



**DUBLIN CITY COUNCIL  
PUBLIC SERVICES COMMITTEE MEETING  
Monday, June 29, 2015  
6:30 p.m. – Council Chambers**

**Agenda**

1. Call to Order
2. Approval of Minutes of 5-26-15 meeting
3. Private Streets
4. Private Drives
5. Considerations
6. Caplestone Lane
7. Committee Discussion and Recommendations
8. Adjourn

Dublin City Council  
PUBLIC SERVICES COMMITTEE  
Tuesday, May 26, 2015  
Council Chambers – 6:30 p.m.

Minutes of Meeting

Ms. Salay, Chair called the meeting to order at 6:30 p.m.

Committee Members present: Ms. Salay, Chair; Mr. Reiner and Mr. Lecklider.

Council members present: Ms. Chinnici-Zuercher

Staff members: Ms. Readler, Ms. O'Callaghan, Ms. Husak, Mr. Anderson. Mr. McDaniel arrived at 8:00 p.m.

Ms. Salay moved to approve the minutes of the February 24, 2015 Public Services Committee meeting.

Mr. Reiner seconded the motion.

The minutes were unanimously approved.

Ms. Salay stated that the purpose of this meeting is to discuss homeowner association (HOA) maintenance of common areas, in particular, City-owned land.

Background

Ms. O'Callaghan stated this is a complex issue with multiple factors that impact it:

- There are many unique situations in existence within the City.
- The process has evolved over the years.
- Negotiations have been involved in each situation.
- Each neighborhood is unique and wants its own identity, so there is a pride issue involved.
- Each neighborhood has different expectations for level of maintenance. City maintenance levels might be sufficient in one neighborhood, but not in another.
- Equity/fairness issue and different philosophies contribute to that.
- There is no "one size fits all" solution.
- There are a few cases of HOAs which the City pays to maintain City-owned property for which the City is responsible for maintaining. In those situations, the City pays what it would expect to expend on a yearly basis to maintain it to the City's standards. The HOAs add those funds to their budget for annual maintenance activities, paying the difference to maintain to a higher level than the City's level. There are three examples of this situation: Muirfield, Ballantrae and Woods of Indian Run.

Mr. Lecklider requested an example of a neighborhood having a different maintenance expectation.

Ms. O'Callaghan responded that one association might pay for six rounds of fertilization per year whereas the City would typically anticipate fertilizing three times. The number of mulchings done would be another area of difference, as well.

Mr. Reiner stated that another good example is the right-of-way to Muirfield. The HOA bids out/awards contracts for annual maintenance. City mowing was substandard to the HOA's expectations, so the City pays them the usual amount expended, and the HOA has the area mowed to a higher standard. That has worked well.

Ms. O'Callaghan confirmed that the City issues a check for that amount each year, after which the City is no longer involved in the maintenance. There are three HOAs with this arrangement.

Mr. Lecklider noted that that is a distinct minority of the HOAs; they are the exceptions.

Ms. O'Callaghan noted that she mentioned them for information only; they are not part of the discussion tonight.

#### Process and Philosophy

Ms. Husak stated that for Planning's purposes, the open space land that is required to be dedicated to the City and is received is regulated in the Subdivision Standards. As part of platting of lots and rights-of-way, the City has a codified process in place that requires certain amounts of open spaces to be set aside. There are two specific Code sections; they contain calculations that are fairly small. The Code specification for the open space area is two percent of the overall site to be platted; it is .03 acres per dwelling unit proposed in the plat. There is also another land dedication requirement for recreational facilities – 0.025 acres per unit. The overall requirement for the Riviera development is only about 13 acres, approximately 8% of the site. Typically, developers approach the City with proposals for subdivisions, which provide the City with more open space than what is required. In the last 10+ years, conservation design principles have had an impact on how developments were laid out. The goal was to strive towards 50% of open space, so the City has received much more land than required - - 30 – 50% of open space on the entire site. Planning works with the Parks Department to determine appropriate areas to be maintained by the HOA versus areas to be maintained by the City. That depends completely on the location of the open space and the intended use; entry features are not maintained by the City. The final decision is memorialized in the development text and on the plat, as well.

Mr. Lecklider stated that because no two pieces of land are the same, and no formula can be applied in every case, it is an arbitrary decision.

Ms. Husak responded that it is arbitrary beyond the requirements of the subdivision regulations. Sometimes, there is a tradeoff – a higher density than the Community Plan provides for more open area than is required.

Mr. Lecklider noted that the homeowners are not part of the negotiation, because there are not homeowners. It is a negotiation between the developer, staff and the Commission, and they ultimately impose this burden on the homeowners.

Ms. Salay stated that in recent years, Council has become aware of issues some HOAs have had with the cost of maintaining large amounts of open space – Cramer's Crossing was one of them. As a result, the City assumed the responsibility of maintenance of some of those areas. Since then, the City has paid more attention to what the burden might be.

Ms. O'Callaghan stated that as part of that planning process, Planning staff consults with Mr. Hahn, Parks Director. He has been involved in evaluating any requests for relief, as well. Each time the City has received a request for relief, we have learned from that, and the practice has evolved. Legal has provided an opinion that the process we are utilizing is legal and enforceable. It also outlines the remedies in the event the HOA were to cease fulfilling their obligations.

Ms. O'Callaghan stated the maintenance responsibility of open space is not codified; it is determined administratively. It is an informal and internal process. It is negotiated specific to each subdivision, on a case-by-case basis. In 2002, CSAC reviewed the issue and recommended to Council that a formula be utilized in these negotiations and the rezoning process. There was a

desire for a "one size fits all" formula. The formula was used for a couple of years, but because each subdivision is unique, the formula did not work.

Ms. Salay stated that she wondered what had happened to the formula.

Ms. O'Callaghan stated that the formula is a ratio of 36 homes/1 acre, but the issue is that one acre could have several ponds, just turf, and all landscaped beds – unique circumstances exist for each subdivision.

#### Current Practice

The issue is handled on a case-by-case basis. There are guidelines that staff uses as the subdivision is going through the development process. Generally speaking, the HOA maintains: the frontages, entrance features, reserves not accessible to the community as a whole. The City maintains: reserves planned to have public park amenities; reserves that are accessible to the community as a whole.

The philosophy has been two-fold:

- (1) reserves are viewed as an amenity of the community as a whole, but are most beneficial to the enhancement of the immediate neighborhood, and ultimately impact the immediate neighborhood's individual properties the most.
- (2) Each neighborhood will have its own preferences as to the type, amount and expense of its own entryway to include entry features and reserve areas.

She showed a map of City-owned property, as well as maintenance responsibilities. This information is based on the best information they have from City records including plats, agreements and consolidated databases. As depicted on the map:

- Public areas currently maintained by HOAs total approximately 200 acres.
- Areas of joint maintenance responsibility total approximately 100 acres. One example of joint maintenance is a pond for which the HOA is responsible for paying for the electric to the aerator, but the chemical treatments, etc. are the City's responsibility. There are many other examples of joint maintenance.
- Areas of City maintenance total approximately 1,542 acres.
- The Golf Club of Dublin is not included, as it is a different arrangement.
- Some of the larger areas maintained by HOAs included Tartan Ridge – 36 acres; Tartan West – 66 acres; Wyandotte Woods – 32 acres. Next largest area is 8 acres.

Mr. Lecklider stated that Wyndham Village (his subdivision) does not have a funded HOA. He pays no fees for the purpose of maintenance. There are two ponds and a large open space area, which the City mows. He does not understand how that area is depicted on the map as jointly maintained.

Mr. Anderson stated that the City doesn't maintain the very small entry features that are located there. The City maintains the ponds and grass.

Ms. O'Callaghan provided slides of examples of current situations. There are no issues with these; they are for illustrative purposes. These examples show how the process has evolved.

- Lowell Trace - 1987 – no maintenance responsibility is shown on the plat. Today, it is indicated on the plat, so it is clear who is responsible for an area. In 1987, maintenance responsibility was handled by an agreement.

Ms. Salay inquired if that agreement was handled by a meeting with staff and the HOA leadership.

Mr. Anderson responded that Mr. Hahn met with the HOA leadership out in the field, and they came to an agreement on the responsibility. He does not know if the agreement was put in writing.

- Hawks Nest – 1996 – the plat clearly indicates that the reserves are owned and maintained by the City of Dublin. The entrance fee and landscape islands are to be maintained by the HOA. The City maintains the reserve areas.

Mr. Lecklider inquired how it was determined that the City would maintain those reserve areas, due to the argument that could be made that this is an amenity that enhances the values of that particular neighborhood.

Ms. O'Callaghan responded that she believes it would have been because the goal is to have HOAs maintain their entry features, and the City will maintain the frontages around that, which are accessible to the community.

Ms. Chinnici-Zuercher stated that the City had also said that it wanted 200-foot setbacks along Brand Road, which would have included this subdivision.

Ms. Salay stated that in addition, the multiuse path system is routed through this location, which is accessible to the public. It is a very prominent roadway frontage.

Mr. Lecklider stated that along Hyland-Croy, Post Preserve and Park Place subdivisions, early products of the City's conservation design efforts – are still required to maintain that open space, which is substantial. There are multiuse paths through that area, as well. It could similarly be argued that is a benefit to the community. Conservation design was in part for the passerby to have that vista.

- Tartan West – 2002 – The plat indicates the reserves are owned by the City and maintained by the HOA. The area includes many amenities in terms of ponds, beds and turf.
- Wedgewood Glen – 2005 – The plat specifies the reserves to be owned and maintained by the City. The entranceway is more elaborate than is typical. This HOA recently applied for a BYN grant.

#### Inventory and Estimated Cost of Maintenance

Data has been compiled that, according to City records, inventories all the areas that are being maintained by HOAs. It is our best estimate of the quantities of items contained within those areas, as well as the total estimated annual cost of maintaining those areas. These costs are based on City current contract prices; they are not the actual costs that the HOAs reported. The City took a holistic view of all the areas maintained by HOAs and applied the City's current contract cost to compile a total cost of maintaining those areas.

Mr. Reiner inquired if this included Muirfield, as it is maintained by an HOA.

Ms. O'Callaghan responded that the City is responsible for maintaining that area – it provides a check to Muirfield for the annual maintenance.

Mr. Reiner stated that the property is owned by the Association, but the Association's costs for maintenance are \$1million+ per year.

Ms. Salay clarified that what is being considered is public space that is publicly owned.

In Muirfield, it is all privately owned. Any other open space areas that are privately owned are not included on this map either.

Mr. Reiner inquired what is the small section on Memorial Drive that is depicted as City maintained.

Mr. Anderson responded that it is the Mt. Zion Cemetery.

Mr. Reiner noted that other than that very small area, the City is paying nothing to maintain that entire quadrant of the City.

Ms. Salay noted that the public cannot use the multiuse path nor use the Muirfield open space area.

Mr. Reiner responded that the public can do so.

Ms. Salay responded that signage indicates otherwise.

Mr. Reiner stated that the Glick Road path now runs across the Muirfield path and they work together to save the City money. Muirfield residents agreed to permit those paths to be incorporated to avoid the need for the City to incur additional expense. The public bicycle trail there runs along the Muirfield Association paths.

Ms. Salay inquired if the Muirfield Association paths are now open. There are still signs in place that indicate they are for Muirfield residents only.

Mr. Reiner responded that the only areas where that is not true is where the paths don't meet standards. When the subdivision was originally constructed, there was no bicycle trail concept. The paths installed by the builder have slopes and bridges that do not meet any of the current standards for a public bicycle trail. The reason signs are posted in those areas is not to be exclusive, but to avoid potential lawsuits. However, the HOA has said to the City that if the City would upgrade the 20+ miles of trails, they could become public amenities. To date, the City has not taken action to do that, so the homeowners continue to bear the total cost of that maintenance. In essence, they are doubly taxed.

Ms. Salay inquired if the Glick Road multiuse path will meet Dublin's standards.

Mr. Reiner responded affirmatively.

Ms. Chinnici-Zuercher cautioned that what the City pays for maintenance is not necessarily what the homeowners pay. The City receives better pricing because it has greater volume than HOAs.

Ms. O'Callaghan responded that staff looked at the prices conservatively, because the City's contract areas are typically more complicated areas to maintain. The City maintains the areas that are more efficient to maintain. Using the City contract prices, the total estimate to maintain all those areas is \$309,000 plus tree replacements as needed.

Mr. Reiner noted that it is not a very large number for the entire City; in fact, it is surprisingly small.

Mr. Lecklider inquired the total acreage.

Ms. O'Callaghan responded that the cost can depend on the amenity, but for mowing, it was based on 85.4 acres of turf, three applications of fertilizer, with beds making up approximately 6.6 acres. This number was compiled using aerials and approximating the area; it is not precise, just an estimate. The area is comprised of turf, ponds, beds and woods.

Mr. Reiner inquired the City's cost of maintaining the other areas of the City.

Ms. O'Callaghan responded that she does not have that number with her, but it can be compiled and provided.

### HOA Dues Information/Survey

In 2002, the HOAs were surveyed. The average annual fee per household at that time was \$90-\$100 for maintenance of the common areas. The difficulty of evaluating the information was separating the true maintenance of publicly owned lands. HOA dues typically include many other items.

Mr. Reiner inquired about the typical expenses for an HOA, other than mowing and landscape beds.

Ms. O'Callaghan responded that they can cover social activities and maintenance of their buildings. HOAs typically go above and beyond basic maintenance, so those expenses are separated out.

Ms. Salay stated that it depends on the HOA. She was speaking with a resident of one neighborhood, which holds five events per year for their residents. She inquired if, in arriving at the \$163 amount, the numbers on the chart were divided by the number of responses received.

Ms. O'Callaghan responded that the number of \$163 has been used since the 2008 survey, and Muirfield was not included in those results. The spreadsheet she provided is based on the 2015 survey data. The survey was sent out earlier this month to their list of HOA contacts, however, only 30 of 84 responded. There remains some scrubbing that is needed with the data. In response to her questions regarding calculations – she totaled the dues and divided by the number of responses. It is a rough estimate.

Ms. Salay stated that there are five condominium associations that have only private open spaces. There is a condominium association that pays \$400+ a month.

Ms. O'Callaghan responded that that some of the HOAs may have provided monthly fees, rather than annual. She pulled out some responses that appeared to be anomalies.

Mr. Reiner stated that condo HOA fees typically include exterior maintenance costs of the structures, as well. It would be difficult to determine the portion for lawn care. For the Muirfield Association -- is the average annual cost per homeowner for open space maintenance \$841?

Ms. O'Callaghan stated that was the survey response. The Muirfield HOA and Civic Association numbers were not used in the calculation, however.

### HOA Requests for Relief

Requests for relief are evaluated by the Parks Department. Mr. Hahn uses a quasi-policy in place to evaluate the requests. These are the factors that have been used:

- Is there a financial hardship? Reasonableness determination.
- Does landscape design itself result in extraordinary maintenance cost?
- Have HOA-initiated improvements resulted in extraordinary maintenance cost?
- Are ponds serving a stormwater function?

Over the years, records indicate staff and Council's opinion that stormwater features should not be HOA-maintained. There are some situations, however, where that is in existence.

Mr. Reiner stated that although ponds can be used for a stormwater function, he doesn't know if the City should be required to maintain them all.

Ms. Salay stated that some ponds are maintained by the City and some are required to be privately maintained -- that is one of the issues that needs to be discussed.

Ms. O'Callaghan stated that at one time, a clear decision was made that the ponds should not be HOA-maintained; but there have been a few handled differently since that time.

- Are non-routine repairs and maintenance included in costs?

An example of this type of situation would be if the HOA decided to replace all the shrubs with a different type of shrub. That would not be routine maintenance.

- Level of maintenance in comparison to City level of maintenance?

Typically, these requests are evaluated against the City's level of maintenance standards, such as the number of fertilizer applications. Goose control and irrigation costs are included in HOA fees as well.

#### Three HOA Relief Requests Approved by Council

- Meadows of Wyndam Village – 2002
  - Request for relief of maintenance of 1.614 acres of turf
  - Annual cost of \$456/household.
  - City average cost per household for maintenance was \$90-\$100.
  - Ordinance 82-02 - hardship determination was made, and the City assumed turf maintenance and mulching of trees along Brand Road.

Mr. Reiner stated that if Muirfield maintenance costs had been included in the calculations, the \$90-\$100 stated above would have been much higher – if the average annual cost per homeowner for open space maintenance is \$841. Perhaps the formula the City is using to evaluate need for relief is based on a number that is much too low.

Ms. O'Callaghan stated that if more of the HOAs had responded to the survey, particularly those with larger maintenance responsibilities, it would have significantly changed that number.

Ms. Salay stated that the key factor is that Muirfield open space is privately owned; public open space is owned by the City.

Mr. Reiner stated that the original intent of the greenspace in subdivisions was to enhance appreciation of the subdivision. A large section of Muirfield is on right-of-way viewsheds along Memorial Drive and Muirfield Drive.

Ms. Salay pointed out that the City pays to maintain those rights-of-way.

Mr. Reiner responded that the City pays to maintain only the Muirfield center strip. The HOA is paying for everything else. He suggests that perhaps the \$90-\$100 reference point is too low.

- Cramer's Crossing HOA – 2008
  - Request for relief of maintenance of open space, retention pond, aerator
  - Annual cost of \$385 per household
  - City average annual fee per household for maintenance was \$163
  - Resolution 15-08 - hardship determination made. City assumed turf maintenance and maintenance of pond aerator and associated utility cost.
- Cramer's Crossing Village Condo Association – 2009
  - Request for relief of maintenance of Reserve H (pond, well, aerator, electric, irrigation, turf, landscape beds, muskrat removal)
  - Annual cost of \$193 per household
  - City average annual fee per household for maintenance was \$163
  - No hardship determination. A reasonable determination made: City assumed responsibility for stormwater retention basin chemical treatments only located in Reserve H (because it was connected to the pond in Cramer's Crossing that the City was responsible for treating, and the water flows together.)

- Pending Request – Village at Coffman Park
  - Request: relief of responsibility for pond maintenance
  - Currently 11 homes. Development approved for 66 homes.
  - Annual cost of \$768 per household
  - City average annual fee per household is \$140
  - No decision made – pending policy discussion

### Options

1. Status Quo – The current practice, which has been in existence for many years, is negotiated with the developer. Only three requests for relief have been approved over the years, so that could be an indicator that the status quo is working.
2. City could retain responsibility for all stormwater systems/structures.
3. HOAs could utilize the Beautify Your Neighborhood Grant Program for funding assistance. Some neighborhoods have done so. The criteria do allow for maintenance, although there needs to be some improvement made along with it.
4. City could take over responsibility for maintenance of all common areas with the exception of neighborhood entrance features. The estimated cost is \$260,000. (Total maintenance estimate of \$309,000 - \$47,000 for entryway features=\$260,000)
5. City could take over responsibility for maintenance of all common areas with the exception of neighborhood entryway features and either charge back the HOA for a portion of the cost, or vice versa (either a 50-50 sharing or another reasonable amount).

Ms. Salay stated that Tartan West has an elaborate landscape treatment along Hyland-Croy Road, essentially a vineyard. That is a specifically themed neighborhood. She is not certain that it would be appropriate for the City to assume the maintenance for that open space. She personally is in favor of the City maintaining City-owned open space with the exception of the entryways. Examples such as Hawk's Nest and Lowell Trace maintain only their entry features. Park Place, which is similar to Hawk's Nest, has a different arrangement. She considers this a parity issue. The Tartan West vineyard is different, however, so the resolution would need to be worked on to arrive at an equitable place. The City can enforce deed requirements where there are forced and funded homeowner associations, but what if there is a situation where there is no voluntary HOA leadership?

Ms. Readler responded that, ultimately, the City's remedy in regard to voluntary associations is limited. The City has enforcement power when the requirement is contained in the development's text and plat. That provides a Code enforcement mechanism, which can be pursued in Mayor's Court or a "municipal court." The homeowners, who comprise the HOA, would be the responsible party. The City would have to demonstrate that they were violating an explicit condition.

Ms. Salay stated that there are parts of Coffman Park, close to the creek, that the City has allowed to remain natural. The purpose is to filter stormwater to enhance the water quality. There are some areas in which the creek cannot be seen due to the weeds, honeysuckle and other overgrowth. This is City parkland and the City is choosing to maintain it in that natural fashion. Couldn't an HOA respond to City enforcement by arguing that their choice is a natural area? How would the City handle that situation?

Ms. Readler responded that there are different standards for what constitutes maintenance. Some HOAs would have higher expectations; some would have lower. The City has only the explicit requirements in the zoning text. Where there is not a clear remedy, the Law Department would not advise pursuing enforcement. In the future, the City will need to be very explicit in reviewing the zoning text, if a certain level of maintenance or type of treatment is expected.

Ms. Salay inquired if she believes the zoning texts she has reviewed in the past have been sufficiently explicit.

Ms. Readler responded that with the most recent zoning text -- Riviera, delineation has been made about how certain reserves will be used.

Ms. Salay stated that the City has many neighborhoods that are not so explicit. Essentially, what this would mean is the City suing its own residents.

Ms. Readler responded that is not a choice that the City wants to make, but where there are Code issues, that is ultimately the remedy.

Mr. Reiner responded that the City is simply conducting its standard code enforcement. If a group of homeowners were to refuse to fund grass mowing for their subdivision, the City would utilize the typical code enforcement process and require them to cut their grass. That is the normal course of action.

Ms. Readler stated that the property maintenance code is invoked regularly in the City.

Mr. Reiner stated that process is utilized regularly in Muirfield. Enforcement is pursued through Franklin or Delaware County courts, and homeowners are required to clean up their property. There is nothing wrong with the community exercising aesthetic requirements on itself.

Ms. Chinnici-Zuercher stated that it was her understanding that the text for some HOAs stated specifically the kind of landscaping that was to occur. Many of the HOAs have not arbitrarily made those decisions.

Ms. Readler responded that, for example, the HOAs can choose from a palette of trees.

Ms. Husak responded that, typically, those details are worked out with the Final Development Plans. For the last 15 years, the City has detailed Final Development Plans for all of the open spaces. The City works closing with HOAs, and any departure from those plans, such as occurred recently with Park Place, must seek and obtain Planning and Zoning Commission approval. In particular, for the low maintenance, natural areas, staff attempts to ensure the expectations are clearly understood.

Ms. Readler noted that the boundaries of these areas are often identified by signage to help clarify the maintenance expectations.

Mr. Reiner stated that over the past years, the City has required forced and funded HOAs with all of its zonings. It is only with the older zonings that this is missing, and with some of those, the City has had to authorize some remedies.

Ms. Salay stated that the leadership of HOAs have always been willing to do what they are required to do.

Ms. Readler stated that the forced and funded HOAs have taken more advantage of the BYN grants because they have more formalized leadership and the available matching funds.

Ms. Salay responded that it seems then that the associations that really need the assistance do not have the ability to take advantage of that option as they are not forced and funded.

Mr. Reiner noted that in a case of forced and funded HOAs, the buyers are more motivated because when they sign the warranty deed to purchase their home, they are informed of the process and their required participation. The City has some situations that predate organized municipal processes, and the City is still trying to address those more antiquated situations.

Mr. Lecklider stated that his neighborhood is not that old. While they don't have a large amount of open space that they are required to maintain, the neighborhood suffers. They are not able to get anyone to take responsibility for their entry feature. In the first ten years, the neighborhood had an active HOA, but that has not been the case in recent years. He supports the idea that the entry features serve to enhance the neighborhood. He wishes that his neighborhood had a forced and funded HOA. However, that does not mean he would support the idea of his HOA maintaining ponds or the acreage at South Avery Park.

Ms. Chinnici-Zuercher inquired, if there is no forced funded HOA, what percent of the members pay HOA fees.

Mr. Lecklider responded that he does not believe there are any. Their HOA leadership exists in name only; there is no collection of fees for 200+ homes.

Mr. Reiner stated that the BYN grant is a good remedy for some of the funding needs for entry feature maintenance. Unfortunately, this year, there were few grant applications. That indicates a minimal amount of interest by those communities. It is the HOA's responsibility to meet that need, not the local government. The City has already gone to great lengths to make grants available for that purpose. It is disheartening that more communities are not interested in obtaining and utilizing the money.

Ms. Salay responded that it is a matching grant. The HOA has to contribute half the funds and the volunteer labor for a project. The BYN grants the City has made are not to HOAs where there has been a failure, but to HOAs that are enhancing above and beyond what they already have, such as Campden Lakes.

Mr. Lecklider clarified that he is not suggesting that the City should maintain their entry feature. However, his neighborhood lacks the necessary organizational structure and the matching funds. Even in the earlier years, when they had arbitrarily set fees, there was far from 100% participation.

Ms. Chinnici-Zuercher stated that when she lived in Donegal Cliffs, which also does not have a forced and funded HOA, there were only two people who did not pay; everyone else paid.

Mr. Reiner stated this is related to civic pride, which is what he would like to see encouraged.

Mr. Lecklider responded that he would favor a forced and funded HOA for his neighborhood because his neighborhood is too large in respect to number of homes, and because of the way it is designed, does not have cohesiveness. Donegal Cliffs is designed in a way that lends itself to that kind of cohesiveness. Most neighborhoods are smaller, such as Lowell Trace, and it is much easier to organize the residents than a neighborhood of larger size. His neighborhood is spread out, blends into adjacent neighborhoods, and lacks distinct boundaries, other than the entry feature on Avery Road. It is difficult to recognize where Wyndham Village begins and ends.

Ms. Salay stated that in reviewing the chart, it appears that the condominium associations are skewing the math. In addition, only 30 neighborhoods responded and staff is not confident of the numbers they provided. However, there are three issues the Committee can address:

1. Entry ways

She is in favor of neighborhoods maintaining their own entryways, which is a uniform practice throughout the City. It makes sense to keep that status quo.

2. Public open space

To the extent the City can define the larger public spaces, the City should maintain those. Small open space areas within neighborhoods should be maintained by the neighborhood. Neighborhood frontages containing public bikepaths should also be maintained by the City.

3. Villages at Coffman Park

This is the pending issue. The pond in question is stocked with fish and is a very popular public park. It should not be maintained by a condominium association, but should be publicly maintained. Currently, the HOA is paying to maintain that area but it is not their private land. One discussion point with the recent Riviera rezoning application was that it will be 50% open space and how will that be maintained – privately or publicly? Going forward, she believes it is important that the land the City will take title to should be public open space and publicly maintained. It would be area that the City anticipates would be visited by more people than the neighborhood residents. She believes Riviera should be looked at in terms of how it could be opened up to the public. For example, will there be a public bikepath? It is important to ensure that it is a public amenity if the City is going to maintain it.

Ms. Salay inquired if Council were to decide that the City will maintain the public land, would we also deed some of the private land over to the HOA? Is there HOA-owned land in some of these subdivisions?

Ms. Readler responded that there is some, but not a significant amount because of current City policy. In some circumstances, there is HOA-owned and maintained land. If the City wanted to take over the responsibility, as suggested, staff could develop a policy for that. The difficulty would be that many of these restrictions are in the zoning text and on the plat. The issue would be how the City memorializes that policy so that future property owners know that the plat notation is no longer effective. If only maintenance responsibilities are changing, staff can determine appropriate ways in which to do that. If land is actually being deeded back and forth, that will involve more review.

Ms. Salay stated that it seems to make sense if HOA/private owned land is maintained by the HOA, all public land is the City's maintenance responsibility.

Mr. Reiner stated that of the options suggested tonight, because of the differences between the HOAs, he believes they should be handled on a per unit/per request basis. He does not believe the City should change its current practice. He agrees with Legal staff's conclusion that "as a result, the City could be faced with substantial expenses and time-consuming maintenance responsibilities for areas of land that primarily benefit individual landowners." He believes that is true. A significant portion of the Muirfield HOA meeting discussions over the last 30+ years concluded that the HOA should continue to maintain the property that abuts the road because it is really in competition with Tartan Fields in selling their homes. The issue is property values and the interests of the citizens. The City has gone to great lengths to provide monies for HOA maintenance responsibilities. He does not believe the City should pay for maintenance of some

citizens' private viewsheds along the road right-of-way. They should be willing to invest some money, time or energy based on pride of their community – that is something the City should encourage. He is not in agreement with the concept of a monolithic government that takes care of all its citizens' needs. Residents have some responsibility to take care of their personal properties. Of the options suggested, he prefers Option #1 – keep the status quo. He believes that with current practice, Council has addressed complaints and decisions accurately. He believes that it is unfair for Council to spend taxpayer revenues to keep their property values up. Because it is "their community," the City should expect them to take care of their property or find enough interested parties within their neighborhood to step forward and do something for the common good of that community.

Mr. Lecklider inquired if there are examples that exist elsewhere of publicly-owned or City-owned property being maintained by the residents or neighborhoods. Dublin does many things differently for the ultimate betterment of the community. Is Dublin's current practice a standard across the country and in central Ohio?

Ms. Readler responded that not many communities have public land dedication and private maintenance. In most communities, if the HOA owns the property, they maintain it.

Mr. Reiner stated that the practice has always been that the HOA takes care of it, or the land is deeded to the City. Then it is a City park.

Ms. Salay inquired if he is saying that publicly-owned land should be publicly maintained. That is her position as well.

Mr. Reiner responded that when subdivisions in the City are planned, part of the aesthetics planning along the roadway is for the enhancement of the personal value of the homes within that subdivision. As Legal staff has indicated, that is a personal benefit to the people who live within that subdivision. He does not believe it is the City's responsibility to maintain that land.

Ms. Readler stated that Legal staff was asked to provide an opinion regarding whether the City's current practice was legally enforceable, and that opinion was provided in a memo. The conclusion simply stated that if the City decides to vary from past practice, it will be necessary to memorialize that accordingly. If it is Council's decision to do so, this can be memorialized.

Mr. Lecklider inquired if other communities impose the responsibility of maintenance of publicly-owned land upon the residents in the neighborhoods. Is that commonplace or the exception?

Mr. Reiner stated that he objects to the language of "impose" maintenance responsibility for public land. The purpose was not to maintain public parkland that is publicly used, but rather for the aesthetics of the public land that would be for the benefit of the community. It was not for a park along the right-of-way. It was not provided for common grounds that are a park space. That is an entirely different space and is not part of the platting or planning of a subdivision. It is the aesthetics of the setback, whether it is 50 or 100 feet, that belongs to the subdivision and adds to the value of that subdivision.

Mr. McDaniel stated that it was during his former role as Service Director in 2002 when the City began to look at this issue. It was after the City had completed about 15 years of planning in somewhat of a vacuum relative to the impact of having the ability to fund and maintain. At that time, staff did look for that practice throughout the country – and found it is not typical. They had difficulty finding such a practice relative to communities such as Dublin. We found a few, but they

could find no uniform policy. What was resolved in 2002, and he believe in 2008, as well, was that the City was attempting to identify a common denominator. One of the resolutions agreed upon looked at the number of homes to acreage denominator. After 2002, staff tried to be very cognizant of how much acreage was being dedicated. The 200-foot setback on Avery Road and turning west on Brand was the catalyst for the 2002 review. With the Villages of Coffman Park, although 66 homes were approved, the development did not build out. Therefore, the amount of land that was dedicated is maintained by 11 homes. There have been a few such imbalances that have come forward and have caused Council to look at this issue citywide. The question is if, because Council has had to look at a few, it is necessary to reinvent the entire citywide approach. He does not believe that it is necessary for Council to do so. In 2008, the City agreed to assume responsibility for the stormwater component. Staff did not believe that responsibility should be handled by the HOAs. The City preferred to assume the responsibility for the ponds, due to the necessity for the City to address those issues. The City did not assume responsibility for the few entirely private ponds surrounded by private homes, to which the public does not have access, and which are not part of the greater stormwater system. He does advocate the City assuming maintenance of the private ponds, but only those ponds that tie into the stormwater system. The acreage issue for mowing purposes is where a common denominator ratio could be used. Outside of those two issues, the neighborhoods have all been developed very differently. He agrees that that the property values of the homes are impacted by the property associated with that neighborhood; it is an amenity to that neighborhood. With the forced and funded HOAs, the homebuyer is buying into that when they buy into the community.

Ms. Salay stated that an example of a modern subdivision is Hawk's Nest. Their HOA maintains their entry feature, but the City takes care of everything else around it. They have a pond, plantings, and a bikepath meanders through the public area – which is probably why the City assumed the maintenance responsibility. On the other hand, in the Park Place neighborhood, there are ponds -- likely stormwater -- and a bikepath meandering through the area, but the neighborhood has 100% of the maintenance responsibility.

Mr. McDaniel responded that it might have been determined by the ratio of number of homes to acreage. Although Hawk's Nest does have quite a few homes, that issue was negotiated up front. He recalls that there was an issue with Wellington, and, looking at the ratio of homes to acreage, the City assumed some of the maintenance. Although the HOA retained responsibility for the mowing, the City assumed responsibility for the pond and some tree replacement.

Ms. Salay stated that the City has handled this on a case-by-case basis; there is no policy. Does staff recommend continuing that practice? The City assists those neighborhoods that have the wherewithal to request the Beautify your Neighborhood grant. Those who don't must continue to pay for it all.

Mr. McDaniel responded that he is making no recommendation. His point is that Council has looked at this issue on at least four occasions. Each time, an attempt was made to define a one size fits all approach. Although it would be desirable, it is not easy to do. To date, the ratio of homes to acreage and removal of the stormwater responsibility from the HOAs seemed to achieve a closer level of parity. If there are some neighborhoods that are struggling where the City has not taken a closer look, perhaps that should occur.

Ms. Salay stated that Bristol Commons pays nothing to an HOA. Yet, they have a huge, elaborate entry feature that is maintained by the City.

Mr. McDaniel responded that it is part of the setback along Brand Road. He recalls when that was negotiated, he was concerned about the maintenance burden being placed on the City for decades

in the future. With Bristol Commons, it was more of a dedicated, park-like setting. The City took the barn and all of the frontage, believing it was a great amenity for the City to own along that road. However, the text probably does not address maintenance responsibility for those reserves.

Ms. Salay responded that is because the City is responsible for all of it.

Mr. McDaniel stated that the policy shifted in the mid to late 1990s. The City began to question whether it could sustain maintenance of all of those areas into the future -- at that time, the City was only 40% built out. Was it a sustainable model? The answer was no. For that reason, the City began to reference responsibility for maintenance of the reserves in the development text. The second phase of that was concern that the City had over-reached with that effort, and was the level of responsibility sustainable by the HOAs. So we have tried to find a common ground. It has been a policy evolution over time. It may not be perfect, but the City has tried to achieve a sustainable resolution. It is a hybrid model -- what the HOA can sustain and what the City needs to do to soften the impact. There may be a day in the future when Muirfield says they cannot sustain that maintenance responsibility any longer.

Ms. Salay responded that Muirfield is privately owned land, though. There is no public open space in Muirfield, other than the small cemetery.

Mr. McDaniel responded that his point is that it is possible that Muirfield could one day find it is unable to sustain that level of maintenance responsibility and request the City's assistance -- similar to what it has provided to others.

Ms. Salay inquired if Muirfield would then dedicate their land and make it public. She would not object to that, if the entire City has access to that parkland system.

Mr. Reiner stated that if this policy changes, he would be the first to suggest to the Board that they dedicate the land and reduce their HOA fees. He concedes the point that he presently has the benefit of one of the best two-mile, planned road networks in the country, which was laid out in arcs and tangents by landscape architects. However, the Muirfield homeowners do not receive any benefit from the viewsheds to the left and the right. If it were to come to that, he would recommend that they relieve themselves by handing over the \$2 million responsibility to the City.

Ms. Salay inquired what parkland in Muirfield the HOA is maintaining.

Mr. Reiner responded they are maintaining all the rights-of-way along all those roads. There is a misunderstanding of Muirfield. Years ago, they chose to assume that burden, basically double-taxing their residents, to maintain the aesthetics of that community. Over the past 20-30 years, the City of Dublin has spent almost no dollars on parks and amenities in Muirfield. It is not private land; they can be viewed as easily as those of Lowell Trace.

Ms. Salay stated that her point is that Muirfield's parkland is not public.

Ms. Chinnici-Zuercher stated that there is no parkland in Muirfield. The only thing that the HOA is taking care of, and has from the beginning, is the bikepath and the greenspace next to the bikepath. There is no park in Muirfield.

Ms. Salay responded that it is all golf course and private open space that is accessed by paths.

Ms. Chinnici-Zuercher stated that is just a bikepath, a bikepath like the City's.

Ms. Salay inquired if the homeowners own land up to the bikepath.

Mr. Reiner responded that it is platted entirely different. There is greenspace on either side of the bikepath. A couple of the homeowners were unhappy that a bikepath used by the public crossed behind their properties.

Ms. Salay clarified it is not really public; it is private.

Mr. Reiner stated that a number of years ago, Muirfield had asked – and he had publicly announced -- that Muirfield would turn all the bicycle paths in Muirfield over to the City, if the City would agree to bring them up to standard. The only reason they are not publicly used as they are is to avoid lawsuits should accidents occur because they are not built to the current standards.

Ms. Salay responded that they are private in Muirfield. In the rest of the City, the open space, bicycle paths and trails – are all public; the golf course at the Golf Club of Dublin is a public club. She suggested the Committee separate the public and private items for discussion purposes.

Mr. Lecklider inquired about the estimated cost of the maintenance for Riviera open space.

Ms. Husak responded that all of the open space is intended to be owned by the City.

Ms. Salay inquired why Council made the choices that were made for Riviera.

Ms. Husak responded that it was suggested at the Commission that Reserve F be included as City maintenance, due to the stormwater pond. Originally, it was not indicated as City maintenance, because it is tucked back behind lots in a private location. Reserves K and L continue the large open space corridor that runs northwest along Brand Road, Shannon Glen and Belvedere. Because it extends the Belvedere and Shannon Glen parks, it has a community-wide function.

Ms. Salay inquired about the pond just north of Reserve K.

Ms. Husak responded that it is an existing pond, but not a stormwater management pond. It was created because the eastern fork of the stream is located there. It is tucked behind lots and not available via the adjacent road network.

Ms. Salay inquired if the thought is that Reserve L will continue on and into Tartan West.

Mr. Reiner interjected that the idea was that Brand Road would be a scenic road and have a large setback.

Mr. Lecklider stated that Reserve K is not visible from Brand Road or Avery Road. The primary beneficiary of Reserve K will be the residents of Riviera.

Ms. Husak clarified that in terms of Belvedere, Shannon Glen and Tartan West – anyone travelling on the bikepath through a Metro Park would go through that.

Ms. Salay stated that when looking at future neighborhoods, what the City will claim as City open space seems to be the land that we are looking at connecting. In the southwest, many of the parks are contiguous and connected to each other.

Mr. Lecklider stated that he asked the question about Riviera to try to put this in context. It will be \$80,000 - \$90,000 annually to \$260,000 for maintenance of this public open space. He has never been entirely comfortable imposing upon the residents the responsibility for maintaining this publicly-owned land that everyone benefits from. Do the other communities that Dublin typically benchmarks to – such as Hudson, OH, Carmel, IN, Novi MI – do they also do this?

Mr. McDaniel responded that staff would check on those and advise Council.

Ms. Salay suggested that the Committee recommend the following action to Council:

- Entryways to subdivisions continue to be maintained privately by the neighborhoods.
- Ponds that are part of the stormwater infrastructure system will be maintained by the City.

Mr. McDaniel stated there are a few ponds that were built as an amenity for the houses surrounding it. They are in the older areas of the City. At least two of those ponds are not part of the City's stormwater system.

Mr. Anderson stated that, according to the most recent inventory, there are fewer than 20 ponds that are currently privately maintained that are part of the City's stormwater system.

Ms. Salay shared the example of the Ballantrae stormwater pond, which was not draining properly. The City investigated and discovered construction debris that was clogging the drain.

Mr. McDaniel cautioned against approving an overarching policy for the ponds without more in-depth discussion on specific ones.

Mr. Reiner stated that he believes the City should be responsible only for those ponds that are related to the stormwater system, and he believes the City is already doing that.

Ms. Salay stated that there are fewer than 20 City stormwater ponds that are still being privately maintained. She believes it is reasonable for the City to maintain those ponds.

Mr. Lecklider stated that he supports staff's recommendation related to the ponds.

Ms. Salay stated that staff will need to provide Council with a specific list of those ponds.

Ms. O'Callaghan stated that City records indicate that this issue has been discussed previously and a decision was made to discontinue having HOAs maintain those. However, the decision was not memorialized, and the practice seems to have been resumed. Staff recommendation #6 is to memorialize the decisions that are made at this point in time with a written policy.

Staff recommendation #3: The City should retain responsibility for all storm water systems/structures in all arrangements.

It was the consensus of Committee members to recommend City maintenance of City stormwater ponds to Council for approval.

Staff recommendation #4: HOAs may utilize the Beautify Your Neighborhood Grant Program for funding assistance.

Staff consensus was to continue the program, although HOAs that are not forced/funded have little ability to utilize this opportunity, due to the requirement for matching funds.

Staff recommendation #5: Requests for relief should continue to be considered on a case-by-case basis with hardship determinations made.

Ms. Salay stated that she would like to have information on what other communities do in terms of maintaining their City-owned open space. It is important to take into consideration neighborhoods such as Tartan West, which has a vineyard that it is maintaining. Their themed landscaping is very different from the typical program.

Ms. O'Callaghan stated that for their purpose of their estimate, all the areas were included without subtracting unique areas.

Ms. Salay suggested that, because the numbers in the chart are skewed, staff contact the HOAs again to quantify the numbers and determine the typical neighborhood cost. Can the Committee make a recommendation in regard to City-owned space that is being privately maintained?

Mr. Reiner stated that without having more specific details taking into consideration the history, space, etc. he is not prepared to vote on a blanket recommendation at this time.

Mr. Lecklider stated that he would like to have more information. Everyone is sensitive to the perpetual costs of that policy. He assumes that if the City were to maintain all that area, the majority of it would be handled via contract. Is the \$260,000 a good number to work with? He is interested in what communities similar in character to Dublin do. This decision needs to be balanced with the other spending decisions that Council makes. He was pleasantly surprised at the \$260,000 number, but does not know if that low number will affect Council's decision. He

would like to raise the issue with Council and find out if there is a different sentiment, given the benefit of this information.

Ms. Salay concurred. With the benefit of some better numbers, could a recommendation be taken to Council?

Mr. Reiner responded that he dissents on the basis of the following two points: (1) This is a matter of community involvement; and (2) It is an improvement for the benefit of property owners.

Ms. Salay inquired if another Committee meeting is needed to discuss the revised numbers staff will provide, or should the discussion be held in a Council meeting.

Ms. O'Callaghan stated the cost estimate of \$309,000 is based on City contract prices. That is a good number. However, the areas that are included could be adjusted after taking a closer look at some unique situations. Another point is that if the City were to take over the maintenance of the public areas, the maintenance would be performed at the City's standards, which may not meet the HOA's standards. Therefore, some neighborhoods might not be satisfied with the City's frequency for mowing, mulching frequency or amount of fertilizer used. Some neighborhoods may desire to maintain their areas at a higher standard.

Ms. Salay pointed out that Bristol Commons pays nothing, but their entry feature is beautiful.

Mr. Reiner stated that Ms. O'Callaghan's point is correct, but that is what occurred with Muirfield. The City was subcontracting the work to be performed at a substandard level, which the residents were unhappy with. An arrangement occurred for the City to give Muirfield the amount of the basic cost and Muirfield would add the additional amount to have their area maintained to a higher level. The maintenance issues are different with each neighborhood and to formulate a standard that fits all is not possible because there is no commonality among the subdivisions. He believes it is fair to continue to examine the situations on the basis of requests using the available numbers. Redundant efforts to do otherwise does not work. However, the three recommendations suggested are good.

Ms. O'Callaghan stated that many of the survey results were received only last Friday, so staff can make an effort to obtain better responses to the survey and contact some of the HOAs who did not respond. However, the response rate to this survey is consistent with the level of responses to the previous two surveys. In addition to that effort, staff can also benchmark the results.

Mr. Reiner stated that the City is satisfied with the HOA work as long as the grass is cut and the neighborhoods look satisfactory. The City does not have any history of taking HOAs to court.

Mr. Lecklider clarified that it was not staff's recommendation that the status quo be continued; that was one of the five options.

Mr. Reiner stated that he did say that it was one of the five options recommended, but it is also the one that he agrees with it, due to how the City has developed.

Mr. Lecklider responded that he just wanted to make sure that the record was clear when Mr. Reiner stated that he supported staff's recommendation to maintain the status quo. That was not staff's recommendation, but one of the five options presented.

Ms. Salay stated that there are two of the three committee members who are generally in favor of the City maintaining City-owned open space. The pond maintenance recommendation is

supported by all three Committee members, as well as the entry way maintenance recommendation. The difference in opinion is only in regard to City-owned open space that is privately maintained. If the City maintains that space at the same level as it maintains other areas of parkland and open space within the City, the HOAs can choose to have something different or more. She is not sure how that can best be memorialized with a couple of the neighborhoods that have requirements included in their zoning texts. Going forward, the City will determine what its standards are and apply those.

Mr. Reiner responded that the City has already determined those standards and if there is noncompliance, City Code Enforcement officers address the situations. He does not understand why there is a need to re-invent that.

Ms. Salay responded that in the fourteen years she has served on Council, these issues have been discussed on four occasions when four different neighborhoods presented requests for assistance. She has never been comfortable with the current model whereby public open space is being privately maintained. Council had requested CSAC to study the issue, and they offered an idea that did not work. She wants to have something sustainable so that, going forward, everyone knows what that is. When the City decides to zone a subdivision or neighborhood, the City will take title to the parkland that makes sense for the City to have and maintain. The areas that benefit the individual neighborhoods will be privately owned.

Mr. Reiner stated that is already occurring with Planning and Zoning.

Ms. Salay stated that there isn't a consistent condition, and she want to achieve a level of fairness for all.

Ms. Chinnici-Zuercher inquired if the BYN grant program would be continued.

Ms. Salay responded that she supports continuing it, as it is for entry features. She had pointed out that there are some neighborhoods who can take advantage of the opportunity and some neighborhoods who cannot because their HOAs aren't forced and funded. There have been a couple of grant requests for internal beautification projects, but primarily the grants are used for neighborhoods to improve their entry features.

Mr. McDaniel requested clarification of the direction:

- (1) Staff will identify by location those ponds that are part of the City stormwater system that are currently being maintained by HOAs and provide that list and the estimated cost to maintain them to the Committee.

Mr. Reiner requested that the individual pond information include the current maintenance status.

- (2) Research other cities' practices for comparison purposes.
- (3) Look for City-owned property that has -- through the zoning processes -- required HOAs to maintain publicly-owned spaces, with the intent to have the City assume that responsibility.
- (4) In the case of Tartan Fields, are their vineyards considered an entry feature or publicly owned land? If so, the maintenance would not be just mowing or replacing trees, but grapevine maintenance.

Ms. Salay stated that her view on that, is that she does not believe the City should maintain grapevines. She will defer to Legal staff, however. Grapevines are unique to that themed

neighborhood. She views it as an amenity. It is reasonable that the City would mow or provide maintenance typical for all the open space. There are no other vineyards in Dublin.

Mr. Reiner stated that even if the HOA dresses the vines and conducts the annual pruning, the City cannot provide their mowing. It would require small, specialty mowers to move among the vineyard rows.

Ms. Salay stated that it would be handled by City contract, and the HOA is currently contracting it.

Mr. McDaniel stated that he inquired to ensure that information is included in the cost estimate provided to the Committee. He requested that Legal also look into any potential legal issues that need to be understood.

Ms. Readler responded that because some maintenance requirements are in the zoning texts, those neighborhoods would remain responsible for meeting those requirements. A blanket policy should delineate the services that the City will perform. It will be difficult for a future landowner to look at the plat that identifies that responsibility as the HOA's. The City will need to ensure that specific documentation occurs to avoid confusion.

Mr. Reiner inquired about the Tartan West situation. Would the City also be trimming the grass in addition to mowing it, as that would also be difficult in the vineyards?

Mr. Lecklider stated that what he would support is a basic level of maintenance, as though the vineyard did not exist. To the extent that they want to maintain the vineyard, that is an expense above and beyond what the City would fund, which would be their responsibility.

Ms. Salay stated that in order to be in compliance with their zoning text, they would need to do so. If the HOAs are not satisfied with the City's basic level of maintenance, they can provide the "above and beyond" portion. The City would not maintain anything that is not part of the typical public open space.

Ms. O'Callaghan noted that the inventory and cost estimates provided tonight are based upon the City's standard level of service.

Mr. Reiner suggested that before too much effort is expended, the recommendations should be taken to Council for approval. A consensus of Council should be obtained.

Mr. Lecklider noted that the Committee can direct the staff to provide additional information before making a recommendation to Council.

Mr. Reiner inquired if the intent is to have another committee meeting before making that recommendation.

Mr. McDaniel stated that there needs to be sufficient time before that committee meeting for staff to research and assemble the information requested. Staff will discuss the time needed and report back to the Committee.

Mr. Lecklider stated that after the information is assembled, he is not opposed to the next discussion occurring with Council.

#### Villages at Coffman Park Request

Ms. O'Callaghan inquired if their request would remain on hold.

Ms. Salay inquired if the Committee could provide a pond recommendation to Council, separate from the other discussion. Committee members are in agreement regarding stormwater ponds.

Ms. O'Callaghan confirmed that the pond at the Villages of Coffman Park is part of the City's stormwater system.

Ms. Salay clarified that their request is for maintenance of the pond and mowing of the area around the pond.

Ms. Husak stated that their memo requests maintenance, mowing, goose control and electric.

Ms. O'Callaghan stated that staff's recommendation is that the City not provide the goose control, as that is not part of its standard maintenance. Their recommendation is also that this could be addressed as a temporary remedy, due to the fact that there are only 11 homes in this neighborhood, rather than the anticipated 66 homes.

Ms. Salay stated that it could be a temporary remedy until a larger policy is adopted or the community is built out.

Mr. Lecklider moved to recommend that Council adopt staff's recommendation that the City assume maintenance responsibility for the public common area mowing and turf care for the Villages at Coffman Park, to be effective through 2016.

Mr. Reiner seconded the motion.

The motion was unanimously approved by the Committee.

Mr. McDaniel confirmed that staff will prepare a memo summarizing the Committee's action on this matter to share with Council.

Ms. Salay stated that this will be taken forward to Council.

The meeting was adjourned at 8:30 p.m.

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Deputy Clerk of Council



**To:** Members of the Public Services Committee  
**From:** Dana L. McDaniel, City Manager  
**Date:** June 26, 2015  
**Initiated By:** Megan O'Callaghan, Director of Public Works  
**Re:** Private Streets, Private Drives, and Caplestone Lane

## Background

The topic of paved areas that are private is periodically raised as an issue when those areas are not properly maintained. A Memo to City Council dated September 20, 2012 provided detailed information on the different types of privately paved areas including private streets, private commercial drives, and private residential drives. This memo also provided an historical overview of the topic as well as inspection and maintenance information. (see attached)

In September of 2013, the City received a petition signed by all thirty-six Caplestone Lane (Woods of Dublinshire) property owners requesting that Caplestone Lane be dedicated to the City of Dublin. The request indicated, "As our neighborhood unfortunately ages, it has become more and more difficult to continue to maintain our infrastructure. It is respectfully submitted that the City is in a much better position to maintain our infrastructure..." (see attached)

Staff reviewed the request and provided an interim status report to City Council dated December 5, 2013. (see attached) More recently, City Council referred the matter to the Public Services Committee for consideration. Engineering and Planning staff collaborated to prepare a presentation on the broader topic of private streets and private drives, as well as Caplestone Lane for the upcoming committee meeting.

## Recommendation

This memo and attachments are provided as information in preparation for the discussion on Monday, June 29, 2015. Staff looks forward to Council's guidance on this matter.

**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager *mly*  
**Date:** September 20, 2012  
**Initiated By:** Paul A. Hammersmith, PE, Director of Engineering/City Engineer  
**Re:** Information on "Private Streets"

## Background

At their December 11, 2011 meeting, Council directed staff to review the issues and regulations regarding private streets and provide a recommendation to Council "regarding how to address the issue of the existing private streets and how to handle future requests for private streets." Council expressed concerns that developers have not been required to create "sinking funds" that ultimately would defray the cost to maintain the private streets. The future maintenance becomes the responsibility of the homeowners on those specific (private) streets. In most cases, a small number of people (homeowners) then have a large assessment to pay for this maintenance. Typically, there are not sufficient funds within private developments/neighborhoods to fund the maintenance of their private streets. Additionally, Council expressed concerns regarding the maintenance in commercial developments of paved areas that resemble public streets.

## Summary

Engineering and Land Use and Long Range Planning collaborated to develop an inventory of private streets within Dublin. While researching for this information, several different types of privately paved areas were identified: private streets (as defined by the Dublin Codified Ordinances), private commercial drives, and private residential drives.

The Dublin Codified Ordinances, Subdivision Regulations §152.002, provide the following definition for a private street:

*(7) PRIVATE STREET. A strip of privately owned land providing access to abutting properties. Private streets shall be so indicated on the plat. Improvements of private streets shall conform to the minimum street standards and street sections as contained herein. In PUD zoned areas, private driveways and parking areas within commercial, industrial and multi-family areas shall not be construed to mean private streets.*

As Council is aware, current Code requirements established in the early 1990's specify that private streets must be constructed to public street standards. This requirement was adopted as a legislative means to be certain private streets were well constructed and durable, and would not be an immediate maintenance concern to those residents responsible for them.

In accordance with the definition above, there are four private streets within Dublin, which include: Muirfield Court, Dunsinane Drive, High School Drive, and Caplestone Lane. These are defined on the recorded final plats and are maintained by the adjacent property owners. In order for the City to take over the maintenance of these streets, the requirements of §97.03 (Ordinance

65-90, passed August 20, 1990), titled, "Conversion of Private Street to Public Street" of the Dublin Codified Ordinances (a copy of this section is attached for reference) are to be satisfied.

Within Dublin, there are numerous drives and parking lot access driveways that are colloquially called "private streets." These truly function as cross access, or driveways, to the adjacent properties and therefore, per the above code definition, are not private streets. These include Mercedes Drives, the drive near McDonald's on Perimeter Loop Road, Atrium Parkway, Gentry Lane, and Summer Drive (between Sawmill Road and Emerald Parkway). These drives provide either direct access or cross access to the multiple parking lots adjacent to them and typically are located within recorded cross access easements, which include details on how the adjacent property owners will maintain these paved areas.

Beginning several years ago, developers and applicants are required to demonstrate that paved areas within commercial (such as for office, retail and industrial uses) and multi-family areas are designed and constructed to withstand the traffic loadings routinely induced by trash hauling equipment, delivery trucks, and fire apparatus. Additionally, a minimum pavement depth for private streets (drives and access ways), alleys, and parking lots is specified in Engineering's Standard Drawing No. RD-04 (as attached). This has resulted in more durable private drives and access ways which have required much less long-term maintenance. However, as with public streets, all privately-maintained streets, drives, access ways and parking areas are going to eventually require maintenance.

Traditionally, private streets within a Planned Unit Development (PUD) District do afford a developer an opportunity to create uniqueness and character within a site. This is particularly true for those sites that are heavily treed and with more distinctive topography, where the inclusion of public streets, and the associated public right-of-way, could significantly impact the environmental aspects of the proposed development. The private streets can allow greater flexibility with the site and lot configuration, building setbacks, parking area locations and open space designations. And since the private streets within these developments must be constructed to a public street standard, their construction does not represent a cost savings to the developer.

## **History**

In 1994, the residents within the Woods of Dublinshire adjacent to Caplestone Lane petitioned the City to convert Caplestone Lane from a private to a public street and, as a result, the City would then be responsible for the maintenance of their street. After nearly two years of resident discussions and staff evaluation, the City assumed responsibility of the entry portion of the roadway (intersection), which exists between Dublinshire Drive and Caplestone Lane. On May 20, 1996, in a unanimous vote by City Council, the City agreed to would improve the intersection at an estimated cost of \$50,952. Legislation was to be adopted by Council acquiring the right-of-way surrounding the intersection; however the Caplestone Lane area where the residences are located was to remain private.

Since 1996, requests have been received from time-to-time regarding the conversion of private drives, access roadways and parking areas to public streets. In responding to these requests, staff directs those making the inquiry to §97.03 of the Dublin Codified Ordinances and explains that driveways and parking areas are not by code definition considered private streets. Once the code

§97.03 is reviewed and the definition of a private street is understood, those inquiring do not pursue their request any further.

In February and March of 2011, City Council reviewed the rezoning request for Wasatch Estates, consisting of approximately 51 acres located on the northeast corner of the intersection of Dublin Road and Memorial Drive. In the request, the applicant proposed three subareas designated A, B, and C. Subareas A and B contained nine estate lots utilizing the same material, private street design and layout as is existing, while Subarea C contains cluster lots for proposed future development utilizing new private streets. By the definition of a private street, Subarea C actual has private drives. The applicant's representative stated to City Council that all the private streets (and drives) "are completely built to the City's (Dublin's) standards" except in Subareas A and B, where the width is narrower and the surfaces will receive a gravel overlay to provide a more natural appearance. Additionally, gates will extend across the streets to restrict access to the areas. The maintenance for the northern streets in Subareas A and B will be a shared responsibility among the nine lots, while a forced/funded homeowners association will provide for the drive maintenance in Subarea C. These stipulations appeared to have addressed Council's concerns relative to the private streets and drives associated with this proposed development and Ordinance No. 11-11 rezoning the 51 acres to Planned Unit Development District was unanimously adopted.

As part of the City Council discussion related to Wasatch Estates, concerns were expressed regarding the condition of recently constructed "private streets" within Tartan West Subarea "G," also known as "Tartan West Savona." Once again, by definition, these would not be considered private streets. Within a few years after being constructed, several of the streets in this development experienced severe settlement and deflection. While working with the president of the homeowners association, staff evaluated the condition of the streets and was able to determine the degradation of the streets was not a result of poor street construction, but an effect on the streets resulting from settlement of the trench backfill over the private sanitary sewers. The backfill material had not been properly compacted and had settled several inches within a few years after construction. In locations where the private sanitary sewer was located beneath the streets, the streets settled as the trenches settled. The streets themselves had been properly constructed.

### **Inspection**

On several occasions, the question of "inspection" responsibility for private streets and drives has been presented to staff. As with any private development, whether it is residential or commercial, the inspection of private infrastructure consists of a "compliance" inspection. This is performed to be certain the development conforms to the requirements and conditions of approval of the Planning and Zoning Commission and/or City Council, or as contained in the approved Record of Action and/or Building Permit. The inspection is not one for "quality assurance," which is performed on infrastructure that will ultimately be accepted as a "public improvement" to be maintained by the City thereafter. The responsibility of "quality assurance" is placed with either the applicant proposing a private development or the "owner" of the development at the time it is constructed. Presently, the application and permit fees being levied on private developments would not be sufficient to recover the cost that would be incurred by the City to perform this level of inspection. The fees do provide for the "compliance" inspection performed by City staff which occurs through several visits to a development as it is constructed and completed.

## **Maintenance**

Regarding the continued maintenance of private drives, Planning has from time-to-time initiated code enforcement actions on these through §153.205 of the Zoning Code which requires:

- (B) All off-street parking and loading areas, including spaces, driveways, aisles and circulation drives shall be graded and maintained so that water does not unreasonably accumulate on such areas or flow or drain onto adjacent public or private property. All such surfaced areas shall be maintained free of chuck holes, litter, glass, nails or other dangerous materials.

Regular inspections are made of private drives and access ways that generally experience the greatest volume of traffic. Other areas may be inspected as a result of complaints.

In the event the City was to consider maintaining some or all private drives, access ways, and parking areas located within the City, the overall cost to the City would need to be determined. This would require an assessment of the current conditions of these private facilities and the development of estimated costs for their repair and maintenance. An assessment would be beyond the current capacity of staff and would require consultant assistance to be performed in a timely and comprehensive manner. Without soliciting proposals, the cost of such an assessment is estimated to be in the vicinity of \$75,000 to \$100,000.

## **Conclusion**

The four private streets within Dublin as depicted on the attached exhibits are in good condition and have been well maintained. Staff agrees there have been instances of poorly constructed private drives and access ways within Dublin that have resulted in maintenance issues in developments where they exist. Typically, these were constructed many years ago when the standards and review procedures were not as sophisticated as they are presently.

Even with improved standards by the City and better "quality assurance" inspections by the owner, all privately maintained streets, drives, access ways and parking areas are going to eventually require maintenance. It is the responsibility of the owner to be certain routine maintenance is performed on these areas so they remain in good condition. And in the event they are not, it is the responsibility of the City to perform the necessary code enforcement to ensure they are properly maintained.

## **Recommendation**

The code modifications, Engineering standards, and plan review practices implemented over the past several years have been beneficial in addressing Council's concerns with private streets, private drives and private access ways. Although this will not correct situations that existed prior to their implementation, they have resulted in improved paved areas within commercial and multi-family areas. Staff does not recommend any further code modifications or revisions to the established standards at this time. However, staff does recommend that code enforcement of those privately maintained areas becomes more aggressive to be certain they are properly maintained and do not fall further into disrepair. The performance of routine maintenance prevents more extensive maintenance, which is typically much more costly to the owner.

# WOODS OF DUBLINSHIRE TRUSTEES



David Ulstad, President • 5556 Caplestone Lane, Dublin OH 43017 • 614-792-2593

Date: 8-16-13

Dublin City Manager, Marsha Grigsby  
Dublin City Council Members

Dear Madam/Sir:

We the citizens of Caplestone Lane (Woods of Dublinshire) respectfully request that you consider the attached petition to dedicate Caplestone Lane to the City of Dublin.

Caplestone Lane is currently a private street. Our civic association maintains the street, plows the street in winter and maintains the common grounds. Several years ago the City did agree to dedicate the front portion of our street near Dublinshire Drive; that portion is now maintained by the City of Dublin.

As our neighborhood unfortunately ages, it has become more and more difficult to continue to maintain our infrastructure. It is respectfully submitted that the City is in a much better position to maintain our infrastructure, since we are a small neighborhood of just thirty-two homes.

It is respectfully submitted that, from a public policy point-of-view, the health, safety and welfare of the citizens of Caplestone Lane are best served by having the expertise of the city of Dublin address the issues of snow removal, street and curb maintenance, fire hydrant maintenance and other infrastructure requirements.

We would request that you consider our petition at your earliest convenience. We are available to meet with you anytime, and look forward to hearing from you. Thank you for your consideration.

Sincerely,

David Ulstad, President [5556 Caplestone Lane]

Joseph Musselman, Trustee [5527 Caplestone Lane]

Ronald Gagne, Trustee [5528 Caplestone Lane]



## PETITION

We, the undersigned residents of Caplestone Lane respectfully request that the City of Dublin consider accepting ownership of and dedicating Caplestone Lane as a public street.

Lot #	Address	Name (please print)	Signature
1	5511 Caplestone Lane	K.A. Mifsud	K.A. Mifsud
2	5512 Caplestone Lane	CHARLES KRANSTUBIN	Charles Kranstubin
3	5516 Caplestone Lane	Brenda S. Montgomery	Brenda S. Montgomery
4	5519 Caplestone Lane	Jodi Correll	Jodi Correll
5	5520 Caplestone Lane	Lori Chong	Lori Chong
6	5523 Caplestone Lane	Deborah O'Neill	Deborah O'Neill
7	5524 Caplestone Lane	BHAVIK KOTHARI	Bhavik Kothari
8	5527 Caplestone Lane	Joe Mutschman	Joe Mutschman
9	5528 Caplestone Lane	Ron Gagne <small>RON GAGNE</small>	Ron Gagne
10	5535 Caplestone Lane	Kathy Gage	Kathy Gage
11	5536 Caplestone Lane	SUSAN ZIOTKOWSKI	Susan Ziotkowski
12	5540 Caplestone Lane	Melissa Overberg	Melissa Overberg
13	5544 Caplestone Lane	MARCIA LEHEAVEY	Marcia LeHeavey
14	5545 Caplestone Lane	Kristin Turner	Kristin Turner
15	5548 Caplestone Lane	Rachel Reedy	Rachel Reedy
16	5552 Caplestone Lane	ERIC RYAN	Eric Ryan
17	5556 Caplestone Lane	David Ullster	David Ullster
18	5557 Caplestone Lane	Kathy Felty	Katherine L. Felty
19	5560 Caplestone Lane	TIM COLEMAN	Tim Coleman
20	5564 Caplestone Lane	STEVE WADDE	Steve Wade
21	5567 Caplestone Lane	Nathan Leahard	Nathan Leahard
22	5568 Caplestone Lane	Martha Barley	Martha Barley
23	5571 Caplestone Lane	Terri Slea	Terri Slea
24	5572 Caplestone Lane	Vacant	
25	5575 Caplestone Lane	Zy Tony Fabricia	Zy Tony Fabricia
26	5576 Caplestone Lane	ERIC FLESIA	Eric Flesia
27	5580 Caplestone Lane	James Waller	James Waller
28	5583 Caplestone Lane	JAMES A. MICHLS	James A. Michls
29	5584 Caplestone Lane	Julia Smith	Julia Smith
30	5588 Caplestone Lane	MICHAEL J. DUFFY	Michael J. Duffy
31	5592 Caplestone Lane	Raymond V. Hamman	Raymond V. Hamman
32	5595 Caplestone Lane	JAY E. MICHAEL	Jay E. Michael
33	5596 Caplestone Lane	WALTER BURNSIDE	Walter D. Burnside
34	5600 Caplestone Lane	honnich Wap	
35	5604 Caplestone Lane	JOHN MALLOY	John Malloy
36	5608 Caplestone Lane	Jessie Zachrad	Jessie Zachrad



City of Dublin

**Office of the City Manager**

5200 Emerald Parkway • Dublin, OH 43017-1090  
Phone: 614-410-4400 • Fax: 614-410-4490

# Memo

**To:** Members of Dublin City Council

**From:** Marsha I. Grigsby, City Manager *mlg*

**Date:** December 5, 2013

**Initiated By:** Michelle Crandall, Assistant City Manager  
Paul Hammersmith, City Engineer

**Re:** Caplestone Lane – Petition for Conversion to a Public Street

## Summary

In September, the City received a petition signed by all thirty-six Caplestone Lane (Woods of Dublinshire) property owners requesting that their private street be converted to a public street. A copy of the petition and cover letter are attached.

The Woods of Dublinshire submitted a similar petition request in July 1994. At that time, the petition was referred by Council to the Service Committee of Council, and from that Committee it was referred to the Planning and Zoning Commission. The application to the Planning and Zoning Commission was postponed by the applicant in November, 1994, and the request was again brought forward directly to Council in January, 1995 by representatives of the Woods of Dublinshire. In May 1996, City Council voted to assume responsibility for and funding of improvements to the intersection of Caplestone Lane and Dublinshire (including right-of-way acquisition of land surrounding the intersection) at an estimated cost of \$50,952.00. These improvements and acquisition addressed several of the issues raised by the residents. As part of this same motion, Council voted that Caplestone Lane would remain as a private street.

In reference to the current petition, staff has reviewed the pertinent City code sections and has determined that the appropriate process for submission of a request for conversion of a private street is for the requestor to first meet with Planning and Engineering staff and to then submit an application to the Planning and Zoning Commission for review. Section 97.03 (Conversion of Private Street to Public Street) of the City's code is attached. This code section also provides the criteria established for a private street to be considered for conversion to a public street. Caplestone Lane would fall under the criteria identified in subsection 97.03(A)(3), which provides that "as a minimum for acceptance as a public street, the following standard must be met" (as defined by current zoning, subdivision and engineering standards):

- (a) Street width
- (b) Curb and gutter
- (c) Pavement thickness and strength
- (d) Sidewalk installation

Staff has been in contact with David Ulstad, President of the Woods of Dublinshire, to review the history of this request and the process provided by City code. Additionally, all of the historical information related to the previous request has been forwarded to Mr. Ulstad.

Planning and Engineering staff members will be meeting with Mr. Ulstad in December to discuss an application to the Planning and Zoning Commission. Should the Planning and Zoning Commission approve the application for conversion, the approved application would be forwarded to Council for approval or disapproval. Should the Planning and Zoning Commission disapprove the application for conversion, the applicant then has the ability to submit the matter for review by Council. A two-thirds vote of Council would be necessary to override the disapproval decision of the Planning and Zoning Commission.

In September 2012, at Council's request, Engineering prepared a memorandum regarding how to address issues related to existing private streets and how to handle future requests for private streets. That memorandum is also attached for Council's reference. Staff will keep Council updated as this request proceeds.

**Recommendation**

For information only. Should you have questions related to this memorandum, please contact Michelle Crandall at 410-4403 (desk) or 206-4886 (mobile) or Paul Hammersmith at 410-4617 (desk) or 402-2542 (mobile).

# THE WOODS OF DUBLINSHIRE

PAGE 1 OF 2

PLAT BOOK 75 PAGE 52

A RESUBDIVISION OF LOTS 4 THRU 12 AND RESERVES A, B & C OF "TURNBURY SECTION 1" IN PLAT BOOK 68, PAGE 23 AND SUBDIVISION OF 9.725 ACRES IN V.M.S. 3010, IN THE CITY OF DUBLIN, FRANKLIN COUNTY, OHIO.

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF DUBLIN, AND IN VIRGINIA MILITARY SURVEY NO. 3010, CONTAINING 13.701 ACRES OF LAND, MORE OR LESS, SAID 13.701 ACRES BEING ALL OF LOTS 4 THRU 12 INCLUSIVE AND RESERVES "A", "B", AND "C" AS DESIGNATED AND DELINEATED ON THE RECORDED PLAT OF "TURNBURY SECTION 1" OF RECORD IN PLAT BOOK 68, PAGE 23, AND 9.725 ACRES ALL OUT OF THAT "TRACT II" CONVEYED TO BRAND ROAD INVESTMENT CO., LTD. OF RECORD IN OFFICIAL RECORD VOLUME 221C19, IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THE UNDERSIGNED, NEWTOWNE HOMES, INC. (F.K.A. STRATFORD HOMES & REALTY, INC.) BY FREDERICK T. FORSTER, VICE PRESIDENT AS OWNER OF LOTS 4 THROUGH 12, INCLUSIVE AND RESERVES A, B AND C OF SAID TURNBURY SECTION 1, AND BRAND ROAD INVESTMENT CO., LTD. BY DONALD W. KELLEY, PARTNER, AS OWNER OF THE 9.725 ACRES OF LAND PLATTED HEREIN, DULY AUTHORIZED IN PREMISES DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THEIR "THE WOODS OF DUBLINSHIRE" CONTAINING LOTS 4 THROUGH 12 INCLUSIVE, RESERVES A, B, X, Y & Z, ACCEPT THIS PLAT OF SAME AND DEDICATES TO PUBLIC USE AS SUCH, ALL EASEMENTS SHOWN HEREON AND NOT HERETOFORE DEDICATED.

THE UNDERSIGNED FURTHER AGREE THAT ANY USE OR IMPROVEMENTS MADE ON THIS LAND SHALL BE IN CONFORMITY WITH ALL EXISTING VALID ZONING, PLATTING, HEALTH OR OTHER LAWFUL RULES AND REGULATIONS, INCLUDING APPLICABLE OFF-STREET PARKING AND LOADING REQUIREMENTS OF THE CITY OF DUBLIN, OHIO, FOR THE BENEFIT OF THEMSELVES AND ALL OTHER SUBSEQUENT OWNERS OR ASSIGNS TAKING TITLE FROM UNDER OR THROUGH THE UNDERSIGNED.

EASEMENTS ARE RESERVED WHERE INDICATED ON THE PLAT AND NOT OTHERWISE DESIGNATED, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ALL PUBLIC AND QUASI-PUBLIC UTILITIES ABOVE AND BENEATH THE SURFACE OF THE GROUND AND WHERE NECESSARY ARE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SERVICE CONNECTIONS TO ALL ADJACENT LOTS AND LANDS AND FOR STORM WATER DRAINAGE.

KAREN L. MATUSOFF, OWNER OF LOT 1 OF TURNBURY SECTION 1, ROBERT J. SILVERMAN AND MAXINE SILVERMAN, OWNERS OF LOT 2, AND STANLEY O. NOLLENBERGER, OWNER OF LOT 3, JOIN HEREIN TO CONSENT TO AND JOIN IN THIS RESUBDIVISION, TO THE CONVEYANCES TO BE MADE DESCRIBED HEREON, AND TO THE GRANT AND RESERVATION OF EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF, FREDERICK T. FORSTER, AS VICE PRESIDENT OF NEWTOWNE HOMES, INC. (F.K.A. STRATFORD HOMES & REALTY, INC.) AND A MEMBER OF TURNBURY OWNERS ASSOCIATION AND OWNER OF LOTS 4 THROUGH 12 INCLUSIVE AND RESERVES A, B AND C OF TURNBURY SECTION 1, HAS HEREUNTO SET HIS HAND THIS 17th DAY OF JANUARY, 1992.

WITNESSES: Karen J. Brumby, Frederick T. Forster, Vice President

STATE OF OHIO: SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED FREDERICK T. FORSTER, AS VICE PRESIDENT OF NEWTOWNE HOMES, INC., WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AS SAID OFFICER OF SAID NEWTOWNE HOMES, INC. FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 17th DAY OF JANUARY, 1992.

MY COMMISSION EXPIRES ON 9/16/92 Karen J. Brumby, Notary Public, State of Ohio

IN WITNESS WHEREOF, DONALD W. KELLEY AS PARTNER OF BRAND ROAD INVESTMENT CO., LTD., OWNER OF 9.725 ACRES DESCRIBED ABOVE, HAS HEREUNTO SET HIS HAND THIS 17th DAY OF JANUARY, 1992.

WITNESSES: Laura Clarke, Donald W. Kelley, Partner

STATE OF OHIO: SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DONALD W. KELLEY AS PARTNER OF BRAND ROAD INVESTMENT CO., LTD. WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AS SAID PARTNER AND THE VOLUNTARY ACT AND DEED OF SAID BRAND ROAD INVESTMENT CO., LTD. FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 17th DAY OF JANUARY, 1992.

MY COMMISSION EXPIRES ON 9/20/91 Sally J. McQuitty, Notary Public, State of Ohio

SALLY J. McQUITY, Notary Public, State of Ohio, Commission Expires 9-20-94

IN WITNESS WHEREOF, KAREN L. MATUSOFF, OWNER OF LOT 1 OF TURNBURY SECTION 1 AND AS A MEMBER OF TURNBURY OWNERS ASSOCIATION, HAS HEREUNTO SET HER HAND THIS 21st DAY OF JANUARY, 1992.

WITNESSES: Karen L. Matusoff, Karen J. Brumby

STATE OF OHIO: SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED KAREN L. MATUSOFF, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HER VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 21st DAY OF JANUARY, 1992.

MY COMMISSION EXPIRES ON 9/16/92 Karen J. Brumby, Notary Public, State of Ohio

IN WITNESS WHEREOF, ROBERT J. AND MAXINE SILVERMAN, OWNERS OF LOT 2 OF TURNBURY SECTION 1, AND AS MEMBERS OF THE TURNBURY OWNERS ASSOCIATION, HAVE HEREUNTO SET THEIR HANDS THIS 18th DAY OF JANUARY, 1992.

WITNESSES: Robert Silverman, Maxine Silverman, Charles A. Schumacher, Judith H. Pennell

STATE OF OHIO: SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT J. AND MAXINE SILVERMAN, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACTS AND DEEDS FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 18th DAY OF JANUARY, 1992.

MY COMMISSION EXPIRES ON (seal) Charles A. Schumacher, Notary Public, State of Ohio

IN WITNESS WHEREOF, STANLEY O. NOLLENBERGER, OWNER OF LOT 3 OF TURNBURY SECTION 1, AND AS A MEMBER OF TURNBURY OWNERS ASSOCIATION, HAS HEREUNTO SET HIS HAND THIS 17th DAY OF JANUARY, 1992.

WITNESSES: Stanley O. Nollenberger, Charles J. Brumby, Maughlin

STATE OF OHIO: SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED STANLEY O. NOLLENBERGER, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 17th DAY OF JANUARY, 1992.

MY COMMISSION EXPIRES ON 9/16/92 Charles J. Brumby, Notary Public, State of Ohio

APPROVED THIS 23rd DAY OF MARCH, 1992. Stephen D. Neal, Engineer - Dublin, Ohio

APPROVED AND ACCEPTED BY ORDINANCE NO. MOTION ENACTED THIS 22nd DAY OF MARCH, 1992.

EASEMENTS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED AND THE EASEMENTS SHOWN ON "TURNBURY SECTION 1" ARE HEREBY VACATED. Barbara M. Clark, Chairman Planning & Zoning Commission, Anne C. Clarke, Clerk of Council - City of Dublin, Ohio

TRANSFERRED THIS 21st DAY OF April, 1992. Palmer C. McNeal, Auditor - Franklin County, Ohio

Thomas M. Long, Deputy Auditor - Franklin County, Ohio

FILED FOR RECORD THIS 8th DAY OF APRIL, 1992 AT 9:30 A.M. FEE \$86.40 FILE NO. 051717

Joseph W. Testa, Recorder - Franklin County, Ohio

RECORDED THIS 8th DAY OF APRIL, 1992 PLAT 75 PAGE 52,53

Matthew Chafin, Deputy Recorder - Franklin County, Ohio

### NOTES

- 1) THE PORTIONS OF LOTS 8 AND 26 NOW OWNED BY BRAND ROAD INVESTMENT CO. ARE TO BE CONVEYED TO NEWTOWNE HOMES, INC. AND PORTIONS OF LOTS 27, 35 AND 36 NOW OWNED BY NEWTOWNE HOMES, INC. ARE TO BE CONVEYED TO BRAND ROAD INVESTMENT CO. RESERVE "X" IS TO BE CONVEYED TO THE OWNER OF LOT 3 OF TURNBURY SECTION 1, RESERVES "Y" AND "Z" ARE TO BE CONVEYED TO THE OWNER OF LOT 1 OF TURNBURY SECTION 1 AND RESERVES "A" AND "B" ARE TO BE CONVEYED TO THE TURNBURY OWNERS ASSOCIATION, AN OHIO NONPROFIT CORPORATION.
- 2) RESERVE "A" SHALL BE USED ONLY FOR THE PURPOSES OF CONSTRUCTING, OPERATING, AND MAINTAINING PRIVATE DRIVES, APPROPRIATE LANDSCAPING, AND OTHER IMPROVEMENTS FOR THE BENEFIT OF ALL LOTS, AND THEIR OWNERS AND OCCUPANTS. THE CITY OF DUBLIN SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF ANY STREET IMPROVEMENTS WITHIN THESE RESERVES.
- 3) RESERVES "A" AND "B" SHALL BE OWNED AND MAINTAINED BY TURNBURY OWNERS ASSOCIATION.
- 4) EASEMENTS ARE RESERVED ABOVE AND BENEATH THE SURFACE OF THE GROUND OF RESERVES "A" AND "B" TO PUBLIC AND QUASI-PUBLIC UTILITIES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UTILITY LINES AND SERVICE CONNECTIONS TO SERVE THE LOTS SHOWN ON THIS PLAT, AND FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF AN ASPHALT BIKE PATH.
- 5) AN EASEMENT TO TURNBURY OWNERS ASSOCIATION IS GRANTED WITHIN A 30 FOOT STRIP ALONG DUBLINSHIRE DRIVE OVER LOTS 1, 2 AND 3 OF TURNBURY SECTION 1 AND RESERVED ALONG DUBLINSHIRE DRIVE OVER LOTS 4, 5, 6 AND 7 OF THE WOODS OF DUBLINSHIRE AS SHOWN HEREON, TO MAINTAIN THE LANDSCAPING AND IMPROVEMENTS WITHIN THIS AREA.
- 6) REPLACEMENT OR REPAIR OF ROADWAY ELEMENTS SUCH AS CURBING, PAVING, BASE AND DRAINS THAT ARE DAMAGED AS PART OF UTILITY MAINTENANCE, REPAIR AND REPLACEMENT ARE THE RESPONSIBILITY OF THE OWNERS OF THE ROADWAY AND NOT THE UTILITY OWNER.

### SURVEY DATA

BASIS OF BEARINGS: THE BEARINGS SHOWN ON THE ATTACHED PLAT ARE BASED ON THE BEARINGS AS SHOWN ON THE PLAT OF RECORD IN PLAT BOOK 67, PAGE 85, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

SOURCE OF DATA: PLATS OF RECORD - PLAT BOOK 69, PAGE 54, PLAT BOOK 66, PAGE 21, PLAT BOOK 68, PAGE 23 AND PLAT BOOK 67, PAGE 85. ALL REFERENCES BEING TO THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

MONUMENTATION: IRON PINS WHERE INDICATED BY THE FOLLOWING SYMBOL UNLESS OTHERWISE NOTED, ARE TO BE SET AND ARE 5/8" REBARS, THIRTY (30) INCHES LONG WITH A PLASTIC PLUG, PLACED IN THE TOP, INSCRIBED WITH THE NAME SITE ENGINEERING, INC. PERMANENT MARKERS WHERE INDICATED BY THE FOLLOWING SYMBOL UNLESS OTHERWISE NOTED, ARE TO BE PLACED UPON COMPLETION OF CONSTRUCTION NECESSARY TO THE IMPROVEMENT OF THIS LAND AND ARE SOLID ONE (1) INCH O.D., THIRTY INCHES LONG, AND BURIED ONE (1) FOOT IN DEPTH.

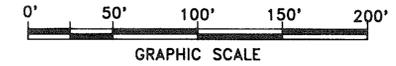
WE DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE ATTACHED PREMISES, PREPARED THE ATTACHED PLAT AND THAT SAID PLAT IS CORRECT. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. DIMENSIONS SHOWN ALONG CURVES ARE CHORD MEASUREMENTS.

### SITE ENGINEERING, INC.

CONSULTING ENGINEERS & SURVEYORS  
6515 E. LIVINGSTON AVE. SUITE 11  
REYNOLDSBURG, OHIO 43068  
PHONE: (614) 759-9900

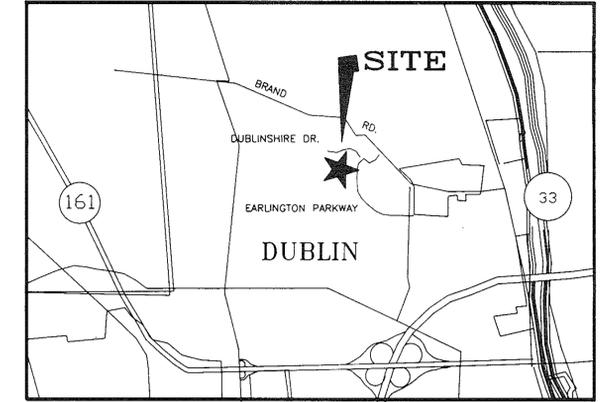
BY: Mark A. Hazel, 1-8-92  
Professional Surveyor No. 7039



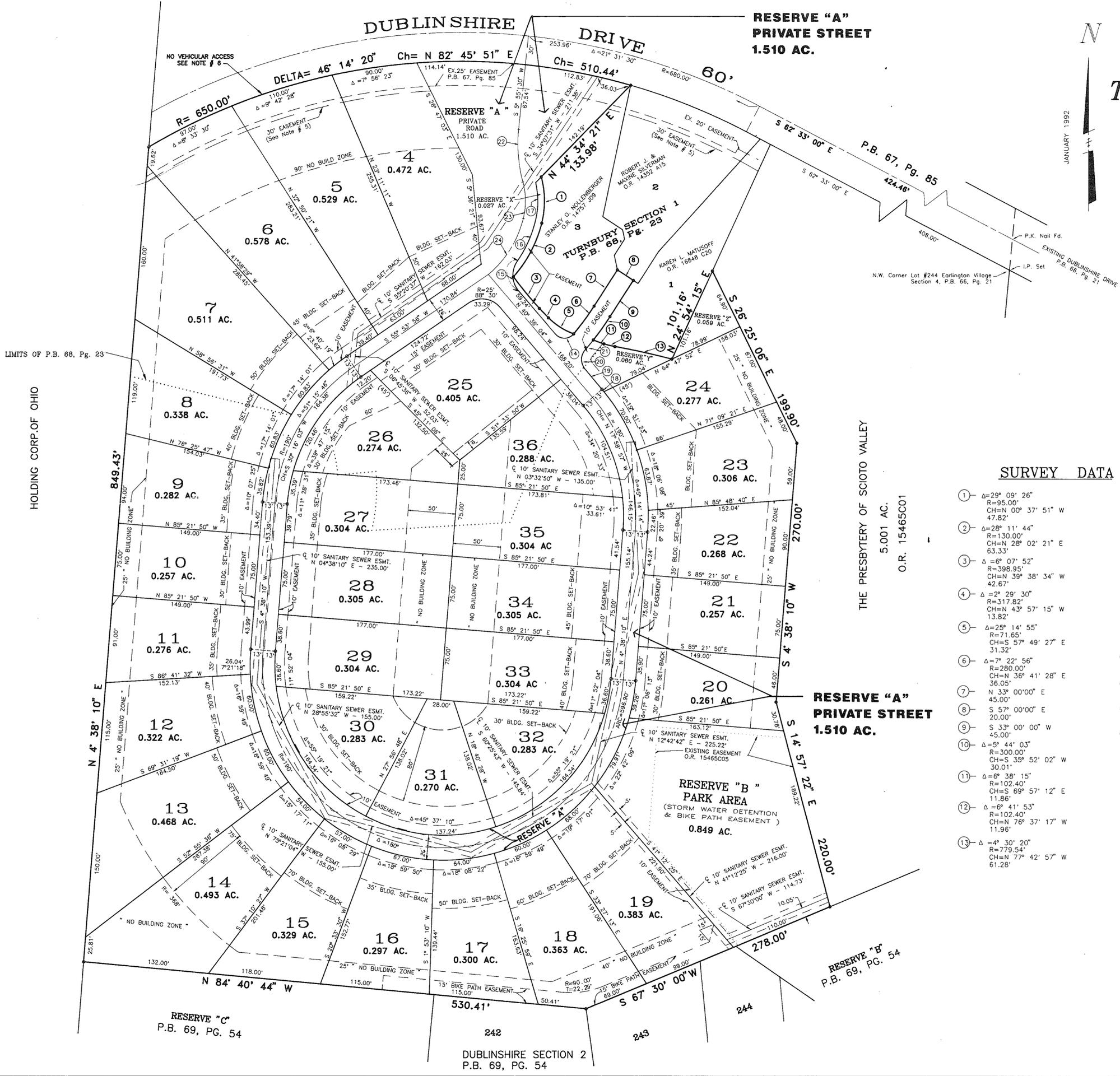


# THE WOODS OF DUBLINSHIRE

A RESUBDIVISION OF LOTS 4 THRU 12 AND RESERVES A, B & C OF "TURNBURY SECTION 1" IN PLAT BOOK 68, PAGE 23 AND SUBDIVISION OF 9.725 ACRES IN Y.M.S. 3010, IN THE CITY OF DUBLIN, FRANKLIN COUNTY, OHIO.



VICINITY MAP



JANUARY 1992

### SURVEY DATA

- ①  $\Delta=29^{\circ} 09' 26''$   
R=95.00'  
CH=N 00' 37' 51" W  
47.82'
- ②  $\Delta=28^{\circ} 11' 44''$   
R=130.00'  
CH=N 28' 02' 21" E  
63.33'
- ③  $\Delta=6^{\circ} 07' 52''$   
R=398.95'  
CH=N 39' 38' 34" W  
42.67'
- ④  $\Delta=2^{\circ} 29' 30''$   
R=317.82'  
CH=N 43' 57' 15" W  
13.82'
- ⑤  $\Delta=25^{\circ} 14' 55''$   
R=71.65'  
CH=S 57' 49' 27" E  
31.32'
- ⑥  $\Delta=7^{\circ} 22' 56''$   
R=280.00'  
CH=N 36' 41' 28" E  
36.05'
- ⑦ N 33' 00' 00" E  
45.00'
- ⑧ S 57' 00' 00" E  
20.00'
- ⑨ S 33' 00' 00" W  
45.00'
- ⑩  $\Delta=5^{\circ} 44' 03''$   
R=300.00'  
CH=S 35' 52' 02" W  
30.01'
- ⑪  $\Delta=6^{\circ} 38' 15''$   
R=102.40'  
CH=S 69' 57' 12" E  
11.86'
- ⑫  $\Delta=6^{\circ} 41' 53''$   
R=102.40'  
CH=N 76' 37' 17" W  
11.96'
- ⑬  $\Delta=4^{\circ} 30' 20''$   
R=779.54'  
CH=N 77' 42' 57" W  
61.28'
- ⑭  $\Delta=99^{\circ} 00' 59''$   
R=12.72'  
CH=N 89' 53' 27" E  
19.34'
- ⑮  $\Delta=79^{\circ} 53' 10''$   
R=25.00'  
CH=S 2' 39' 29" E  
30.74'
- ⑯  $\Delta=21^{\circ} 20' 38''$   
R=123.00'  
CH=S 24' 36' 34" W  
45.56'
- ⑰  $\Delta=28^{\circ} 27' 44''$   
R=88.00'  
CH=S 00' 42' 53" W  
40.28'
- ⑱  $\Delta=00^{\circ} 56' 04''$   
R=203.00'  
CH=S 40' 08' 02" E  
3.31'
- ⑲ S 40' 36' 04" E  
27.51'
- ⑳  $\Delta=81^{\circ} 56' 23''$   
R=15.00'  
CH=S 00' 22' 08" E  
19.67'
- ㉑  $\Delta=2^{\circ} 36' 16''$   
R=300.00'  
CH=S 40' 02' 11" W  
13.64'
- ㉒  $\Delta=21^{\circ} 08' 05''$   
R=150.00'  
CH=S 4' 38' 32" E  
55.02'
- ㉓  $\Delta=29^{\circ} 09' 26''$   
R=75.00'  
CH=S 00' 37' 51" E  
37.76'
- ㉔  $\Delta=36^{\circ} 28' 57''$   
R=110.00'  
CH=S 32' 10' 20" W  
68.80'

### NOTES

- 1) THE PORTIONS OF LOTS 8 AND 26 NOW OWNED BY BRAND ROAD INVESTMENT CO. ARE TO BE CONVEYED TO NEWTOWNE HOMES, INC. AND PORTIONS OF LOTS 27, 35 AND 36 NOW OWNED BY NEWTOWNE HOMES, INC. ARE TO BE CONVEYED TO BRAND ROAD INVESTMENT CO. RESERVE "X" IS TO BE CONVEYED TO THE OWNER OF LOT 3 OF TURNBURY SECTION 1, RESERVES "Y" AND "Z" ARE TO BE CONVEYED TO THE OWNER OF LOT 1 OF TURNBURY SECTION 1 AND RESERVES "A" AND "B" ARE TO BE CONVEYED TO THE TURNBURY OWNERS ASSOCIATION, AN OHIO NONPROFIT CORPORATION.
- 2) RESERVE "A" SHALL BE USED ONLY FOR THE PURPOSES OF CONSTRUCTING, OPERATING, AND MAINTAINING PRIVATE DRIVES, APPROPRIATE LANDSCAPING, AND OTHER IMPROVEMENTS FOR THE BENEFIT OF ALL LOTS, AND THEIR OWNERS AND OCCUPANTS. THE CITY OF DUBLIN SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF ANY STREET IMPROVEMENTS WITHIN THESE RESERVES.
- 3) RESERVES "A" AND "B" SHALL BE OWNED AND MAINTAINED BY TURNBURY OWNERS ASSOCIATION.
- 4) EASEMENTS ARE RESERVED ABOVE AND BENEATH THE SURFACE OF THE GROUND OF RESERVES "A" AND "B" TO PUBLIC AND QUASI-PUBLIC UTILITIES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UTILITY LINES AND SERVICE CONNECTIONS TO SERVE THE LOTS SHOWN ON THIS PLAT, AND FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF AN ASPHALT BIKE PATH.
- 5) AN EASEMENT TO TURNBURY OWNERS ASSOCIATION IS GRANTED WITHIN A 30 FOOT STRIP ALONG DUBLINSHIRE DRIVE OVER LOTS 1, 2 AND 3 OF TURNBURY SECTION 1 AND RESERVED ALONG DUBLINSHIRE DRIVE OVER LOTS 4, 5, 6 AND 7 OF THE WOODS OF DUBLINSHIRE AS SHOWN HEREON, TO MAINTAIN THE LANDSCAPING AND IMPROVEMENTS WITHIN THIS AREA.
- 6) THE GRANTORS DO HEREBY SPECIFICALLY WAIVE AND RELEASE ANY AND ALL RIGHTS OR RIGHTS OF DIRECT VEHICULAR ACCESS OR CLAIM THEREOF, TO PRESENT HIGHWAY IMPROVEMENTS KNOWN AS DUBLINSHIRE DRIVE EXCEPT AS NOTED TO BE COMPLETED OR TO THE ULTIMATE HIGHWAY IMPROVEMENTS TO BE CONSTRUCTED IN THE FUTURE, AND THE CONVEYANCE SHALL ACT AUTOMATICALLY AS A WAIVER TO THE GRANTEE IN THE ELIMINATION OF ANY DIRECT VEHICULAR ACCESS TO SAID DRIVE ALONG LOTS 4, 5 AND 6 SHOWN HEREON.
- 7) REPLACEMENT OR REPAIR OF THE ROADWAY ELEMENTS SUCH AS CURBING, PAVING, BASE AND DRAINS THAT ARE DAMAGED AS PART OF UTILITY MAINTENANCE, REPAIR AND REPLACEMENT ARE THE RESPONSIBILITY OF THE OWNERS OF THE ROADWAY AND NOT THE UTILITY OWNER.

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