

**Special Meeting of the Board of Trustees  
February 24, 2015**

1. **Opening of Meeting – 5:30 p.m.**
2. **Proclamation – “United Against Opiate Abuse and Heroin Week”**
3. **Public Hearing – Action Required**
  - a. Chick-fil-a Preliminary Development Plan
4. **New Business**

**Public Safety**

Pay Rate Adjustment (Fire) .....Action  
 Monetary Donation Acceptance (Fire) .....Action  
 Oath of Office (Police) .....Presentation  
 Donation Acceptance (Police).....Action  
 Appointment of Reserve Officer .....Action

**Public Services**

Approval of Seasonal Worker .....Action

**Administration**

Approval of Road Mileage .....Action  
 Interfund Advance.....Action  
 Approval to Auction Surplus Items.....Action  
 Approval of Pay Rate Adjustment.....Action  
 Appointment of JEDD Council .....Action  
 Acceptance of Bids for Underground Utilities.....Action  
 Approval of Design for Joseph Road Sidewalks .....Action  
 TIF Resolution – Kroger TIF Site .....Action

5. **Adjournment**

**Resolution # 8-15**



STAFF REPORT:      **PRELIMINARY  
DEVELOPMENT PLAN**  
CASE #: ZA 2014-0009  
CHICK-FIL-A  
JANUARY 20, 2015

PREPARED BY:      GEOFFREY G. MILZ, AICP

**PROJECT  
SUMMARY:**

The applicant proposes to construct a new 4,592 SF restaurant

**PROJECT HISTORY:**

Informal Concept Hearing - Colerain Township Zoning Commission - October 21, 2014

Regional Planning Commission - Recommended Approval on January 8, 2015 - 6-0

Colerain Township Zoning Commission - Recommended Approval on January 20, 2015 - 5-0 with the following conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution
3. That a minimum of 15 foot streetscape buffer yard shall be provided along Colerain Avenue and Mall Drive in compliance with Section 15.4.1 of the Zoning Resolution

Subsequent to the meeting, the applicant determined that the dedication of a 15 foot streetscape buffer yard on Mall Rd. would be infeasible due to the location of a utility easement and the location of the existing right-of-way. Staff concurs with this assessment and recommends the elimination of the dedicated streetscape buffer yard on Mall Rd. Currently, there is a landscaped area within the right-of-way that is covered in grass. Staff recommends requiring the applicant to improve the existing landscaped area and install plantings consistent with what would be required in the streetscape buffer yard.

**CONFORMANCE  
WITH  
COMPREHENSIVE  
PLAN:**

The subject property is located in Character Area 5: Colerain Avenue of the Colerain Township Comprehensive Plan.

The Comprehensive Plan's vision for the area is that "Colerain Avenue will continue to see signs of reinvestment and redevelopment and will be a quality commercial corridor for the region. Investments from the Township, such as tax-increment financing, and property owners along this corridor will, in the long term, help stabilize and improve this important commercial center. The Township will take steps to work with property owners to help improve the curb appeal that will benefit both the value of property and the Township overall. Colerain Avenue will encompass a mixture of large scale and small-scale retail and office space with the creation of a town center that will create a positive identity for Colerain Township"

In the comprehensive plan, this property is located within the "Commercial Corridor" use group.

**CONFORMANCE  
WITH LAND USE  
PLAN:**

The land use plan has identified this parcel as "general retail" which is described as "Community and region oriented business uses that tend to locate along highways with relatively high traffic volumes. Typically commercial strips or self contained community and regional retail centers." The proposed use conforms to the land use plan

**OTHER AGENCY Hamilton County Regional Planning Commission**

**REPORTS:** The Regional Planning Commission voted unanimously to approve the project with the following conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That outdoor lighting shall meet the requirements of Article 12 of the Zoning Resolution.
3. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution
4. That a minimum of 15 foot streetscape buffer yard shall be provided along Colerain Avenue and Mall Drive in compliance with Section 15.4.1 of the Zoning Resolution
5. That a minimum of 15 percent landscaping shall be provided within the parking areas in compliance with 14.6.1 of the Zoning Resolution
6. That parking area landscaping islands be installed in compliance with Section 14.6.2 (B) of the Zoning Resolution.

**Hamilton County Stormwater & Infrastructure**

1. No response

**Colerain Township Fire Department**

1. No concerns

**Hamilton County GIS**

1. No response

**Hamilton County Soil & Water Conservation District**

1. Sites disturbing more than 1 acre of ground for construction in Ohio must file a notice of intent (NOI) to the Ohio EPA for stormwater discharge associated with construction. A copy of the approved NOI must be provided to the District. Instructions to file this notice can be viewed at: [http://www.epa.state.oh.us/dsw/permits/GP\\_ConstructionSiteStormWater.aspx](http://www.epa.state.oh.us/dsw/permits/GP_ConstructionSiteStormWater.aspx)
2. An Earth movement Application and the Final Development Plans including an Erosion Prevention and Sediment Control Plan or Stormwater Pollution Prevention Plan (SWPPP) compliant with the requirements under the Revised Rules and Regulations of the Hamilton County Soil & Water Conservation District and the Hamilton County Stormwater District Governing Earthwork must be submitted. The regulations can be downloaded from [http://www.hamilton-co.org/stormwater/HCSWD\\_Rules\\_And\\_Regulations.htm](http://www.hamilton-co.org/stormwater/HCSWD_Rules_And_Regulations.htm).
3. The Erosion Prevention and Sediment Control Plan or the Stormwater Pollution Prevention Plan must use best management practices (BMPs) approved under the 2006 State of Ohio Rainwater and Land Development Manual. The 2006 State of Ohio Rainwater and Land Development Manual can be downloaded from the Ohio Department of Natural Resources website at: <http://www.dnr.state.oh.us/tabid/9186/default.aspx>
4. The plans must also include Non-sediment Pollutant Controls. Non-sediment pollutant sources, which may be present on a construction site, include paving operations, concrete washout, structure painting, structure cleaning, demolition debris disposal, drilling and blasting operations, material storage, slag, solid waste, hazardous waste, contaminated soils, sanitary and septic wastes, vehicle fueling and maintenance activities, and landscaping operations.

**ODOT**

1. No comments.

**Hamilton County Engineer**

1. No landscaping, screening or obstructions shall be permitted in the public right-of-way
2. Grading within the right-of-way must conform to the most appropriate Hamilton County typical section. Any grading plan having an effect on the public right-of-way must be reviewed and approved by the Hamilton County Engineer's Office. Right-of-way clearing and grading must occur during the initial phase of construction to facilitate utility relocation operations.
3. Colerain Ave. is a State Route and as such the Ohio Department of Transportation must be contacted for their comments.

**Metropolitan Sewer District**

1. No Response.

**DISCUSSION:**

Per Section 4.5.3 (A), seven criteria should be satisfied before the approval of a PDP:

1.	The PD District and preliminary development plan are consistent with the adopted Colerain Township Land Use Plan and Colerain Township Comprehensive Plan.	If developed appropriately, the project would be in conformance with the Comprehensive Plan and Land Use Plan
2.	The proposed uses will have a beneficial effect on the community.	The proposed use is a new to market restaurant, is part of the township's economic development efforts and will have a beneficial effect on the community.
3.	The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network.	No public roads are proposed.
4.	The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.	The Hamilton County Engineer's office and Ohio Department of Transportation reviewed the proposal. Their comments are included in this report.
5.	The minimum common open space areas have been designated and shall be duly transferred to a legally established homeowners association, where applicable, or have been dedicated to, and accepted by, Colerain Township or another public or quasi-public agency as provided in §9.3.7.	The applicant does not propose the designation of 15% of the site as common open space. Approval should be conditioned on the appropriate designation.
6.	The preliminary development plan is consistent with the intent and purpose of the Zoning Resolution and in particular the furtherance of the purpose of the PD District as set forth in §9.3.1.	The implementation of the proposed Preliminary Development Plan with the proposed conditions will result in a development that is in furtherance of the purpose of the PD District.
7.	The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.	The plan has been transmitted to all appropriate agencies for review.

The Final Development Plan will address landscaping, lighting, signage, parking, circulation and other design considerations. It is important to note that the Preliminary Development Plan addresses building location, uses, density, intensity, yard requirements, and area and frontage requirements.

**RECOMMENDATION:** Staff recommends approval of the PDP with the following conditions:

Conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution
3. That a minimum of 15 foot streetscape buffer yard shall be provided along Colerain Avenue in compliance with Section 15.4.1 of the Zoning Resolution.
4. That the existing landscaped area on Mall Dr. be improved with landscaping per Section 15.4.1 of the Zoning Resolution.

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at \_\_\_\_ p.m., on the 25<sup>th</sup> day of February, 2015 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Dennis P. Deters, Jeffrey F. Ritter, Melinda Rinehart

Mr./Ms. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_-15**

**Case No. ZA2014-09**

**CHICK-fil-A**

Approval of a Major Modification to the Preliminary Development Plan  
Parcel No. 510-102-129 and 303

WHEREAS, the Applicant, Chick-Fil-A, Inc. proposes a Major Modification to the Preliminary Development Plan for the development of a Chick-fil-A restaurant; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on January 8, 2015 voted unanimously to recommend approval of the requested Major Modification to the Preliminary Development Plan; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on January 20, 2015, and after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted 5-0 to recommend approval of the application for a Major Modification to the Preliminary Development Plan with conditions; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on February 24, 2015, and after consideration of the recommendation of the Regional Planning Commission, the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted \_\_\_\_ to approve the application for a Major Modification to the Preliminary Development Plan with conditions as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Colerain Township, Hamilton County, Ohio accepts the recommendation of the Colerain Township Zoning Commission for a Major Modification to the Preliminary Development Plan with conditions; and that the Board of Trustees does hereby approve the request for parcel nos. 510-102-129 and 303, designated as Planned District-Business, for the reason that the Major Modification to the Preliminary Development Plan would be in the best interest of the Township and the health, safety, morals and welfare of the public, is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,

**BE IT FURTHER RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the Major Modification to the Preliminary Development Plan shall be subject to the following:

1. Final Development Plan

- 1.1 The Zoning Resolution, required site plans or drawings, terms, covenants and conditions of approval which are depicted or noted on the Final Development Plan or contained in this Resolution are to be considered complimentary and what is required by one shall be as binding as if required by all.

2. The Major Modification to the Preliminary Development Plan shall be subject to the following conditions and variances:

Conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution.
3. That a minimum of 15 foot streetscape buffer yard shall be provided along Colerain Avenue in compliance with Section 15.4.1 of the Zoning Resolution.
4. That the existing landscaped area on Mall Dr. be improved with landscaping per Section 15.4.1 of the Zoning Resolution.

3. Construction Permits

- 3.1 No Zoning Certificate shall be issued by the Office of the Zoning Administrator before:

- A. A Final Development Plan in compliance with Section 2 above, has been received and approved by the Colerain Township Zoning Commission, and
- B. Construction documents submitted for permit are fully coordinated and consistent with the approved Final Development Plan.

- 3.2 No building permit for actual construction shall be issued by the Department of the Building Commissioner before a Zoning Certificate is received from the Colerain Township Zoning Administrator.

4. Maintenance of Improvements

- 4.1 All aspects of this development including property improvements, landscaping, ground cover, etc. as required in the specifications, covenants, conditions, requirements, and limitations of the Final Development Plan and/or contained in this Resolution shall be continually maintained by the owner of the property until the development ceases to exist. Enforcement shall be by the Office of the Colerain Township Zoning Inspector, with all discrepancies being considered Zoning Resolution violations.

BE IT FURTHER RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Inspector.
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and
3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and

4. That this Resolution shall be effective at the earliest date allowed by law.  
Mr./Ms. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the  
question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters \_\_\_\_, Mr. Ritter \_\_\_\_, Ms. Rinehart \_\_\_\_

ADOPTED this 25<sup>th</sup> day of February, 2015.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dennis P. Deters, Trustee

\_\_\_\_\_  
Jeffrey F. Ritter, Trustee

\_\_\_\_\_  
Melinda Rinehart, Trustee

Attest:

\_\_\_\_\_  
Heather E. Harlow  
Colerain Township Fiscal Officer

Resolution approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer  
this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Heather E. Harlow  
Colerain Township Fiscal Officer

# Agenda Packet

---

Department: Colerain Township Department of Fire & Emergency Medical Services

Department Head: Frank W. Cook, Fire Chief

Meeting Date: 24 February 2015

---

1. **Action** (Include rationale)

a. Personnel – *Part-Time Pay Rate Change*

- i. George Seibel, Firefighter Emergency Medical Technician – See attached “Change of Status” Form.

b. Other – *Monetary Donation Acceptance*

- i. One-hundred dollar personal check received from Mrs. Cynthia Tabar, 7787 Shadowleaf LN, Colerain Twp., OH 45247 in appreciation for emergency medical services provided to her.



**COLERAIN TOWNSHIP**  
**Department of**  
**Fire and Emergency Medical Service**

4160 Springdale Road - Cincinnati, Ohio 45251-1505

NOTIFICATION - Change of Status/Change of Pay

Name : George Seibel  
Rank : Firefighter EMT Current Status : Active  
Date : 01/30/2015

- (X) Change of Pay Status - Change to: \$14.72
1. ( ) 1st year Rate for Recruit Class Graduate
  2. (X) Basic Firefighter/EMT
  3. ( ) Firefighter/EMT/FAO
  4. ( ) Paramedic (Prior to obtaining 1A firefighter)
  5. ( ) Paramedic (With 1A certification)
  6. ( ) Firefighter/Paramedic
  7. ( ) Firefighter/Medic/FAO
  8. ( ) IIB Classification

This change must be countersigned by either the EMS Chief or Training Director for the applicable change.

- (X) Change of Status
1. (X) Promotion to Rank/Position of: Firefighter / EMT / FAO
  2. ( ) Probationary (Including Training etc.)
  3. ( ) Regular
  4. ( ) Suspension - From : \_\_\_\_\_ To : \_\_\_\_\_
  5. ( ) Leave of Absence, Type: Medical - Regular  
Leave of Absence, From: \_\_\_\_\_ To : \_\_\_\_\_
  6. ( ) Dismissal - Termination
  7. ( ) Resignation ( ) with letter ( ) without letter

Remarks : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature : \_\_\_\_\_  
Training Captain : \_\_\_\_\_  
Division Chief : \_\_\_\_\_  
Assistant Chief : \_\_\_\_\_  
Deputy Chief: \_\_\_\_\_

Effective Date : 3/1/2015 ( For Office Use Only)

Computer entry verified: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Frank Cook

Colerain Township Fire Department

4160 Springdale Rd.

Cincinnati, OH 45251

Dear Chief Cook,

I am once again writing to inform you of the professional and caring personnel in your command. I dislocated my hip for the second time in less than a month and they responded in about 10 minutes.

They worked together swiftly to transfer me with as little pain as possible. I appreciated this more than words can express. In my appreciation I would like you to accept this check to use to provide something for the station house that has been so responsive to my needs.

Please extend my thanks to them.



Sincerely,

*Cynthia Tabar*

Cynthhia Tabar

7787 Shadowleaf Ln.

Cincinnati, OH 45247

<b>CARL TABAR</b> 11-74 <b>CYNTHIA R TABAR</b> 7787 SHADOWLEAF LN CINCINNATI, OH 45247-3673		2076 6-12/410 084
Pay to the Order of <u>Colerain Fire Dept</u>		Date <u>2/12/15</u>
<u>One Hundred &amp; No</u>		\$ <u>100.00</u>
<b>PNC BANK</b> PNC Bank, N.A. 070		Dollars  Security Features Outline on Back
For	<u>Cynthia R. Tabar</u>	MP
		2076

Harland Clarke

# NEW BUSINESS

---

Department: Police Department

Department Head: Mark C. Denney, Chief of Police

---

## 1. Presentation

### **Action: Promotion of Edwin Cordie – Oath of Office**

1. At the February 10<sup>th</sup> meeting, the Board approved the promotion of Edwin Cordie to the rank of sergeant. To recap;

Officer Cordie joined the Colerain Police Department in 2008 and has served in the role of patrol officer and as Officer in Charge. Officer Cordie is a 1999 graduate of LaSalle High School and he received his Bachelor's degree in Business Administration from Mt. Saint Joseph in 2003. Officer Cordie and his wife Erin are the parents of three young daughters.

Sergeant Cordie will serve a one-year probationary period and his salary will be \$68,869.97. His appointment was effective on February 15, 2015.

## 2. Action

### **Action: Donation Acceptance for Colerain Police Canine Unit**

1. Respectfully request approval to accept a \$250.00 donation from Home Depot. This donation will go towards equipment for the team to include care and safety items for Kudo.
2. Respectfully request approval to accept a \$250.00 donation from Northgate Mall. This donation will also go towards equipment for the team to include care and safety items for Kudo.
3. Respectfully request approval to accept a \$46.00 donation from Sandy Cramer. This donation will go towards equipment for the team to include brushes, leashes and bowls for food.
4. Respectfully request approval to accept a \$700.00 donation for the Canine Unit from AAA. This donation will help fund the purchase of a conversion kit for the canine vehicle. This provides a safe place for Kudo inside the car and also includes a temperature control system and remote control door release.
5. Respectfully request approval to accept an in-kind donation from Jack's Pets of food for Kudo, our new canine. This donation is worth approximately \$500.00 per year.

## NEW BUSINESS

---

6. Respectfully request approval to accept an in-kind donation from Miamitown Pet Hospital of free preventative care and general check-ups for Kudo. They are also providing a discounted rate for any emergencies or surgeries.
7. Respectfully request approval to accept an in-kind donation from Walmart of Frontline flea medication for Kudo (\$120.00 per year).

### 3. Action

#### **Action: Appointment of Reserve Officers**

1. Respectfully request the Board's approval to appoint Kevin Smith to the position of Reserve Police Officer. Mr. Smith is a 2007 graduate of Winton Woods High School, where he participated in the US Navy Jr. ROTC program. Mr. Smith was a police explorer and is currently attending the Butler Tech Police Academy. Mr. Smith currently works as an arborist for a local landscaping company.

Upon Board approval, Mr. Smith would receive no salary, but would be eligible for the Northgate Mall "stipend" of \$15.00 per hour for hours worked at Northgate Mall. His appointment would be effective upon his successful completion of the Police Academy and passage of the Ohio Peace Officer's Training Academy certification test. The projected graduation and certification date is June 26, 2015.

2. Respectfully request the Board's approval to appoint Brandon Ellis to the position of Reserve Police Officer. Mr. Ellis is a 2008 graduate of Western Hills High School and graduated from the Scarlet Oaks Police Academy in November of 2014.

Upon Board approval, Mr. Ellis would receive no salary, but would be eligible for the Northgate Mall "stipend" of \$15.00 per hour for hours worked at Northgate Mall. His appointment would be February 25, 2014.

## NEW BUSINESS

---

Department: Administration

Department Head: James Rowan

---

**Action:**

I. Approval of Road Mileage

Recommend approval of road mile certification for 2014. Road mileage as of 1/23/15 is 112.418 Miles.

II. Approval of Interfund Advances

Recommend approval of an Interfund Advance from the General Fund to the Police Fund in the amount of \$300,000 for cash flow purposes.

III. Approval to Auction Surplus Items

Recommend approval to dispose of the surplus items per attached list.

IV. Approval of Position and Pay Rate Adjustment

Recommend approval of position and pay rate adjustment for Tim Lange. Tim will be promoted from Public Works Supervisor at a salary of \$69,410 to Public Services Director at a salary of \$75,000 effective February 15<sup>th</sup>, 2015. Tim's position as Public Works Supervisor will be replaced with a Supervisor Foreman at the conclusion of a promotional process within the Public Services Department.

Note: No additional positions are being added. Positions are being reclassified under the new organizational model.

V. Appointment of JEDD Counsel

Recommend appointment of members to the Liberty Nursing Home JEDD Counsel per attachment.

VI. Acceptance of Bids for Underground Utilities

Recommend acceptance of underground utility bid per attachment.

VII. Approval of Agreement for Engineering Services

Recommend approval of agreement for engineer services associated with the installation of a sidewalk along Joseph Road.

## NEW BUSINESS

---

### VIII. TIF Resolution – Kroger TIF Site

Recommend Approval of A Resolution Declaring to be Public Purpose Certain Public Improvements which are Necessary for the Further Development of Certain Parcels of Real Property within the Township, Exempting Such Improvements from Real Property Taxation, Authorizing Such Documents as May Be Necessary and Establishing a Tax Increment Equivalent Fund.

Summary of 2014 ODOT Changes  
for Roads in COLERAIN Township,  
HAMILTON County

Certified Mileage as of 01/01/2014: 112.418 Miles

---

TWP	Route	Route Name:	Change	Reason For Change
02	T		0.000	

---

Total Changes:

0.000

Township Mileage as of 1/23/2015 : 112.418 Miles

# County of Hamilton

THEODORE B. HUBBARD, P.E.-P.S. COUNTY ENGINEER

700 COUNTY ADMINISTRATION BUILDING

138 EAST COURT STREET

CINCINNATI, OHIO 45202-1232

PHONE (513)946-4250 FAX (513)946-4288

February 3, 2015

Board of Colerain Township Trustees  
Colerain Township  
4200 Springdale Road  
Cincinnati, Ohio 45251-1419

Re: 2014 Township System Mileage Certification

Honorable Board:

Please find enclosed three (3) original Township Mileage Certification forms. This office respectfully requests the necessary action be taken to obtain the required signatures. Please retain one (1) original for the Township and return the other two (2) in the enclosed envelopes to the Hamilton County Engineer and the Ohio Department of Transportation.

In addition, please submit the resurfacing accomplished during 2014 within the Township. Please enclose the resurfacing in the ODOT envelope. Thank you for your assistance and if you need further information please contact Michelle McMullen at 946-4299.

Respectfully,



THEODORE B. HUBBARD, P.E.-P.S.  
HAMILTON COUNTY ENGINEER



**Post Interfund Advances**

---

Advance #:	<b>1031</b>	Type:	Initial Advance
Post Date:	02/11/2015	Status:	Open
Tran Date:	02/11/2015	Approval:	
Amount:	\$300,000.00	Approval Date:	
From Fund:	1000	Repayment #:	N/A
From Account:	1000-920-920-0000	Repayment Date:	N/A
To Fund:	2081	Void Date:	N/A
To Account:	2081-941-0000	Remaining Balance:	\$300,000.00
Reason:	Cash Flow		

---

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 6:00 p.m., on February 24, 2015, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Ms. Melinda Rinehart, Mr. Dennis Deters and Mr. Jeffrey Ritter

Mr./Ms. \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_\_-15

RESOLUTION FOR DISPOSAL BY PUBLIC SALE OF VEHICLES (VALUE  
GREATER THAN \$2,500) AND EQUIPMENT WHICH ARE OBSOLETE, UNFIT, OR  
UNNEEDED FOR PUBLIC USE (O.R.C. Sec 505.10)

WHEREAS, Ohio Revised Code Sec. 505.10 authorizes the Board of Trustees to dispose of personal property, including motor vehicles, road machinery, equipment, and tools, which the Board finds by resolution are not needed for public use, or are obsolete, or are unfit; and

WHEREAS, Ohio Revised Code Sec. 505.10 (A)(1) authorizes the Board of Trustees to sell by public sale, with advertisement and public notification, if the value of the property to be sold is, in the opinion of the Board, more than \$2,500.00 .

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio:

A. The Board of Trustees finds that, in the opinion of the Board, the following vehicles are not needed for public use, or are obsolete, or are unfit, and that, in the opinion of the Board, each vehicle has a fair market value of more than \$2,500.00:

B. Pursuant to O.R.C. Sec. 505.10 (A)(1), the Board directs that the method of public sale of the vehicles listed above shall be by public auction and online services, conducted by Colerain Township, 4200 Springdale Road, Cincinnati, Ohio, and, accordingly, that the sale occur after the notice and publication requirements of O.R.C. Sec. 505.10 (A)(1) are met.

C. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, that all deliberations of this Board and any committees that resulted in those formal sessions were in meetings open to the public, in compliance with all legal requirements, and the Board has met all other statutory requirements for participation in a joint-self-insurance program.

D. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

E. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Mr./Ms. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rinehart \_\_\_\_ Mr. Deters \_\_\_\_, Mr. Ritter \_\_\_\_,

ADOPTED this 24<sup>th</sup> day of February, 2015.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Melinda Rinehart, Trustee

\_\_\_\_\_  
Dennis Deters, Trustee

\_\_\_\_\_  
Jeffrey Ritter, Trustee

Attest:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this \_\_\_\_ day of February, 2015.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

**RESOLUTION NO. \_\_\_\_-15**

**RESOLUTION AUTHORIZING THE SALE OF VEHICLES AND EQUIPMENT**

**Items for Auction**

1. 2003 Ford F350 Truck, VIN: 1FDWF36P94E083438
2. 1997 Ford F350 Truck, VIN: 3FEKF37F3VMA43452
3. 1990 Chevrolet K2500 Truck, VIN 1GCGK24J7LE241844
4. 2003 Ford Crown Victoria, VIN: 2FAHP71W73X186674
5. 1975 Dodge W300 Truck, VIN: W31BF53073588
6. 1999 Crafcro Seal Machine, Serial # 1C9EK0912X1418199 with hose and swivel
7. Tar Kettle
8. Astro Mobile Radio, serial number: 526CDS0277
9. Astro Mobile Radio, serial number: 526CDS0278
10. Astro CH Mobile Radio, serial number: 494AZS1455
11. Astro Mobile Radio, serial number: 526CDS0283
12. Astro CH Mobile Radio, serial number: 494AZS1485
13. Astro CH Mobile Radio, serial number: 4994AZS1484
14. Astro Mobile Radio, serial number: 526ACU0020
15. Astro Mobile Radio, serial number: 526CDS0275
16. Astro Mobile Radio, serial number: 526CDS0276
17. Astro Mobile Radio, serial number: 526CDS0279
18. Astro Mobile Radio, serial number: 526ACU0096
19. Astro CH Mobile Radio, serial number: 494AZS1463
20. Astro Mobile Radio, serial number: 526CDS0291
21. Astro Mobile Radio, serial number: 526CDS0289
22. Astro Mobile Radio, serial number: 526ACU0021
23. Astro CH Mobile Radio, serial number: 494AZS1448
24. Astro Mobile Radio, serial number: 526CDS0285
25. Astro Mobile Radio, serial number: 526CDS0290
26. Astro Mobile Radio, serial number: 526ACU0099
27. Astro Mobile Radio, serial number: 526CDS0286
28. Astro CH Mobile Radio, serial number: 494AZS1467
29. Astro CH Mobile Radio, serial number: 494AZS1490
30. Astro Mobile Radio, serial number: 526CDS0280
31. Astro CH Mobile Radio, serial number: 494AZS1472
32. Astro Mobile Radio, serial number: 526CDS0287
33. Astro Mobile Radio, XLT 500 serial number: 500CFX1428
34. Astro Mobile Radio, XLT 500 serial number: 500CKR0106

## Administration

---

Department: Administration

Department Head: Frank Birkenhauer

Agenda Item: Liberty Nursing JEDD Appointments

---

The request for this evening will be for the appointment of a Township Trustee, a worker at the Liberty Nursing JEDD, and a representative of the ownership of the company. The worker appointment would be Jeff Urban and the ownership representative would be Bruce Carpenter both with Liberty Nursing Health Care.

The Action item would be a motion for these three appointments to the Liberty Nursing Health Care JEDD Board of Directors.

Thank you.

## Administration

---

Department: Administration  
Department Head: Frank Birkenhauer  
Agenda Item: Utility Burial Bid Award

---

The request this evening is to award the Contract for the burial of utilities at Colerain and Springdale to Adelta Inc. for their low bid of \$471,418.00. The consultant reviewed the low bidder and qualified them with his recommendation.

The total cost for the project is as follows:

Adelta	- \$471,418.00
Duke	-\$359,000.00 - Estimate
TWC	-\$163,588.00 -Estimate
C. Bell	- 35,000.00 -Estimate
<b>TOTAL</b>	<b>\$1,029,0006.00</b>

February 6, 2015



**CDS Associates / CT Consultants**  
*engineers | architects | planners*

Mr. Frank A. Birkenhauer  
Asst. Administrator  
Colerain Township  
4200 Springdale Road  
Cincinnati, Ohio 45251-1419

**RE: BID RESULTS AND RECOMMENDATION  
COLERAIN AVENUE AT SPRINGDALE ROAD  
UTILITY BURIAL PROJECT; #2011031-004 / 148135**

Dear Frank:

On Wednesday, February 4, 2015 at 10:00 AM, a total of three (3) Bid Proposals were received and opened for the above-referenced project. We have reviewed the bids and have found them all to be complete and in proper form. The breakdown of the bid results is as follows:

<u>BIDDER</u>	<u>BASE BID</u>
Adleta, Inc.	\$ 471,418.00
Ford Development	\$ 479,780.00
Rack & Ballauer	\$ 601,979.00

CDS Associates/CT Consultants has worked with Adleta, Inc. in the past and found their work to be satisfactory. Based on our knowledge of the contractor and on our review of the bids, it is our recommendation to award the project to Adleta, Inc., for their base bid of \$471,418.00.

If you have any questions, or need further information, feel free to contact us at 791-1700.

Sincerely,

CDS ASSOCIATES/CT CONSULTANTS, INC.

Pat Madl, EIT  
Project Engineer

PM:rgf

Attachment

## Administration

---

Department: Administration

Department Head: Frank Birkenhauer

Agenda Item: Joseph Road sidewalk engineering.

---

The request this evening is for action to award the Contract for the design of sidewalks on Joseph Road to Brandstetter Carroll for the sum of \$18,000.





# BRANDSTETTER CARROLL INC

LAND SURVEYING ENGINEERS & PLANNERS

February 16, 2015

2360 Chauvin Dr  
LEXINGTON  
KY 40517  
859.268.1933  
FX: 859.268.3341

308 East 8th St  
CINCINNATI  
OH 45202  
513.651.4224  
FX: 513.651.0147

1220 West 6th St  
Suite 300  
CLEVELAND  
OH 44113  
216.241.4480  
FX: 216.736.7155

Mr. Frank Birkenhauer  
Assistant Administrator  
4200 Springdale Road  
Colerain Twp, Ohio 45251

RE: Joseph Road Sidewalk

Dear Mr. Birkenhauer:

Brandstetter Carroll Inc. is pleased to provide a proposal to Colerain Township for the design of sidewalk improvements on the north side of Joseph Road from Cheviot Road to Colerain Avenue. The scope of work shall generally be as per the cost estimate and design issues dated February 11, 2015.

We propose to provide the following services and associated fees:

Survey/Base Map	\$3,500.00
Preliminary Design	4,500.00
Construction Documents	6,500.00
Bidding and Negotiations	1,000.00
Construction Administration	<u>2,500.00</u>
Total	\$18,000.00

These services include meetings with Township officials and presentation to the adjacent property owners.

Based upon the discussions with the Township, the property owners in the area will donate or allow this project to proceed. As a result, BCI has not included a right-of-way survey in this scope of services. A right-of-way survey and associated exhibits can be provided under a separate agreement.

BCI is prepared to proceed with the topographic survey immediately and complete the Preliminary Design within four weeks and the Construction Documents within an additional four weeks. This schedule allows the project to be bid in the April/May timeframe.

Terms and conditions shall be as per the attached BCI Standard Provisions.

This letter shall serve as our Agreement. Please return a signed copy of this letter to serve as our authorization to proceed.

We appreciate this opportunity to be of service to Colerain Township.

Sincerely,  
BRANDSTETTER CARROLL INC.

Bruce G. Brandstetter, P.E.  
Senior Vice President

BGB/lks

January 20, 2015



**CDS Associates / CT Consultants**

*engineers | architects | planners*

Mr. Frank Birkenhauer  
Assistant Township Administrator / Director of Development  
Colerain Township  
4200 Springdale Road  
Colerain Township, Ohio 45251

**RE: Joseph Road Sidewalk  
P150137**

Dear Mr. Birkenhauer:

Based on our discussion regarding the above-noted project, we have prepared the following proposal for preliminary engineering services for the design of the Joseph Road Sidewalk project (we would estimate that the preliminary design stage is about 60% of complete design for bid):

Field Survey	\$ 3,950.00
R/W research and resolution	\$ 1,250.00
Prepare Base Sheets	\$ 3,750.00
Alignment and Drainage Impact Review	\$ 4,500.00
Preliminary Details, Notes, and Typical Section	\$ 1,750.00
Prepare Opinion of Construction Cost	\$ 1,750.00
Utility Coordination	\$ 1,350.00
Prepare Contract Documents / Copies for Bid	\$ 2,000.00
Bid Question / Attend Bid Opening / Prepare Bid Recommendation	<u>\$ 1,000.00</u>
<b>Total</b>	<b>\$ 21,300.00</b>

Fees include reimbursable expenses (travel, prints, plots, etc.)

Additional Services:

Modular Wall Design (if the existing wall area cannot be graded out)      \$ 2,000.00

The following assumptions are made:

1. All right-of-way will be researched at the County and resolved. Any required preparation of legal descriptions and exhibits for acquisition will be handled under a separate contract.
2. Township will advertise for bidding.

Mr. Frank Birkenhauer, Colerain Township  
RE: Joseph Road Sidewalk  
P150137  
January 20, 2015

Page Two

Anticipated Project Schedule:

Receive Township Authorization	January 30, 2015
Field Survey Complete (Weather Dependent)	February 13, 2015
Concept Alignment Design / Drainage Impact	February 16 – May 8, 2015
Storm Sewer Design Completed	May 8, 2015
Opinion of Construction Cost	May 15, 2015
Plans submitted and reviewed w/Township Staff	May 22, 2015

Thank you for this opportunity to provide engineering services for the Township. Should you have any questions, please contact me at your convenience.

Sincerely,

CDS ASSOCIATES / CT CONSULTANTS, INC.



Don Shvegza  
Manager, Municipal Engineering

DGS:rgf





CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone ► 513.779.7851  
fax ► 513.779.7892  
www.kleingers.com

December 12, 2014

**Colerain Township**  
Frank A. Birkenhauer  
4200 Springdale Road  
Colerain Township, Ohio 45251

ATTN: Mr. Frank Birkenhauer  
Assistant Administrator / Director of Development

RE: Proposal for Professional Services  
Joseph Road Sidewalk  
Public Roadway Improvements

Dear Mr. Birkenhauer,

Thank you for giving The Kleingers Group the opportunity to provide you with this proposal for surveying and engineering design services for the Joseph Road sidewalk. It is our understanding that Colerain Township, in its ongoing role of creating a vibrant and safe community, will be the lead agency on delivering this project for the township and the surrounding communities.

This letter is intended to communicate our understanding and expectations for the project based on information provided by you as well as outline our proposal approach for completing the work and any assumptions we needed to make while preparing the proposal. The following sections provide a summary of the project, proposed scope of services, corresponding fee structure, timing, and other related project information. Should you have any questions or concerns, please feel free to contact me so we can discuss and refine the proposal to better suit your needs.

We look forward to working with you on this project. Thank you and have a great day!

Sincerely,  
**THE KLEINGERS GROUP**

Mark W. Nolt, PE  
Project Manager

cc: FILE

JOB #: 140602.000  
REF: 1.0



## **Project Summary**

### **PROJECT DESCRIPTION**

The project is initiated by Colerain Township. Permitting will be secured through the Township whereas Hamilton County Engineer's Office will handle the bidding and construction inspections.

The proposed sidewalk will be located on the north side of Joseph Road, in Colerain Township and will extend from the intersection of Joseph Road with Cheviot Road to the west to the intersection of Joseph Road with Colerain Avenue to the east. The minimum width of the sidewalk is intended to be 5-ft.

The length of the proposed sidewalk is approximately 2,600-ft. The existing road is curbed with a posted speed limit of 35 mph.

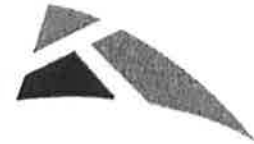
### **PROJECT APPROACH**

The proposed sidewalk will be designed per Colerain Township, Hamilton County Engineer's Office and the Ohio Department of Transportation (ODOT) standards (2013 CMS) and applicable utility company standards.

Care will be taken to minimize impacts to adjacent properties and existing utilities and to minimize right-of-way takes and existing utility relocations in an effort to minimize acquisition and construction costs.

The existing retaining wall located in the wooded area on the north side of Joseph Road, approximately halfway between Cheviot Road and Colerain Avenue, will likely force the proposed sidewalk in the vicinity of the wall to be placed closer to the existing road. Similar situations may also be encountered where the close proximity of existing parking lots to Joseph Road may force the proposed sidewalk to be placed closer to the existing road. A wider sidewalk (wider than 5-ft) will likely be required at these locations if the sidewalk will be directly at the back of curb.

The following page(s) outline the specific scope of services included with this proposal.



## Scope of Services

### 1 – TOPOGRAPHIC SURVEY AND RIGHT-OF-WAY RESOLUTION

- Perform Research of the public records to obtain the most current deeds for the subject parcels and adjoining parcels along with associated survey records. Subject parcels are identified as being those parcels on the north and south side of Joseph Road lying between Cheviot Road and State Route 27.
- Field locate the existing monumentation and occupation lines of the subject parcels.
- Resolve the location of the right of way of Joseph Road and the property lines lying on the north side of Joseph Road by analysis of the field measured distances and angles versus the record distances and angles.
- Establish horizontal and vertical control on site which will be based on the Hamilton County Control Network (NAD83, NGVD29)
- Obtain topographic information at 25-foot intervals that will extend from the existing centerline of Joseph Road to 50 feet north of the existing north curb line.
- Contact Ohio Utilities Protection Service to mark underground utilities and furnish record drawings, if available.
- Obtain the location of visible utilities on site. Utilities will be shown on the plat by combining the field locations from our survey data with record information as obtained from the utility companies and/or others. The Kleingers Group makes no guarantee as to the location, size, and/or depth of any utilities.
- Set (2) two benchmarks along project limits
- Prepare easement exhibits and legal descriptions for necessary easements as required.

**Proposed Fee: Topographic Survey and Right-of-Way Resolution ..... \$8,900**

### 2 - PRELIMINARY DESIGN (50% SUBMITTAL)

The Kleingers Group will prepare preliminary design for the proposed sidewalk.

This phase of work includes the following tasks:

- Prepare preliminary design (50%) drawings consisting of the components outlined in Table A, as necessary.
- Prepare preliminary opinion of probable construction cost.
- Provide preliminary design submittal to Colerain Township, Hamilton County Engineer's Office and affected utility companies.
- Attend one (1) meeting with project stakeholders for coordination and review of plan submission comments, as necessary.



Deliverable(s) for this phase of work include:

- Electronic (native file and/or PDF) version of preliminary design submittal including design drawings and cost opinion exhibit.
- Copies of paper drawing sets / exhibits, as requested, for stakeholder review / coordination.

**Proposed Fee: Preliminary Design (50%) Submittal ..... \$11,627**

### **3 - FINAL DESIGN (85% SUBMITTAL)**

The Kleingers Group will prepare detailed design drawings for stakeholder review based on preliminary design efforts and associated stakeholder comments.

This phase of work includes the following tasks:

- Address preliminary (50%) design review comments from stakeholders and make plan revisions as necessary.
- Prepare detailed design drawings consisting of the components outlined in Table A, as necessary.
- Prepare storm drainage calculations per Hamilton County Engineer's Office requirements and ODOT standards.
- Prepare final opinion of probable construction cost.
- Provide detailed design (85%) submittal to Colerain Township, Hamilton County Engineer's Office, and affected utility companies.
- Attend one (1) meeting with project stakeholders for coordination and review of plan submission comments, as necessary.

Deliverable(s) for this phase of work include:

- Electronic (native file and/or PDF) version of final design submittal including construction drawings, cost opinion exhibit, and engineering calculations (eg: drainage design).
- Copies of paper drawing sets / exhibits, as requested, for stakeholder review / coordination.

**Proposed Fee: Final Design (85%) Submittal ..... \$16,610**

### **4- FINAL CONSTRUCTION DOCUMENTS**

The Kleingers Group will prepare complete / final construction drawings for the proposed improvements.

This phase of work includes the following tasks:

- Address the final design (85%) review comments and make plan revisions as necessary.
- Prepare final construction documents (signed / sealed by a PE) for the proposed sidewalk consisting of the components outlined in Table A, as necessary.
- Revise storm drainage calculations, as needed, per Hamilton County Engineer's Office requirements and ODOT Standards.
- Perform detailed (line-item) quantity take-off calculations and provide to Colerain Township and Hamilton County Engineer's Office.
- Revise / update opinion of probable construction cost.



- Attend one (1) meeting with project stakeholders for coordination and review of plan submission comments prior to submittal of final construction documents, as necessary.
- Submit Final Construction Drawing package to Colerain Township and Hamilton County Engineer's Office to be used by Hamilton County for public bidding and construction.
- Submit Final Construction Drawing plan sets to stakeholders for reference / coordination.

Deliverable(s) for this phase of work include:

- Full-sized (22x34) plan sets to Colerain Township and Hamilton County and/or stakeholders (Up to 4 sets).
- Reduced (11x17) plan sets to Colerain Township and Hamilton County and/or stakeholders (Up to 10 sets).
- Final hydraulics (storm drainage) report.
- Final opinion of probable construction cost.
- Electronic (native file and/or PDF) version of final document deliverables listed above.

**Proposed Fee: Final Construction Documents ..... \$4,983**

#### 6- RIGHT-OF-WAY EXHIBITS AND DESCRIPTIONS

The Kleingers Group will prepare permanent and/or temporary right-of-way exhibits and descriptions as necessary for the construction of the project.

- **Proposed Fee: Right-of-way exhibits and descriptions ..... \$500 per parcel**

### Summary of Fees

ID	Scope Description	Fee
1	Topographic Survey and Right-of-Way Resolution	\$8,900
3	Preliminary Design (50% Submittal)	\$11,627
4	Final Design (85% Submittal)	\$16,610
5	Final Construction Documents	\$4,983
	<b>Total</b>	<b>\$42,120</b>
6	Right-of-way exhibits and description	\$500 per parcel



The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at \_\_\_\_\_.m., on February \_\_, 2015, at Colerain Township, 4200 Springdale Road, Colerain Township, Ohio, with the following members present:

M\_\_\_\_\_. introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING TO BE PUBLIC PURPOSE CERTAIN PUBLIC IMPROVEMENTS WHICH ARE NECESSARY FOR THE FURTHER DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY WITHIN THE TOWNSHIP, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING SUCH DOCUMENTS AS MAY BE NECESSARY AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.**

WHEREAS, Sections 5709.73 et seq. of the Ohio Revised Code (the "TIF Authorizing Statutes") authorize townships to participate in a financing technique commonly known as tax increment financing; and

WHEREAS, this Board of Trustees ("Board") of Colerain Township (the "Township") wishes to use the authority granted pursuant to the TIF Authorizing Statutes in connection with certain improvements in the Township in order to meet the public health, safety, welfare and convenience needs of the area, including re-development of under utilized commercial property in the Township; and

WHEREAS, this Board has determined to grant a property tax exemption for the parcels comprising the area where such improvements are to be located (the "Kroger TIF Site"); and

WHEREAS, the boundary of the Kroger TIF Site shall be coextensive with the boundary of, and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto; and

WHEREAS, notice has been given to the Northwest Local School District (the "School District") on January 16, 2015, of the consideration of this Resolution granting a tax increment property tax exemption, which exemption was approved by the School District by resolution on January 20, 2015, and this Board will compensate the School District pursuant to a Tax Incentive Agreement to be entered into by and between the Township and the School District; and

WHEREAS, notice has been given to the Butler Technology & Career Development ("Butler Tech") on January 16, 2015, of the consideration of this Resolution granting a tax increment property tax exemption, as required by Section 5709.73 of the Ohio Revised Code, and this Board will compensate Butler Tech pursuant to Section 5709.73(D) of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Colerain Township, County of Hamilton, State of Ohio:

SECTION 1. Pursuant to Section 5709.73(B) of the Ohio Revised Code, this Board hereby creates the "Kroger TIF Site", the boundaries of which shall be coextensive with the boundaries of the parcels specifically identified and depicted in Exhibit A attached hereto, which parcels are located in the unincorporated area of the Township.

SECTION 2. That this Board hereby finds and declares that certain public improvements (the "Public Improvements") in the Township, to wit: land acquisition, including acquisition in aid of industry, commerce, distribution, or research including, acquisition of property located on Springdale Road; the planning, design and construction of public street improvements including pavements, walkways, traffic control devices and alterations to existing streets; the planning, design and construction of utilities including but not limited to water, sanitary sewers, gas mains, electric facilities, communication facilities, storm water sewers and detention facilities; the creation or enhancement of buffer areas and open areas necessary for ensuring the compatibility of adjacent land uses; the installation of landscaping, retaining walls, and public amenities; demolition of existing buildings; and the purchase of property rights of way and easements or other rights in property necessary for the completion of the Public Improvements listed above, are a public purpose and that those Public Improvements are necessary for the further development of the parcels of land described in Exhibit A attached to this Resolution (such parcels are hereinafter collectively referred to as the "Kroger TIF Site"), which parcels are located in an unincorporated area of the Township, and for the creation of jobs, increasing property values and the provision of adequate public services in Colerain Township.

SECTION 3. That, pursuant to Section 5709.73(B) of the Ohio Revised Code, further improvements to the parcels in the Kroger TIF Site occurring after the date of this Resolution are hereby declared to be a public purpose and are exempt from real property taxation commencing with the earlier of (1) the first tax year for which there is an increase in assessed value (i.e., the 35% value) to the Kroger TIF Site of at least \$500,000 or (2) tax year 2017, and ending the earlier of (1) twenty years thereafter or (2) the date on which the Public Improvements as described in Section 1 above that will benefit the Kroger TIF Site are paid in full from the Tax Increment Equivalent Fund, as defined in Section 6 hereof. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion shall be one hundred percent (100%) of the assessed value of the Improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the Kroger TIF Site.

SECTION 4. That pursuant to Section 5709.74 of the Ohio Revised Code, the owner or the owners of the Improvements shall be required to make annual service payments in lieu of taxes (the "Service Payments") to the Hamilton County Treasurer on or before the final dates for payment of real property taxes. This Board hereby expresses its intention and authorizes the Township Trustees or the President of the Board of Township Trustees to enter into such agreements as may be necessary and appropriate to assure the payment of such Service Payments including a Service Agreement by and between the Township and owners of property within the Kroger TIF Site.

SECTION 5. That a portion of the Service Payments shall be paid to the School District and Butler Tech in accordance with (i) the terms of a Tax Incentive Agreement, hereby authorized to be entered into by the Board (or the President thereof) between the Township and the School District and (ii) the provisions of Section 5709.73(D) of the Ohio Revised Code (collectively, the "Compensation Payments").

SECTION 6. That pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Kroger TIF Site Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Moneys deposited in the Tax Increment Equivalent Fund shall be used only in accordance with Section 5709.75 of the Ohio Revised Code, which authorizes the Township to finance the Public Improvements and make the Compensation Payments.

SECTION 7. That the proper township officials are hereby authorized and directed to do all things necessary and proper to carry out Sections 1 through 6 of this Resolution, including but not limited to filing any required applications for tax exemption with the Hamilton County Auditor and/or State Tax Commissioner.

SECTION 8. Pursuant to Section 5709.73(I) of the Ohio Revised Code, the Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of the Department of Development Services of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth herein remains in effect, the Township Administrator or other authorized officer of this Township shall prepare and submit to the Director of Development Services of the State of Ohio the status report required under Section 5709.73(I) of the Ohio Revised Code.

SECTION 9. That the Fiscal Officer is hereby directed to forward a copy of this Resolution to the County Auditor of Hamilton County.

SECTION 10. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. That this Resolution shall be effective at the earliest date allowed by law.

M\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

Vote Record: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

BOARD OF TRUSTEES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk

## **EXHIBIT A**

### **Real Property Description**

Approximately 17.822 acres of real property located in Colerain Township, Hamilton County, Ohio:

Hamilton County Auditor's Parcel No. 510-0103-0008  
Hamilton County Auditor's Parcel No. 510-0103-0009  
Hamilton County Auditor's Parcel No. 510-0103-0010  
Hamilton County Auditor's Parcel No. 510-0103-0011  
Hamilton County Auditor's Parcel No. 510-0103-0012  
Hamilton County Auditor's Parcel No. 510-0103-0013  
Hamilton County Auditor's Parcel No. 510-0103-0018  
Hamilton County Auditor's Parcel No. 510-0103-0019  
Hamilton County Auditor's Parcel No. 510-0103-0020  
Hamilton County Auditor's Parcel No. 510-0103-0021  
Hamilton County Auditor's Parcel No. 510-0103-0022  
Hamilton County Auditor's Parcel No. 510-0103-0026  
Hamilton County Auditor's Parcel No. 510-0103-0027  
Hamilton County Auditor's Parcel No. 510-0103-0028  
Hamilton County Auditor's Parcel No. 510-0103-0073  
Hamilton County Auditor's Parcel No. 510-0103-0074  
Hamilton County Auditor's Parcel No. 510-0103-0075  
Hamilton County Auditor's Parcel No. 510-0103-0076  
Hamilton County Auditor's Parcel No. 510-0103-0077  
Hamilton County Auditor's Parcel No. 510-0103-0078  
Hamilton County Auditor's Parcel No. 510-0103-0079  
Hamilton County Auditor's Parcel No. 510-0103-0080  
Hamilton County Auditor's Parcel No. 510-0103-0195  
Hamilton County Auditor's Parcel No. 510-0103-0202  
Hamilton County Auditor's Parcel No. 510-0111-0056

### **AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Clerk, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Colerain Township Clerk

### **CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Board of Township Trustees of Colerain Township, Hamilton County, Ohio, and was certified to the County Auditor of Hamilton County, and the Northwest Local School District.

\_\_\_\_\_  
Clerk

Dated: \_\_\_\_\_

### **RECEIPT**

The undersigned hereby acknowledges receipt of a certified copy of the foregoing resolution.

\_\_\_\_\_  
Hamilton County Auditor

Dated: \_\_\_\_\_

## **RECEIPT**

The undersigned hereby acknowledges receipt of a certified copy of the foregoing resolution.

---

President, Northwest Local School District

Dated: \_\_\_\_\_

## TAX INCENTIVE AGREEMENT

**THIS TAX INCENTIVE AGREEMENT (the “Agreement”)**, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2015, by and between the NORTHWEST LOCAL SCHOOL DISTRICT, Counties of Hamilton and Butler, Ohio, a local school district and political subdivision of the State of Ohio (the “School District”), COLERAIN TOWNSHIP, Hamilton County, Ohio, a political subdivision of the State of Ohio (the “Township”), and KROGER LIMITED PARTERSHIP I, an Ohio partnership (the “Company”).

### WITNESSETH THAT:

WHEREAS, Section 5709.73 of the Ohio Revised Code authorizes townships to grant tax increment financing real property tax exemptions for improvements declared to be for a public purpose, which exemptions exempt from taxation the increase in the value of the parcel of property after the effective date of the resolution granting such exemption (the “Increased Value”); and

WHEREAS, Section 5709.74 of the Ohio Revised Code further authorizes a township to require owners of improvements subject to a tax increment financing tax exemption to make semi-annual payments to the township in lieu of taxes (“Service Payments in Lieu of Taxes”), which payments are approximately equivalent to the amount of real property tax which would be payable on the increase in the value of the parcel of property but for the exemption from taxation; and

WHEREAS, Section 5709.75 of the Ohio Revised Code further requires a township receiving payments in lieu of taxes to create a public improvement tax increment equivalent fund (the “Tax Increment Equivalent Fund”) for deposit of the entire amount of such payments, to be used to pay the costs of public infrastructure improvements benefiting the parcels subject to the tax increment financing tax exemption and, if provided, to make payments to school districts impacted by such exemption from taxation; and

WHEREAS, pursuant to a letter dated January 16, 2015, the Township notified the School District of its intent to grant an exemption (the “TIF Exemption”), as authorized by Section 5709.73 of the Ohio Revised Code, for improvements to certain real property located within the boundaries of the Township and the School District, which parcels of real property are described in Exhibit A attached hereto and made a part hereof (the “Exempted Property”), by using the Service Payments in Lieu of Taxes to pay for or finance the acquisition and/or construction of public improvements that are necessary for or as a result of the development of the Exempted Property (the “Public Improvements”) in order to induce the owners of a fee interest in all or any portion of the Exempted Property (the “Property Owners”) to re-develop the Exempted Property; and

WHEREAS, the Board of Education of the School District passed a resolution on January 20, 2015 (the “School District Resolution”) approving the TIF Exemption on the condition that the parties hereto enter into this Agreement and authorized the execution of this Agreement; and



WHEREAS, the Township has, pursuant to a resolution of the Board of Trustees of the Township adopted on February \_\_, 2015 (the "Township Resolution"), granted the TIF Exemption and authorized the execution of this Agreement; and

WHEREAS, the Township and the Company intend to enter into a Service Agreement, with respect to the Exempted Property and the Public Improvements (the "Service Agreement"), which Service Agreement constitutes a contract or agreement with a developer with respect to the development of a project undertaken or to be undertaken and which was identified in the Resolution; and

WHEREAS, Sections 5709.73 and 5709.82 of the Ohio Revised Code permit the Board of Trustees of the Township, the Board of Education of the School District, and the Company to enter into this Agreement in order to compensate the School District for property taxes exempted pursuant to 5709.73; and

WHEREAS, the Company desires to encourage the School District and the Township to cooperate in the issuance of securities to finance the cost of the Public Improvements ("Securities"), and the Township desires to make the Company a party to this Agreement as a condition to the Township's issuance of any Securities in order to insure that the issuance of the Securities, the payment of debt service on such Securities ("Debt Service Payments"), and the mechanism for compensating the School District (as described herein) will be undertaken with consistency;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the School District, the Township, and the Company covenant, agree and bind themselves as follows:

**SECTION 1. Approval of the TIF Exemption; Compensation to School District While TIF Exemption in Effect.**

(a) As provided in the School District Resolution, the School District approves the TIF Exemption for up to one hundred percent (100%) of the Increased Value to the Exempted Property for a period of up to twenty (20) years, commencing with the earlier of (1) the first tax year for which there is an increase in assessed value (i.e., the 35% value) to the Kroger TIF Site of at least \$500,000 or (2) tax year 2017, and ending the earlier of (1) twenty years thereafter or (2) the date on which the Public Improvements that will benefit the Kroger TIF Site are paid in full from the Tax incentive Equivalent Fund (the "Exemption Period").

(b) During any year, or any portion thereof, in which this Agreement is in effect, the Company, its successors, transferees, and assigns, shall pay to the School District and Butler Technology and Career Development Schools ("Butler Tech") an amount equal to the respective amount of real property taxes the School District and Butler Tech should receive from the property set forth in Exhibit A during collection year 2015 minus the amount of real estate taxes the School District and Butler Tech respectively receive from the Hamilton County Auditor for the property set forth on

Exhibit A, attached hereto. The parties anticipate that few, if any, payments will be required.

(c) Upon termination of the TIF Exemption, any funds remaining in the Tax Increment Equivalent Fund ("Increment Fund Balance") shall be paid to or retained by the School District, the Township and Butler Tech on a proportionate basis according to the following formula:

(i) School District: an amount equal to the Increment Fund Balance multiplied by the quotient of the School District's effective millage rate divided by the sum of the effective millage rates of the School District, the Township, and Butler Tech (the "Combined Millage"); and

(ii) Township: an amount equal to the Increment Fund Balance multiplied by the quotient of the Township's effective millage rate divided by the Combined Millage; and

(iii) Butler Tech: an amount equal to the Increment Fund Balance multiplied by the quotient of the Butler Tech's effective millage rate divided by the Combined Millage.

(d) In determining the amount of the Service Payments in Lieu of Taxes required by the Township pursuant to Section 5709.74 of the Ohio Revised Code, it is expressly agreed and relied upon that the value of the Exempted Property which shall be exempt under Sections 5709.73 through 5709.75 of the Ohio Revised Code shall be the increase in value of the parcels from and after the date that the Township Resolution granting the TIF Exemption was adopted by the Township, regardless of the date on which the exemption from real property taxation is certified to the Hamilton County Auditor by the Tax Commissioner of the State of Ohio and regardless of the years for which such exemption is claimed.

## **SECTION 2. Priority of Obligations; Early Termination of TIF**

(a) The School District and the Township agree that moneys in the Tax Increment Equivalent Fund will first be used to pay debt service on any Securities issued to pay for Public Improvements.

(b) The Township agrees that Securities or other obligations will not be issued in an aggregate amount exceeding \$4,000,000 without express written permission from the School District.

(c) Upon full repayment of any and all Securities issued to pay the cost of the Public Improvements, the Township is hereby obligated to take any and all action to terminate the TIF Exemption.

(d) Notwithstanding that the School District has approved the TIF Exemption for up to twenty (20) years, such approval for the TIF Exemption is only for as many

years as is necessary to repay any Securities or other obligations issued to finance the cost of the Public Improvements, not to exceed twenty (20) years.

**SECTION 3. Payment of School District Compensation.** Each calendar year or portion thereof for which this Agreement is in effect, within thirty (30) days after receipt of payment and settlement from the Hamilton County Auditor for each half of annual real property taxes for that calendar year, the Company shall pay to the School District, by wire, bank or cashier's check or other mutually agreeable manner the amount due, if any, under Section 1(b) herein.

Any compensation payments to be paid under this Agreement by the Township shall be paid within thirty (30) days of the effective date of the resolution terminating the TIF Exemption, and within thirty (30) days of the receipt of any additional funds into the Tax Increment Equivalent Fund after termination of the TIF Exemption, by wire, bank or cashier's check or other manner mutually agreed to by the School District and the Township.

The School District agrees not to file real property tax valuation complaints and/or counter-complaints with regard to the property set forth in Exhibit A for tax year 2015.

**SECTION 4. Late Payments.** Any late School District compensation payments shall bear interest at the then current rate established under Sections 323.121(B)(2)(a) and 5703.47 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time.

**SECTION 5. Statutory Amendments.** In the event of amendments to the Ohio statutes that are the subject of this Agreement, or termination of this Agreement due to a court determination of invalidity, the parties agree to cooperate and exercise reasonable efforts to attempt to amend this Agreement as necessary to conform the Agreement to the amended statutes, or to attempt to restate this Agreement to correct any matter causing a determination of invalidity, in a manner preserving the present intent and effect of this Agreement. Any such amendment or restatement of this Agreement is conditioned on new authorization by the Board of Education of the School District and by the Board of Trustees of the Township.

**SECTION 6. Notices.** All notices, designations, certificates, requests or other communications under this Agreement shall be sufficiently given and shall be deemed given when mailed by registered or certified mail, postage prepaid addressed to the following addresses:

The School District:

Northwest Local School District  
3240 Banning Road  
Cincinnati, Ohio 45239  
Attn: Treasurer

The Township:

Colerain Township, Ohio  
4200 Springdale Road  
Colerain Township, Ohio 45251  
Attn: Township Administrator

The Company:

Kroger Limited Partnership I  
1014 Vine Street  
Cincinnati, Ohio 45202  
Attn: Rita Williams

**SECTION 7. Duration of Agreement; Amendment.** This Agreement shall become effective on the date that it is executed and delivered and shall remain in effect for such period as any tax exemptions pursuant to Section 5709.73 through 5709.75 of the Ohio Revised Code are in effect with respect to the Exempted Property, but in no event not later than December 31, 2036. This Agreement may be amended only by mutual agreement of the parties hereto. No amendment to this Agreement shall be effective unless it is contained in a written document approved through legal process and signed on behalf of all parties hereto by duly authorized representatives.

**SECTION 8. Waiver.** No waiver by the School District, the Company, or the Township of the performance of any terms or provision hereof shall constitute, or be construed as, a continuing waiver of performance of the same or any other term or provision hereof.

**SECTION 9. Merger; Entire Agreement.** This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussion, agreements, and undertakings of every kind of nature between the parties with respect to the subject matter of this Agreement.

**SECTION 10. Binding Nature.** This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

**SECTION 11. Severability.** Should any portion of this Agreement be declared by a court of competent jurisdiction to be unconstitutional, invalid or otherwise unlawful, such decision shall not affect the entire agreement but only that part declared to be unconstitutional, invalid or illegal and this Agreement shall be construed in all respects as if any invalid portions were omitted.

**SECTION 12. Counterparts; Captions.** This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

IN WITNESS WHEREOF, the School District, the Company and the Township, have caused this Agreement to be executed in their respective names by their duly authorized officers all as of the date hereinbefore written.

**NORTHWEST LOCAL SCHOOL  
DISTRICT, HAMILTON COUNTY,  
OHIO**

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

Printed Name: \_\_\_\_\_

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

**COLERAIN TOWNSHIP,  
HAMILTON COUNTY, OHIO**

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

Printed Name: \_\_\_\_\_

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

**KROGER LIMITED PARTNERSHIP I**

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

Printed Name: \_\_\_\_\_

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

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me, a Notary Public in and for the State of Ohio, the Northwest Local School District, Hamilton County, Ohio, by \_\_\_\_\_, known and known to be the \_\_\_\_\_ of said School District and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said School District, to be his/her voluntary act and deed, and the voluntary act and deed of said School District.

Notary Public

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

[NOTARY  
SEAL]

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me, a Notary Public in and for the State of Ohio, Colerain Township, Hamilton County, Ohio, by \_\_\_\_\_, known and known to be the \_\_\_\_\_ of said Township and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said Township, to be his/her voluntary act and deed, and the voluntary act and deed of said Township.

Notary Public

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

[NOTARY  
SEAL]

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me, a Notary Public in and for the State of Ohio, Kroger Limited Partnership I, by \_\_\_\_\_, known and known to be the \_\_\_\_\_ of said Company and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said Company, to be his/her voluntary act and deed, and the voluntary act and deed of said Company.

Notary Public

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

[NOTARY  
SEAL]

## **EXHIBIT A**

### **Real Property Description**

Approximately 17.822 acres of real property located in Colerain Township, Hamilton County, Ohio:

Hamilton County Auditor's Parcel No. 510-0103-0008  
Hamilton County Auditor's Parcel No. 510-0103-0009  
Hamilton County Auditor's Parcel No. 510-0103-0010  
Hamilton County Auditor's Parcel No. 510-0103-0011  
Hamilton County Auditor's Parcel No. 510-0103-0012  
Hamilton County Auditor's Parcel No. 510-0103-0013  
Hamilton County Auditor's Parcel No. 510-0103-0018  
Hamilton County Auditor's Parcel No. 510-0103-0019  
Hamilton County Auditor's Parcel No. 510-0103-0020  
Hamilton County Auditor's Parcel No. 510-0103-0021  
Hamilton County Auditor's Parcel No. 510-0103-0022  
Hamilton County Auditor's Parcel No. 510-0103-0026  
Hamilton County Auditor's Parcel No. 510-0103-0027  
Hamilton County Auditor's Parcel No. 510-0103-0028  
Hamilton County Auditor's Parcel No. 510-0103-0073  
Hamilton County Auditor's Parcel No. 510-0103-0074  
Hamilton County Auditor's Parcel No. 510-0103-0075  
Hamilton County Auditor's Parcel No. 510-0103-0076  
Hamilton County Auditor's Parcel No. 510-0103-0077  
Hamilton County Auditor's Parcel No. 510-0103-0078  
Hamilton County Auditor's Parcel No. 510-0103-0079  
Hamilton County Auditor's Parcel No. 510-0103-0080  
Hamilton County Auditor's Parcel No. 510-0103-0195  
Hamilton County Auditor's Parcel No. 510-0103-0202  
Hamilton County Auditor's Parcel No. 510-0111-0056



