



**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**City Council Work Session**

**October 4, 2022  
6:00 P.M.**

**City Hall – Council Chambers – 6131 Taylorsville Road**

1. **Call Meeting To Order/Roll Call**

2. **Approval of Minutes**

A. September 20, 2022

3. **Work Session Topics Of Discussion**

A. City Manager Report

Culture And Diversity Citizen Action Commission Update

Increase Not To Exceed Amount - Dell Computers - IT Department

Increase Not To Exceed Amount - Capital Electric - Traffic Signal Maintenance/Decorative Lighting

Water Voucher Program

ODOT Preliminary Legislation - Brandt Pike Resurfacing

ODOT Bridge Inspection Agreement

Stormwater Fees

Dogtown - Demolition - Award Contract

Text Amendments - Uses - Agricultural District

Ordinance To Appropriate Property - Well Field

4. **Adjournment**

**AI-8683**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Culture And Diversity Citizen Action Commission Update

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Culture And Diversity Citizen Action Commission Update

**Purpose and Background**

Representatives of the Culture and Diversity Citizen Action Commission (CDCAC) will give an update presentation on the activities and work of the Culture and Diversity Citizen Action Commission. A status list of the recommendations from the CDCAC has also been provided in the meeting packet (see attached).

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

CDCAC Recommendations

---

### **CDCAC RECOMMENDATIONS**

RECOMMENDATION	STATUS
City Council to adopt a resolution denouncing racism and discrimination and declaring that racism is a public health crisis.	Completed.
Add a statement on the Huber Heights website denouncing racism.	Completed.
Revise the Huber Heights website with a diverse equity lens.	Ongoing – City Staff working on recommendation.
Create a webpage layout for the CDCAC with pages and links for CDCAC committees.	N/A – CDCAC no longer has committees.
Create a Citizens Complaint Review Board (CCRB).	Ongoing – City Council, City Staff, and CDCAC representatives working on recommendation.
City Council to provide funding for CDCAC.	Completed – City Council has budgeted \$15,000 annually for CDCAC.
Provide information for time sensitive grants for CDCAC from Montgomery County and United Way.	Completed.
Annual diversity training for City Council, City Staff, and City boards and commissions.	Ongoing – Human Resources Director is working to schedule diversity training in 2022.
Provide support for MLK Day activities.	Completed.
Juneteenth proclamation recognition.	Completed.
Indigenous Peoples Day proclamation recognition.	Completed.
City Council to consider opening meetings with a land acknowledgement in recognition of indigenous peoples.	Ongoing.
Police Division to administer drug and alcohol tests for police officers that discharge weapons.	Ongoing.
Police Division to place policies on Huber Heights website.	Completed.
Host educational community forums on race and cultural diversity related to City.	Completed.
Gather EEO data in applicant process to assist in ensuring the City is an equal opportunity employer.	Ongoing – Human Resources Director is working to implement system for gathering and tracking EEO data.

Adopt a program to recognize Black-owned Business of the Quarter.	Ongoing – CDCAC to develop formal proposal for program. CDCAC asked to consider revising recommendation to minority-owned Business of the Quarter and to seek assistance from Huber Heights Chamber of Commerce.
RFQ – Community Needs Assessment for CDCAC.	Ongoing - City Council adopted Resolution No. 2021-R-6960 to authorize a RFQ for a Community Needs Assessment for the CDCAC. City Council failed to adopt a second Resolution to authorize a RFQ for a Community Needs assessment for the CDCAC over issues with the RFQ. Had a joint meeting on August 4, 2022 to discuss Community Needs Assessment for the CDCAC. CDCAC requested to work with MVRPC Equity Staff to revise the RFQ and resubmit to City Council.
Lu Dale proclamation recognition.	Completed.
City Council to support Culture Week activities and events.	Completed.
Joint meeting of City Council and CDCAC.	Completed.
Hold a public forum with community involvement as part of the City Manager search process.	On Hold – City Manager search process suspended till 2023.
Establish a diverse interview and hiring committee for the City Manager search process with CDCAC and diverse representation from the community.	On Hold – City Manager search process suspended till 2023.
Implement a consistent and unbiased publicly documented interviewing process for the City Manager search process which includes a scoring and ranking system aligned to the requirements of the position.	On Hold – City Manager search process suspended till 2023.

**AI-8671**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Increase Not To Exceed Amount - Dell Computers - IT Department

**Submitted By:** Branden Payton

**Department:** Information Technology

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Increase Not To Exceed Amount - Dell Computers - IT Department

**Purpose and Background**

This spending limit increase is needed to purchase some tablets for the Fire Division Medics from Dell Technologies.

---

**Fiscal Impact**

**Source of Funds:** IT Department Budget

**Cost:** \$15,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

---

**Attachments**

Resolution

---

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

TO INCREASE THE NOT TO EXCEED AMOUNT FOR DELL TECHNOLOGIES FOR  
CALENDAR YEAR 2022 AND WAIVING THE COMPETITIVE BIDDING  
REQUIREMENTS.

WHEREAS, Dell Technologies services are needed to provide software and computer hardware  
for City business; and

WHEREAS, the City Charter requires that City Council approve all work performed by a single  
vendor in excess of \$25,000.00 in any given year; and

WHEREAS, the City has determined to increase the not to exceed amount to pay Dell  
Technologies as needed, without delay; and

WHEREAS, City Council agrees that it is prudent and cost effective to increase the not to exceed  
amount to Dell Technologies to allow the company to perform additional work for the City due  
to additional services as needed, without delay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to increase the not to exceed cost for Dell  
Technologies by \$15,000.00 for a new total of \$40,000.00 to cover all additional expenses  
throughout Calendar Year 2022 as needed.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified  
Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council  
concerning and relating to the passage of this Resolution were adopted in an open meeting of this  
Council and that all deliberations of this Council and of any of its Committees that resulted in  
such formal action were in meetings open to the public and in compliance with all legal  
requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the  
Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8679**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Increase Not To Exceed Amount - Capital Electric - Traffic Signal Maintenance/Decorative Lighting

**Submitted By:** Linda Garrett

**Department:** Public Works

**Division:** Public Works

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Increase Not To Exceed Amount - Capital Electric - Traffic Signal Maintenance/Decorative Lighting

**Purpose and Background**

The Public Works Division requests authorization to amend the not to exceed amount for Capital Electric by \$50,000 for traffic signal maintenance and decorative lighting for Calendar Year 2022.

---

**Fiscal Impact**

**Source of Funds:** Public Works Division Budget

**Cost:** \$50,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** No

**Financial Implications:**

---

**Attachments**

Resolution

---



CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AMENDING RESOLUTION NO. 2022-R-7097 AUTHORIZING AN INCREASE TO THE NOT TO EXCEED AMOUNT FOR CAPITAL ELECTRICAL LINE BUILDERS FOR TRAFFIC SIGNAL MAINTENANCE AND DECORATIVE LIGHTING FOR CALENDAR YEAR 2022 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, there have been changes to the required provided services for traffic signal maintenance and decorative lighting with Capital Electrical Line Builders for Calendar Year 2022; and

WHEREAS, the not to exceed amount for Capital Electrical Line Builders needs to be increased by \$50,000.00 to \$100,000.00 for Calendar Year 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. Resolution No. 2022 -R-7097 passed by Council on February 15, 2022 is hereby amended to increase the not to exceed amount for Capital Electrical Line Builders by \$50,000.00 to a new total not to exceed amount of \$100,000.00 for Calendar Year 2022.

Section 2. The City Manager is hereby authorized to enter into an Agreement with Capital Electrical Line Builders for the contract services related to the maintenance, repair and minor construction of traffic signals and decorative lighting at a cost not to exceed \$100,000.00 for Calendar Year 2022.

Section 3. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8685**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Water Voucher Program

**Submitted By:** Bryan Chodkowski

**Department:** City Manager

**Council Committee Review?:** None

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/**

**Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Water Voucher Program

**Purpose and Background**

Pursuant to the request of the City Council, City Staff have been working to create a Drinking Water Voucher Program to support residents who are impacted by water main breaks. A suitable program has been established and is ready for testing in the community beginning November 1, 2022. Community Engagement Specialist Sarah Williams, who led this effort, will brief the City Council on the program.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

*No file(s) attached.*

---

**AI-8680**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

ODOT Preliminary Legislation - Brandt Pike Resurfacing

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

ODOT Preliminary Legislation - Brandt Pike Resurfacing

**Purpose and Background**

ODOT requests to obtain consent legislation from the City to initiate the project programming for the resurfacing of Brandt Pike (State Route 201) from Fishburg Road to the south City limit. ODOT will manage and supervise the project. This project will be constructed in 2023.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

Resolution

---

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

CONSENTING TO THE OHIO DIRECTOR OF TRANSPORTATION TO RESURFACE STATE ROUTE 201 FROM FISHBURG ROAD TO THE SOUTH CORPORATE LIMITS.

WHEREAS, the State has identified the need for the described project:

Resurface State Route 201 from SLM 04.36 (south corporate limits) to SLM 06.00 (Fishburg Road) in the City of Huber Heights.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio, that:

Section 1: Being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project.

Section 2: The City shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to participate in the cost of the project. The City further agrees to pay 100 percent of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra contract until it first gives notice in writing to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein.

The City further agrees to pay 100 percent of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disability Act.

Section 3: The City agrees to acquire and/or make available to ODOT in accordance with current State and Federal regulations all necessary right-of-way required for the described project. The City also understands that right-of-way includes eligible utility costs.

The City agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4: Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable State and Federal law, including, but not limited to Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5: The City Manager is hereby empowered to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

Upon request of ODOT, the City Manager is also empowered to assign all rights, title, and interests of the City of Huber Heights to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT'S current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The

City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 7. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_Yeas; \_\_\_\_\_Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8682**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

ODOT Bridge Inspection Agreement

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

ODOT Bridge Inspection Agreement

**Purpose and Background**

The Ohio Department of Transportation (ODOT) is requesting consent legislation from the City of Huber Heights to renew the bridge inspections agreement for one more year going through 2023. This program was created to help municipalities across the State of Ohio to achieve full compliance with Federal Highway Administration (FHWA) bridge inspections. This program will be fully funded by ODOT.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

Resolution

Exhibit A

---

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR MUNICIPAL  
BRIDGE INSPECTION SERVICES.**

WHEREAS, the City of Huber Heights, Ohio has determined the need for the described project:

Bridge Inspection Program Services, Including, but not limited to routine inspections, element level inspections, critical findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Huber Heights, Ohio that:

Section 1. Being in the public interest, the City gives its consent to the Director of Transportation to complete the above-described project.

Section 2. The City shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear One Hundred Percent (100%) of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract attached hereto as Exhibit A.

In addition, the City agrees to pay One-Hundred Percent (100%) of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the City. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

Section 3. The City agrees that all right-of-way required for the project will be made available in accordance with current State and Federal regulations.

Section 4. The Project is based on the available funds provided by ODOT aimed at assisting the City in reaching compliance with the State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A) shall be provided to the designated City Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated City Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated City Contractual Agent.

Section 5. The City Manager of said City of Huber Heights is hereby empowered on behalf of the City of Huber Heights to provide written authorization via email to the Director of Transportation to complete the above-described project and any renewals.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in

such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 7. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_Yeas; \_\_\_\_\_Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## **EXHIBIT A**

**General Engineering Services Scope of Services  
Central Office, Office of Structural Engineering  
PID No. 117554**

Scope of Services Meeting Date: \*\*/\*\*/\*\*  
Approved Final Scope of Services Minutes Date: \*\*/\*\*/\*\*

# **GENERAL ENGINEERING SERVICES Central Office, Office of Structural Engineering Scope of Services**

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for Level 1 Bridge Inspection services, which may include but are not limited to the following:

### **Task 1 - Scour Tasks**

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action

### **Task 2 - Load Rating Tasks**

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

### **Task 3 – AssetWise Structure Inventory and Review, Including New SNBI Fields**

### **Task 4 – Inspection Procedures**

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

### **Task 5 - Bridge Inspection**

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- ODOT Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Section 900), Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Third Edition 2019 interim with revisions, AASHTO

**Publication**

- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049,  
Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027,  
Publication Year: 2010

The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders. The invoicing progress reports shall be detailed enough to show the breakdown of each assigned structure indicating the status of all subtasks. Completion of the individual subtasks is necessary for reimbursement credits.

The duration of the agreement will be twelve (12) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in AssetWise. This typically includes an office and field review.

The project will be divided into four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. Municipalities with population greater than 50,000 people are excluded from the program. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with municipal inspection responsibility obtained from AssetWise data as of July 2022.

**Project: SP01 - District (1, 2, &3), Total Structures = 485\***

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
<b>Single Span</b>	192	178	26	0	<b>396</b>
<b>Multi-Span</b>	24	20	31	14	<b>89</b>
<b>Culvert</b>	119	29	1	0	<b>149</b>
<b>Truss</b>	0	1	3	0	<b>4</b>
<b>Fracture Critical Inspection</b>	0	0	2	0	<b>2</b>
<b>Underwater Inspection</b>	0	0	0	0	<b>0</b>
<b>Load Rating**</b>	108	99	29	7	<b>243</b>

\* Level 1 Bridge Inspection structures

\*\* Tasked as budget allows w/priority for NBI bridges with many BrR updates

**General Engineering Services Scope of Services**  
**Central Office, Office of Structural Engineering**  
**PID No. 117554**

**Project: SP02 - District (4, 11, &12), Total Structures = 392\***

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	127	126	35	0	288
Multi-Span	22	25	37	20	104
Culvert	84	40	1	0	125
Truss	1	2	6	0	9
Fracture Critical Inspection	0	0	3	0	3
Underwater Inspection	0	0	0	0	0
Load Rating**	75	76	36	10	197

\* Level 1 Bridge Inspection structures

\*\* Tasked as budget allows w/priority for NBI bridges with many BrR updates

**Project: SP03 - District (5, 6, &10), Total Structures = 515\***

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	189	206	40	0	435
Multi-Span	11	11	37	21	80
Culvert	111	87	4	0	202
Truss	0	0	7	0	7
Fracture Critical Inspection	0	0	7	1	8
Underwater Inspection	0	0	0	0	0
Load Rating**	80	87	31	8	259

\* Level 1 bridge inspection structures

\*\* Tasked as budget allows w/priority for NBI bridges with many BrR updates

**Project: SP04 - District (7, 8 &9), Total Structures = 508\***

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	177	157	36	1	371
Multi-Span	29	45	49	14	137
Culvert	126	85	3	0	214
Truss	0	0	7	1	8
Fracture Critical Inspection	0	1	4	1	6
Underwater Inspection	0	0	0	0	0
Load Rating	103	101	43	8	255

\* Level 1 bridge inspection structures

\*\* Tasked as budget allows w/priority for NBI bridges with many BrR updates

**General Engineering Services Scope of Services**  
**Central Office, Office of Structural Engineering**  
**PID No. 117554**

Please note that the total number of structure types is estimated based on current AssetWise data queries, and it may be adjusted when tasks are assigned in the future which may include newly found orphan bridges. The estimated annual contract price value for each sub-project is as follows:

SP01 \$560,000  
SP02 \$530,000  
SP03 \$570,000  
SP04 \$590,000

**DBE Participation:**

<b>Project</b>	<b>Goal</b>
SP01	10%
SP02	0%
SP03	0%
SP04	0%

CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three (3) copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

**Price Proposal Due Date: \*\*/\*\*/\*\***

**UNDERSTANDING**

1. Inspections shall be completed by firm's full-time staff prequalified with ODOT for Level 1 bridge inspection according to the Manual of Bridge Inspection.
2. Task order are intended for maintaining compliance with the FHWA 23-Mertics, Ohio Revised Code, and ODOT policy manuals. Deadlines set by the task orders shall be respected.
3. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.
  - a) CONSULTANT shall perform all applicable updates to ASSETWISE with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.
  - b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.
  - c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, .xml, and .xls formats).
4. Copies of all transmittal letters and emails related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.
  - a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto ASSETWISE.

**Services to be furnished by CONSULTANT may include:**

**TASK 1 - SCOUR TASKS**

**Task 1A – Scour Critical Susceptibility NBIS Item 113)** - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files. Channel photos or cross sections maybe tasked under this item if assigned. Please use the latest scour assessment form.

**Task 1B - Scour Plan-of-Action** - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

## **TASK 2 – LOAD RATING TASKS**

**Task 2A - Field Measurements for Load Rating** - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

**Task 2B - Load Rating Calculations** – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, Type 3, Type 3S2, Type 3-3, NRL, EV2, and EV3) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and the latest BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update ASSETWISE Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer, and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed for HL93 loading starting October 2010.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.
- e. If applicable, the weight limits posting recommendations including a copy of the standard posting sign; such as R12-1 (24" x 30"), R12-H5 (30" x 48"), and R12-H7 (30" x 30").

### **TASK 3 – ASSETWISE STRUCTURE INVENTORY AND REVIEW**

The scope of this task includes a limited review of the structure inventory data in the ODOT ASSETWISE. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT ASSETWISE structure file information needs to be updated on the system. If no changes are necessary, then no ASSETWISE inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in ASSETWISE. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of ASSETWISE for inventory coding details. In 2023, ODOT will start the transition toward SNBI, the consultants shall fill out all empty fields for this purposes as communicated by OSE.

### **TASK 4 – INSPECTION PROCEDURES**

**Task 4A – Fracture Critical Plan** – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
  - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
  - b. Use an elevation view for trusses.

- c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
- 2. A table or location of important structural details indicating:
  - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
  - b. Location of each occurrence of detail
  - c. AASHTO Fatigue Category of detail
  - d. Identify retrofits previously installed
- 3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

**Task 4B – Underwater Inspection Procedures** – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection. Please note that ODOT has recently revised the format of the procedures file. The diving team shall fill out or update the latest form and upload it on ASSETWISE prior to performing the actual dives. Please contact OSE for a copy of a blank form if not uploaded on ASSETWISE at the time.

## **TASK 5 – BRIDGE INSPECTION**

**Task 5A – Routine Bridge Inspection (ASSETWISE Input)** - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS. The consultant shall probe the channel around the footing in water to determine depth of scour and report the date in AssetWise.

**Task 5B – Fracture Critical Inspection** - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

**Task 5C – Underwater Dive Inspection** – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in ASSETWISE. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.



**AI-8684**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Stormwater Fees

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Stormwater Fees

**Purpose and Background**

This legislation is to increase the stormwater fee for residential and commercial properties within the City from \$2.00 to \$3.50 per Equivalent Residential Unit (ERU) effective January 1, 2023.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

Stormwater Fund Utilization Plan  
Ordinance

---

## **STORMWATER MANAGEMENT FUND**

- Stormwater Fee began in 2003 as an EPA Requirement for Cities with population greater than 40,000. Fee has remained at \$2.00 per month per residential lot ever since.

### **Current Expenses Utilizing Stormwater Fund**

#### **1) Engineering CIP Annual Budget (\$150,000)**

The following are examples of the Stormwater Capital Engineering projects:

- Existing storm sewer and box culvert repairs/replacements (pipe collapse/sinkholes)
- Storm sewer extensions and drainage improvements
- Roadside swale regrading
- Snap tile pipe installations
- Curtain/French drain installation
- Pump replacement - Storm Pump Stations
- Repair of ditch erosion issues

#### **2) Public Works Annual Expenses Items (\$40,000)**

- Annual gasoline and diesel fuel
- Annual solid waste disposal
- Annual purchase concrete, catch basin pre-casts, storm tile, and other supplies

#### **3) 2021 Debts Services (\$44,510)**

#### **4) 2021 Salaries: Management, Engineering, and Public Works Including Benefits/Insurance (\$381,410)**

**2021 Total Expenses (12 months) = \$ 615,920.00**

**2021 Revenue based on current fee (12 Months) = \$ 628,564.34**

# STORMWATER MANAGEMENT FUND

## Reasons for a Stormwater Fee increase:

- City Residential and Commercial Growth
- City's Aging Infrastructure
- Increases in Inflation
- Equipment Cost

**\*\*Stormwater fee increase from \$2 to \$3 will generate \$314,000 each year**

## New and Upcoming Expenses Needing to Utilize the Stormwater Fund:

### 1) New

- |                                                                                            |                 |
|--------------------------------------------------------------------------------------------|-----------------|
| ➤ Storm sewer portion in roadway widening projects<br>Including large culvert replacements | \$150,000/year* |
| ➤ Catch basin repair currently in Street Program                                           | \$100,000/year  |
| ➤ Bridge and culvert repair for erosion                                                    | \$25,000/year   |

### 2) Existing/Upcoming

- |                            |                         |
|----------------------------|-------------------------|
| ➤ Salary/Benefit increases | \$25,000/year (minimum) |
| ➤ Street sweeper           | \$320,000 (2023)        |
| ➤ Leaf removal vacs        | \$230,000 (2026)        |

**Public Works – Stormwater Fund was utilized previously to purchase the following items/equipment which will need to be replaced in future years.**

Leaf removal vacs	Mulch and leaf grinder
Storm pipe jetter	Street sweeper
Mini excavator	Front end loader
Out roads bush hog tractor	

**\*Upcoming Roadway projects that will utilize the new increase in fees (in next 5 years):**

➤ Old Troy Pike Widening	Project Cost = \$1.0 million	Storm Portion = \$50,000
➤ Fishburg Road Widening	Project Cost = \$700,000	Storm Portion = \$116,000
➤ Chambersburg Road Phase IV	Project Cost = \$1.8 million	Storm Portion = \$217,000
➤ Chambersburg Road West	Project Cost = \$3.5 million	Storm Portion = \$356,000

-----  
\$739,000

\*\$739,000 / 5 years = \$147,800 year

### **Current Stormwater Fees for Surrounding Cities**

---

<b>City</b>	<b>Stormwater Fee Per Month</b>
Huber Heights	\$2.00
Brookville	\$3.38
Dayton	\$4.32
Troy	\$5.65
Oakwood	\$10.00
Springboro	\$3.00
Xenia	\$2.50
Urbana	\$5.00 per meter
Franklin	\$3.50
Piqua	\$6.70

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O

AMENDING SECTION 922.27 OF THE CODIFIED ORDINANCES OF HUBER HEIGHTS  
BY INCREASING THE MONTHLY AND/OR ANNUAL STORMWATER SEWER RATE  
BEGINNING JANUARY 1, 2023.

WHEREAS, Section 922.27 of the Codified Ordinances of the City of Huber Heights sets forth  
the stormwater sewer rate at \$2.00 per Equivalent Residential Unit (ERU); and

WHEREAS this rate has been in effect since 2002; and

WHEREAS, City Council has determined it is necessary to increase the stormwater sewer rate  
across the board to \$3.50 per ERU beginning January 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Section 922.27 of the Codified Ordinances of the City of Huber Heights is hereby  
amended to read as follows:

922.27 - Monthly charge per equivalent residential unit.

Effective January 1, 2023, the monthly charge per ERU shall be \$3.50.

Section 2. It is hereby found and determined that all formal actions of this Council  
concerning and relating to the passage of this Ordinance were adopted in an open meeting of this  
Council and that all deliberations of this Council and of any of its Committees that resulted in  
such formal action were in meetings open to the public and in compliance with all legal  
requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the  
Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AI-8677**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Dogtown - Demolition - Award Contract

**Submitted By:** Hanane Eisentraut

**Department:** Engineering

**Division:** Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Dogtown - Demolition - Award Contract

**Purpose and Background**

This legislation will authorize the City Manager to enter into a contract with MAK Solve Environmental & Safety Consultants as the lowest and best bidder for the demolition of a building structure at 6121 Brandt Pike at a cost not to exceed \$110,000. The building is currently occupied by Dogtown or Sit, Stay & Play at the former Marian Meadows.

---

**Fiscal Impact**

**Source of Funds:** General Fund/TED Fund

**Cost:** \$110,000

**Recurring Cost? (Yes/No):** No

**Funds Available in Current Budget? (Yes/No):** Yes

**Financial Implications:**

---

**Attachments**

Bid Results

Resolution

---



# CITY OF HUBER HEIGHTS

DEMOLITION OF BUILDING STRUCTURE AT 6121 BRANDT PK

## BID RESULT

**BID DATE: SEPTEMBER 16, 2022**

CONTRACTOR'S NAME	BID AMOUNT	
Advanced Demolition	\$ 112,750.00	28 Calendar Days
	Bid Bond - Yes	
Steve Rauch	\$ 130,480.00	30 Calendar Days
	Bid Bond - Yes	
Durst Brothers	\$ 235,200.00	30 Calendar Days
	Bid Bond - Yes	
O'Rourke	\$ 194,000.00	60 Calendar Days
	Bid Bond - Yes	
Mak/Solve	\$ 97,400.00	40 Calendar Days
	Bid Bond - Yes	

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE  
DEMOLITION OF A BUILDING STRUCTURE AT 6121 BRANDT PIKE.

WHEREAS, City Council under Resolution No. 2022-R-7161, dated August 22, 2022, has  
previously authorized the securing of bids for the demolition of the structure at 6121 Brandt Pike;  
and

WHEREAS, construction bids were properly received on September 16, 2022; and

WHEREAS, funds are available to cover the cost of this improvement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to enter into a contract for the demolition of a  
building structure at 6121 Brandt Pike with Maksolve Environmental & Safety Consultants  
as the lowest and best bidder at a cost not to exceed \$110,000.00 on the terms and conditions as  
substantially set forth in the bid documents.

Section 2. It is hereby found and determined that all formal actions of this Council  
concerning and relating to the passage of this Resolution were adopted in an open meeting of this  
Council and that all deliberations of this Council and of any of its Committees that resulted in  
such formal action were in meetings open to the public and in compliance with all legal  
requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the  
Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**AI-8686**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Text Amendments - Uses - Agricultural District

**Submitted By:** Bryan Chodkowski

**Department:** Planning

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 09/06/2022 and 09/20/2022 and 10/04/2022

**Audio-Visual Needs:** SmartBoard

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Text Amendments - Uses - Agricultural District

**Purpose and Background**

In follow-up to the City Council's discussion and questions on this matter, contracted Planner, Aaron Sorrell of Community Planning Insights, will be reviewing this matter with Council and providing a final recommendation to address use compliance issues at the heart of the proposed rezoning in Case RZ 22-17.

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

*No file(s) attached.*

---

**AI-8681**

**Topics of Discussion**

**Council Work Session**

**Meeting Date:** 10/04/2022

Ordinance To Appropriate Property - Well Field

**Submitted By:** Stephanie Wunderlich

**Department:** Engineering

**Division:**

Engineering

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 09/06/2022 and 09/20/2022 and 10/04/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

---

**Agenda Item Description or Legislation Title**

Ordinance To Appropriate Property - Well Field

**Purpose and Background**

This ordinance is to appropriate two properties on Rip Rap Road to provide water supply for the City and its inhabitants with the construction of wells, pumps, and water works. A map is included to show the location and size of the two properties (see attached). A description of the properties (Exhibit A and Exhibit B) are also included (see attached).

---

**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

---

**Attachments**

Map  
Ordinance  
Exhibit A  
Exhibit B

---



Sources: Esri, Airbus DS, USGS, NGA, NASA, GEBCO, N Robinson, NOAA, the GIS user community

# City of Huber Heights

ft

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

DIRECTING THE APPROPRIATION OF REAL PROPERTY FOR A PUBLIC WELL FIELD AND AUTHORIZING THE LAW DIRECTOR TO TAKE ACTION TO APPROPRIATE THE PROPERTY, AND DECLARING AN EMERGENCY.

WHEREAS, the orderly and balanced development of the City of Huber Heights is necessary for the health, safety and general welfare of the citizens; and

WHEREAS, there is a need for acquisition of certain property for providing a water supply for the City; and

WHEREAS, the City has attempted to negotiate the purchase of the property but has not been able to reach an agreement with the property owners; and

WHEREAS, the City deems it necessary to acquire a fee interest in the property; and

WHEREAS, the purpose of the acquisition is to acquire the land necessary for providing a water supply for the City and its inhabitants by the construction of wells, pumps, and water works, and for the protection thereof and

WHEREAS, Ohio Revised Code Section 719.01 provides that any municipal corporation may appropriate, enter upon, and hold real estate within its corporate limit for public purposes including providing a water supply for the City and its inhabitants; and

WHEREAS, a Notice of Intent to Appropriate and Good Faith Offer and Resolution of Intent to Appropriate were provided to the property owners as required by law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights appropriates:

- I. A fee interest in and to 44.2441 acres of property titled in the name of Carson Schwab and Hollie Alexandria Endsleigh located on the land off of Rip Rap Road being Montgomery County Parcel # P70 04009 0022/0023 more particularly described in Exhibit A, which is attached hereto and incorporated into this Ordinance by reference (hereinafter “Parcel A”).
- II. A fee interest in and to 62.068 acres of property titled in the name of John Harvey Schwab, Jr. located on the land off of Rip Rap Road being Montgomery County Parcel # P70 04009 0091 more particularly described in Exhibit B, which is attached hereto and incorporated into this Resolution by reference (hereinafter “Parcel B”); and

Section 2.

- I. Council hereby fixes the value of the property so taken and identified as Parcel A above hereunder at Three Hundred Fifty-Four Thousand Dollars (\$354,000.00).
- II. Council hereby fixes the value of the property so taken and identified as Parcel B above hereunder at Five Hundred Thousand Dollars (\$500,000.00).

Section 3. Council finds that the above appropriations are necessary for the stated public purpose, that the City has been unable to agree with the owners of the property, and that the City intends to obtain possession of the property, which is necessary for the stated public purpose.

Section 4. The Law Director or his designee is directed to file a petition for appropriation in a court of competent jurisdiction and to have a jury impaneled to assess the compensation to be paid for the real estate described above.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and for the further reason that acquisition of the subject parcels are need at the earliest time possible to assure the city can complete the design of the well field project and apply for and receive anticipated grant funding prior to project deadlines; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# EXHIBIT A

## "PARCEL A"

Situate in Fractional Section 5, Town 1, Range 8 MRS, and Section 35, Town 2 Range 8 MRS, in the City of Huber Heights, Montgomery County, Ohio, being part of the 105 acre (Parcel 6) (by deed) Tract and part of the 19 acre (Parcel 7) (by Deed) tract conveyed to Harvey John Schwab and Walter Louis Schwab by deed recorded in Microfiche No. 85-496 B01 of the deed records of Montgomery County, Ohio, being part of the Miami and Erie Canal (abandoned) and being a tract of land more particularly described as follows:

Starting for reference at a stone found at the southeast corner of Lot ELEVEN (11) of Taybridge Industrial Park, Section Two, recorded in Plat Book 176, Page 2 of the Plat Records of said County;

Thence from said starting point, N.  $86^{\circ} 44' 05''$  W with the South line of said Lot 11 and Lot TEN (10) of said Taybridge Industrial Park, Section Two, a distance of 816.63 feet to a  $5/8''$  iron pin found at the southwest corner of said Lot 10;

Thence N  $86^{\circ} 48' 12''$  W with the South line of the 31.572 acre tract conveyed to Jimsco, Inc. by deed recorded in MF # 92-461-A10 a distance of 86.78 feet to a  $5/8''$  iron pin set for a new corner, said pin being the true point of beginning for the herein described parcel;

Thence from said true point of beginning S  $03^{\circ} 09' 10''$  W with a new division line through said 19 acre tract and said 105 acre tract a distance of 1304.30 feet to a  $5/8''$  iron pin set for a new corner;

Thence N  $86^{\circ} 50' 50''$  W with a new division line through said 105 acre tract parallel with and 200.00 North of the South line of said Sections 35 and 5 a distance of 2558.51 feet (passing a  $5/8''$  iron pin set at the East right of way of Rip Rap Road (40' right of way) at 2516.50 feet and a mag nail set in the centerline of Rip Rap Road at 2537.09 feet) to a  $5/8''$  iron pin set for a new corner on the East bank of the Great Miami River;

Thence N  $16^{\circ} 50' 45''$  E with the East bank of the Great Miami River and its meanderings a distance of 945.63 feet to a  $5/8''$  iron pin set at the southwest corner of the 5.183 acre tract conveyed to Robert L. Murray and Gladys J. Murray by deed recorded in MF #77-99-D02;

Thence S.  $86^{\circ} 38' 26''$  E with the South line of said 5.183 acre tract a distance of 1332.51 feet (passing a mag nail set in the centerline of Rip Rap Road at 21.40 feet, a  $5/8''$  iron pin set at the East right of way line of said Road at 41.97 feet and a  $5/8''$  iron pin found at 1275.36 feet) to a  $5/8''$  iron pin set in the center of the abandoned Miami and Erie Canal (width varies);

Thence N.  $40^{\circ} 54' 44''$  W with the center of said abandoned canal a distance of 385.71 feet to a  $5/8''$  iron pin set at an angle point in said centerline;

Thence N. 31° 47' 44" W continuing with the center of abandoned canal a distance of 139.37 feet to a 5/8" iron pin found at the southwest corner of said Jimsco, Inc. 31.572 acre tract;

Thence S. 86° 48' 12" E with the South line of said Jimsco, Inc. 31.572 acre tract a distance of 1350.22 feet to the True Point of Beginning, containing 62.068 acres of land (included 10.659 acres of said 19 acre tract, 51.409 acres of said 105 acre tract) and being 13.625 acres in said Section 5 and 48.443 acres in said Section 35.

Also subject to a lease of the abandoned Miami and Erie Canal recorded in Lease Volume 101, Page 440 of the Lease records of Montgomery County, Ohio.

This description prepared by McDougall Associates, Inc. based on a survey made by same in June 2002 under the direct supervision of Thomas K. Marsh, PS #7735. All iron pins set are 30" x 5/8" capped "McDougall Assoc." Bearings are based on the north line Section 34, Town 2, Range 8 MRS (S 86° 50' 50" E) as shown on Deed Book 2234, Page 363.

**EXCEPTING THE FOLLOWING DESCRIBED REAL ESTATE (17.8239 ACRES)**

Situate in Section 5, Town 1, Range 8 MRS, and Section 35, Town 2, Range 8 MRS, in the City of Huber Heights, Montgomery County, Ohio, and being more particularly described as follows:

Commencing at a stone found at the southeast corner of Lot ELEVEN (11) of Taybridge Industrial Park, Section 2, recorded in Plat Book 176, Page 2; thence with the South line of Lot 11, Section 2 and Lot FOURTEEN (14), Section 3, recorded in Plat Book 187, Page 20, North 84° 41' 59" West for a distance of 816.63 feet to an found iron pin and cap at the southwest corner of Lot 14; thence with the south line of the 31.572 acre tract conveyed to JIMSCO, Inc. by deed recorded in MF# 92-416 A10, for the following two calls: North 84° 46' 06" West, passing a found iron pin and cap at 86.78 feet, for a total distance of 1437.03 feet to a 5/8" iron pin and cap; thence with the lines of a 62.068 acres parcel of property conveyed to Todd A. Schwab in IR Deed 17-027676, for the following three calls: South 29° 45' 38" East for a distance of 139.37 feet; thence South 38° 52' 38" East for a distance of 385.71 feet; thence North 84° 36' 20" West for a distance of 543.34 feet to a set iron pin and the True Point of Beginning for this description;

Thence with new division lines, for the following two calls: South 05° 11' 16" West for a distance of 865.91 feet to a set iron pin; thence North 84° 48' 44" West passing through a set iron pin on the East right of way of Rip Rap Road at 958.82 feet and a set mag nail in the centerline of Rip Rap Road at 979.41 feet for a total distance of 1000.83 feet to a set iron pin on the east bank of the Great Miami River, thence with said East bank, North 18° 52' 51" East for a distance of 894.17 feet to a set iron pin; thence with the south line of a 5.183 acre parcel of property conveyed to the City of Huber Heights in IR Deed 04-134093, South 84° 36' 20" East, passing a set mag nail in the centerline of Rip Rap Road at 21.40 feet and a set iron pin on the east right of way of Rip Rap Road at 41.97 feet, for a total distance of 789.17 feet to the Point of Beginning, containing 17.8239 acres of land, 12.1142 acres in said Section 5 and 5.7097 acres in

said Section 35 as recorded in the Montgomery County Engineer's Record of Land Surveys in Vol. 2018 Page 205.

The basis of bearings for this legal description is Ohio State Plane Grid Coordinates (NAD 83-95). Monuments used Brink and Brink AZ MK. North  $84^{\circ} 38' 21''$  W. MCE VRS Calibration 2007 (GEOID 2003). All pins referred to as set are 5/8" iron pins with a plastic cap reading "Scott 7407" affixed to the top.

The above legal description being taken from a survey and plat by IDE Incorporated, under the supervision of Mark P. Scott, Ohio Registered Land Surveyor No. 7407, said survey being dated June 25, 2018.

Parcel No. P70 04009 0022, 0023



## **EXHIBIT B**

### **"PARCEL B"**

Situate in Fractional Section 5, Town 1, Range 8 MRs, and Section 35, Town 2, Range 8 MRS, in the City of Huber Heights, Montgomery County, Ohio, being part of the 105 acre (Parcel 6) (by deed) tract and part of the 19 acre (Parcel 7) (by deed) tract conveyed to Harvey John Schwab and Walter Louis Schwab by deed recorded in Microfiche No. 85-496 B01 of the Deed Records of Montgomery County, Ohio, being part of the Miami and Erie Canal (abandoned) and being a tract of land more particularly described as follows:

Beginning at a stone found at the southeast corner of Lot ELEVEN (11) of Taybridge Industrial Park, Section Two, recorded in Plat Book 176, Page 2 of the Plat Records of said County;

Thence from said Point of Beginning S. 03° 25' 03" W with the West line of the 10.00 acre tract conveyed to Bowser-Morner Properties, Limited Partnership by deed recorded in Microfiche No. 89-44-B07 a distance of 321.92 feet to a 5/8" iron pin found at the southwest corner of said tract;

Thence South 86° 46' 26" E with the South line of said 10.00 acre tract and the South line of the 20.000 acre tract conveyed to the State of Ohio by deed recorded in MF #77-95-E02 and as shown on SUR 3-M-730 of the Montgomery County Engineer's Record of Land Surveys a distance of 703.69 feet to a stone found at a northeast corner of Lot 119 of Willow Creek Estates, recorded in Plat Book 140, Page 31;

Thence S. 03° 04' 00" W with the west line of said Lot 119 a distance of 518.95 feet to a 1/2" iron pipe found at the northwest corner of Lot THIRTEEN THOUSAND ONE HUNDRED FOUR (13104) of Herbert C. Huber Plat No. 52, Section Eight ("B", recorded in PB 100, Page 74;

Thence S. 03° 14' 40" W with the west line of said Lot 13104 a distance of 660.86 feet to a 3/4" iron pin found at the southwest corner of said Lot 13104, said pin being on the south line of said Section 35;

Thence N. 86° 50' 50" W with the south line of said Sections 35 and 5, the North line of the 171.0112 acre tract conveyed to Meridian Land Group by deed recorded in MF# 00-416-A08

and as shown on SUR 2000-0211, a Corporation Line of the City of Huber Heights, the north line of Part Lot 80788, Lots 80793, 80794, 80795, 80797 and 80798 of the Revised and Consecutive Numbers of Lots on the Plat of the City of Dayton, Ohio, all of which conveyed to American Aggregates Corporation by deed recorded in Deed Book 2234, Page 363, the north line of Part Lot 80788 (1.656 acres) conveyed to Five Rivers Metroparks by deed recorded in MF #99-790-A11 and as shown on SUR 1999-364 a distance of 4209.83 feet (passing a 5/8" iron pin set at the east right-of-way line of Rip Rap Road (40' right-of-way) at 4164.13 feet and a 5/8" iron pin found at the centerline of said road at 4184.96 feet) to a stone with an "X" found on the East bank of the Great Miami River at the northwest corner of said Part Lot 80788;

Thence N 14° 10' 45" E with the East bank of the Great Miami River and its meanderings a distance of 57.11 feet to a 5/8" iron pin set;

Thence N. 16° 50' 45" E continuing with the East bank of the Great Miami River and its meanderings a distance of 148.15 feet to a 5/8" iron pin set for a new corner;

Thence S 86° 50' 50" E with a new division line through said 105 acre tract parallel with and 200.00' north of the South line of said Sections 5 and 35 a distance of 2558.51 feet (passing a MAG nail set in the centerline of Rip Rap Road at 21.42 feet and a 5/8" iron pin set at the East right-of-way of said road at 42.01 feet) to a 5/8" iron pin set for a new corner;

Thence N 03° 09' 10" E with a new division line through said 105 acre tract and said 19 acre tract a distance of 1304.30 feet to a 5/8" iron pin set for a new corner on the south line of the 31.572 acre tract conveyed to Jimsco, Inc. by deed recorded in MF #92-416-A10;

Thence S. 86° 48' 12" E with the South line of said 31.572 acre tract a distance of 86.78 feet to a 5/8" iron pin found at the southwest corner of Lot 12 of said Taybridge Industrial Park, Section Two;

Thence S. 86° 44' 05" E with the South line of said Lots 12 and 11 a distance of 816.63 feet to the Point of Beginning, containing 62.068 acres of land, (including 8.094 acres of said 19 acre tract, 53.974 acres of said 105 acre tract) and being 3.701 acres in said Section 5 and 58.367 acres in said Section 35, subject to all legal conditions, easements, and rights-of-way pertaining to the premises herein described. Also subject to a lease of the abandoned Miami and Erie Canal recorded in Lease Volume 101, Page 400 of the Lease Records of Montgomery County, Ohio. This description prepared by McDougall Associates, Inc. based on a survey made by same in June 2002 under the direct supervision of Thomas K. Marsh, PS #7735. All iron pins set are 30" x 5/8" capped "McDougall Assoc.". Bearings are based on the north line of Sections 34, Town 2, Range 8 MRs (S 86° 50' 50" E) as shown on Deed Book 2234, Page 363.

Parcel No. P70 04009 0091