11
Bid Quantity Assessments

PARCEL # N.M.L.	OWNER	LOT #	LOCATION	TOTAL COST PER PARCEL	Admin. Costs	Total Id. Year Interest	Total Id. Year Administ	Total Id.-Year Costs With Admin & Int.	Dec. '11	Jun. '12	Dec. '12	Jun. '13	Dec. '13	Jun. '14	Dec. '14	Jun. '15	Dec. '15	Jun. '16	Dec. '16	Jun. '17	Dec. '17	Jun. '18	Dec. '18	Jun. '19	Dec. '19	Jun. '20	Dec. '20	Jun. '21	Total Payments
49980	Michel B. & Tracy L. Leonard	4237	1614 Broadway	\$920.00	\$136.00	\$233.71	\$661.71	\$1,881.71	\$100.61	\$100.51	\$96.76	\$96.96	\$90.98	\$90.98	\$96.23	\$96.23	\$96.23	\$91.47	\$91.47	\$78.71	\$78.84	\$71.84	\$71.84	\$67.18	\$62.42	\$62.42	\$67.87	\$67.84	\$1,581.71
49980	Douglas Henderson	4235	1714 Broadway	\$950.00	\$143.95	\$246.81	\$886.76	\$1,546.76	\$104.77	\$104.77	\$99.81	\$99.81	\$94.84	\$94.84	\$99.88	\$99.88	\$99.88	\$94.92	\$94.92	\$79.95	\$74.96	\$74.96	\$74.96	\$70.03	\$66.07	\$66.07	\$66.10	\$66.10	\$1,546.76
95480	Frances C. Shinduch	177	1409 Broadway	\$4,138.96	\$520.54	\$2,354.96	\$2,375.50	\$7,112.46	\$451.96	\$451.86	\$430.55	\$430.55	\$409.14	\$409.14	\$437.74	\$437.74	\$437.74	\$398.33	\$398.33	\$344.92	\$323.61	\$323.61	\$323.61	\$302.10	\$290.69	\$290.69	\$290.29	\$290.29	\$7,112.46
97950	Steven A. & Nicole R. Palgrave	292	1707 Broadway	\$1,791.05	\$254.18	\$1,002.48	\$1,266.64	\$3,027.70	\$192.40	\$192.40	\$182.28	\$182.28	\$174.17	\$174.17	\$182.28	\$182.28	\$182.28	\$165.84	\$165.84	\$146.83	\$137.71	\$137.71	\$137.71	\$126.00	\$119.48	\$119.48	\$119.38	\$119.38	\$3,027.70
91910	Geron M. Douglas	4492	1303 Broadway	\$899.00	\$143.95	\$246.81	\$889.76	\$1,546.76	\$104.77	\$104.77	\$99.81	\$99.81	\$94.84	\$94.84	\$99.88	\$99.88	\$99.88	\$94.92	\$94.92	\$79.95	\$74.96	\$74.96	\$74.96	\$70.03	\$66.07	\$66.07	\$66.10	\$66.10	\$1,546.76
98040	West Michele Investments, LLC	252	1609 Broadway	\$1,798.89	\$269.02	\$1,017.15	\$1,296.17	\$3,072.00	\$196.21	\$186.21	\$186.88	\$186.88	\$176.72	\$176.72	\$186.88	\$186.88	\$186.88	\$169.22	\$169.22	\$148.99	\$139.73	\$139.73	\$139.73	\$130.46	\$121.24	\$121.24	\$112.00	\$111.98	\$3,072.00
99020	Kyle C. & Sarah Jane Magoteaux	252	1614 Broadway	\$1,136.89	\$170.63	\$847.17	\$917.70	\$1,864.59	\$124.20	\$124.20	\$118.32	\$118.32	\$112.44	\$112.44	\$118.32	\$118.32	\$118.32	\$106.65	\$106.65	\$84.79	\$80.90	\$80.90	\$80.90	\$77.14	\$77.14	\$77.14	\$77.14	\$77.14	\$1,864.59
49070	Keith R. Julie Murphy	4246 & 4245	1518 Broadway	\$2,190.94	\$327.14	\$1,241.00	\$1,568.64	\$3,748.68	\$238.27	\$238.27	\$228.88	\$228.88	\$216.59	\$216.59	\$228.88	\$228.88	\$228.88	\$204.41	\$204.41	\$181.84	\$170.55	\$170.55	\$170.55	\$159.26	\$147.98	\$147.98	\$147.98	\$147.98	\$3,748.68
				\$13,840.68	\$2,078.09	\$7,876.79	\$9,954.88	\$23,796.56	\$1,612.09	\$1,440.46	\$1,440.46	\$1,399.83	\$1,399.83	\$1,358.83	\$1,358.83	\$1,397.22	\$1,397.22	\$1,397.22	\$1,226.59	\$1,226.59	\$1,053.99	\$1,053.99	\$1,053.99	\$1,010.70	\$939.10	\$939.10	\$939.10	\$939.10	\$23,796.56

ORDINANCE NO. 10-11

**AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS
TO PAY FOR THE COST OF NUISANCE ABATEMENT
ASSESSMENTS RELATING TO A STORMWATER
IMPROVEMENT**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The assessment of the cost and expense of improving a certain lot, as herein set out, by nuisance abatement on said property, as reported to this Commission in Exhibit "A" attached hereto, are hereby adopted and confirmed, and that there be and is hereby levied and assessed upon the lot improved by the aforementioned nuisance abatement, the amount reported as aforesaid which assessment, together with the description of said lot is now on file in the office of the Clerk of this Commission and in the office of the Director of Finance and is not in excess of the special benefits to said property, and is not in excess of a statutory limitation.

SEC. 2: The total assessment against said lot and parcel of land shall be payable in cash to the Finance Director of the City within thirty days after completion of this improvement, or, at the option of the property owner assessed, in five installments with interest at the same rate as is borne by the bonds issued in anticipation of the collection of such assessments and installments thereof which have not been paid at the expiration of said thirty day period shall be certified by the Clerk of this Commission to the County Auditor to be placed by him on the tax duplicate and collected at the same time and in the same manner as other taxes are collected, as provided by law. Said assessment shall include the cost of publishing and serving of any and all notices, ordinances and resolutions required.

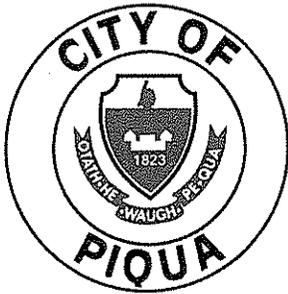
SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 8-2-2011
2nd Reading 8-16-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

July 27, 2011

Fred Enderle
City Manager

RE: Special Assessments for Stormwater Improvements per Nuisance Abatement

I am requesting this ordinance be placed on the agenda for the city commission meeting of August 2, 2011. This is for authorization to certify the unpaid Stormwater Improvement assessment to the county auditor's office to be placed on the property tax duplicate. Following is a breakdown of the property owners' principal, interest and administrative costs for five year financing per the property owner's choice. Assessments must be to the county auditor's office by September 12th, 2011.

	<u>PRINCIPAL</u>	<u>INTEREST & ADMIN</u>
Choice of Five Year Financing by Property Owner	\$2,725.66	\$3,980.83

If you need any additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Assistant City Manager/Finance Director

PARCEL #	OWNER	ADDRESS	TOTAL COST PER PARCEL	ADMIN COSTS	TOTAL INTEREST	TOTAL ADMIN & INT	TOTAL COSTS WITH ADMIN & INT	Dec-11	Jun-12	Dec-12	Jun-13	Dec-13	Jun-14	Dec-14	Jun-15	Dec-15	Jun-16	TOTAL PAYMENTS
N44-065220	Carolyn Copeland	1534 Garfield St.	\$2,725.66	408.85	846.32	1,255.17	3,980.83	454.50	454.50	426.30	426.30	398.08	398.08	368.87	368.87	341.67	341.66	\$3,980.83

ORDINANCE NO. 11-11

**AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS
TO PAY FOR THE COST OF NUISANCE ABATEMENT
ASSESSMENTS**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The assessment of the cost and expense of improving a certain lot, as herein set out, by nuisance abatement on said property, as reported to this Commission in Exhibit "A" attached hereto, are hereby adopted and confirmed, and that there be and is hereby levied and assessed upon the lot improved by the aforementioned nuisance abatement, the amount reported as aforesaid which assessment, together with the description of said lot is now on file in the office of the Clerk of this Commission and in the office of the Director of Finance and is not in excess of the special benefits to said property, and is not in excess of a statutory limitation.

SEC. 2: The total assessment against said lot shall be payable in cash or at the option of the owner, in two equal semiannual installments. All cash payments of assessments and installments shall be made to the Director of Finance. All assessments and installments thereof remained unpaid shall be certified by the Clerk of this Commission to the County Auditor, as provided by law, to be by him placed on the tax duplicate and collected as other taxes are collected. Said assessment shall include the cost of publishing and serving of any and all notices, ordinances and resolutions required.

SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 8-16-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

August 10, 2011

Mr. Bill Murphy,
Interim City Manager

Reference: Special Assessments for Nuisance Abatement and Weed Cutting

I am requesting this ordinance be placed on the agenda for the City Commission meeting of August 16, 2011. This is for authorization to certify the unpaid billings for property maintenance, mowing, trimming or trash removal by the City to the County Auditor's office to be placed on the property tax duplicate. The total amount of \$27,252.54 will be assessed for collection in two installments during the year of 2012.

We have sent billings to the property owners and are accepting payments in the Finance office through August 31, 2011. Assessments must be to the County Auditor's Office by September 12, 2011; therefore, we are requesting this as the first reading with passage by City Commission on September 6, 2011.

If you need additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Director of Finance

**2011 NUISANCE ABATEMENT ASSESSMENTS
EXHIBIT "A"**

	INVOICE	LOCATION	LOT NO.	PARCEL	TYPE	AMOUNT	DUE	DUE
	NO.			NO.			DEC 2011	JUNE 2012
Aaron McVety	023-11	1224 Marwood Dr.	6180	N44067510	Grass	\$87.50	\$43.75	\$43.75
Ann Wead	020-11	114 Cassell St.	1459	N44022330	Grass	\$152.50	\$76.25	\$76.25
Ann Wead	071-11	114 Cassell St.	1459	N44022330	Grass	\$535.00	\$267.50	\$267.50
Ann Wead	157-10	114 Cassell St.	1459	N44022330	Grass	\$135.00	\$67.50	\$67.50
Annette Silvers	162-10	1300 South St.	2597	N44033455	Grass	\$70.00	\$35.00	\$35.00
Anthony Bey	026-11	1513 Andover Ave.	7014	N44073035	Grass	\$297.50	\$148.75	\$148.75
Ashton Smith	109-11	535 S. Main St.	998	N44016450	Grass	\$87.50	\$43.75	\$43.75
Bank of NY Mellon Trust Co.	067-11	623 Cottage Ave.	818	N44013780	Grass	\$87.50	\$43.75	\$43.75
BAS Home Loans Servicing LP	168-10	727 W. Greene St.	1597	N44024090	Brush	\$275.00	\$137.50	\$137.50
BAS Home Loans Servicing LP	169-10	727 W. Greene St.	1597	N44024090	Brush	\$170.00	\$85.00	\$85.00
Bethany Center Inc.	110-11	339 South St.	OL 54	N44250382	Brush	\$70.00	\$35.00	\$35.00
Brenda Tucker	184-10	910 Gordon St.	2844	N44035860	Brush	\$153.80	\$76.90	\$76.90
Brian Ross	058-11	112 Grant St.	1061	N44017460	Grass	\$87.50	\$43.75	\$43.75
Carmen Barhorst	106-11	1530 Washington Ave.	2005	N44027680	Grass	\$70.00	\$35.00	\$35.00
Carnes Investments	002-11	1014 Broadway	1140	N44018880	Brush	\$80.00	\$40.00	\$40.00
Chad Lee	034-11	515 N. College St.	916	N44015290	Grass	\$70.00	\$35.00	\$35.00
Charles Dodd	029-11	318 Cleveland St.	3593	N44043180	Grass	\$205.00	\$102.50	\$102.50
CSB3 Properties LLC	177-10	1129 Washington Ave.	1828	N44026320	Trash	\$80.00	\$40.00	\$40.00
CSB3 Properties LLC	103-11	802 Park Ave.	4569	N44052490	Brush	\$65.00	\$32.50	\$32.50
Cynthia Thomas	038-11	1214 S. Roosevelt Ave.	6556	N44071180	Grass	\$87.50	\$43.75	\$43.75
Cynthia Thomas	084-11	1214 S. Roosevelt Ave.	6556	N44071180	Grass	\$87.50	\$43.75	\$43.75
Darrick Jones	056-11	1114 Lenox St.	4991-92	N44056430	Grass	\$105.00	\$52.50	\$52.50
David Steele	024-11	1110 Marwood Dr.	7251	N44073316	Grass	\$140.00	\$70.00	\$70.00
David Steele	068-11	1110 Marwood Dr.	7251	N44073316	Grass	\$105.00	\$52.50	\$52.50
Douglas Ufheil	035-11	424 Cleveland St.	3646	N44043810	Grass	\$87.50	\$43.75	\$43.75
Douglas Ufheil	098-11	424 Cleveland St.	3646	N44043810	Trash	\$45.00	\$22.50	\$22.50
Edward McCrossin	049-11	419 Y St.	255	N44098560	Grass	\$157.50	\$78.75	\$78.75
Edward McCrossin	077-11	419 Y St.	255	N44098560	Grass	\$70.00	\$35.00	\$35.00
Federal Home Loan Mtg.	009-11	900 Lindsey St.	1934	N44027150	Grass	\$140.00	\$70.00	\$70.00
Federal National Mortgage Assoc.	052-11	626 W. Greene St.	911	N44015200	Grass	\$87.50	\$43.75	\$43.75
Federal National Mortgage Assoc.	179-10	626 W. Greene St.	911	N44015200	Trash	\$45.00	\$22.50	\$22.50
Fifth Third Mtg. Co.	089-11	635 W. Greene St.	905	N44015040	Grass	\$87.50	\$43.75	\$43.75
Forest Martin	015-11	706 Leonard St.	2436	N44032030	Grass	\$570.00	\$285.00	\$285.00
Forest Martin	108-11	706 Leonard St.	2436	N44032030	Grass	\$535.00	\$267.50	\$267.50
Forest Martin	166-10	706 Leonard St.	2436	N44032030	Grass	\$535.00	\$267.50	\$267.50
Forest Martin	170-10	706 Leonard St.	2436	N44032030	Brush	\$190.00	\$95.00	\$95.00
Frances Marshall	025-11	710 Brice Ave.	2204	N44029720	Grass	\$70.00	\$35.00	\$35.00
Frances Marshall	097-11	710 Brice Ave.	2204	N44029720	Trash	\$50.00	\$25.00	\$25.00
Frances Marshall	105-11	710 Brice Ave.	2204	N44029720	Grass	\$70.00	\$35.00	\$35.00
Fred Hall	027-11	1312 South St.	2603	N44033500	Grass	\$535.00	\$267.50	\$267.50
Fred Hall	074-11	1312 South St.	2603	N44033500	Grass	\$657.50	\$328.75	\$328.75
Fred Hall	183-10	1312 South St.	2603	N44033500	Grass	\$587.50	\$293.75	\$293.75
Gary Ditmer	001-11	507 Gray St.	2802	N44035460	Maintenance	\$135.00	\$67.50	\$67.50
Gary Ditmer	046-11	507 Gray St.	2802	N44035460	Grass	\$185.00	\$92.50	\$92.50
Gary Ditmer	088-11	507 Gray St.	2802	N44035460	Grass	\$552.50	\$276.25	\$276.25
Gary Kloecker	003-11	1511 W. High St.	123	N44093780	Trash	\$70.00	\$35.00	\$35.00
Graydon Satterfield II	176-10	610 Lindsey St.	4380	N44050330	Trash	\$50.00	\$25.00	\$25.00
Gregory McClay	008-11	613 Adams St.	OL 53	N44090720	Maintenance	\$70.00	\$35.00	\$35.00
Gregory McClay	054-11	613 Adams St.	OL 53	N44090720	Grass	\$105.00	\$52.50	\$52.50
Gregory McClay	087-11	613 Adams St.	OL 53	N44090720	Grass	\$135.00	\$67.50	\$67.50
Harbour Portfolio VI LP	104-11	432 S. Wayne St.	357	N40078310	Grass	\$70.00	\$35.00	\$35.00
Harold Kinniard	161-10	212 Garnsey St.	756	N44013070	Grass	\$87.50	\$43.75	\$43.75
Hope Chapel	032-11	624 Broadway	264	N44250450	Grass	\$710.00	\$355.00	\$355.00
Hope Chapel	073-11	624 Broadway	264	N44250450	Grass	\$535.00	\$267.50	\$267.50
Hope Chapel	111-11	624 Broadway	264	N44250450	Grass	\$605.00	\$302.50	\$302.50
Hope Chapel	164-10	624 Broadway	264	N44250450	Grass	\$552.50	\$276.25	\$276.25
HUD	186-10	907 Park Ave.	1642	N44024630	Trash	\$60.00	\$30.00	\$30.00
Jack Sparadlin S. Jr.	178-10	325 Cleveland St.	362	N44043590	Trash	\$70.00	\$35.00	\$35.00
Jackoline Hicks	059-11	625 Miami St.	2343-44	N44031090	Grass	\$140.00	\$70.00	\$70.00
James Valandingham	060-11	1509 Grant St.	6500	N44070620	Grass	\$535.00	\$267.50	\$267.50
James Valandingham	080-11	1509 Grant St.	6500	N44070620	Grass	\$552.50	\$276.25	\$276.25
James Valandingham	101-11	1509 Grant St.	6500	N44070620	Trash	\$510.00	\$255.00	\$255.00
James Valandingham	165-10	1509 Grant St.	6500	N44070620	Grass	\$135.00	\$67.50	\$67.50
Jamie Jones	039-11	456 Riverside Dr.	1113	N44018400	Grass	\$87.50	\$43.75	\$43.75
Jeanne Fabiano	007-11	1001 W. High St.	1431	N44022060	Trash	\$115.00	\$57.50	\$57.50
John Probst	016-11	633 S. Downing St.	759	N44013140	Grass	\$570.00	\$285.00	\$285.00
John Ross	091-11	905 Blaine Ave.	3167	N44039040	Grass	\$105.00	\$52.50	\$52.50
John Ross	043-11	905 Blaine Ave.	3167	N44039040	Grass	\$105.00	\$52.50	\$52.50
Joseph Mueller	050-11	754 S. Wayne St.	3209	N44039430	Grass	\$140.00	\$70.00	\$70.00

2011 NUISANCE ABATEMENT ASSESSMENTS
EXHIBIT "A"

	INVOICE	LOCATION	LOT NO.	PARCEL	TYPE	AMOUNT	DUE	DUE
	NO.			NO.			DEC 2011	JUNE 2012
Joyce Alexander	159-10	630 Wood St.	1568	N44023710	Brush	\$70.00	\$35.00	\$35.00
Julie Rank	036-11	753 Gordon St.	2399	N44031650	Grass	\$140.00	\$70.00	\$70.00
Keith Helmandollar	048-11	1001 Nicklin Ave.	4657	N44053330	Grass	\$70.00	\$35.00	\$35.00
Kenneth Huber	061-11	500 McKinley Ave.	2788	N44035320	Grass	\$87.50	\$43.75	\$43.75
Kenneth Huber	086-11	500 McKinley Ave.	2788	N44035320	Grass	\$87.50	\$43.75	\$43.75
Kory Bryant	051-11	218 E. Water St.	43	N44000020	Grass	\$143.74	\$71.87	\$71.87
Kory Bryant	100-11	218 E. Water St.	143	N44000020	Trash	\$300.00	\$150.00	\$150.00
Leonar Roncal	012-11	121 Carr St.	4817	N44054860	Grass	\$70.00	\$35.00	\$35.00
Leonar Roncal	096-11	121 Carr St.	4817	N44054860	Brush	\$125.00	\$62.50	\$62.50
Lois Emerson	018-11	701 S. Downing St.	755	N44013060	Grass	\$140.00	\$70.00	\$70.00
Lois Emerson	095-11	701 S. Downing St.	755	N44013060	Trash	\$45.00	\$22.50	\$22.50
Margo Gibson	053-11	829 W. Water St.	1345	N44020920	Grass	\$310.00	\$155.00	\$155.00
Margo Gibson	081-11	829 W. Water St.	1345	N44020920	Grass	\$135.00	\$67.50	\$67.50
Mark Carnes	181-10	1121 Washington Ave.	1831	N44026360	Trash	\$60.00	\$30.00	\$30.00
Mark McClure	045-11	304 Cedarbrook Dr.	5185	N44057800	Grass	\$152.50	\$76.25	\$76.25
Mary Atkins	022-11	358 Ellerman St.	2370	N44031320	Grass	\$552.50	\$276.25	\$276.25
Mary Atkins	064-11	358 Ellerman St.	2370	N44031320	Grass	\$605.00	\$302.50	\$302.50
Mary Atkins	092-11	358 Ellerman St.	2370	N44031320	Grass	\$535.00	\$267.50	\$267.50
Mary Atkins	156-10	358 Ellerman St.	2370	N44031320	Grass	\$535.00	\$267.50	\$267.50
Mary Kindell	021-11	427 McKinley Ave.	2614	N44033620	Grass	\$552.50	\$276.25	\$276.25
Mary Kindell	065-11	427 McKinley Ave.	2614	N44033620	Grass	\$552.50	\$276.25	\$276.25
Mary Kindell	158-10	427 McKinley Ave.	2614	N44033620	Grass	\$535.00	\$267.50	\$267.50
Mary Kindell	062-11	329 Harrison St.	4755-56	N44054300	Grass	\$70.00	\$35.00	\$35.00
Mary Kindell	160-10	329 Harrison St.	4755	N44054300	Brush	\$122.50	\$61.25	\$61.25
Michael Barhorst	072-11	523 Brice Ave.	2192	N44029600	Grass	\$87.50	\$43.75	\$43.75
Michael Boggs	044-11	208 Renche St.	6964	N44072978	Grass	\$87.50	\$43.75	\$43.75
Michael Boggs	079-11	208 Renche St.	6964	N44072978	Grass	\$240.00	\$120.00	\$120.00
Michael Boggs	094-11	208 Renche St.	6964	N44072978	Brush	\$110.00	\$55.00	\$55.00
Michael Wilcox	070-11	1131 Chevy Ln.	8040	N44077324	Grass	\$70.00	\$35.00	\$35.00
Michael Wilcox	057-11	1131 Chevy Ln.	8040	N44077324	Grass	\$70.00	\$35.00	\$35.00
MidFirst Bank	040-11	407 Lincoln St.	1583	N44023910	Grass	\$175.00	\$87.50	\$87.50
Nathan Gober	076-11	529 W. Water St.	435	N44008735	Grass	\$535.00	\$267.50	\$267.50
Nathan Gober	171-10	529 W. Water St.	435	N44008735	Grass	\$117.50	\$58.75	\$58.75
Patrick Jacomet	004-11	514 Spring St.	116	N44002910	Brush	\$70.00	\$35.00	\$35.00
Patrick Jacomet	174-10	514 Spring St.	116	N44002910	Grass	\$70.00	\$35.00	\$35.00
Paul Owen & Lori Dorman	085-11	1814 Carol Dr.	7279	N44073358	Grass	\$87.50	\$43.75	\$43.75
Piqua Investment Corp.	005-11	533 S. Downing St.	366	N44007480	Trash	\$55.00	\$27.50	\$27.50
Piqua Investment Corp.	173-10	263 E. Main St.	3526	N44042490	Brush	\$105.00	\$52.50	\$52.50
PNMAC Mortgage Co.	028-11	226 E. Main St.	3810-11	N44045130	Grass	\$105.00	\$52.50	\$52.50
PNMAC Mortgage Co.	099-11	226 E. Main St.	3810-11	N44045130	Brush	\$45.00	\$22.50	\$22.50
Raymond Brewer	011-11	415 Glenwood Ave.	5566	N44061560	Grass	\$170.00	\$85.00	\$85.00
Raymond Brewer	063-11	415 Glenwood Ave.	5566	N44061560	Grass	\$587.50	\$293.75	\$293.75
Raymond Brewer	172-10	415 Glenwood Ave.	5566	N44061560	Grass	\$152.50	\$76.25	\$76.25
Related Developments	069-11	Looney Rd.	6917	N44072830	Grass	\$140.00	\$70.00	\$70.00
Robert Burns	033-11	919 Madison Ave.	1739	N44025690	Grass	\$240.00	\$120.00	\$120.00
Robert Burns	093-11	919 Madison Ave.	1739	N44025690	Brush	\$115.00	\$57.50	\$57.50
Robert Burns	107-11	919 Madison Ave.	1739	N44025690	Grass	\$570.00	\$285.00	\$285.00
Robert Wead	014-11	905 Clark Ave.	3320	N44040580	Grass	\$175.00	\$87.50	\$87.50
Scott & Jessica Shrout	175-10	1405 Grant St.	2761	N44035050	Brush	\$122.50	\$61.25	\$61.25
Scott Strohmenger	019-11	916 W. Ash St.	1617	N44024360	Grass	\$535.00	\$267.50	\$267.50
Scott Strohmenger	163-10	916 W. Ash St.	1617	N44024360	Grass	\$152.50	\$76.25	\$76.25
Sean Mitchell	017-11	629 W. Ash St.	892	N44014790	Grass	\$70.00	\$35.00	\$35.00
Sean Mitchell	075-11	629 W. Ash St.	892	N44014790	Grass	\$105.00	\$52.50	\$52.50
Sec. of Housing and Urban Dev.	180-10	539 S. Wayne St.	307	N44006540	Trash	\$110.00	\$55.00	\$55.00
Sharon Dawson	010-11	1212 Lindsey St.	1907-1908	N44026870	Grass	\$105.00	\$52.50	\$52.50
Shawn Gambill	154-10	212 W. Ash St.	84	N44002220	Brush	\$70.00	\$35.00	\$35.00
Sheryl Kern	090-11	1006 W. Greene St.	1487	N44022630	Grass	\$70.00	\$35.00	\$35.00
Shirley Bell	078-11	305 McKinley Ave.	5311	N44059000	Grass	\$227.50	\$113.75	\$113.75
Shirley Stonerock	167-10	715 Willard St.	2425	N44031910	Brush	\$85.00	\$42.50	\$42.50
Thomas McFadden	031-11	401 N. Parkway Dr.	6350	N44069210	Grass	\$140.00	\$70.00	\$70.00
Tommy Little	041-11	1210 S. Roosevelt Ave.	6554-55	N44071160	Grass	\$210.00	\$105.00	\$105.00
Tommy Little & Melissa Buroker	083-11	1210 S. Roosevelt Ave.	6554-55	N44071160	Grass	\$87.50	\$43.75	\$43.75
U S Bank National	047-11	1107 Park Ave.	1690	N44025180	Grass	\$70.00	\$35.00	\$35.00
William Feeser	055-11	810 Camp St.	1667	N44024910	Grass	\$105.00	\$52.50	\$52.50
						<u>\$27,252.54</u>	<u>\$13,626.27</u>	<u>\$13,626.27</u>

ORDINANCE NO. 12-11

AN ORDINANCE AMENDING SCHEDULE I – SPEED LIMITS, ADOPTED IN ACCORDANCE WITH CITY OF PIQUA CODE OF ORDINANCES SECTION 77.01 - TRAFFIC SCHEDULES ADOPTED OF CHAPTER 77 TRAFFIC CODE

WHEREAS, the City of Piqua and Ohio Department of Transportation (ODOT) have determined that a segment of State Route 185 currently occupying portions of Park Avenue, Broadway, and Ash Street should be rerouted to Sunset Drive from Park Avenue to Covington Avenue, further described as set forth in Exhibit “A” attached hereto; and

WHEREAS, the City of Piqua and ODOT have conducted the necessary engineering study and invited public comments concerning the proposed changes; and

WHEREAS, a public hearing was held on June 13, 2011 at which time the findings of the study and the public comments were presented to the Planning Commission for their consideration; and

WHEREAS, all of the public comments received and presented indicated support for the proposed State Route 185 rerouting, and the study findings presented indicated the proposed rerouting would satisfy applicable engineering standards and noted that it would be appropriate and necessary to reduce the posted speed limit on the abandoned portions of State Route 185 from 35 MPH to 25 MPH; and

WHEREAS, at the June 13, 2011 public hearing the city of Piqua Planning Commission unanimously recommended approving the proposed rerouting of State Route 185 and reducing the speed limit on the affected portions of Park Avenue, Broadway, and Ash Street from 35 MPH to 25 MPH; and

WHEREAS, in accordance with City of Piqua Code of Ordinances section 77.01, Schedule I – Speed Limits is maintained by the City Engineer;

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1: Schedule I - Speed Limits shall be amended to reflect the following:

Park Avenue - Sunset Drive to Broadway	25 MPH
Broadway – Park Avenue to Ash Street	25 MPH
Ash Street – Broadway to Spring Street	25 MPH

SECTION 2: The City Engineer shall cause the appropriate and required changes to be implemented so that the affected streets are properly signed in accordance with the Ohio Manual of Uniform Traffic Control Devices.

SECTION 3. All other sections of Chapter 77 and Section 77.01 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 8-16-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of August 16, 2011

TO: Bill Murphy, Interim City Manager
FROM: Chris Schmiesing, City Planner
CC: Amy Havenar, City Engineer

SUBJECT: Adoption of Resolution Authorizing Rerouting of State Route 185 and an Ordinance Amending the Speed Limits Schedule

PURPOSE:

To authorize the rerouting of State Route 185 and the modifications of the speed limits on the portions of the existing State Route 185 to be abandoned.

RECOMMENDATION:

Approve a resolution to authorize the rerouting of State Route 185 as proposed; and, approve an ordinance amending the Speed Limits traffic schedule to reduce the speed limits on the portions of State Route 185 being abandoned.

BACKGROUND:

As part of the Plan It Piqua Comprehensive Plan Update process a community interest in the possibility of rerouting State Route 185 was identified. In response, further exploring this possibility and completing any study necessary to complete the desired modifications to the route alignment was included as an objective in the transportation chapter of the Plan.

Discussions with ODOT officials in 2009 produced a favorable response to the proposed rerouting. Over the next year ODOT provided the City with direction on what was required to move the request forward and the City responded with the necessary information. By summer of 2010 ODOT officials were satisfied with the information provided and indicated they were supportive of advancing the request through the final steps necessary to formally complete the process, although they requested that we delay taking final action on these items until 2011. Therefore, in the spring of 2011 this office contacted ODOT to initiate the final steps necessary to complete the process of considering the rerouting request.

ALTERNATIVES:

- 1) Approve the resolution to authorize the proposed State Route 185 rerouting; and, approve or defeat an ordinance amending the affected traffic schedule to reduce the speed limit on the abandoned portions of State Route 185.
- 2) Defeat the resolution to reject the proposed rerouting of State Route 185; and, defeat an ordinance amending the affected traffic schedule to reduce the speed limit on the abandoned portions of State Route 185.

DISCUSSION:

The proposed rerouting will result in the following modifications to the State Route 185 route designation.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.

- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington and Sunset will become the new beginning/ending point of State Route 185.

By rerouting State Route 185 as described above the state route through traffic, including tractor-trailers, will be removed from narrow collector streets traversing through densely populated residential neighborhoods, and be relocated to a commercial corridor street more appropriately designed for tractor-trailer type traffic. The modifications to the state route designation will also affect certain maintenance responsibilities. ODOT will assume responsibility for the pedestrian/bike structure under Sunset Drive, and the City will assume responsibility for the bridge on Park Avenue over the hydraulic canal. Also, resurfacing the newly established State Route 185 alignment along the affected segment of Sunset Drive will become eligible for ODOT assistance. All other ordinary and routine right of way maintenance will remain the responsibility of the City.

With the removal of the state route designation from Park Avenue, Broadway and Ash streets, the affected portions will no longer be required to be posted 35 MPH and the posted speed limit will be adjusted to reflect the characteristics of the affected streets and to conform to the applicable standards. In accordance with Ohio Revised Code and City of Piqua Charter and Ordinance provisions, the speed limit designation is to be established in conformance with the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). Upon examining the conditions relevant to the OMUTCD factors to be considered (the relatively narrow width of the affected streets, the residential environment in which the streets are located, proximity of schools, the number, proximity and sight conditions related to the drive openings and intersecting side streets, etc...), applying the applicable OMUTCD criteria results in a speed limit of 25 MPH being prescribed for the affected portions of Park Avenue, Broadway, and Ash Street.

With reference to the relevant ODOT policies and procedures for introducing and adopting a modification to a state route alignment, a press release announcing the proposed state route modification and inviting public review and comment was sent to the local media. The press release was also posted on the City of Piqua website and Facebook page. On June 9, 2011 both City and ODOT officials were present at a public meeting that was held to discuss the proposed rerouting. Several citizens called in prior to the meeting and seven citizens, all residents of homes located along Park Avenue, attended the meeting in person. All citizens that provided input spoke in favor of the proposed rerouting and the speed limit modification. Several persons in attendance at the public meeting also commented on the added benefit that reducing the speed limit will have as it relates to the bike path crossing near the bottom of the Park Avenue hill.

At the June 13, 2011 Planning Commission meeting, the Planning Commission held a public hearing to discuss the proposed rerouting and review the public comments received at the public meeting. Hearing no comments at the public hearing, and having studied the proposal and the comments received, the Planning Commission unanimously recommended that the proposed State Route 185 rerouting, and the speed limit modifications, be approved.

FINANCIAL IMPACT:

If the proposed rerouting is implemented the City will assume resurfacing responsibilities for the abandoned portions of State Route 185 and ODOT will assume responsibility for resurfacing the affected portions of Sunset Drive. The agencies will trade maintenance responsibilities concerning the two affected bridge structures. While the total length of the portions of the State Route 185 alignment to be abandoned are greater than the length of the new alignment, the additional width of the new segments makes the overall pavement areas comparable. Thus, the increased cost to either agency that is associated with the shift in maintenance responsibilities is essentially net zero. It is worth noting that prior to the abandonment of the affected portions of the existing State Route 185 alignment ODOT will be resurfacing the route from Washington Avenue to Spring Street. Thus, the pavement surface along this alignment will be in excellent condition at the time the maintenance responsibilities are returned to the City.

COMMUNITY IMPACT:

The removal of trucks and other through traffic from the current state route alignment located in residential neighborhoods is expected to have a positive impact on the community.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed code amendments are consistent and compatible with all adopted City plans and policies, including the Goal, Principles, and Objectives and Strategies outlined in the Transportation and Land Use chapters of the Plan It Piqua Comprehensive Plan document.

Exhibit "A"



OHIO DEPARTMENT OF TRANSPORTATION
CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

July 25, 2011

Fred Enderle, City Manager
201 West Water Street
Piqua, Ohio 45356

Dear Sir:

As per your request, in a letter from Chris Schmiesing – City Planner dated December 23, 2009 and in accordance with section 5511.01 of the Ohio Revised Code, we have reviewed and concur with the proposed rerouting and abandonment of State Route 185 within the City corporation limits. The rerouting of State Route 185 to Sunset Avenue over to United States Route 36 will shift traffic to a 4 lane facility that traverses through a commercial corridor. The existing routing of State Route 185 will be removed from the state's highway inventory and transferred to the city of Piqua. Attached is a copy of the formal Journal Entry and a map which describe the roadways affected in more detail.

Upon receipt of a request from the city of Piqua asking ODOT D-7 to proceed with the proposed rerouting the necessary and required actions will be taken to effect the proposed change.

If you have any questions regarding this matter please contact Mr. Matt Parrill, P.E. at (937) 497-6802.

Respectfully

A handwritten signature in cursive script that reads "Jerry Wray".

Jerry Wray

Director

Ohio Department of Transportation

Enclosure:

R. Chevalley, M. Parrill, L. Cain, M. Ayers (Communication), T. Dyer (Accounting), T. Hill (Environmental Services), A. Bremer (Legislative Services), B. Ujvari (Production), J. Maynard (Real Estate), T. Keller (Structural Engineering), D. Holstein (Traffic Engineering), S. Lowry (FHWA), A. Havenar (City Engineer), C. Schmiesing (City Planner).

DIRECTOR'S JOURNAL ENTRY

07-MIA-2011-01

STATE ROUTE 185

MIAMI COUNTY

In accordance with section 5511.01 of the Ohio Revised Code, and the Department of Transportation Project Development Process (P.D.P.), I hereby certify, on September 1, 2011, the proposed rerouting and abandonment of sections of State Route 185 as described below, in Miami County Ohio, the City of Piqua.

The roadway rerouting and abandonment of sections of State Route 185, was requested by the City of Piqua due to the flow of heavier state route traffic (including trucks) through established residential areas of the Piqua community. A written request from the Piqua City Planner to start the Journal Entry process was received by the Ohio Department of Transportation, District Seven, on December 23, 2009.

A public meeting concerning this action was held on June 9, 2011 in Piqua, Ohio at the Municipal Government Complex, 201 West Water Street, Piqua, Ohio 45356.

THE REROUTING OF STATE ROUTE 185, SITUATED IN PIQUA, MIAMI COUNTY, OHIO.

More fully described as:

The relocation of State Route 185, in the City of Piqua, beginning at the Park Avenue (State Route 185) and North Sunset Drive intersection, SLM 9.17, thence in a southerly direction on the existing alignment of North Sunset Drive, SLM 0.00, to the Covington Avenue (United States Route 36), South Sunset Drive intersection, SLM 0.78.

THE ABANDONMENT OF STATE ROUTE 185, SITUATED IN PIQUA, MIAMI COUNTY, OHIO.

More fully described as:

The abandonment, to the City of Piqua, of existing State Route 185, beginning at the Park Avenue (State Route 185), Sunset Drive intersection, SLM 9.17, thence in an easterly direction along Park Avenue (State Route 185) for 1.26 miles to the intersection with Broadway (State Route 185), SLM 10.43, thence in a southerly direction along Broadway (State Route 185) for 0.29 mile to the intersection with West Ash Street, SLM 10.72, then in an easterly direction along West Ash Street (State Route 185) for 0.39 mile to the Spring Street (State Route 66), East Ash Street (United States Route 36) intersection, SLM 11.11.

The effective date of the described rerouting and abandonment of State route 185, Situated in Piqua, Miami County Ohio, shall be September 1, 2011.

Jerry Wray

Director

Department of Transportation

R. Chevalley, M. Parrill, L. Cain, M. Ayers (Communication), T. Dyer (Accounting), T. Hill (Environmental Services), A. Bremer (Legislative Services), B. Ujvari (Production), J. Maynard (Real Estate), T. Keller (Structural Engineering), D. Holstein (Traffic Engineering), S. Lowry (FHWA), A. Havenar (City Engineer), C. Schmiesing (City Planner).

Attachments: Location Drawing
Request Letter



VACATE SR 185 DESIGNATION
(PARK, BROADWAY, AND ASH)

PROPOSED SR 185 DESIGNATION
(SUNSET DRIVE FROM PARK TO COVINGTON)



ORDINANCE NO. 13-11
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2011

Whereas, Section 5705.38 empowers the municipal legislative authority to pass supplemental appropriations measures as it finds necessary; and therefore:

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring:

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2011 APPROPRIATIONS</u>	<u>2011 SUPPLEMENTAL</u>	<u>2011 REVISED APPROPRIATIONS</u>
Fund 001 General Fund			
<u>City Manager</u>			
Personal Services/Administrative Support	\$293,134		\$293,134
Operation and Maintenance	\$28,560	\$9,400	\$37,960
Allocated Expenses	(\$235,480)	(\$6,881)	(\$242,361)
Total City Manager	\$86,214	\$2,519	\$88,733
<u>Engineering</u>			
Personal Services/Administrative Support	\$330,476		\$330,476
Operation and Maintenance	\$29,452	\$300	\$29,752
Allocated Expenses	(\$293,053)	(\$245)	(\$293,298)
Total Engineering	\$66,875	\$55	\$66,930
<u>Health</u>			
Operation and Maintenance	\$97,728	\$4,012	\$101,740
<u>Human Resources</u>			
Personal Services/Administrative Support	\$163,908		\$163,908
Operation and Maintenance	\$13,690	\$2,500	\$16,190
Allocated Expenses	(\$152,219)	(\$2,143)	(\$154,362)
Total Human Resources	\$25,379	\$357	\$25,736
<u>Purchasing</u>			
Personal Services/Administrative Support	\$69,963		\$69,963
Operation and Maintenance	\$5,071	\$5,200	\$10,271
Allocated Expenses	(\$73,233)	(\$5,075)	(\$78,308)
Total Purchasing	\$1,801	\$125	\$1,926
<u>Transfers</u>			
Transfer to Safety Fund 106	\$3,550,000	(\$72,000)	\$3,478,000
Transfer to Pro Piqua Fund 128	\$45,000	\$14,000	\$59,000
Transfer to Golf 409	\$238,000	\$25,000	\$263,000
Transfer to Ft. Piqua Plaza 410	\$150,855	\$33,000	\$183,855
Total Transfers	\$3,983,855	\$0	\$3,983,855
Fund 101 Street Maintenance Fund			
Personal Services/Administrative Support	\$833,253	\$30,000	\$863,253
Operation and Maintenance	\$1,175,328	\$61,000	\$1,236,328
TOTAL	\$2,008,581	\$91,000	\$2,099,581
Fund 103 Street Income Tax Fund			
Operation and Maintenance	\$325,975	\$53,500	\$379,475
Non Government/Transfers/Refunds	\$97,368	\$76,387	\$173,755
TOTAL	\$423,343	\$129,887	\$553,230
Fund 105 Park and Recreation Fund			
Operation and Maintenance	\$164,143	\$4,500	\$168,643
Capital Outlay (including labor)	\$100,194	(\$4,500)	\$95,694
TOTAL	\$264,337	\$0	\$264,337
Fund 106 Public Safety Fund			
<u>009 Fire Department</u>			
Operation and Maintenance	\$389,398	\$2,500	\$391,898
Fund 119 C.H.I.P Program Income Fund			
Operation and Maintenance	\$10,064	\$2,000	\$12,064
Fund 128 Pro Piqua Fund			
Operation and Maintenance	\$45,000	\$14,000	\$59,000
Fund 139 FEMA Fund			
Personal Services/Administrative Support	\$20,000	\$15,000	\$35,000
Fund 323 Swimming Pool Construction Fund			
Non Government/Transfers/Refunds	\$5	\$35	\$40
Fund 401 Power System Fund			
Operation and Maintenance	\$21,360,172	\$1,624,978	\$22,985,150
Fund 403 Water System Fund			
Operation and Maintenance	\$1,495,396	\$219,146	\$1,714,542
Capital Outlay (including labor)	\$1,562,192	(\$219,146)	\$1,343,046
TOTAL	\$3,057,588	\$0	\$3,057,588

	2011 APPROPRIATIONS	2011 SUPPLEMENTAL	2011 REVISED APPROPRIATIONS
Fund 404 Wastewater System Fund			
Personal Services/Administrative Support	\$1,088,460	(\$11,600)	\$1,076,860
Operation and Maintenance	\$1,481,602	\$11,600	\$1,493,202
Capital Outlay (including labor)	\$153,221	\$145,172	\$298,393
TOTAL	\$2,723,283	\$145,172	\$2,868,455
Fund 407 City Income Tax Administration Fund			
Non Government/Transfers/Refunds	\$7,450,000	\$300,000	\$7,750,000
Fund 410 Fort Piqua Plaza Fund			
Operation & Maintenance	\$236,416	\$51,390	\$287,806
Fund 411 Stormwater Utility Fund			
Operation and Maintenance	\$205,411	\$59,000	\$264,411
Capital Outlay (including labor)	\$343,200	\$25,503	\$368,703
TOTAL	\$548,611	\$84,503	\$633,114
Fund 412 Meter Reader Fund			
Personal Services/Administrative Support	\$238,175		\$238,175
Operation and Maintenance	\$28,018	\$1,600	\$29,618
Allocated Expenses	(\$266,193)	(\$1,600)	(\$267,793)
TOTAL	\$0	\$0	\$0
Fund 413 Utilities Business Office Fund			
Personal Services/Administrative Support	\$459,571		\$459,571
Operation and Maintenance	\$385,900	\$10,874	\$396,774
Allocated Expenses	(\$845,471)	(\$10,874)	(\$856,345)
TOTAL	\$0	\$0	\$0
Fund 415 Swimming Pool Fund			
Operation and Maintenance	\$72,517	\$3,000	\$75,517
Capital Outlay (including labor)	\$20,000	(\$20,000)	\$0
TOTAL	\$92,517	(\$17,000)	\$75,517
Fund 754 Broadway Street Fund			
Operation and Maintenance	\$0	\$98,250	\$98,250

SEC. 62: That the sums appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2011. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 63: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 64: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2011 when passed and legally contracted for in conformity by law.

SEC. 65: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2011; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.

SEC. 66: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 67: That this ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: Bill Murphy, Interim City Manager

FROM: Cynthia A. Holtzapple, Assistant City Manager & Finance Director 

SUBJECT: Emergency Appropriation Ordinance for the Year 2011

PURPOSE:

Approve the Ordinance No. 13-11 accepting the Emergency Ordinance to make Appropriations for the City of Piqua for the year 2011.

RECOMMENDATION:

I am requesting approval of Ordinance No. 13-11 accepting the Emergency Ordinance to make Appropriations for the City of Piqua for the year 2011. Based on the need for the Departments to meet grant and other commitments, I am requesting that the three reading rule be waived and that this Ordinance be passed on an emergency basis.

BACKGROUND:

Every year about this time, we request a supplemental appropriation. This is due in part to the requirement that we presented the 2011 annual budget to you in early November 2010 before all project timing and costs are known. Projects expecting to be done last year will sometimes carryover into this year. During the current fiscal year, unexpected expenses do occur and this supplemental appropriation allows us to more accurately reflect these changes in our financial statements. Please see "Exhibit A" for detailed explanation.

ALTERNATIVES:

- 1) Approve Ordinance No. 13-11 accepting the Emergency Ordinance to make Appropriations for the City of Piqua for the year 2011.
- 2) Approve Ordinance No. 13-11 accepting the Emergency Ordinance to make Appropriations for the City of Piqua for the year 2011 with changes being made to the amounts disclosed.

DISCUSSION:

- 1) This alternative will allow for the departments to meet grant and other commitments as needed for the continued smooth operations of the City.
- 2) This alternative will also allow for operations, but may hinder the ability to meet grant requirements and other commitments.

FINANCIAL IMPACT:

Passage of this Ordinance will allow the City to continue operating, and expenditure levels will continue to be reviewed and closely monitored throughout the upcoming months. Any additional adjustments needed will be requested in the final appropriation done annually each December.

COMMUNITY IMPACT:

This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and shall take effect and be in force from and after passage.

CONFORMITY TO CITY PLANS & POLICIES:

Section 5705.38 of the Revised Code empowers this Commission to pass supplemental appropriations measures as it finds necessary to preserve and ensure the overall welfare of the City.

Ordinance 13-11 Revised Appropriation Comparison to Original Exhibit A

General Fund (001)

City Manager

Operation and Maintenance	\$	9,400	City Manager Search
Allocated Expenses	\$	(6,881)	

Engineering

Operation and Maintenance	\$	300	Auto Repairs
Allocated Expenses	\$	(245)	

Health

Operation and Maintenance	\$	4,012	Dog Rescue covered by Donations & Court Judgement
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Human Resources

Operation and Maintenance	\$	2,500	City Policy Manual Review
Allocated Expenses	\$	(2,143)	

Purchasing

Operation and Maintenance	\$	5,200	Public Buyer Certification Training
Allocated Expenses	\$	(5,075)	

Transfer from General Fund to other funds

Transfer to Safety Fund 106	\$	(72,000)	Reduced For Additional Income Tax Revenue
Transfer to Pro Piqua Fund 128	\$	14,000	Per WOTVC Contract
Transfer to Golf 409	\$	25,000	Decreased Revenue
Transfer to Ft Piqua Plaza 410	\$	33,000	Loss of Tenant

Net Increase to General Fund

\$ 7,068

Streets Fund (101)

Personal Services/Administrative Support	\$	30,000	Ice Storm
Operation and Maintenance	\$	61,000	Fuel \$21,000; Salt \$30,000; Stone \$10,000

Total Streets (101)

\$ 91,000

Street Income Tax Fund (103)

Operation and Maintenance	\$	53,500	Resurfacing
Non Government/Transfers/Refund	\$	76,387	SIB Loan Transfer (254)

Total Streets (103)

\$ 129,887

Park and Recreation Fund (105)

Operation and Maintenance	\$	4,500	Fuel
Capital Outlay (including labor)	\$	(4,500)	New Mowers Cost Less than Estimated

Total Parks and Recreation (105)

\$ -

Public Safety Fund (106)

Fire Department 009

Operation and Maintenance	\$	2,500	Increased Ambulance Runs
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C.H.I.P. Program Income Fund (119)

Operation and Maintenance	\$	2,000	Rental Rehab Grant
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Pro Piqua Fund (128)			
Operation and Maintenance	\$	14,000	Per WOTVC Contract
FEMA Fund (139)			
Personal Services/Administrative Support	\$	15,000	Ohio Task Force I
Swimming Pool Construction (323)			
Non Government/Transfers/Refunds	\$	35	Tax Transfers
Power Systems Fund (401)			
Operation and Maintenance	\$	1,624,978	\$1,500,000 Gas Turbine Rebuild; \$124,978 Brownfield
Water System Fund (403)			
Operation and Maintenance	\$	219,146	\$17,156 Flood Gravel Pit; \$19,218 O.R. Colan; \$24,272 Flocculator
Capital Outlay (including labor)	\$	(219,146)	Repair; \$158,500 CDM Study
Total Water System Fund (403)	\$	-	
Wastewater System Fund (404)			
Personal Services/Administrative Support	\$	(11,600)	
Operation and Maintenance	\$	11,600	TV Camera Van
Capital Outlay (including labor)	\$	145,172	Increase in West Sewer Rehab
Total Wastewater System Fund (404)	\$	145,172	
City Income Tax Administration Fund (407)			
Non Government/Transfers/Refunds	\$	300,000	Increase in Tax Collections
Fort Piqua Plaza Fund (410)			
Operation and Maintenance	\$	51,390	Advertising, Contractual Services, Repairs & Maintenance, IT Equipment
Stormwater Utility Fund (411)			
Operation and Maintenance	\$	59,000	Map Survey
Capital Outlay (including labor)	\$	25,503	Leaf Vaccum
Total Stormwater Utility Fund (411)	\$	84,503	
Meter Readers Fund (412)			
Operation and Maintenance	\$	1,600	Radix Repair
Allocated Expenses	\$	(1,600)	
Total Meter Readers Fund (412)	\$	-	
Utility Business Office Fund (413)			
Operation and Maintenance	\$	10,874	Increased Visa Fees due to increase Credit Card Payments
Allocated Expenses	\$	(10,874)	
Total Utility Business Office Fund (413)	\$	-	
Swimming Pool Fund (415)			
Operation and Maintenance	\$	3,000	Cost of Concessions
Capital Outlay (including labor)	\$	(20,000)	No Capital Needed
Total Swimming Pool Fund (415)	\$	(17,000)	
Broadway Street Fund (754)			
Operation and Maintenance	\$	98,250	Broadway Special Assessment
Overall Total	\$	2,548,783	

Summary

General Fund, Safety, & Parks Breakdown

Operation and Maintenance	\$	28,412
Allocated Expenses	\$	(14,344)
Transfers to other Funds	\$	-
Capital Outlay (including labor)	\$	(4,500)
Total General Fund	\$	<u>9,568</u>

Streets 101 & 103 Breakdown

Personal Services/Administrative Support	\$	30,000
Operation and Maintenance	\$	114,500
Non Government/Transfers/Refunds	\$	76,387
Total Streets	\$	<u>220,887</u>

Other Funds Breakdown (119, 128, 323, 407, 754)

Personal Services/Administrative Support	\$	15,000
Operation and Maintenance	\$	114,250
Non Government/Transfers/Refunds	\$	300,035
Total Other Funds	\$	<u>429,285</u>

Enterprise Breakdown

(Power, Water, Wastewater, Stormwater, Meter Readers, Utility Business Office, Plaza, Pool)

Personal Services/Administrative Support	\$	(11,600)
Operation and Maintenance	\$	1,981,588
Allocated Expenses	\$	(12,474)
Capital Outlay (including labor)	\$	(68,471)
Total Enterprise	\$	<u>1,889,043</u>

Overall Total	\$	<u>2,548,783</u>
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RESOLUTION NO. R-97-11

A RESOLUTION REQUESTING AUTHORIZATION TO PURCHASE THE REAL PROPERTY LOCATED AT STATE ROUTE 66, PARCEL ID NO. M40-04100, 18.823 ACRES ON THE WATER TREATMENT PLANT CONSTRUCTION, PAYABLE TO ROSALYN LEE TOLAND, BRADLEY W. JACOB, C. PATRICIA JACOB, ANDREW DOUGLAS KEYT, BERNARD MORRIS KEYT, ANN GANTVOORT, BETS VONDRASEK AND GRETCHEN GANTVOORT IN THE AMOUNT NOT TO EXCEED \$140,000

WHEREAS, the City of Piqua desires to build a new water treatment plant along State Route 66; and

WHEREAS, the City of Piqua is responsible for purchase of the land, and

WHEREAS, the value of the property has been appraised as fair market value by OR Colan.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto, concurring that:

SEC. 1: The Interim City Manager is hereby authorized to pay for the said real property located at State Route 66, Parcel ID No. M40-047100 18.823 acres to Rosalyn Lee Toland, Bradley W. Jacob, C. Patricia Jacob, Andrew Douglas Keyt, Bernard Morris Keyt, Ann Gantvoort and Gretchen Gantvoort, in the amount not to exceed \$140,000, purchase in accordance with the terms of the attached option agreement.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$140,000.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of August 16, 2011

TO: William Murphy, Interim City Manager

FROM: Don Freisthler, Water Systems Superintendant

SUBJECT: Purchase the property located State Route 66, Parcel ID M40-047100, 18.823 Acres.

PURPOSE:

Request for City Commission authorization to purchase the property State Route 66, Parcel ID M40-047100 18.823 Acres. from Rosalyn Lee Toland, Bradley W. Jacob, C. Patricia Jacob, Andrew Douglas Keyt, Bernard Morris Keyt, Ann Gantvoort, Bets Vondrasek and Gretchen Gantvoort at a cost not to exceed \$140,000.

RECOMMENDATION:

Approval of the Resolution to allow for the purchase of property located at State Route 66, Parcel ID M40-047100, 18.823 Acres.

BACKGROUND:

The City of Piqua has been planning for years to replace the existing water treatment plant. The current water plant was built in 1925. The proposed location has been identified as a prime location by the consultants CDM and was appraised by OR Colan and Associates. OR Colan appraised the property value at \$132,000.00 and was listed at fair market value. Requesting additional \$8,000 for miscellaneous expenses.

This is one of two properties that need to be acquired for the construction of the new water treatment plant.

ALTERNATIVES:

- 1) Approve the Resolution to allow for the purchase of State Route 66, Parcel Id No. M40-047100.*
- 2) Do not approve the Resolution to purchase property located at State Route 66, Parcel No. M40-047100. The current facility will not meet future regulations by the Ohio EPA.*

DISCUSSION:

The appraisal for this property was conducted by O.R. Colan & Associates and a fair market value was provided of \$132,000 and was listed at fair market value. Requesting additional \$8,000 for miscellaneous expenses.

In 2006 we were advised by the Ohio EPA that our current facility will not be able to meet the new regulations coming into effect in 2013.

A study was conducted by Jones & Henry Engineers in 2007 stating that our current facility had out lived the expected life span. Our current plant is in a flood plain therefore it can not be reconstructed in this location.

FINANCIAL IMPACT:

The City has been anticipating this project for a number of years and therefore has been reserving funds for the acquisition for the land purchase for a new water treatment plant. The 2011 budget included \$140,000 for the purchase of the above mentioned property.

COMMUNITY IMPACT:

By constructing a new water treatment plant, it will insure the citizens of Piqua to be able to receive the high quality of water that they have come to expect. Having a new plant will be an asset to the city for years to come. The completion of the project in a timely manner will let the City of Piqua be able to meet current and future regulations from the Ohio and US EPA and prevent us from future violations.

Timely action must be taken to continue to provide our services to the citizens of Piqua

CONFORMITY TO CITY PLANS & POLICIES:

As stated in the Comprehensive Plan Update, the plant must be kept and maintained in good working condition. However, in 2007 the study by Jones & Henry stated that our current facility has outlived its current lifespan, which was also confirmed by CDM. In order to comply with the Comprehensive Plan we must take timely action.

RESOLUTION NO. R-98-11

**A RESOLUTION AWARDED A CONTRACT TO
VTF EXCAVATION, LLC FOR THE NORTH CEMETERY
BRIDGE REPLACEMENT PROJECT**

WHEREAS, on January 4, 2011, this Commission passed Resolution No. R-2-11 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the North Cemetery Bridge Replacement Project; and

WHEREAS, after proper advertisement, bids were opened resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract is hereby approved with VTF Excavation, LLC as the lowest, responsible bidder for the North Cemetery Bridge Replacement Project and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$147,000.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William Murphy, Interim City Manager
FROM: Amy Havenar, City Engineer
SUBJECT: Award of contract for the North Cemetery Bridge Replacement Project

PURPOSE:

Request for City Commission authorization to award a contract to VTF Excavation, LLC for the North Cemetery Bridge Replacement Project. Total cost not to exceed \$147,000.

RECOMMENDATION:

Approval of the Resolution to allow for the completion of the North Cemetery Bridge Replacement Project.

BACKGROUND:

On August 23, 2011, seven bids were received for the North Cemetery Bridge Replacement Project and they are as follows:

Contractor	Base Bid
VTF Excavation LLC	\$133,381.89
Bruns Building & Development	\$144,346.40
R.B. Jergens Contractors, Inc.	\$146,719.73
Brumbaugh Construction	\$151,858.00
Eagle Bridge Company	\$175,427.40
Fryman Kuck	\$180,783.85
** CDA Construction Group, Inc.	\$113,738.50

** Bid rejected due to non-compliance with bidding instructions.

The bid from CDA Construction Group, Inc. has been rejected due to non-compliance with bidding instructions. In the "Instructions to Bidders" Article 2 – Copies of Bidding Documents (2.01) it states, "All BIDDERS must purchase a set of Bidding Documents from the Owner in order to be considered for the project." CDA Construction Group, Inc. did not purchase a set of bidding documents from the City of Piqua.

ALTERNATIVES:

- 1) Approve the Resolution to award a contract to VTF Excavation, LLC.*
- 2) Do not approve the Resolution and do not complete the North Cemetery Bridge Replacement Project.*

DISCUSSION:

The North Cemetery Bridge has been deteriorating for years. The North Cemetery Bridge was constructed in 1925 and the City has had to make numerous repairs to the structure of the years. A recommendation from one of the recent bridge inspection reports was to reduce the allowable weight limit on the bridge. Therefore, this structure has since been posted for a 4 ton weight limit.

This project will consist of the removal of the existing north cemetery bridge over the Hydraulic Canal in the Forest Hill Cemetery and the construction of a new 20' x 9' concrete box. The bridge construction will also include the installation of new footers, new asphalt deck, and the construction and subsequent removal of coffer dams before and after construction.

FINANCIAL IMPACT:

This project was budgeted for in the 103 fund as part of the 2011 budget. The request for authorization includes approximately 10% contingency for items of work which may be required which are not included in the original plans and specifications. The engineer's estimate was \$145,000.

COMMUNITY IMPACT:

This structure is used as a crossing point of the canal for visitors to the Forest Hill Cemetery. Concrete trucks also use the structure to transport materials for new grave sites. Due to the load reduction on this bridge, the construction equipment now has to access the west side of the cemetery via Echo Lake Drive. The new structure will result in a safe and easy way to access the west side of the cemetery.

CONFORMITY TO CITY PLANS & POLICIES:

The City posted a reduced weight limit on this bridge a few years ago based upon the bridge inspection report. The City has had in their plans for the replacement of this structure since that time. The City has received the necessary permits from the Army Corps of Engineers for the construction of this bridge.

EXHIBIT "A"

CITY OF PIQUA
NORTH CEMETERY BRIDGE REPLACEMENT
DATE OPENED: AUGUST 23, 2011
BID TABULATION

Spec No.	Item Description	Unit of Measure	Unit Qty.	VTF Excavation LLC 8398 Celina-Mendon Rd Celina, OH 45822				Bruns Building & Development Corp. 1429 Cranberry Road St. Henry, OH 45883				R.B. Jergens Contractors, Inc. 11418 N. Dixie Dr. Vandalia, Oh 45377				Brumbaugh Construction 3520 SIRT #49 Arcanum, OH 45304					
				UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST		
201	ROADWAY	L.S.	1	\$0.00	\$569.10	\$569.10	\$569.10	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$661.30	\$574.20	\$1,435.50	\$1,435.50	\$0.00	\$1,435.50	\$1,100.00	\$1,100.00	\$1,100.00	\$1,100.00
203	CLEARING AND GRUBBING	L.S.	1	\$1,503.47	\$3,609.22	\$5,201.69	\$5,201.69	\$1,400.00	\$1,400.00	\$2,800.00	\$2,800.00	\$3,329.34	\$2,219.56	\$5,548.90	\$5,548.90	\$0.00	\$5,548.90	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
203	EXCAVATION	L.S.	1	\$3,186.95	\$6,135.10	\$9,322.05	\$9,322.05	\$1,200.00	\$1,200.00	\$2,400.00	\$2,400.00	\$1,562.94	\$1,041.56	\$2,604.90	\$2,604.90	\$480.00	\$2,604.90	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
203	EMBANKMENT	L.S.	1	\$0.00	\$0.65	\$138.50	\$138.50	\$0.35	\$0.35	\$0.70	\$0.70	\$0.93	\$0.62	\$1.55	\$325.50	\$0.00	\$325.50	\$1.00	\$1.00	\$1.00	\$210.00
204	SUBGRADE COMPACTION	S.Y.	210	\$0.00	\$26.64	\$5,594.40	\$5,594.40	\$0.00	\$0.00	\$0.00	\$0.00	\$29.37	\$19.58	\$48.95	\$6,683.00	\$31.20	\$6,683.00	\$20.80	\$20.80	\$20.80	\$7,280.00
606	STEEL POST MOUNTED TO TOP OF HEADWALL(WINGWALL)	L.F.	140	\$27.00	\$3,780.00	\$3,780.00	\$3,780.00	\$47.00	\$47.00	\$6,580.00	\$6,580.00	\$34.92	\$23.28	\$59.20	\$2,328.00	\$36.00	\$2,328.00	\$24.00	\$24.00	\$24.00	\$240.00
606	FLARED END SECTION	EA.	4	\$32.00	\$128.00	\$512.00	\$512.00	\$60.00	\$60.00	\$240.00	\$240.00	\$34.92	\$23.28	\$59.20	\$2,328.00	\$36.00	\$2,328.00	\$24.00	\$24.00	\$24.00	\$240.00
659	EROSION CONTROL																				
659	SEEDING AND MULCHING	L.S.	1	\$569.10	\$569.10	\$569.10	\$569.10	\$300.00	\$300.00	\$600.00	\$600.00	\$1,269.66	\$846.44	\$2,116.10	\$2,116.10	\$500.00	\$2,116.10	\$500.00	\$500.00	\$500.00	\$1,000.00
	PAVEMENT																				
304	AGGREGATE BASE	C.Y.	54	\$18.56	\$999.36	\$999.36	\$999.36	\$25.00	\$25.00	\$1,350.00	\$1,350.00	\$18.87	\$12.59	\$31.45	\$1,698.30	\$18.00	\$1,698.30	\$12.00	\$12.00	\$12.00	\$1,620.00
448	ASPHALT CONCRETE SURFACE COURSE (TYPE 1, PG 64-22)	C.Y.	8	\$150.40	\$1,203.20	\$1,203.20	\$1,203.20	\$0.00	\$0.00	\$2,200.00	\$2,200.00	\$177.66	\$118.44	\$296.10	\$2,368.80	\$144.00	\$2,368.80	\$96.00	\$96.00	\$96.00	\$1,920.00
448	ASPHALT CONCRETE LEVELING COURSE (TYPE 2, PG 64-22)	C.Y.	12	\$150.40	\$1,804.80	\$1,804.80	\$1,804.80	\$0.00	\$0.00	\$2,200.00	\$2,200.00	\$139.26	\$92.84	\$232.10	\$2,785.20	\$144.00	\$2,785.20	\$96.00	\$96.00	\$96.00	\$2,880.00
	MSC.																				
623	CONSTRUCTION LAYOUT STAKES	L.S.	1	\$0.00	\$626.01	\$626.01	\$626.01	\$100.00	\$100.00	\$1,100.00	\$1,100.00	\$349.14	\$232.76	\$581.90	\$581.90	\$300.00	\$581.90	\$1,000.00	\$1,000.00	\$1,000.00	\$1,300.00
624	IMMOBILIZATION	L.S.	1	\$0.00	\$2,276.39	\$2,276.39	\$2,276.39	\$5,000.00	\$2,200.00	\$7,200.00	\$7,200.00	\$2,400.00	\$1,600.00	\$4,000.00	\$4,000.00	\$0.00	\$4,000.00	\$3,300.00	\$3,300.00	\$3,300.00	\$3,300.00
	CULVERT																				
202	STRUCTURE REMOVED	L.S.	1	\$3,186.95	\$4,690.68	\$7,877.63	\$7,877.63	\$5,000.00	\$2,000.00	\$7,000.00	\$7,000.00	\$6,573.75	\$4,362.50	\$10,956.25	\$10,956.25	\$0.00	\$10,956.25	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
503	OFFERDAMS AND EXCAVATION BRACING	L.S.	1	\$0.00	\$2,276.39	\$2,276.39	\$2,276.39	\$11,000.00	\$4,000.00	\$15,000.00	\$15,000.00	\$10,690.35	\$7,126.90	\$17,817.25	\$17,817.25	\$3,250.00	\$17,817.25	\$9,750.00	\$13,000.00	\$13,000.00	\$13,000.00
503	UNCLASSIFIED EXCAVATION	L.S.	1	\$0.00	\$7,535.03	\$7,535.03	\$7,535.03	\$1,600.00	\$1,000.00	\$2,500.00	\$2,500.00	\$3,157.35	\$2,104.90	\$5,262.25	\$5,262.25	\$0.00	\$5,262.25	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
509	EPOXY COATED REINFORCING STEEL	LB.	7,814	\$1.00	\$7,814.00	\$7,814.00	\$7,814.00	\$0.80	\$0.30	\$1.10	\$8,595.40	\$0.90	\$0.60	\$1.50	\$11,721.00	\$0.60	\$11,721.00	\$0.40	\$1.00	\$1.00	\$7,814.00
511	CLASS C CONCRETE (WINGWALL ABOVE FOOTING)	C.Y.	39	\$184.55	\$7,096.55	\$7,096.55	\$7,096.55	\$200.00	\$200.00	\$400.00	\$4,000.00	\$231.39	\$154.26	\$385.65	\$15,040.35	\$210.00	\$15,040.35	\$140.00	\$350.00	\$350.00	\$13,650.00
511	CLASS C CONCRETE (FOOTING)	C.Y.	62	\$184.55	\$11,453.10	\$11,453.10	\$11,453.10	\$200.00	\$150.00	\$350.00	\$3,500.00	\$117.09	\$78.06	\$195.15	\$12,099.30	\$165.00	\$12,099.30	\$112.00	\$280.00	\$280.00	\$17,360.00
511	CLASS C CONCRETE (HEADWALL)	C.Y.	2.5	\$184.55	\$461.38	\$461.38	\$461.38	\$500.00	\$200.00	\$700.00	\$700.00	\$581.49	\$387.86	\$969.15	\$2,422.88	\$180.00	\$2,422.88	\$120.00	\$300.00	\$300.00	\$750.00
512	SEALING OF CONCRETE SURFACES (EPOXY-URETHANE)	L.S.	1	\$438.20	\$438.20	\$438.20	\$438.20	\$700.00	\$1,800.00	\$2,500.00	\$2,500.00	\$984.45	\$656.30	\$1,640.75	\$1,640.75	\$500.00	\$1,640.75	\$500.00	\$1,000.00	\$1,000.00	\$1,000.00
512	TYPE 3 WATERPROOFING	S.Y.	74	\$13.66	\$1,010.84	\$1,010.84	\$1,010.84	\$15.00	\$15.00	\$300.00	\$300.00	\$22.53	\$15.02	\$37.55	\$2,776.70	\$15.00	\$2,776.70	\$9.50	\$24.50	\$24.50	\$1,913.00
516	1" PREFORMED EXPANSION JOINT FILLER	S.F.	66	\$1.00	\$66.00	\$66.00	\$66.00	\$2.00	\$2.00	\$4.00	\$264.00	\$3.03	\$2.02	\$5.05	\$333.30	\$0.90	\$333.30	\$0.60	\$1.50	\$1.50	\$99.00
518	POROUS BACKFILL WITH FILTER FABRIC	L.S.	1	\$508.41	\$840.02	\$1,348.43	\$1,348.43	\$1,000.00	\$500.00	\$1,500.00	\$1,500.00	\$620.46	\$413.94	\$1,034.10	\$1,034.10	\$810.00	\$1,034.10	\$540.00	\$1,350.00	\$1,350.00	\$1,350.00
601	ROCK CHANNEL PROTECTION, TYPE B, WITH FABRIC FILTER	C.Y.	23	\$38.82	\$888.06	\$888.06	\$888.06	\$30.00	\$10.00	\$40.00	\$920.00	\$46.74	\$31.16	\$77.90	\$1,791.70	\$24.00	\$1,791.70	\$16.00	\$40.00	\$40.00	\$920.00
603	20' x 8' CONDUIT, TYPE A, 706 05	L.F.	28	\$1,000.00	\$28,000.00	\$28,000.00	\$28,000.00	\$1,100.00	\$130.00	\$1,230.00	\$3,440.00	\$712.95	\$475.30	\$1,188.25	\$3,321.00	\$1,042.00	\$3,321.00	\$1,042.00	\$2,084.00	\$2,084.00	\$58,352.00
	TOTAL BASE BID				\$133,381.89	\$133,381.89	\$133,381.89			\$144,346.40	\$144,346.40			\$146,719.73	\$146,719.73						\$151,858.00

CITY OF PIQUA
NORTH CEMETERY BRIDGE REPLACEMENT
DATE OPENED: AUGUST 23, 2011
BID TABULATION

EXHIBIT "A"

Spec No.	Item Description	Unit of Measure	Unit Qty.	Eagle Bridge Co. 800 S. Van Demark Rd Sidney, OH 45385				FymanKuck Contractors, Inc. 5150 Weber Street Dayton, OH 45413				**ODAC Construction Group, Inc. 704 East Wayne Street Celina, OH 45822			
				UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST
201	ROADWAY	L.S.	1	\$500.00	\$2,000.00	\$2,500.00	\$2,500.00	\$0.00	\$3,019.00	\$3,019.00	\$0.00	\$100.00	\$100.00	\$100.00	\$100.00
202	CLEARING AND GRUBBING	L.S.	1	\$250.00	\$750.00	\$1,000.00	\$1,000.00	\$0.00	\$4,019.00	\$4,019.00	\$0.00	\$3,341.00	\$3,341.00	\$3,341.00	\$3,341.00
203	EXCAVATION	L.S.	1	\$250.00	\$750.00	\$1,000.00	\$1,000.00	\$5,800.00	\$10,945.00	\$10,945.00	\$0.00	\$1,240.00	\$1,240.00	\$1,240.00	\$1,240.00
204	EMBANKMENT	L.S.	1	\$0.49	\$5.00	\$5.49	\$5.49	\$0.00	\$1,152.90	\$1,152.90	\$0.00	\$4.00	\$4.00	\$4.00	\$840.00
606	SUBGRADE COMPACTION	S.Y.	210	\$40.00	\$7.00	\$47.00	\$6,580.00	\$51.34	\$6,580.00	\$6,580.00	\$18.00	\$32.00	\$50.00	\$7,000.00	
606	STEEL POST MOUNTED TO TOP OF HEADWALL(WINGWALL)	L.F.	140	\$46.00	\$10.00	\$56.00	\$224.00	\$333.00	\$466.00	\$466.00	\$40.00	\$22.00	\$62.00	\$248.00	
606	FLARED END SECTION	EA.	4												
659	EROSION CONTROL														
659	SEEDING AND MULCHING	L.S.	1	\$500.00	\$1,000.00	\$1,500.00	\$1,500.00	\$450.00	\$500.00	\$500.00	\$200.00	\$702.00	\$902.00	\$902.00	
	PAVEMENT														
304	AGGREGATE BASE	C.Y.	54	\$20.00	\$40.00	\$60.00	\$3,240.00	\$12.50	\$27.75	\$1,488.50	\$10.00	\$20.00	\$30.00	\$1,620.00	
448	ASPHALT CONCRETE SURFACE COURSE (TYPE 1, PG 64-22)	C.Y.	8	\$150.00	\$70.75	\$220.75	\$1,766.00	\$200.80	\$310.80	\$2,486.40	\$125.00	\$150.00	\$275.00	\$2,200.00	
448	ASPHALT CONCRETE LEVELING COURSE (TYPE 2, PG 64-22)	C.Y.	12	\$150.00	\$70.75	\$220.75	\$2,649.00	\$200.80	\$310.80	\$3,729.60	\$125.00	\$150.00	\$275.00	\$3,300.00	
	MISC														
623	CONSTRUCTION LAYOUT STAKES	L.S.	1	\$100.00	\$400.00	\$500.00	\$500.00	\$0.00	\$1,054.00	\$1,054.00	\$0.00	\$950.00	\$950.00	\$950.00	
624	MOBILIZATION	L.S.	1	\$1,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$2,381.00	\$8,880.00	\$11,261.00	\$0.00	\$1,500.00	\$1,500.00	\$1,500.00	
	CULVERT														
202	STRUCTURE REMOVED	L.S.	1	\$2,000.00	\$12,000.00	\$14,000.00	\$14,000.00	\$0.00	\$12,211.00	\$12,211.00	\$0.00	\$7,400.00	\$7,400.00	\$7,400.00	
503	COFFERDAMS AND EXCAVATION BRACING	L.S.	1	\$8,000.00	\$21,000.00	\$29,000.00	\$29,000.00	\$5,870.00	\$12,440.00	\$18,310.00	\$0.00	\$7,575.00	\$7,575.00	\$7,575.00	
503	UNCLASSIFIED EXCAVATION	L.S.	1	\$10,000.00	\$8,000.00	\$18,000.00	\$18,000.00	\$600.00	\$10,389.00	\$10,989.00	\$0.00	\$2,093.00	\$2,093.00	\$2,093.00	
509	EPOXY COATED REINFORCING STEEL	LB.	7,814	\$0.80	\$9.45	\$12.25	\$9,767.50	\$0.76	\$0.40	\$1.16	\$9,064.24	\$0.50	\$0.50	\$7,814.00	
511	CLASS C CONCRETE (WINGWALL ABOVE FOOTING)	C.Y.	39	\$150.00	\$350.00	\$500.00	\$19,500.00	\$125.06	\$288.66	\$413.72	\$16,135.08	\$81.25	\$303.75	\$385.00	
511	CLASS C CONCRETE (FOOTING)	C.Y.	62	\$100.00	\$175.00	\$275.00	\$17,050.00	\$86.08	\$92.00	\$180.08	\$11,164.96	\$83.00	\$23.00	\$106.00	
511	CLASS C CONCRETE (HEADWALL)	C.Y.	2.5	\$300.00	\$700.00	\$1,000.00	\$2,500.00	\$143.86	\$456.31	\$600.17	\$1,500.43	\$81.25	\$918.75	\$1,000.00	
512	SEALING OF CONCRETE SURFACES (EPOXY-URETHANE)	L.S.	1	\$1,000.00	\$1,400.00	\$2,400.00	\$2,400.00	\$875.00	\$2,386.00	\$3,045.00	\$335.00	\$385.00	\$700.00	\$700.00	
512	TYPE 3 WATERPROOFING	S.Y.	74	\$25.00	\$10.00	\$35.00	\$2,590.00	\$15.00	\$29.96	\$44.96	\$3,327.04	\$5.50	\$4.25	\$9.75	
516	1" PREFORMED EXPANSION JOINT FILLER	S.F.	66	\$2.00	\$6.00	\$8.00	\$526.00	\$1.50	\$4.00	\$5.50	\$363.00	\$3.00	\$2.00	\$5.00	
518	POROUS BACKFILL WITH FILTER FABRIC	L.S.	1	\$500.00	\$300.00	\$800.00	\$800.00	\$200.00	\$600.00	\$600.00	\$1,360.00	\$1,188.00	\$2,546.00	\$2,546.00	
601	ROCK CHANNEL PROTECTION, TYPE B, WITH FABRIC FILTER	C.Y.	23	\$25.00	\$35.00	\$60.00	\$1,380.00	\$40.00	\$50.00	\$90.00	\$2,070.00	\$75.00	\$28.00	\$103.00	
603	20' x 8' CONDUIT, TYPE A, 706 05	L.F.	28	\$900.00	\$200.00	\$1,100.00	\$30,800.00	\$998.00	\$352.00	\$1,350.00	\$7,800.00	\$995.00	\$250.00	\$34,860.00	
	TOTAL BASE BID						\$175,427.40							\$180,783.85	\$113,738.50

**Bid rejected due to non-compliance with bidding instructions.

RESOLUTION NO. R-99-11

**A RESOLUTION AWARDING A CONTRACT TO
WALLS BROTHERS ASPHALT COMPANY, INC. FOR
THE 2011 STREET RESURFACING PROGRAM**

WHEREAS, on January 4, 2011, this Commission passed Resolution No. R-2-11 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the 2011 Street Resurfacing Program; and

WHEREAS, after proper advertisement, bids were opened resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract is hereby approved with Walls Brothers Asphalt Inc.; as the lowest, responsible bidder for the 2011 Street Resurfacing Program and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$244,000.00.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William Murphy, Interim City Manager
FROM: Amy Havenar, City Engineer
SUBJECT: Award of contract for the 2011 Street Resurfacing Program

PURPOSE:

Request for City Commission authorization to award a contract to Walls Brothers Asphalt for the 2011 Street Resurfacing Program. Total cost not to exceed \$244,000.

RECOMMENDATION:

Approval of the Resolution to allow for the completion of the 2011 Street Resurfacing Program.

BACKGROUND:

On August 23, 2011, two bids were received for the 2011 Street Resurfacing Program and they are as follows:

Contractor	Base Bid Total
Walls Brothers Asphalt	\$221,577.23
Barrett Paving Materials, Inc.	\$244,657.59

The streets included in this year's paving program are as follows:

Fox Drive from CR 25-A west to the curve 0.28 miles
CR 25-A from south corporation limit to north driveway of trailer court 0.64 miles
TOTAL 0.92 miles

ALTERNATIVES:

- 1) *Approve the Resolution to award a contract to Walls Brothers Asphalt.*
- 2) *Do not approve the Resolution and do not complete the 2011 Street Resurfacing Program.*

DISCUSSION:

The resurfacing project will consist of profile milling and overlaying of the roadway with a new asphalt surface. The project will also include the placement of all new pavement markings within the project limits.

Walls Brothers Asphalt has completed successful resurfacing projects for the City of Piqua, including the 2006, 2007 and the 2010 Street Resurfacing Programs. The request for authorization includes approximately 10% contingency for items of work which may be required which are not included in the original plans and specifications. The engineer's estimate was \$250,000.

FINANCIAL IMPACT:

This project was budgeted for in the 101 & 103 funds as part of the 2011 budget.

COMMUNITY IMPACT:

The community has stressed the importance of improving the condition of the streets throughout the City. The resurfacing of these roadways will greatly enhance the aesthetics and the drivability of these streets. CR 25-A is a major entrance to the City, therefore, the resurfacing of this roadway will be a major benefit to improving this gateway.

CONFORMITY TO CITY PLANS & POLICIES:

The common theme in the Plan It Piqua 2007 Comprehensive Plan Update was to improve the roadways within the City. This was also a Commission directive in 2009. The street resurfacing program is a way to help achieve those goals.

EXHIBIT "A"

City of Piqua
 2011 Street Resurfacing
 Date Opened: August 23, 2011

BID TABULATION

Spec. No.	DESCRIPTION	QUANTITIES		WALLS BROS. ASPHALT CO., INC. 3690 HOLLANSBURG SAMPSON ROAD GREENVILLE, OH				BARRETT PAVING MATERIALS INC. 2551 NEEDMORE RD DAYTON, OH					
		NUMBER	UNITS	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST	UNIT MATERIALS	UNIT LABOR	UNIT COST	TOTAL COST		
253	PAVEMENT REPAIR ROADWAY, 24" WIDE BY 6" DEPTH, AS DIRECTED CONTINGENCY	200.00	SY	\$23.00	\$10.80	\$33.80	\$6,760.00	\$25.00	\$20.00	\$45.00	\$9,000.00		
253	PAVEMENT REPAIR ROADWAY, 24" WIDE BY 2" DEPTH, MILL CL & 1/4 JOINT LINES	2,233.00	SY	\$8.00	\$5.81	\$13.81	\$30,837.73	\$5.00	\$9.00	\$14.00	\$31,262.00		
254	FULL DEPTH MILLING - 1 1/2"	4,984.40	SY	\$0.50	\$1.74	\$2.24	\$11,187.46	\$0.40	\$2.00	\$2.40	\$11,986.56		
407	BITUMINOUS TACK COAT @0.1 GAL / SY	2,282.00	GAL	\$2.50	\$0.28	\$2.78	\$6,371.76	\$2.10	\$0.10	\$2.20	\$5,042.40		
448	1 1/2" ASPHALT CONCRETE, SCRATCH COURSE TYPE 1, PG	305.60	CY	\$100.00	\$20.80	\$120.80	\$36,916.48	\$90.00	\$43.00	\$133.00	\$40,644.80		
448	1 1/4" ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG	680.80	CY	\$100.00	\$20.80	\$120.80	\$82,240.64	\$90.00	\$43.00	\$133.00	\$90,546.40		
448	1 1/2" ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG	199.80	CY	\$100.00	\$20.80	\$120.80	\$24,135.84	\$90.00	\$43.00	\$133.00	\$26,573.40		
604	CATCHBASIN ADJUSTED TO GRADE	1.00	EA	\$100.00	\$250.00	\$350.00	\$350.00	\$200.00	\$450.00	\$650.00	\$650.00		
604	STORM MANHOLE ADJUSTED TO GRADE	5.00	EA	\$100.00	\$250.00	\$350.00	\$1,750.00	\$100.00	\$250.00	\$350.00	\$1,750.00		
604	SANITARY MANHOLE ADJUSTED TO GRADE	5.00	EA	\$100.00	\$250.00	\$350.00	\$1,750.00	\$100.00	\$250.00	\$350.00	\$1,750.00		
614	TRAFFIC CONTROL	1.00	LUMP	\$1,000.00	\$4,555.41	\$5,555.41	\$5,555.41	\$1,000.00	\$3,150.00	\$4,150.00	\$4,150.00		
617	COMPACTED AGGREGATE PER PLAN - BERM 15" BY 3"	124.00	CY	\$15.00	\$11.09	\$26.09	\$3,235.16	\$20.00	\$35.00	\$55.00	\$6,820.00		
644	4" DOUBLE YELLOW CENTER LINE	0.653	MI	\$2,500.00	\$2,450.00	\$4,950.00	\$3,232.35	\$2,262.00	\$2,688.00	\$4,950.00	\$3,232.35		
644	24" STOP BAR	28.00	LF	\$25.00	\$20.00	\$45.00	\$1,260.00	\$15.00	\$30.00	\$45.00	\$1,260.00		
644	6" LANE LINE	1,269	MI	\$950.00	\$765.35	\$1,715.35	\$2,176.78	\$514.00	\$1,200.00	\$1,714.00	\$2,175.07		
644	4" EDGE LINE TYPE	1,269	MI	\$2,000.00	\$1,008.37	\$3,008.37	\$3,817.62	\$1,202.00	\$1,804.00	\$3,006.00	\$3,814.61		
				TOTAL BASE BID				\$221,577.23	TOTAL BASE BID				\$240,657.59

RESOLUTION NO. R-100-11

**A RESOLUTION AUTHORIZING THE ADOPTION OF
THE OPERATIONS AND MAINTENANCE MANUAL FOR
THE SHAWNEE PUMP STATION, AS CERTIFIED BY
THE CITY ENGINEER, INCLUDING ALL AMENDMENTS
THERETO**

WHEREAS, the City Engineer has developed an Operations and Maintenance Manual for the Shawnee Pump Station in accordance with the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10) and said Operations and Maintenance Manual is available for review at the office of the City Engineer; and

WHEREAS, said Operations and Maintenance Manual is not attached hereto for reasons as being exempt from the Public Records Law as an infrastructure document.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The Shawnee Pump Station Operations and Maintenance Manual, as certified by the City Engineer, be adopted by the City Commission as the standard operating procedures for the Shawnee Pump Station.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William Murphy, Interim City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Adoption of the Shawnee Pump Station Operations & Maintenance (O&M) Manual as certified by the City Engineer

PURPOSE:

Request for City Commission to officially adopt the Operations & Maintenance (O&M) Manual for the Shawnee Pump Station.

RECOMMENDATION:

Adoption of the Operations & Maintenance Manual for the Shawnee Pump Station as certified by the City Engineer.

BACKGROUND:

With the issuance of the new flood maps and for FEMA to continue to accredit the levees in Piqua with providing protection from the base flood, the levees must meet the requirements of the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10). The Miami Conservancy District (MCD), being the owner of the levees, are responsible for submitting the majority of the required information, however, information is needed on the Shawnee Pump Station. Since this pump station is owned and operated by the City of Piqua, we will need to comply with the requirement to submit a formally adopted O&M Manual for the Shawnee Pump Station. Due to the sensitivity of the information included within this document, the O&M Manual is exempt from the public records law as an infrastructure document and is therefore not included with this resolution, however, a copy of the O&M Manual is available for review at the office of the City Engineer.

ALTERNATIVES:

- 1) Adopt the Shawnee Pump Station Operations & Maintenance (O&M) Manual.*
- 2) Do not adopt the Shawnee Pump Station Operations & Maintenance Manual. This would result in the levees within the City of Piqua no longer being designated as providing flood protection and would therefore not appear on the new Digital Flood Insurance Rate Maps (DFIRM).*

DISCUSSION:

If the levee system within the City of Piqua does not meet the accreditation requirements, the new DFIRM maps that will be issued by FEMA will identify the 100-year floodplain as if no levee exists. This would result in a large number of properties within the City who were once identified as out of the flood zone, to now be designated as within the flood zone and they would be required to purchase flood insurance.

To date, the MCD is finalizing all of their documentation/calculations that are required to certify that the levees have been designed and built to protect the citizens of Piqua from the 100-year base flood. One piece of information that they are still in need of is the officially adopted O&M Manual for the Shawnee Pump Station. Once the MCD receives the adopted O&M Manual, they will be able to submit to FEMA for accreditation of the levees within the City of Piqua. A decision will then be made by FEMA as to whether all of the documentation submitted supports the claim that the levee system in the City of Piqua could withstand a 100-year flood.

FINANCIAL IMPACT:

There is no cost to the City for the adoption of the O&M Manual. The MCD has borne all the costs of the levee accreditation process, including but not limited to the hiring of the consultants, survey work, soil borings and interior drainage mapping.

COMMUNITY IMPACT:

Without the levees in Piqua being recognized by FEMA as providing flood protection, there are a majority of residents in the City of Piqua that would be required to obtain flood insurance, who currently are not required to do so. Therefore, a successful outcome in the levee accreditation process is critical to the City.

CONFORMITY TO CITY PLANS & POLICIES:

The adoption of the Shawnee Pump Station O&M Manual is consistent with the other O&M Manuals that are in place for the various other types of City operations, i.e., Water Treatment Plant, Wastewater Treatment Plant, wastewater lift stations, water booster stations, etc. It is a plan and goal of the City to continue providing flood protection to the residents of the City of Piqua and therefore we are working diligently with MCD to ensure that happens.

RESOLUTION NO. R-101-11

**A RESOLUTION AMENDING THE TOTAL PAYMENT TO
SULZER TURBO SERVICES FOR EMERGENCY REPAIRS
TO #8 GAS TURBINE**

WHEREAS, by Resolution No. R-81-11 passed July 5, 2011, this Commission awarded the original contract for emergency repairs to the City's #8 gas turbine.

WHEREAS, upon disassembly of the unit and completed evaluation, required repairs to the City's #8 gas turbine is significantly greater than originally anticipated.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: An additional \$505,000 is hereby approved to complete identified repairs to the City's #8 gas turbine, thus increasing the contract with Sulzer Turbo Services to \$1,500,000.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to this Resolution.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William Murphy, Interim City Manager
FROM: Ed Krieger, Power System Director
SUBJECT: Additional Funding for Emergency Repairs to #8 Gas Turbine

PURPOSE:

Approve the Resolution No. R-101-11 authorizing the City of Piqua Power System to contract with Sulzer Turbo Services for emergency repairs to #8 gas turbine at a not to exceed cost of \$1,500,000.

RECOMMENDATION:

I am requesting approval of Resolution No. R-101-11, which will authorize the Power System to complete emergency repairs to #8 gas turbine.

BACKGROUND:

The Power System owns and operates two combustion gas turbines. As a capacity resource bid into the PJM Regional Transmission Organization they provide a significant economic benefit to Piqua customers, effectively saving our customers over \$1,000,000 annually. In addition, the gas turbines can be black-started and are able to serve over half of the City's electric load, should the need arise. It is difficult to quantify the economic benefit of these back-up resources. However, in 2003 Piqua was not too far removed from the black-out that impacted the Midwest and East coast electric grid.

Our agreement with PJM, through American Municipal Power (AMP), requires an annual full load test to verify that the gas turbines are capable of generating 25,000 kilowatts. After successful completion of this year's test on June 7, unusual sounds from #8 gas turbine were heard while ramping the unit down. A follow-up borescope inspection identified significant damage, the cause of which was later identified as a compressor case failure.

Resolution R-81-11 approved by City Commission on July 5, 2011 awarded a contract for \$995,000 to Sulzer Turbo Services to complete emergency repairs to the City's #8

gas turbine, realizing that the scope of repairs would not be fully known until the unit was disassembled and shipped to Texas for evaluation. Concurrently, the City was pursuing insurance coverage for the claim through our policy with Miami Valley Risk Management Association (MVRMA).

Sulzer has completed the disassembly of the gas turbine and evaluation of the components at their repair shop near Houston, Texas. Total repair costs are expected to exceed \$2.5 million, with our MVRMA policy covering just over \$1.2 million. The balance of the repair costs is associated with damage and deterioration of the gas turbine over the past forty years of the unit's life. Repairing the unit to like-new condition will ensure that Piqua's #8 gas turbine will operate reliably as a source of back-up power for the next twenty to thirty years or more. Completion of this work will also allow Sulzer to provide a two-year warranty for the repairs.

ALTERNATIVES:

- 1) Approve Resolution No. R-101-11 authorizing the City of Piqua Power System to contract with Sulzer Turbo Services for emergency repairs to #8 gas turbine.
- 2) Do not approve Resolution No. R-101-11.
- 3) Do not approve Resolution No. R-101-11 and provide staff with further direction.

DISCUSSION:

Piqua's agreement with AMP, and consequently with PJM (Regional Transmission Operator), requires Piqua to have the capability to produce 25,000 kilowatts in order to meet our obligations of the Demand Response program, which provides significant economic benefit to Piqua customers (currently over \$1,000,000 annually). Failure to provide 25,000 kilowatts when requested results in significant financial penalty to the City, though forfeiture of accrued savings. We are currently exposed to forfeiture of up to 60% of our projected savings of \$1,000,000 or \$600,000 should PJM call on our gas turbines while #8 gas turbine is out of service. In addition, with #8 gas turbine out of service (which is our black-start unit), we have no capability to back-up the City's power supply should we experience an outage to the electric grid.

The option to not repair #8 gas turbine will subject the City's electric customers to higher electric costs and eliminate the possibility of backing up the City's power supply with our own generation resource. This alternative would leave us captive to the reliability of the electric grid. In 2003, Piqua was not too far removed from the black-out that impacted much of the Midwest and East coast.

FINANCIAL IMPACT:

Obviously, the required repairs to #8 gas turbine will be an unbudgeted expenditure. However, the Power System currently has adequate cash reserves to cover the full cost of the repairs. The City has been notified that the damage associated with the compressor case failure is a covered claim. Total repair costs are projected to exceed

\$2.5 million, with almost half of the cost covered through our insurance policy with MVRMA.

COMMUNITY IMPACT:

The approval of Resolution No. R-101-11 will ultimately return #8 gas turbine to service. This action ensures the City has a resource available to provide back-up power to over half of the City's customers should it be needed. In addition, this action will reduce our exposure to significant financial penalties should the City be called upon to operate our gas turbines as part of our participation in the PJM demand response program. Our continued participation in this program saves Piqua's electric customers over \$1,000,000 annually on their electric bills.

CONFORMITY TO CITY PLANS & POLICIES:

The Piqua Energy Board unanimously recommended City Commission to approve a contract with Sulzer Turbo Services to complete the required emergency repairs to the City's #8 gas turbine during their regular meeting of June 28, 2011. Energy Board members were informed of the increased repair scope at the August 23, 2011 meeting.

RESOLUTION NO. R-102-11

**A RESOLUTION AWARDING A PURCHASE ORDER
TO BARRETT PAVING MATERIALS, INC. FOR THE PURCHASE
OF STONE FOR THE STREET DEPARTMENT**

WHEREAS, On February 15, 2011, after a competitive bidding process, City Commission authorized awarding the 2011 stone purchase to Barrett Paving Materials, Inc.; and

WHEREAS, the City of Piqua Street Department has utilized and will continue to utilize Barrett Paving Materials, Inc. for the purchase of stone for the 2011 year;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A purchase order is hereby authorized to Barrett Paving Materials, Inc. for the purchase of stone pursuant to bid specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$47,000.00.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William P. Murphy, Interim City Manager
FROM: Doug Harter, Street Department Superintendent
SUBJECT: Stone Purchase from Barrett Paving Materials, Inc. for 2011

PURPOSE:

Request for City Commission to authorize a purchase order to Barrett Paving Materials, Inc. for the purchase of stone for the Street Department projects during the 2011 year in an amount not to exceed \$47,000.

RECOMMENDATION:

Approval of Resolution awarding a purchase order to Barrett Paving Materials, Inc. for the purchase of stone for the Street Department during the 2011 year.

BACKGROUND:

On February 15, 2011, after a competitive bidding process, City Commission authorized awarding the 2011 stone purchase to Barrett Paving Materials, Inc. This stone has been used for in-house street reconstruction/repair projects to date; however, the Street Department will most likely be purchasing stone in an amount exceeding \$25,000 and therefore would like City Commission authorization to issue a Purchase Order to Barrett Paving Materials in the amount of \$47,000 to finish out the stone purchase for the remainder of 2011.

ALTERNATIVES:

- 1) Approve resolution to award a Purchase Order to Barrett Paving Materials, Inc.
- 2) Do not approve the Resolution and do not complete the current and upcoming street repairs.

DISCUSSION:

The Street Department has a number of projects currently underway and planned for in the future that will require the purchase of stone to complete. In the past, we have been able to purchase the needed materials from Barrett Paving Materials, Inc. however; we are nearing the limit in which all purchases must go before City Commission for their approval. Therefore,

we are bringing this purchase order request before the City Commission in anticipation of completing future roadway projects in 2011.

FINANCIAL IMPACT:

The current purchase order to Barrett Paving Materials, Inc. is for \$11,000.00. This request is to increase the purchase order to allow for up to \$47,000.00 in stone to be purchased from Barrett Paving Materials, Inc. for the remainder of 2011. This money is available within the Street Department budget for 2011.

COMMUNITY IMPACT:

The community has stressed the importance of improving the condition of the streets throughout the City. The street repairs will greatly enhance the aesthetics and the drivability of the streets.

CONFORMITY TO CITY PLANS & POLICIES:

Of course the safety of our citizens is always a top priority for us. We strive to maintain the streets in the very best condition that we can.

RESOLUTION NO. R-103-11

**A RESOLUTION AUTHORIZING A PURCHASE ORDER TO
WALLS BROS. ASPHALT CO., INC. FOR THE PLACEMENT OF
301 ASPHALT BASE**

WHEREAS, the City Purchasing Analyst advertised for bids, according to law, for the placement and compaction of 301 asphalt base; and

WHEREAS, after proper advertisement, bids were opened on August 30, 2011 resulting in Walls Bros. Asphalt Co., Inc. being identified as the lowest, most responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A purchase order is hereby authorized to Walls Bros. Asphalt Co., Inc. for the placement and compaction of 301 asphalt on Water Street and on Hemm Avenue pursuant to the bid specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$96,000;

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of September 6, 2011

TO: William Murphy, Interim City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Award of contract to Walls Brothers Asphalt Co., Inc. for placement of 301 Asphalt Base

PURPOSE:

Request for City Commission authorization to award a contract to Walls Brothers Asphalt Co., Inc. for placement and compaction of 301 asphalt on Water Street and on Hemm Avenue. Total cost not to exceed \$96,000.

RECOMMENDATION:

Approval of the Resolution to allow for the base paving on Water Street and on Hemm Avenue.

BACKGROUND:

On Tuesday, August 30, 2011, 4 bids were received for the placement and compaction of 301 asphalt on Water Street and they are as follows:

Contractor	Total
Walls Brothers Asphalt Co., Inc.	\$61,724.00
Wagner Paving, Inc.	\$65,805.00
Ticon Paving, Inc.	\$68,410.05
Barrett Paving Materials, Inc.	\$71,500.00

While the bids that were received were specified only for the Water Street project, the material being bid (301 Asphalt Base) is the same material that Piqua Power Systems will be placing on Hemm Avenue as a result of their utility extensions down Hemm Avenue to the new Piqua Power System Facility. Therefore, rather than the City of Piqua Power System going out for bids for the exact same materials that were bid on the Water Street paving project, the City has requested from Walls Brothers Asphalt Co., Inc. that the bid quantity prices that were

received on the Water Street project be extended to the Hemm Avenue Project therefore, continuing to utilize the competitive bid process.

ALTERNATIVES:

- 1) *Approve the Resolution to award a contract to Walls Brothers Asphalt Co., Inc.*
- 2) *Do not approve the Resolution and do not complete the asphalt paving.*

DISCUSSION:

ODOT has scheduled to pave the top 3" of asphalt on US Rt. 36 within the next few weeks (along with SR 185), however, as you may recall, the roadway base (most of it brick) on US Rte. 36 was in very poor condition. Rather than just repave over the existing roadway base, the Street Department has been working to replace the existing roadway base with new granular base to ensure that when ODOT paves, they will be paving on stable base. Due to time constraints and trying to meet ODOT's paving schedule, the City has decided to hire out the paving of the 301 asphalt paving base, rather than trying to pave this in-house.

The project will consist of placement and compaction of 301 asphalt on Water Street and Hemm Avenue. The work will be done on Water Street between Spring Street and Downing Street and on Hemm Avenue between Lee Avenue and CR 25-A.

The request for authorization includes approximately 10% contingency for items of work which may be required which are not included in the original plans and specifications.

FINANCIAL IMPACT:

The Water Street paving will be paid for out of the Street Department 101 Fund. The paving improvements to Hemm Avenue will be paid for out of the Piqua Power System Funds as the improvements on Hemm Avenue are needed as a direct result of the roadway being torn up by the utility extensions to the site of the new Piqua Power System facility.

COMMUNITY IMPACT:

The community has stressed the importance of improving the condition of the streets throughout the City. The resurfacing of these roadways will greatly enhance the aesthetics and the drivability of these streets. State Route 36 is a major thoroughfare in the City; therefore, the resurfacing of this roadway will be a huge benefit to improving the aesthetics of this thoroughfare. By including the Hemm Avenue paving into this project, this will allow for the base paving of this roadway to be complete yet this year, rather than having to leave the roadway gravel all winter, which would be a maintenance issue for plowing.

CONFORMITY TO CITY PLANS & POLICIES:

The common theme in the Plan It Piqua 2007 Comprehensive Plan Update was to improve the roadways within the City. This was also a Commission directive in 2009. The resurfacing of these roadways is one way to help achieve those goals.

RESOLUTION NO. R-104-11

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE APPROPRIATION OF 439 E. ASH STREET, PIQUA, MIAMI COUNTY, OHIO

WHEREAS, the City's Comprehensive Plan includes the widening of E. Ash Street, U.S. Route 36, east and westbound lanes from the River Bridge to Spring Street; and

WHEREAS, the City has received federal and state funding for the widening of E. Ash Street, U.S. Route 36; and

WHEREAS, the widening project has been in the planning stages since 2005 and is scheduled for completion in 2012; and

WHEREAS, the widening of E. Ash Street, U.S. Route 36 is needed due to the volume of traffic, widening from two lanes to three lanes, noting that it is direct access to the downtown area and for traffic accessing or exiting Interstate 75 and is therefore needed for public purposes; and

WHEREAS, discussions with the property owner began July 8, 2010, and negotiations continued, including agreeing to settle the matter on August 26, 2011, regarding the granting of a permanent Highway Easement, a Temporary Easement and the demolition of an existing structure.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1. On August 9, 2011, the City Commission adopted Resolution R-95-11, authorizing the Law Director to begin appropriation proceedings in accordance with the Ohio Revised Code for the easement rights, including demolition of an existing structure, of 439 E. Ash Street, Piqua, Miami County, Ohio.

SECTION 2. Upon the filing of the complaint for appropriation on August 26, 2011, counsel settled the matter and therefore said settlement not to exceed \$40,000.00 is hereby approved for the permanent Highway Easement, Temporary Easement and demolition of an existing structure acquisition of 439 E. Ash Street, which is necessary for the continued improvement and public purpose of widening E. Ash Street, U.S. Route 36. Said settlement includes Parcel Nos. N44-035680, N44-035690 and N44-035700.

SECTION 3. The City Finance Director certifies and warrants that said funds are available from the funds previously designated and approved by the Commission for the E. Ash Street Project.

SECTION 4. This Resolution shall take effect and be in force from the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

RESOLUTION NO. R-105-11

**A RESOLUTION AUTHORIZING THE REASSIGNMENT OF THE CITY'S CANAL
SUBLEASE FOR 110 E. ASH STREET, PIQUA, OHIO, PARCEL NO. N44-000895**

WHEREAS, the City of Piqua entered into a Master Lease for the canal with the State of Ohio on March 30, 1926, for a period of 99 years; and

WHEREAS, the Master Lease permits the City of Piqua to enter into subleases for the canal rights; and

WHEREAS, paragraphs 4 and 7 of the Master Lease require that the State of Ohio approve all reassignments of subleases; and

WHEREAS, the City entered into Canal Sublease No. 22 on February 24, 2009, with property owner Shirley Beard; and

WHEREAS, Mrs. Beard desires to sell the property located at 110 E. Ash Street, Piqua, Ohio, and thus has requested and requires an assignment of the sublease to the purchaser; and

WHEREAS, to promote economic development within the City and to support property owners, the City of Piqua has no objection to the reassignment of Sublease No. 22.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that::

SECTION 1. The City Manager is hereby authorized to issue a Letter of Intent on behalf of the City of Piqua for reassignment of the Canal Sublease No. 22 with property owner Shirley Beard for 110 E. Ash Street, Piqua, Ohio, Parcel No. N44-000895, to the future purchaser to be made known at the time a purchase agreement is executed, Exhibit A.

SECTION 2. Said Letter of Intent shall be directed to the Ohio Department of Natural Resources, finding that the Master Lease, Exhibit B, requires such agency's approval of the assignment of the sublease.

SECTION 3. This Resolution shall take effect and be in force from the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

CANAL LAND LEASE

THIS INDENTURE OF LEASE, made and entered into this 30th day of March 1926, at the city of Columbus, in Franklin County, Ohio by and between the State of Ohio, through its Department of Highways and Public Works and Superintendent of Public Works, as Director of such department, and duly approved by the Governor and Attorney-General, all officers of the State of Ohio, acting for and on behalf of said State, party of the first part, and THE CITY OF PIQUA, Piqua, Ohio, party of the second part; witnesseth:

WHEREAS, The Department of Highways and Public Works by its Director of Highways and Public Works and Superintendent of Public Works has found that the lands hereinafter described are the property of the State of Ohio; and that said land is not under an existing lease, except as hereinafter noted, and that no portion of the same has been set aside for hydraulic purposes; and

WHEREAS, In the opinion of said Director of Highways and Public Works and Superintendent of Public Works, the use of said lands, if leased for the purposes herein stated, will not materially injure or interfere with the maintenance and navigation of any of the canals of this State; and

WHEREAS, The part of the second part has applied to the party of the first part for a lease of the abandoned Miami and Erie Canal lands hereinafter described, in accordance with the terms of the act, found in Vol. 111, Ohio Laws, Page 208, for Railroad Right-of-way, Parking, Street and General Business purposes; and

WHEREAS, The party of the first part, on the 11th day of March, 1926 having considered such application of said second party, duly resolved to lease such lands, for the term of Ninety-nine (99) years, renewable forever, upon the terms, conditions, restrictions and limitations hereinafter set forth; therefore,

The party of the first part hereby leases to the party of the second part, its successors and assigns, the abandoned Miami and Erie Canal lands herein described, together with the right and privilege to said second party, its successors or assigns to occupy and use said lands for Railroad Right-of-Way, Parking, Street

and General Business purposes, for the term of ninety-nine (99) years, renewable forever, under the conditions and restrictions herein provided, to-wit:

Permission to occupy and use for Railroad Right-of-Way, Parking, Street and General Business purposes, that portion of the abandoned Miami and Erie Canal property including the full width of the bed and embankments thereof, located in the City of Piqua, Miami County, Ohio, described as follows:

Beginning at the north corporation line of said city, at or near Station 7779 + 70.4 and extending thence southerly with the lines of said canal property to the south corporation line of said city at or near Station 7911 + 90.

For a more definite description of the above described property, reference is hereby made to plats Nos. 172, 173, and 174, S. A. Buchanan's survey of said canal property, made under the direction of the State Board of Public Works in 1911; said plats being on file at the office of Public Works at Columbus, Ohio.

THIS LEASE IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS & RESTRICTIONS -

1. This lease is granted with the understanding that it may be cancelled by the Superintendent of Public Works on six (6) months' notice at such time as the State of Ohio or the Federal Government or both, shall require the above described property for canal purposes, as provided in Section 13, of House Bill #162, passed by the 86th General Assembly of Ohio abandoning said lands for canal purposes.

(O.L. 111, P. 208)

2. This lease is granted with the further understanding that the said lands herein leased, shall be subject to a re-appraisal at the end of each fifteen-year period of this lease, by proper state officials, as provided by House Bill No. 162, passed by the 86th General Assembly of Ohio, abandoning a part of the Miami and Erie Canal for canal purposes.

3. This lease is granted with the further understanding that all existing leases, as shown by the records of the Department of Public Works and as noted in the appraisalment of said lands made by the Board of Appraisers duly appointed

by the Governor of the State of Ohio, may be assigned to said City of Piqua, and thereafter said city is hereby authorized to collect, for its own, use, all rentals accruing on said assigned leases from and after the first day of May, 1926.

4. The party of the first part hereto, hereby grants to the said party of the second part, the right to make sub-leases for all or any part of the abandoned canal property herein leased, for any term that does not extend beyond the period of ninety-nine (99) years, for which this lease is granted, but such sub-leases shall, before becoming effective, be approved by the Director of Highways and Superintendent of Public Works, or other state officer discharging the duties of the Superintendent of Public Works at the date of the granting of such sub-leases.

5. Such sub-leases shall be approved in triplicate; one copy of which shall be retained in the files of the Department of Public Works; a second copy shall be placed in the official files of the City of Piqua, while the third copy shall be turned over to the sub-lessee for his personal use.

6. The party of the second part hereto, prior to disposing of or using any portion of the abandoned canal lands herein leased, and not later than six months from date of the approval of the lease by the Governor, shall cause the same to be recorded in the proper volume of the Miami County Lease Records, and when so recorded, said second party shall furnish the Director of Highways, and Public Works with a memorandum showing the page and volume of said Lease Record in which said lease is recorded, with the date thereof; and likewise the sub-leases of any portion of the abandoned canal lands embraced in this lease, shall, within ninety (90) days after the approval of a sub-lease by the Superintendent of Public Works, cause the same to be recorded in a proper record of the Miami County Lease Records, and when so recorded, such sub-lessee, shall within thirty (30) days after the recording thereof, furnish the Director of Highways and Superintendent of Public Works, and likewise the proper officials of the City of Piqua, a memorandum showing the volume and page of the Lease Record in which the same has been recorded.

7. All transfers of sub-leases shall be approved by the Director of Highways and Superintendent of Public Works, or his successor having charge of the State Public Works, before the same shall become effective.

8. If for any reasons the City of Piqua refuses or neglects to pay the annual rental herein stipulated as the same becomes due, the Party of the First Part by its proper officer, may cancel this lease after sixty (60) days' notice, but all leases heretofore granted by the State of Ohio, and likewise all sub-leases granted by the City of Piqua, and duly approved by the Superintendent of Public Works, shall continue in full force and effect, subject, however, to all the terms and conditions of this lease, and the party of the first part, by its Superintendent of Public Works or his authorized agent, may without demand or notice to said second party, enter upon and take immediate possession of the portion of said canal property that is not in the actual possession of lessees of the State and which were granted prior to the date of the approval of this lease by the Governor, or that may have been included in sub-leases granted by the said City of Piqua, subsequent to the granting of this lease.

9. In case of such cancellation of this lease for non-payment of the rental, all existing leases in good standing for portions of the abandoned Miami and Erie Canal herein leased that were assigned to the said City of Piqua by the party of the first part hereto, and likewise all sub-leases granted by the said city of Piqua, subsequent to the execution of this lease, and duly approved by the Superintendent of Public Works, shall immediately become and be the property of the State of Ohio, with the right to collect the annual rentals thereon, as the same become due.

10. It is mutually agreed between the respective parties hereto, that this lease is granted subject to all the requirements, restrictions, conditions and limitation of the act heretofore referred to and which are made a part hereof, and said party of the second part hereto, for itself, its successors and assigns, hereby accepts this lease, subject to the terms of said act, the same as if the text thereof were incorporated herein.

11. It is agreed that the party of the first part by its authorized agents, may,

at any time, when necessary, enter upon said lands for the purpose of making such changes and improvements as the Director of Highways and Public Works and Superintendent of Public Works may deem necessary.

12. The party of the second part shall keep removed from the adjacent lands of the state not subject to this lease, any and all earth, cinders, coal, timbers and other material which may be deposited thereon by reason of the use of lands leased herein by said party of the second part, and the party of the first part may, at any time, remove such material at the expense of said party of the second part.

13. The party of the second part for itself, its successors or assigns, hereby agrees to keep the premises herein leased, clean and sanitary, and free from weeds, vines and debris of all kinds, and upon its failure to do so, the Director of Highways and Public Works and Superintendent of Public Works may have the necessary work performed at the expense of said party of the second part.

14. This lease is hereby expressly made subject to all prior leases and grants heretofore made for any portion of the lands, rights or privileges embraced in this lease, and subject to the renewal of such leases and grants during the entire term of this lease.

15. The party of the second part for itself, its successors and assigns, agrees to perpetuate all the State survey markers located on the canal property herein leased and agrees further not to fill up any drains or ditches in the bed of the canal, or in any manner obstruct the flow of water through the same, without first making ample provision for caring for the natural drainage flowing in the bed of said canal.

16. If the party of the second part shall do, or permit to be done, any act or thing herein prohibited, or shall in any respect violate the terms of this agreement, then, and in either case, all the rights and privileges derivable to said second party from this agreement shall, at the option of the party of the first part, cease and determine, and said second party shall be liable for any and all damages consequent upon such violation of this agreement.

17. It is distinctly understood and agreed that the party of the second part, its successors or assigns, shall not permit the same to be used for immoral purposes

nor allow to be sold on the premises hereby leased, any spirituous or intoxicating drinks under penalty of a forfeiture of this lease. It is further understood and agreed, that if any installment of rent agreed to be paid under this lease shall not be paid at the time the same shall fall due, or within ten (10) days thereafter, whether a demand therefor shall, or shall not be made, then this lease shall, at the option of the party of the first part hereto, become and be null and void as against the State of Ohio, and the lessee so in default, its successors or assigns, or any party in possession of the premises leased, shall yield possession of the same to the said party of the first part or its authorized agent; and the said party of the first part or its authorized agent, in case of default of the payment of rent as aforesaid, may at any time, without any demand or notice whatever given the lessee, its successors or assigns, or the party in possession of the premises, enter upon and take possession of the premises herein leased on behalf of the State.

18. It is also further agreed and understood that if said second party fails to comply with any of the conditions of this lease, as herein set forth, then this lease shall, at option of the said party of the first part hereto, become null and void, as to the party of the second part, and it is expressly agreed and understood that the receipt of rental after any act of forfeiture hereof by the party of the second part hereto, shall not be held to be a waiver by the party of the first part of its right to declare such forfeiture and cancel this lease, after the rental so taken has been earned under the terms of this lease, and the party of the first part may enter upon and take possession without notice or other legal process.

19. It is further distinctly understood and agreed that this lease shall not be assigned, transferred or sub-let without the written consent of the party of the first part hereto.

20. In addition to the unoccupied portions of said abandoned Miami and Erie Canal lands embraced in this lease, and likewise any of said lands that are not under an existing lease, but which are occupied without authority of law, the Director of Highways and Superintendent of Public Works of the State of Ohio, as the party of the first part hereto, hereby assigns and transfers to the said City of Piqua, Ohio, party of the second part, in accordance with the provisions of Section 10 of the act herein above referred to, subject, however, to the approval of the Governor and

Attorney-General of the State of Ohio, the following canal land leases, now in force, for portions of said abandoned Miami and Erie Canal lands within the limits of said City of Piqua, as follows:

SCHEDULE OF LEASES TRANSFERRED

NAMES OF LESSEES	Date of Lease	Term of Lease	Expiration of Lease	Valuation	Annual Rental
J. O. and Mary Bobbs Transferred to Mary B. Bobbs February 25, 1926.	3/26/24	15 years	3/26/1939	\$8333.33	\$500.00
C. D. Fox	4/28/14	15 years	11/1/1928	\$500.00	\$ 30.00
Hemm Bros.	4/19/20	15 years	4/19/1935	\$1083.34	\$ 65.00
Hemm Bros.	12/5/25	15 years	12/5/1940	\$1000.00	\$ 60.00
Hemm Bros.	12/5/25	15 years	12/5/1940	\$ 500.00	\$ 30.00
Division of Highways	"Permit"	15 years	Indefinite	No Valuation	No Rental
Frank and Fred Lange	12/5/25	15 years	12/5/1940	\$ 500.00	\$ 30.00
G. and A. Lange	12/5/25	15 years	12/5/1940	\$ 400.00	\$ 24.00
Ethel McDonald	12/5/25	15 years	12/5/1940	\$2000.00	\$120.00
Piqua Board of Education	4/27/25	15 years	4/27/1940	\$ 400.00	\$ 24.00
Piqua Motor Sales Co.	5/17/24	15 years	5/17/1939	\$1600.00	\$ 96.00
Frank C. Plock	2/26/20	15 years	11/1/1934	\$ 300.00	\$ 18.00
Piqua Milling Company	12/5/25	15 years	12/5/1940	\$ 400.00	\$ 24.00
Piqua Milling Company	2/18/26	15 years	2/18/1941	\$5000.00	\$300.00
Wm. C. Reed	12/12/24	15 years	12/12/1939	\$ 500.00	\$ 30.00
H. C. Richardson	3/29/26	15 years	3/29/1941	\$ 500.00	\$ 30.00
Ray Small	6/25/20	15 years	6/25/1935	\$ 900.00	\$ 54.00
H. E. Sims	9/16/24	15 years	9/16/1939	\$6000.00	\$360.00
Sherer-Bell Company	4/1/24	15 years	4/1/1939	\$8000.00	\$480.00
E. A. Todd	12/12/24	15 years	12/12/1939	\$2400.00	\$144.00
Dayton Power & Light Co.	12/19/18	15 years	12/19/1933	\$ 400.00	\$ 24.00
Dayton Power & Light Co.	"Permit"			\$ 100.00	\$ 6.00
TOTAL				\$40816.67	\$2449.00

(Text Continued on Page 8)

21. The Governor and Attorney-General of the State of Ohio, hereby jointly authorize the Director of Highways and Superintendent of Public Works of said State, to note on the original and triplicate copies of each of the leases, as listed above, and now on file in the Division of Public Works, at Columbus, Ohio, an official assignment, transferring said leaseholds to the said City of Piqua, after this lease has been officially executed on behalf of said City, as herein provided, and thereafter duly approved by said Governor and Attorney-General, and said Director and Superintendent is hereby authorized to deliver to said City of Piqua, the original copy of each of said leases, for its use, and to retain the triplicate copies thereof in the files of the Division of Public Works, at Columbus, Ohio.

22. This lease shall be in full force and effect when the same has been duly executed by the Mayor of said City of Piqua, in accordance with the terms of an ordinance, duly passed by the Council of said City, accepting the terms hereof, and authorizing said Mayor to sign the name of said City of Piqua hereto in his official capacity as Mayor thereof, and after the same has been duly approved by the Governor and Attorney-General of the State of Ohio, as required by the terms of the act herein referred to.

23. As a consideration for the rights and privileges herein granted, the said party of the second part hereto, for itself, its successors and assigns, hereby agrees to pay to the said party of the first part, an annual rental of Two Thousand and Ten and 66/100 (\$2010.66) Dollars, payable in semi-annual installments of One Thousand and Five and 33/100 (\$1005.33) Dollars, in advance, on the first day of May and November of each and every year during the first fifteen year period of this lease, and thereafter, during the continuance of this lease, to pay to said party of the first part an annual rental equal to four (4%) percent of the re-appraised value of the canal property herein leased, for each of the respective fifteen year periods herein arranged, the first payment of rental herein stipulated to be computed from the 1st day of May, 1926, to the 31st Day

of October, 1926.

This lease executed in triplicate.

Witnesses as to signatures of
the Party of the First Part:

R. Hilda (Signed)

D. M. Stoer (Signed)

Witnesses as to signatures of
the Party of the Second Part:

C. B. Upton (Signed)

D. S. Lindsey (Signed)

Approved March 30, 1926

Vic Donahey (Signed)
Governor

Approved March 26, 1926

By Wm. G. Crozier, Mayor (Signed)

PARTY OF THE SECOND PART.

C. C. Crabbe (Signed)
Attorney-General

STATE OF OHIO

Department of Highways and Public Works,

By G. F. Schlesinger (Signed)
Director of Highways and Public Works
and
Superintendent of Public Works

PARTY OF THE FIRST PART.

THE CITY OF PIQUA, OHIO,

5
3/1/09

ASSIGNMENT OF LEASE AGREEMENT

THIS AGREEMENT IS MADE AND CONCLUDED this th 24 day of FEBRUARY, 2009, by and between the **CITY OF PIQUA, OHIO**, an Ohio Municipal Corporation, Piqua City Building, Piqua, Ohio 45356 (hereafter "Piqua"), **RICHARD C. BEARD, II**, married, 9518 Casstown-Fletcher Road, Fletcher, Ohio 45326 (hereafter "Richard C. Beard, II") and **SHIRLEY A. BEARD**, unmarried, 12238 Eilerman Road, Minster, Ohio 45865 (hereafter "Shirley A. Beard"), and.

Recitals

A. Piqua is the owner and holder of a leasehold interest in the real estate described on Exhibit "A" hereto (hereafter the "Premises") by virtue of a Canal Land Lease between the State of Ohio and Piqua dated March 30, 1926, which Canal Land Lease appears of record at Volume 7, Page 6 of the Lease Records of Miami County, Ohio (hereafter the "Canal Land Lease").

B. Piqua sub-leased the Premises to Mary Bobbs pursuant to a Lease Agreement dated August 9, 1926, which Lease Agreement appears of record at Volume 7, Page 146 of the Lease Records of Miami County, Ohio (hereafter the "Sub-Lease").

C. The Sub-Lessee's interest in said Sub-Lease was assigned to the Citizens National Bank and Trust Company of Piqua, Ohio by instrument recorded at Volume 14, Page 324 of the Lease Records of Miami County, Ohio.

D. Fifth Third Bank, Western Ohio, as the successor to the Citizens National Bank and Trust Company of Piqua, Ohio, then assigned its interest in said Sub-Lease to Richard C. Beard and Shirley A. Beard by instrument recorded at Volume 40, Page 490 of the Lease Records of Miami County, Ohio.

E. Thereafter, Shirley A. Beard, as Commissioner of the Estate of Richard C. Beard, deceased, assigned Richard C. Beard's interest in said Sub-Lease to Shirley A. Beard.

F. Thereafter, Shirley A. Beard assigned her interest in said Sub-Lease to Richard C. Beard, II by instrument recorded at Volume 51, Page 424 of the Lease Records of Miami County, Ohio. Richard C. Beard, II is the current owner and holder of the Sub-Lessee's interest under said Sub-Lease.

G. Upon the terms and conditions herein set forth, Richard C. Beard, II desires to hereby assign to Shirley A. Beard all of his rights, duties and obligations under the Sub-Lease.

H. Upon the terms and conditions herein set forth, Shirley A. Beard desires to hereby assume all of Richard C. Beard, II's rights, duties and obligations under the Sub-Lease.

NOW, THEREFORE, in consideration of the foregoing Recitals and the representations, certifications, warranties and mutual agreements of the parties herein contained, said parties do hereby agree as follows:

OR "VOLUME 12 PAGE 692"

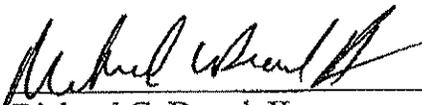
VOL 0012 PAGE 693

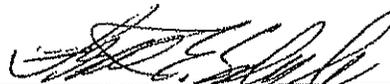
1. The foregoing Recitals are hereby made an integral part of this Agreement and are incorporated herein by reference.
2. Richard C. Beard, II hereby represents, certifies and warrants to Shirley A. Beard that:
 - (i) he is the owner and holder of the Sub-Lessee's interest in the Sub-Lease;
 - (ii) the Sub-Lease is in full force and effect, has not been modified and represents the entire Agreement between Piqua and Richard C. Beard, II with regard to the Premises;
 - (iii) he is not in default of any of his duties or obligations under the Sub-Lease;
 - (iv) no Notice of Default under the Sub-Lease has been given to him by Piqua;
 - (v) to the best of his knowledge, information and belief, no condition exists which might give rise to a default under the Sub-Lease and no claim of any nature exists in favor of Piqua under the Sub-Lease against him or against the Premises.
3. Piqua hereby represents, certifies and warrants to Shirley A. Beard that:
 - (i) the Canal Land Lease is in full force and effect, has not been modified and represents the entire Agreement between the State of Ohio and Piqua with regard to the Premises;
 - (ii) no Notice of Default under the Canal Land Lease has been given to Piqua by the State of Ohio;
 - (iii) to the best of Piqua's knowledge, information and belief, no condition exists which might give rise to a default under the Canal Land Lease and no claim of any nature exists in favor of Piqua under the Canal Land Lease against the State of Ohio or against the Premises;
 - (iv) the Sub-Lease is in full force and effect, has not been modified and represents the entire Agreement between Piqua and Richard C. Beard, II with regard to the Premises;
 - (v) no Notice of Default under the Sub-Lease has been given to Richard C. Beard, II;
 - (vi) no Notice of Default under the Sub-Lease has been received by Piqua from Richard C. Beard, II, and;
 - (vii) to the best of Piqua's knowledge, information and belief, no condition exists which might give rise to a default under the Canal Land Lease and no claim of any nature exists in favor of the State of Ohio under the Canal Land Lease against Piqua or against the Premises.

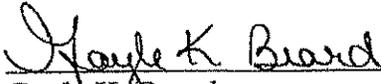
4. Effective on the date of the last signature of the parties hereto, Richard C. Beard, II hereby assigns to Shirley A. Beard all of his rights, duties and obligations under the Sub-Lease and agrees to indemnify and save Shirley A. Beard harmless from any and all liabilities, of any nature whatsoever, which arise or accrue under the Sub-Lease prior to the effective date of this Assignment.
5. Piqua hereby consents to the foregoing Assignment from Richard C. Beard, II to Shirley A. Beard of Richard C. Beard, II's rights, duties and obligations under the Sub-Lease. Piqua hereby represents and warrants to Shirley A. Beard that, as a matter of historical practice, the State of Ohio has not sought to enforce the provisions contained in the Canal Land Lease which require that any assignments thereof, or sub-leases thereunder, be approved by the State of Ohio.
6. In reliance upon the representations, certifications and warranties of the parties herein contained, Shirley A. Beard does hereby accept the assignment of Richard C. Beard, II's rights, duties and obligations under the Sub-Lease and agrees to indemnify and save Richard C. Beard, II harmless from any liabilities which arise or accrue under the Sub-Lease from and after the effective date hereof.
7. This Agreement shall be binding upon and shall enure to the benefit of the parties hereto and their respective heirs, representatives, administrators, successors and assigns.
8. Gayle K. Beard, wife of Richard C. Beard, II, releases all rights of dower with respect to the real estate described upon Exhibit "A" hereto.

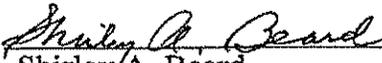
IN WITNESS WHEREOF, the parties have hereunto set their hands on the dates indicated below.

**THE CITY OF PIQUA, OHIO, AN
OHIO MUNICIPAL CORPORATION**


Richard C. Beard, II

By: 
Frederick E. Enderle,
its City Manager


Gayle K. Beard


Shirley A. Beard

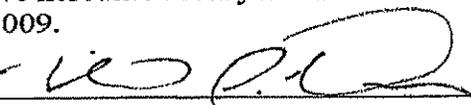
**STATE OF OHIO
MIAMI COUNTY, SS:**

Before me, a Notary Public in and for said County and State, personally appeared the above named **RICHARD C. BEARD, II and GAYLE K. BEARD**, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal
this 24th day of FEBRUARY, 2009.



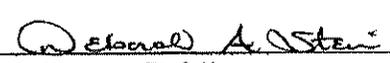

Notary Public
WILLIAM J. FULKER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

STATE OF OHIO
MIAMI COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named **THE CITY OF PIQUA, OHIO**, an Ohio Municipal Corporation, by **FREDERICK E. ENDERLE**, its City Manager, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and the duly authorized free act and deed of The City of Piqua, Ohio, an Ohio Municipal Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal
this 12th day of February, 2009.




Notary Public

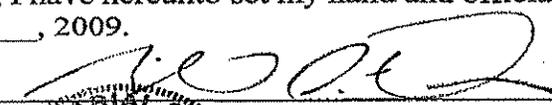
DEBORAH ANN STEIN
Notary Public, State of Ohio
My Commission Expires 11-14-2009

STATE OF OHIO
COUNTY OF MIAMI, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named **SHIRLEY A. BEARD**, unmarried, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal
this 24th day of FEBRUARY, 2009.




Notary Public
WILLIAM J. FULKER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

This instrument prepared by:
William J. Fulker
Registration Number 0003299
Attorney at Law
Faust, Harrelson, Fulker, McCarthy & Schlemmer, LLP
P. O. Box 8
12 S. Cherry Street
Troy, Ohio 45373
Phone: (937) 335-8324
Facsimile: (937) 339-7155
wjfulker@woh.rr.com

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EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PART OF INLOTS 26, 27, 30 AND 31 OF THE CITY OF PIQUA, SECTION 17, TOWN 6 NORTH, RANGE 6 EAST, MIAMI COUNTY, OHIO, AS DESCRIBED IN VOLUME 14, PAGE 326, OF THE MIAMI COUNTY RECORD OF LEASES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing for reference at the Southwest corner of Inlot No. 31;

thence, North 89°-40'-00" East, 110.40 feet, along the South property line of said Inlot No. 31, also being the North right-of-way of Ash Street, to a cross cut in concrete sidewalk on the West property line of the Miami and Erie Canal lands, said point also being the principal place of beginning for the tract herein conveyed;

thence, North 00°-20'-00" West, 151.30 feet, along said West property line of said Miami and Erie Canal lands to a P.K. nail;

thence, North 89°-46'-00" East, 68.50 feet, along the North line of said lease to a P.K. nail;

thence, South 03°-37'-13" West, 87.00 feet, along the East line of said lease to a P.K. nail;

thence, in a southerly direction 64.44 feet along said East line of said lease and the arc of a curve to the left with a radius of 923.86 feet, and a long chord of 64.43 feet bearing South 01°-37'-20" West to a cross cut in concrete sidewalk on the South line of said lease, said point also being on said North right-of-way of Ash Street;

thence, South 89°-40'-00" West, 60.30 feet, along the South line of said lease, also being said North right-of-way of Ash Street to the principal place of beginning.

Containing 0.221 acres, more or less, and being subject to any legal highways and easements of record.

All bearings are based on Miami County Engineer's Record of Lot Surveys Volume 16, Plat 116.

The above description was prepared by Thomas L. Coverstone, Ohio Professional Surveyor Number 7100, based on a survey by same dated December 14, 1998, as filed in Lot Survey Volume 23, Page 47.

Deed Reference: Lease Book 14, Page 326.

DESCRIPTION APPROVED
MIAMI COUNTY ENGINEER
BY TDAS DATE 2-25-09

504

TRANSFERRED	
In compliance with ORC 319.202	
CHRISA, PEEPLES, Miami County Auditor	
<u>Joyce M. Moore</u>	
FEB 25 2009	
Total Fee	\$ _____
ORC 319.54	\$ _____
ORC 322.02	\$ _____
Exempt	<input checked="" type="checkbox"/>

REFERENCES 3
RECORDING FEE 64.00
PAGES: 5

MIAMI COUNTY RECORDER
JOHN S. ALEXANDER
20090R-02611
PRESENTED FOR RECORD
MIAMI COUNTY, OHIO
02/25/2009 10:57:17AM



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RESOLUTION NO. R-106-11

A RESOLUTION AUTHORIZING THE CITY OF PIQUA TO TERMINATE THE MASTER CANAL LEASE WITH THE STATE OF OHIO, BEING ENTERED INTO MARCH 30, 1926, AND TO MODIFY THE TERMS AND CONDITIONS TO ENTER INTO A NEW MASTER LEASE

WHEREAS, the City of Piqua entered into a Master Lease for the canal with the State of Ohio on March 30, 1926, for a period of 99 years; and

WHEREAS, the Master Lease permits the City of Piqua to enter into subleases for the canal rights; and

WHEREAS, paragraphs 4 and 7 of the Master Lease require that the State of Ohio approve all reassignments of subleases; and

WHEREAS, the Master Lease is an obstacle to economic development and growth as the Master Lease no longer reflects the terms and conditions of what is required for the purchase, sale and financing of a property; and

WHEREAS, said Master Lease was entered into in 1926 and expires in 2025, thus requiring the City of Piqua to seek modification prior to the termination of the Lease with the State of Ohio; and

WHEREAS, the City of Piqua entered into Canal Sublease No. 46 on September 7, 1927 with then property owner Georgia Norr for 114 E. Water Street, Piqua, Ohio, Parcel No. N44-000590, and said Sublease has not been reassigned to current property owner Sharon Lee Weaver; and

WHEREAS, due to the requirements of the Master Lease having the State of Ohio approve all subleases, an obstacle presents itself from Ms. Weaver being able to sell the property; and

WHEREAS, the City of Piqua has no need for a canal lease interest in 114 E. Water Street, Piqua, Ohio, and has no objection to excluding that property from the Master Lease, in which the property owner has requested the City's assistance in being able to remedy the transfer of the sublease to allow for the sale of the property; and

WHEREAS, preliminary discussions with the State of Ohio, Ohio Department of Natural Resources support a modification of the Master Lease; and

WHEREAS, to promote economic development within the City and to support property owners, the City of Piqua desires to modify the terms and conditions of the Master Lease, including the exclusion of any lease rights with regards to 114 E. Water Street, Piqua, Ohio.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that::

SECTION 1. The Master Canal Lease entered into March 30, 1926, with the State of Ohio for a period of 99 years is outdated and inapplicable to today's rules, regulations and obligations for purchasers and sellers of real property and presents an obstacle to the sale of property and economic growth and development. Exhibit A.

SECTION 2. The City of Piqua shall enter into negotiations with the State of Ohio, Department of Natural Resources, to terminate the Master Canal Lease prior to its expiration in 1925 and to modify the terms and conditions for a new Master Lease to eliminate the requirement that the State of Ohio shall approve the reassignment of all subleases, begin a new lease term that shall be a reasonable length of time and excludes any property that the City determines it does not need or require to hold a lease interest in, specifically to exclude 114 E. Water Street, Piqua, Ohio, Parcel No. N44-000590.

SECTION 3. A certified copy of this Resolution shall be sent to the Ohio Department of Natural Resources.

SECTION 4. This Resolution shall take effect and be in force from the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

CANAL LAND LEASE

THIS INDENTURE OF LEASE, made and entered into this 30th day of March 1926, at the city of Columbus, in Franklin County, Ohio by and between the State of Ohio, through its Department of Highways and Public Works and Superintendent of Public Works, as Director of such department, and duly approved by the Governor and Attorney-General, all officers of the State of Ohio, acting for and on behalf of said State, party of the first part, and THE CITY OF PIQUA, Piqua, Ohio, party of the second part; witnesseth:

WHEREAS, The Department of Highways and Public Works by its Director of Highways and Public Works and Superintendent of Public Works has found that the lands hereinafter described are the property of the State of Ohio; and that said land is not under an existing lease, except as hereinafter noted, and that no portion of the same has been set aside for hydraulic purposes; and

WHEREAS, In the opinion of said Director of Highways and Public Works and Superintendent of Public Works, the use of said lands, if leased for the purposes herein stated, will not materially injure or interfere with the maintenance and navigation of any of the canals of this State; and

WHEREAS, The part of the second part has applied to the party of the first part for a lease of the abandoned Miami and Erie Canal lands hereinafter described, in accordance with the terms of the act, found in Vol. 111, Ohio Laws, Page 208, for Railroad Right-of-way, Parking, Street and General Business purposes; and

WHEREAS, The party of the first part, on the 11th day of March, 1926 having considered such application of said second party, duly resolved to lease such lands, for the term of Ninety-nine (99) years, renewable forever, upon the terms, conditions, restrictions and limitations hereinafter set forth; therefore,

The party of the first part hereby leases to the party of the second part, its successors and assigns, the abandoned Miami and Erie Canal lands herein described, together with the right and privilege to said second party, its successors or assigns to occupy and use said lands for Railroad Right-of-Way, Parking, Street

and General Business purposes, for the term of ninety-nine (99) years, renewable forever, under the conditions and restrictions herein provided, to-wit:

Permission to occupy and use for Railroad Right-of-Way, Parking, Street and General Business purposes, that portion of the abandoned Miami and Erie Canal property including the full width of the bed and embankments thereof, located in the City of Piqua, Miami County, Ohio, described as follows:

Beginning at the north corporation line of said city, at or near Station 7779 + 70.4 and extending thence southerly with the lines of said canal property to the south corporation line of said city at or near Station 7911 + 90.

For a more definite description of the above described property, reference is hereby made to plats Nos. 172, 173, and 174, S. A. Buchanan's survey of said canal property, made under the direction of the State Board of Public Works in 1911; said plats being on file at the office of Public Works at Columbus, Ohio.

THIS LEASE IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS & RESTRICTIONS -

1. This lease is granted with the understanding that it may be cancelled by the Superintendent of Public Works on six (6) months' notice at such time as the State of Ohio or the Federal Government or both, shall require the above described property for canal purposes, as provided in Section 13, of House Bill #162, passed by the 86th General Assembly of Ohio abandoning said lands for canal purposes.

(O.L. 111, P. 208)

2. This lease is granted with the further understanding that the said lands herein leased, shall be subject to a re-appraisal at the end of each fifteen-year period of this lease, by proper state officials, as provided by House Bill No. 162, passed by the 86th General Assembly of Ohio, abandoning a part of the Miami and Erie Canal for canal purposes.

3. This lease is granted with the further understanding that all existing leases, as shown by the records of the Department of Public Works and as noted in the appraisalment of said lands made by the Board of Appraisers duly appointed

by the Governor of the State of Ohio, may be assigned to said City of Piqua, and thereafter said city is hereby authorized to collect, for its own, use, all rentals accruing on said assigned leases from and after the first day of May, 1926.

4. The party of the first part hereto, hereby grants to the said party of the second part, the right to make sub-leases for all or any part of the abandoned canal property herein leased, for any term that does not extend beyond the period of ninety-nine (99) years, for which this lease is granted, but such sub-leases shall, before becoming effective, be approved by the Director of Highways and Superintendent of Public Works, or other state officer discharging the duties of the Superintendent of Public Works at the date of the granting of such sub-leases.

5. Such sub-leases shall be approved in triplicate; one copy of which shall be retained in the files of the Department of Public Works; a second copy shall be placed in the official files of the City of Piqua, while the third copy shall be turned over to the sub-lessee for his personal use.

6. The party of the second part hereto, prior to disposing of or using any portion of the abandoned canal lands herein leased, and not later than six months from date of the approval of the lease by the Governor, shall cause the same to be recorded in the proper volume of the Miami County Lease Records, and when so recorded, said second party shall furnish the Director of Highways, and Public Works with a memorandum showing the page and volume of said Lease Record in which said lease is recorded, with the date thereof; and likewise the sub-leases of any portion of the abandoned canal lands embraced in this lease, shall, within ninety (90) days after the approval of a sub-lease by the Superintendent of Public Works, cause the same to be recorded in a proper record of the Miami County Lease Records, and when so recorded, such sub-lessee, shall within thirty (30) days after the recording thereof, furnish the Director of Highways and Superintendent of Public Works, and likewise the proper officials of the City of Piqua, a memorandum showing the volume and page of the Lease Record in which the same has been recorded.

7. All transfers of sub-leases shall be approved by the Director of Highways and Superintendent of Public Works, or his successor having charge of the State Public Works, before the same shall become effective.

8. If for any reasons the City of Piqua refuses or neglects to pay the annual rental herein stipulated as the same becomes due, the Party of the First Part by its proper officer, may cancel this lease after sixty (60) days' notice, but all leases heretofore granted by the State of Ohio, and likewise all sub-leases granted by the City of Piqua, and duly approved by the Superintendent of Public Works, shall continue in full force and effect, subject, however, to all the terms and conditions of this lease, and the party of the first part, by its Superintendent of Public Works or his authorized agent, may without demand or notice to said second party, enter upon and take immediate possession of the portion of said canal property that is not in the actual possession of lessees of the State and which were granted prior to the date of the approval of this lease by the Governor, or that may have been included in sub-leases granted by the said City of Piqua, subsequent to the granting of this lease.

9. In case of such cancellation of this lease for non-payment of the rental, all existing leases in good standing for portions of the abandoned Miami and Erie Canal herein leased that were assigned to the said City of Piqua by the party of the first part hereto, and likewise all sub-leases granted by the said city of Piqua, subsequent to the execution of this lease, and duly approved by the Superintendent of Public Works, shall immediately become and be the property of the State of Ohio, with the right to collect the annual rentals thereon, as the same become due.

10. It is mutually agreed between the respective parties hereto, that this lease is granted subject to all the requirements, restrictions, conditions and limitation of the act heretofore referred to and which are made a part hereof, and said party of the second part hereto, for itself, its successors and assigns, hereby accepts this lease, subject to the terms of said act, the same as if the text thereof were incorporated herein.

11. It is agreed that the party of the first part by its authorized agents, may,

at any time, when necessary, enter upon said lands for the purpose of making such changes and improvements as the Director of Highways and Public Works and Superintendent of Public Works may deem necessary.

12. The party of the second part shall keep removed from the adjacent lands of the state not subject to this lease, any and all earth, cinders, coal, timbers and other material which may be deposited thereon by reason of the use of lands leased herein by said party of the second part, and the party of the first part may, at any time, remove such material at the expense of said party of the second part.

13. The party of the second part for itself, its successors or assigns, hereby agrees to keep the premises herein leased, clean and sanitary, and free from weeds, vines and debris of all kinds, and upon its failure to do so, the Director of Highways and Public Works and Superintendent of Public Works may have the necessary work performed at the expense of said party of the second part.

14. This lease is hereby expressly made subject to all prior leases and grants heretofore made for any portion of the lands, rights or privileges embraced in this lease, and subject to the renewal of such leases and grants during the entire term of this lease.

15. The party of the second part for itself, its successors and assigns, agrees to perpetuate all the State survey markers located on the canal property herein leased and agrees further not to fill up any drains or ditches in the bed of the canal, or in any manner obstruct the flow of water through the same, without first making ample provision for caring for the natural drainage flowing in the bed of said canal.

16. If the party of the second part shall do, or permit to be done, any act or thing herein prohibited, or shall in any respect violate the terms of this agreement, then, and in either case, all the rights and privileges derivable to said second party from this agreement shall, at the option of the party of the first part, cease and determine, and said second party shall be liable for any and all damages consequent upon such violation of this agreement.

17. It is distinctly understood and agreed that the party of the second part, its successors or assigns, shall not permit the same to be used for immoral purposes

nor allow to be sold on the premises hereby leased, any spirituous or intoxicating drinks under penalty of a forfeiture of this lease. It is further understood and agreed, that if any installment of rent agreed to be paid under this lease shall not be paid at the time the same shall fall due, or within ten (10) days thereafter, whether a demand therefor shall, or shall not be made, then this lease shall, at the option of the party of the first part hereto, become and be null and void as against the State of Ohio, and the lessee so in default, its successors or assigns, or any party in possession of the premises leased, shall yield possession of the same to the said party of the first part or its authorized agent; and the said party of the first part or its authorized agent, in case of default of the payment of rent as aforesaid, may at any time, without any demand or notice whatever given the lessee, its successors or assigns, or the party in possession of the premises, enter upon and take possession of the premises herein leased on behalf of the State.

18. It is also further agreed and understood that if said second party fails to comply with any of the conditions of this lease, as herein set forth, then this lease shall, at option of the said party of the first part hereto, become null and void, as to the party of the second part, and it is expressly agreed and understood that the receipt of rental after any act of forfeiture hereof by the party of the second part hereto, shall not be held to be a waiver by the party of the first part of its right to declare such forfeiture and cancel this lease, after the rental so taken has been earned under the terms of this lease, and the party of the first part may enter upon and take possession without notice or other legal process.

19. It is further distinctly understood and agreed that this lease shall not be assigned, transferred or sub-let without the written consent of the party of the first part hereto.

20. In addition to the unoccupied portions of said abandoned Miami and Erie Canal lands embraced in this lease, and likewise any of said lands that are not under an existing lease, but which are occupied without authority of law, the Director of Highways and Superintendent of Public Works of the State of Ohio, as the party of the first part hereto, hereby assigns and transfers to the said City of Piqua, Ohio, party of the second part, in accordance with the provisions of Section 10 of the act herein above referred to, subject, however, to the approval of the Governor and

Attorney-General of the State of Ohio, the following canal land leases, now in force, for portions of said abandoned Miami and Erie Canal lands within the limits of said City of Piqua, as follows:

SCHEDULE OF LEASES TRANSFERRED

NAMES OF LESSEES	Date of Lease	Term of Lease	Expiration of Lease	Valuation	Annual Rental
J. O. and Mary Bobbs Transferred to Mary B. Bobbs February 25, 1926.	3/26/24	15 years	3/26/1939	\$8333.33	\$500.00
C. D. Fox	4/28/14	15 years	11/1/1928	\$500.00	\$ 30.00
Hemm Bros.	4/19/20	15 years	4/19/1935	\$1083.34	\$ 65.00
Hemm Bros.	12/5/25	15 years	12/5/1940	\$1000.00	\$ 60.00
Hemm Bros.	12/5/25	15 years	12/5/1940	\$ 500.00	\$ 30.00
Division of Highways	"Permit"	15 years	Indefinite	No Valuation	No Rental
Frank and Fred Lange	12/5/25	15 years	12/5/1940	\$ 500.00	\$ 30.00
G. and A. Lange	12/5/25	15 years	12/5/1940	\$ 400.00	\$ 24.00
Ethel McDonald	12/5/25	15 years	12/5/1940	\$2000.00	\$120.00
Piqua Board of Education	4/27/25	15 years	4/27/1940	\$ 400.00	\$ 24.00
Piqua Motor Sales Co.	5/17/24	15 years	5/17/1939	\$1600.00	\$ 96.00
Frank C. Plock	2/26/20	15 years	11/1/1934	\$ 300.00	\$ 18.00
Piqua Milling Company	12/5/25	15 years	12/5/1940	\$ 400.00	\$ 24.00
Piqua Milling Company	2/18/26	15 years	2/18/1941	\$5000.00	\$300.00
Wm. C. Reed	12/12/24	15 years	12/12/1939	\$ 500.00	\$ 30.00
H. C. Richardson	3/29/26	15 years	3/29/1941	\$ 500.00	\$ 30.00
Ray Small	6/25/20	15 years	6/25/1935	\$ 900.00	\$ 54.00
H. E. Sims	9/16/24	15 years	9/16/1939	\$6000.00	\$360.00
Sherer-Bell Company	4/1/24	15 years	4/1/1939	\$8000.00	\$480.00
E. A. Todd	12/12/24	15 years	12/12/1939	\$2400.00	\$144.00
Dayton Power & Light Co.	12/19/18	15 years	12/19/1933	\$ 400.00	\$ 24.00
Dayton Power & Light Co.	"Permit"			\$ 100.00	\$ 6.00
TOTAL				\$40816.67	\$2449.00

(Text Continued on Page 8)

21. The Governor and Attorney-General of the State of Ohio, hereby jointly authorize the Director of Highways and Superintendent of Public Works of said State, to note on the original and triplicate copies of each of the leases, as listed above, and now on file in the Division of Public Works, at Columbus, Ohio, an official assignment, transferring said leaseholds to the said City of Piqua, after this lease has been officially executed on behalf of said City, as herein provided, and thereafter duly approved by said Governor and Attorney-General, and said Director and Superintendent is hereby authorized to deliver to said City of Piqua, the original copy of each of said leases, for its use, and to retain the triplicate copies thereof in the files of the Division of Public Works, at Columbus, Ohio.

22. This lease shall be in full force and effect when the same has been duly executed by the Mayor of said City of Piqua, in accordance with the terms of an ordinance, duly passed by the Council of said City, accepting the terms hereof, and authorizing said Mayor to sign the name of said City of Piqua hereto in his official capacity as Mayor thereof, and after the same has been duly approved by the Governor and Attorney-General of the State of Ohio, as required by the terms of the act herein referred to.

23. As a consideration for the rights and privileges herein granted, the said party of the second part hereto, for itself, its successors and assigns, hereby agrees to pay to the said party of the first part, an annual rental of Two Thousand and Ten and 66/100 (\$2010.66) Dollars, payable in semi-annual installments of One Thousand and Five and 33/100 (\$1005.33) Dollars, in advance, on the first day of May and November of each and every year during the first fifteen year period of this lease, and thereafter, during the continuance of this lease, to pay to said party of the first part an annual rental equal to four (4%) percent of the re-appraised value of the canal property herein leased, for each of the respective fifteen year periods herein arranged, the first payment of rental herein stipulated to be computed from the 1st day of May, 1926, to the 31st Day

of October, 1926.

This lease executed in triplicate.

Witnesses as to signatures of
the Party of the First Part:

R. Hisda (Signed)

D. M. Stoer (Signed)

Witnesses as to signatures of
the Party of the Second Part:

C. B. Upton (Signed)

D. S. Lindsey (Signed)

Approved March 30, 1926

Vic Donahey (Signed)
Governor

Approved March 26, 1926

By Wm. G. Crozier, Mayor (Signed)

PARTY OF THE SECOND PART.

C. C. Crabbe (Signed)
Attorney-General

STATE OF OHIO

Department of Highways and Public Works,

By G. F. Schlesinger (Signed)
Director of Highways and Public Works
and
Superintendent of Public Works

PARTY OF THE FIRST PART.

THE CITY OF PIQUA, OHIO,