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: Dana L. McDaniel, City Manager

Date: August 6, 2015

Initiated By: Megan O'Callaghan, Director of Public Works

Re: Caplestone Lane – Public Services Committee Recommendation

Background

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). Recently, City Council referred the matter to the Public Services Committee for consideration.

Meeting of the Public Services Committee

The Public Services Committee met on Monday, June 29, 2015 to consider the matters of Private Streets and Private Drives, as well as Caplestone Lane specifically. Public Works and Development staff collaborated on a comprehensive presentation (see attached). With regard to Caplestone Lane, several considerations were presented and discussed including:

1. Caplestone Lane could remain a Private Street maintained by the homeowners association (HOA).
2. The HOA could utilize the process for conversion to Public Street in order for the City to maintain the street. This would require substantial reconstruction and costs or a Code revision to provide for a hardship standard.
3. The City could execute a maintenance easement for identified items such as pavement, curb and gutter, snow and ice removal, and storm sewer. In the event this consideration is pursued, Staff recommended the water and basin remain private.

Recommendation

The Public Services Committee vote, two in favor and one against, was to recommend to City Council that the City enter into a maintenance agreement consistent with the staff report and with a division of responsibility consistent with the staff report, with the understanding that this is a unique circumstance and that any future requests would be considered on a case-by-case basis.

City of Dublin

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

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 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.

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

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]

RECEIVED
SEP 24 2013
CLERK OF COUNCIL
CITY OF DUBLIN

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 KRAWSTUBER	
3	5516 Caplestone Lane	Brenda S. Montgomery	
4	5519 Caplestone Lane	Jodi Gorrell	
5	5520 Caplestone Lane	Lori Chong	
6	5523 Caplestone Lane	Deborah O'Neill	
7	5524 Caplestone Lane	BHAVIK KOTHARI	
8	5527 Caplestone Lane	Joe Mantchman	
9	5528 Caplestone Lane	RON GAGNE	
10	5535 Caplestone Lane	Kathy Gage	
11	5536 Caplestone Lane	Susan Ziolkowski	
12	5540 Caplestone Lane	Melissa Overberg	
13	5544 Caplestone Lane	MARIA LEHEADY	
14	5545 Caplestone Lane	Kristin Turner	
15	5548 Caplestone Lane	Rachel Reedy	
16	5552 Caplestone Lane	ERIC RYAN	
17	5556 Caplestone Lane	David Ulstad	
18	5557 Caplestone Lane	Kathy Felty	
19	5560 Caplestone Lane	TIM COLEMAN	
20	5564 Caplestone Lane	STEVE WADE	
21	5567 Caplestone Lane	Nathan Leonard	
22	5568 Caplestone Lane	Martha Barley	
23	5571 Caplestone Lane	Terri Sked	
24	5572 Caplestone Lane	Vacant	
25	5575 Caplestone Lane	Tony Fabris	
26	5576 Caplestone Lane		ERIC PLESIA
27	5580 Caplestone Lane	Evan Watkins	
28	5583 Caplestone Lane		JAMES A. MICHELS
29	5584 Caplestone Lane	Julia Smith	
30	5588 Caplestone Lane	MICHAEL J. DUFFY	
31	5592 Caplestone Lane	Raymond V. Hamm	
32	5595 Caplestone Lane	JAZ E Michael	
33	5596 Caplestone Lane	WALTER BURNSIDE	
34	5600 Caplestone Lane	Lennie Walp	
35	5604 Caplestone Lane	JOHN MALLOY	
36	5608 Caplestone Lane	Jessie Zachrich	

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

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 76 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 2211C19, IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THE UNDERSIGNED, HEREINAFTER REFERRED TO AS "GRANTORS", OWNERS OF THE LAND PLATTED HEREIN, DULY AUTHORIZED IN THE PREMISES, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THEIR SUBDIVISION OF LOTS 4 THROUGH 12 AND RESERVES A, B, & C, AS SHOWN AND DESIGNATED, AND THAT THE DEDICATION TO PUBLIC USE OF ALL STREETS AND OTHER PUBLIC AREAS SHOWN HEREON, NOT HERETOFORE DEDICATED, IS MADE.

THE UNDERSIGNED FURTHER AGREE THAT ANY LOT OR IMPROVEMENTS MADE OR TREE AND SHALL BE IN CONFORMITY WITH ALL EXISTING ZONING REGULATIONS IN FORCE AT THE TIME OF SUCH CHANGES, INCLUDING APPLICABLE OFF-STREET PARKING AND LOADING REQUIREMENTS OF THE CITY OF DUBLIN, OHIO, FOR THE BENEFIT OF THE LOTS AND ALL OTHER SUBSEQUENT OWNERS OR PERSONS WITHIN THIS PLAT 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.

WHERE A BUILDING SHALL BE ON LOT 1 OF TURNBURY SECTION 1, RECORDED IN PLAT BOOK 68, PAGE 23, AND SHALL ENCROACH UPON LOT 2, THE GRANTORS, OWNERS OF LOT 2, HEREBY GRANT AN EASEMENT FOR SUCH ENCROACHMENT AND FOR THE MAINTENANCE THEREOF, SO LONG AS THE BUILDING SHALL BE STANDING ON THE ABOVE DESCRIBED PORTION AND TO THE CARING AND PRESERVATION OF PROPERTIES THEREIN CONTAINED.

IN WITNESS WHEREOF, FREDERICK J. PERRETTI, JR. VICE PRESIDENT OF NEWTOWNE HOMES, INC., AN OHIO CORPORATION, AND OWNER OF LOT 4 THROUGH 12 INCLUSIVE AND RESERVES "A", "B" AND "C" OF TURNBURY SECTION 1, HAS HEREUNTO SET HIS HAND THIS 8TH DAY OF APRIL, 1992.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

NEWTOWNE HOMES, INC.
AN OHIO CORPORATION

STATE OF OHIO SS

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

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 8TH DAY OF APRIL, 1992.

MY COMMISSION EXPIRES ON 2/10/92

IN WITNESS WHEREOF, DONALD R. KELLEY, AS PARTNER OF BRAND ROAD INVESTMENT CO., LTD., OWNER OF 9.725 ACRES, MORE OR LESS, HEREIN SET FORTH, HAS HEREUNTO SET HIS HAND THIS 8TH DAY OF APRIL, 1992.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

BRAND ROAD INVESTMENT CO., LTD.

STATE OF OHIO SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DONALD R. KELLEY AS PARTNER OF BRAND ROAD INVESTMENT CO., LTD. AND ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID COMPANY 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 8TH DAY OF APRIL, 1992.

MY COMMISSION EXPIRES ON 1/19/93

KAREN L. MATUSOFF

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 WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 7TH DAY OF APRIL, 1992.

MY COMMISSION EXPIRES ON 9/11/96

ROBERT SILVERMAN
MAXINE SILVERMAN

STATE OF OHIO SS

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT SILVERMAN AND MAXINE SILVERMAN WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR 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 7TH DAY OF APRIL, 1992.

(seal)

MY COMMISSION EXPIRES ON 2/10/96

STANLEY O. NOLLENBERGER

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 7TH DAY OF APRIL, 1992.

MY COMMISSION EXPIRES ON 2/10/96

APPROVED THIS 8TH DAY OF APRIL, 1992

PRESIDENT, DUBLIN PLANNING & ZONING COMMISSION

APPROVED THIS 8TH DAY OF APRIL, 1992

CITY ENGINEER, DUBLIN, OHIO

APPROVED AND ACCEPTED BY ORDINANCE NO. 14-92 PASSED THIS 6TH DAY OF APRIL, 1992.

CLERK OF COUNCIL, DUBLIN, OHIO

THE STREETS AND EASEMENTS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED AND THE RESERVATIONS SHOWN ON TURNBURY SECTION 1 ARE HEREBY VACATED.

GEORGE A. SKESTOS, CLERK OF COUNCIL, DUBLIN, OHIO

TRANSFERRED THIS 8TH DAY OF APRIL, 1992

PALMER C. MCNEAL, AUDITOR, FRANKLIN COUNTY, OHIO

FILED FOR RECORD THIS 8TH DAY OF APRIL, 1992 AT 9:30 A.M.

086 40 051717

JOSEPH W. TESTA, RECORDER, FRANKLIN COUNTY, OHIO

RECORDED THIS 8TH DAY OF APRIL, 1992

52,53

MATTHEW CHAFIN, DEPUTY RECORDER, FRANKLIN COUNTY, OHIO

NOTES

1) THE PROPERTIES OF LOTS 8 AND 9A NOW OWNED BY BRAND ROAD INVESTMENT CO. AND TO BE CONVEYED TO NEWTOWNE HOMES, INC. AND PORTIONS OF LOTS 10, 11 AND 12 NOW OWNED BY NEWTOWNE HOMES, INC. ARE TO BE CONVEYED TO BRAND ROAD INVESTMENT CO. BEFORE A BUILDING PERMIT IS TO BE CONVEYED TO THE OWNER OF LOT 7 OF TURNBURY SECTION 1, RECORDED IN PLAT BOOK 68, PAGE 23, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, THE OWNER OF LOT 7 SHALL BE REQUIRED TO PAY HIS PROPORTIONATE SHARE OF THE COST OF CONSTRUCTING THE TURNBURY SECTION 1 DRAINAGE IMPROVEMENTS.

2) RESERVE "A" SHALL BE USED FOR, AND THE PROPERTY OF, CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING A STORM WATER DETENTION BASIN AND OTHER STORM WATER IMPROVEMENTS FOR THE BENEFIT OF ALL LOTS AND THOSE BUILDING AND LOTS WHICH ARE TRIBUTARY THERETO AND SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF ANY SANITARY IMPROVEMENTS WITHIN THIS RESERVE.

3) RESERVES "A" AND "B" SHALL BE OWNED AND MAINTAINED BY TURNBURY OWNERS ASSOCIATION.

4) EASEMENTS ARE RESERVED WHERE AND BENEATH THE SURFACE OF THE GROUND OF RESERVE "A" AND "B" AND PERIMETER LOTS AS SHOWN ON THIS PLAT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES THERETO AS SHOWN ON THIS PLAT, AND FOR ITS MAINTENANCE AND REPAIR AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE WOODS OF DUBLINSHIRE.

5) AN EASEMENT TO TURNBURY OWNERS ASSOCIATION IS GRANTED WITHIN A 20 FOOT WIDE STRIP ALONG BACK/SIDE LOT LINES OF LOTS 1, 2, AND 3 OF TURNBURY SECTION 1, AND WITHIN A 20 FOOT WIDE STRIP ALONG THE REAR LOT LINES OF LOTS 4, 5, AND 6 OF TURNBURY SECTION 1, AS SHOWN HEREON, TO MAINTAIN THE LANDSCAPING AND IMPROVEMENTS WITHIN THOSE AREAS.

6) ENCROACHMENT OR REPAIR OF ROOFWAY EXTENSIONS SUCH AS OVERHANG, RAINING, EAVES AND DRAINS THAT ARE DAMAGED AS PART OF UTILITY MAINTENANCE, REPAIR AND REPLACEMENT ARE THE RESPONSIBILITY OF THE OWNERS OF THE ADJACENT LOTS 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 68, PAGE 23, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

BENCH MARK: A CITY OF DUBLIN, PLAT BENCH MARK AS SHOWN ON PLAT BOOK 68, PAGE 23, NEAR SOUTH EAST CORNER OF LOT 1 AND NEAR SOUTH WEST CORNER OF LOT 2, AND NEAR SOUTH EAST CORNER OF LOT 3, AND NEAR SOUTH WEST CORNER OF LOT 4, AS SHOWN HEREON. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE AS RECORDED IN PLAT BOOK 68, PAGE 23, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

MONUMENTATION: IRON PINS WHERE INDICATED ON THE FOLLOWING SYMBOL: ○ UNLESS OTHERWISE NOTED ARE TO BE SET AND ARE 5/8" REBARS, THIRTY (30) INCHES LONG WITH A PLASTIC PLUG, MARKED IN THE TOP INSCRIBED WITH THE NAME SITE ENGINEERING, INC. PERMANENT MARKERS WHERE INDICATED BY ▲ ARE TO BE SET AND ARE STONE MONUMENTS, FOUR INCHES (4") SQUARE, WITH A PLASTIC PLUG PLACED IN THE TOP, UNLESS OTHERWISE NOTED, AND ARE TO BE SET AT THE FOLLOWING LOCATIONS: ONE AT THE SOUTH WEST CORNER OF LOT 1, ONE AT THE SOUTH EAST CORNER OF LOT 2, ONE AT THE SOUTH WEST CORNER OF LOT 3, ONE AT THE SOUTH EAST CORNER OF LOT 4, ONE AT THE SOUTH WEST CORNER OF LOT 5, ONE AT THE SOUTH EAST CORNER OF LOT 6, ONE AT THE SOUTH WEST CORNER OF LOT 7, ONE AT THE SOUTH EAST CORNER OF LOT 8, ONE AT THE SOUTH WEST CORNER OF LOT 9A, ONE AT THE SOUTH EAST CORNER OF LOT 10, ONE AT THE SOUTH WEST CORNER OF LOT 11, AND ONE AT THE SOUTH EAST CORNER OF LOT 12, AS SHOWN HEREON.

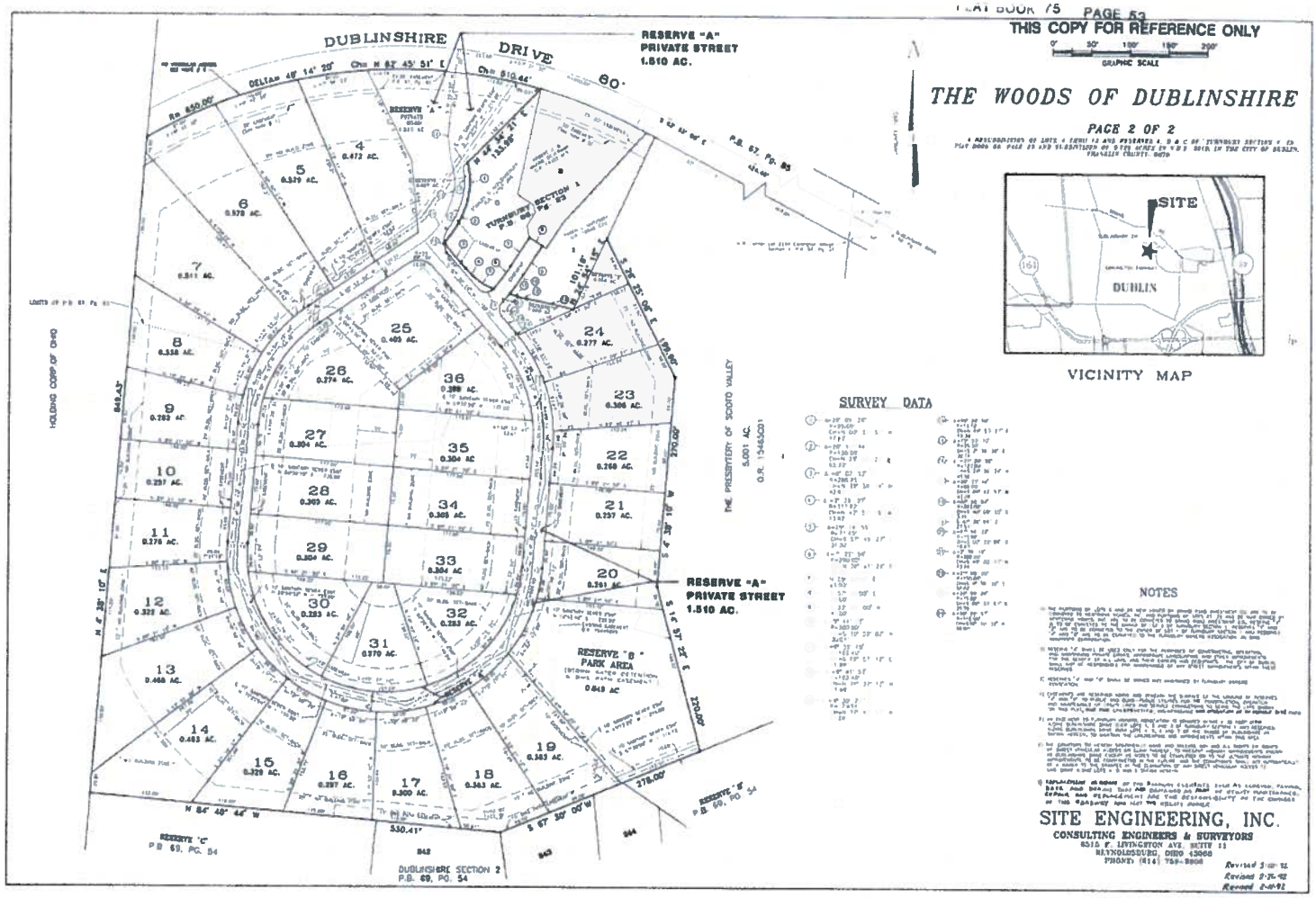
WE THE UNDERSIGNED STATE THAT WE HAVE SURVEYED THE ATTACHED PREMISES, PREPARED THE ATTACHED PLAT AND THAT SAID PLAT IS CORRECT. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. SURVEYORS MONUMENTS ALONG STREETS ARE SHOWN AS MONUMENTED.

SITE ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
6318 E. LIVINGSTON AVE. SUITE 11
REYNOLDSBURG, OHIO 43068
PHONE: (614) 758-8600

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

Revised 3-10-92

THIS COPY FOR REFERENCE ONLY



THE WOODS OF DUBLINSHIRE

PAGE 2 OF 2

Dublin City Council
PUBLIC SERVICES COMMITTEE
Monday, June 29, 2015
Council Chambers – 6:30 p.m.

Minutes of Meeting

Ms. Salay, Chair called the meeting to order at 6:45 p.m. (Technical problems delayed the start of the meeting.)
Committee Members present: Ms. Salay, Mr. Reiner and Mr. Lecklider.
Also present: Council Member Chinnici-Zuercher.
Staff members present: Ms. Crandall, Ms. Readler, Ms. O'Callaghan, Mr. Hammersmith and Mr. Gunderman.
Ms. Salay noted that the Committee will discuss private streets, private drives and one private street in particular – Caplestone Lane.

Approval of Minutes of May 26, 2015 Public Services Committee meeting
Ms. Salay moved to approve the minutes of the May 26, 2015 Public Services Committee meeting. Mr. Reiner seconded the motion.
Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes.

Presentation re. Broad Topic of Private Streets and Private Drives
Ms. O'Callaghan noted that everyone has a paper copy of the PowerPoint and can follow along. The topic of private streets and private drives involves many of the same considerations as the topic discussed at the last Committee meeting of HOA maintenance of common areas. Some of those considerations are:

1. There are many unique situations currently in existence today, as each development is unique and has its own identity or character.
2. There can be an issue of equity or fairness that comes into play.
3. The term "streets" and "drives" are defined in Dublin City Code and they have been used inconsistently over the years, as will be demonstrated in tonight's presentation.

The team present has met several times and had much discussion regarding the history and how to proceed in the future.

Private Streets - Background
Dublin Code does distinguish between private streets and private drives. In the Code, private drives are referred to as "driveways." "Private streets" are defined in the subdivision regulations as "a strip of privately owned land providing access to abutting properties. Private streets should 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."
Since the 1990s, City Code has been in place that requires all private streets to be constructed to public street standards. However, there are private streets in place that were built prior to that time and therefore are not up to public street standards.
Staff inventoried and identified a limited, quantifiable number of private, paved areas that are official labeled as private streets on the plats. There are seven that have been identified and she described each:

1. Muirfield Court was built in 1979 and is gated, does not meet public street standards, is narrower and does not have sidewalks. It does have curb and has single-family homes.
2. Dunsinane Drive was built in 1979 and is also gated, does not meet public street standards, is narrower and does not have sidewalks. It does have curb and has single-family homes.
3. High School Road, around Sells Middle School off of Bridge Street does not meet public street standards, as it was built in 1977. It does not have sidewalks, but has curb.
4. Caplestone Lane, built in 1993 is a private loop street located on the south side of Dublinshire Drive. It is not gated, has single-family lots, does not meet public street standards, does not have sidewalks, and is narrower. It looks similar to the two in Muirfield, but it is not gated.
5. Deer Run subdivision (2015) has three new private streets being built as part of that development. Single-family, gated, streets do not meet public street standards, do not have sidewalks, and are narrower.

These seven are the private streets that are in existence in Dublin.

There is a City Code Section 97.03 that provides for conversion of a private street to a public street. This Code section outlines the criteria for acceptance of private streets as public street. The minimum standards to be met include street width, curb and gutter, pavement thickness and strength, and sidewalk installation. There is also a process outlined in that Section that includes consulting with City Planning and Engineering staff, then review by Planning & Zoning Commission, and if the Commission disapproves it, the applicant has the right of appeal to City Council.

Mr. Reiner stated that it seems challenging to bring a private street up to the City standards for public streets.
Ms. O'Callaghan stated there are three Code sections involved. As Caplestone Lane and the development is built out, the minimum standards that must be met include street width, curb and gutter.
Ms. Salay asked about the required street width for public streets.
Mr. Hammersmith responded it is 28 feet back-to-back from curb.
Mr. Reiner asked about the width of the seven private streets referenced tonight and if they all have curb and gutter.
Ms. O'Callaghan responded she does not have the width information for each of these streets. The first four have curb and gutter, but Deer Run private streets are under construction and they will not have curb and gutter.
Mr. Gunderman clarified that some of the Deer Run private streets will have curb and gutter. It is a mix.
Mr. Reiner asked why the City does not require curb and gutter for private streets. What is the logic?
Mr. Gunderman responded that the single-family, very large lots in Deer Run do not have curb and gutter. The area under development now, with smaller lots and with an architectural theme, with its own gate off Memorial has private streets with curb and gutter.
Mr. Reiner asked if they are segregated from the area with large lots.
Mr. Gunderman responded they are separate, with two separate entry gates.

Ms. O'Callaghan noted that pavement strength must also be brought up to City public street standards. The pavement on Caplestone is thinner than the City's standards, so this would need to be improved. There need to be sidewalks, and none of the seven streets referenced have sidewalks.

Ms. Salay stated that property owners on private streets would have significant hurdles to be qualified as a public street. It seems impossible.
Ms. O'Callaghan responded that staff would concur it is not practical, as the entire street section would have to be rebuilt.
Ms. Salay asked if the rebuilding would be at the neighborhood's expense.
Ms. O'Callaghan confirmed that is correct.
Mr. Reiner stated that if they want to convert a private street to public, the property owners would bear the expense for bringing the street up to public street standards. He added that the developers build private streets to save money, to enhance the neighborhood aesthetics, etc.

Why Private Street vs. Public Street?
Ms. O'Callaghan stated that staff's default preference is to have public, not private streets. Staff prefers the public street width of pavement for accessibility and for maintenance purposes; prefers sidewalk; and prefers pavement buildup for future maintenance purposes as well and to maintain the condition of the pavement. The City is in the business of maintaining these expensive assets, which are used by the public at large. Therefore, the initial preference by staff is for public streets.
What has occurred in the past is that private streets have been driven by the developer. Typically, this is observed in areas with heavily treed lots and the developer wants to preserve trees. The City's public street standards with sidewalks, etc. require more space, resulting in a bigger environmental conditions impact. It is also a character consideration, as curb and gutter and sidewalks have different feel or character versus private streets without these.
In addition, City Code does allow private streets. For these reasons, there have been private streets approved in the past.

Private Drives – Background
Ms. O'Callaghan stated that private drives are defined in the Dublin Code Section 152.002 as "driveways." The private street definition was a strip of privately owned land providing access to abutting properties. The definition of private drives is "a private road giving access from a public way to a detached single-family dwelling on abutting ground, or to a group of multi-family or commercial buildings, which is not dedicated to the City, and for the maintenance of which the City shall not be responsible and which for those reasons is not subject to these regulations."
It is evident that there is some confusion with these definitions, and it is difficult to discern the two. Staff will recommend tonight that these Code sections be clarified.

Private Drives – Residential
In the Code, private drives can further be categorized as commercial and residential drives. She shared a map of where the residential drives are currently located throughout the City. Typically, the residential drives are found in multi-family and condominium developments.

Private Drives – Commercial
She shared a map depicting locations of private drives that are commercial. A good example is Mercedes Drive, which has often been brought up in the context of maintenance issues.

Mr. Reiner asked for clarification regarding this map.
Ms. O'Callaghan responded that this represents areas in the City where there are multiple private drives. It was hard to show each and every private drive on a map.

Ms. Salay noted these generally appear to be part of larger PUD developments approved and constructed with private drives within the development.

Benchmarking
Ms. O'Callaghan noted that in preparation for this meeting, staff did some benchmarking of other cities in the region and across the country regarding how they define/address private paved areas. The results were inconclusive. Some cities use the term "private drive" or "private street" or "private road," while some differentiate between the different types of roads and some don't. The terms are used loosely across the country. What staff determined is that the definitions currently in Dublin's Code are probably better than others found. Some of the communities benchmarked do have a mechanism for converting private streets to public streets; similar to Dublin, however, they indicate the process is not utilized and the processes they use also require that the private streets be brought up to public standards prior to the city taking them over. For that reason, the process is not typically utilized. Staff did learn from the benchmarking that in the communities that have private streets/roads/or whatever they are called, they are typically in multi-family condominium and commercial developments as opposed to single-family developments.
In all cases, the maintenance of those private roads rests with the private owners. If there are issues with the maintenance of those roads by the private owners, the communities rely on Code enforcement to bring that maintenance up to standard.

Considerations/Options Identified for Discussion

1. Status quo. The City could continue differentiating between private streets and private drives as is done today in the Code, allow the construction of private streets and private drives into the future, provide a mechanism for conversion of private streets to public streets per Code, and utilize code enforcement if there are maintenance issues.
2. Prohibit new private streets moving forward.
3. City could assume maintenance for the existing private streets that are in place.
4. Leave private street definition as is to address those existing private streets. Do not differentiate between private streets and private drives moving forward. That would involve changing the definition of "driveway" so that it is broader and it covers these paved areas somewhat more clearly in the future. This would result in having just one category. The City could also require maintenance and be more proactive in code enforcement in the maintenance of those areas.

Caplestone Lane – Background
Ms. O'Callaghan stated this is a private loop street in the Earlington Village PUD and includes 36 single-family lots. In comparison to the other existing private streets reviewed tonight, it is different in that it is not gated and is not a school. In terms of background, this development was originally planned as condominiums. That developer went bankrupt, and another developer came in and proceeded with single family. The record indicates that the reason that developer wanted a private street was in order to preserve as many trees as possible. The Woods of Dublinshire plat was very clear that this would be a private street, maintained by the HOA. She noted she reviewed the meeting minutes from Council, Planning and Zoning Commission – and there was significant discussion regarding this being a private street and making it clear to everyone that the HOA would be responsible for maintenance of this private street into the future.

Mr. Lecklider asked where in the record the successor developer indicated that the reason he wanted the street to be private was in order to preserve trees.

Ms. O'Callaghan stated that staff can find the specific location of this information.
Mr. Lecklider responded that many months ago, staff prepared a packet with a lot of history, and he does not recall seeing that information.

Ms. O'Callaghan stated that the road was constructed in 1993. In 1994, soon after it was constructed and the HOA was formed, the HOA requested that Caplestone Lane be made a public street. A couple of years later, Council voted to assume responsibility for the intersection of Caplestone Lane and Dublinshire Drive. In that same motion, it indicated that Caplestone Lane was to remain a private street. In 2013, the HOA again requested that the City assume maintenance responsibility for Caplestone Lane.

Ms. Salay asked about the thought process involved in the City's decision to take over the intersection area.
Ms. O'Callaghan responded she could not determine this, based on the meeting minutes.
Ms. Salay asked if any work was done in the intersection area during that time period that would have prompted this to have occurred. It seems an odd thing.
Ms. O'Callaghan responded it was brought up in a Council meeting, and then tabled. When it was brought back to Council, there was little discussion prior to a vote. She was not able to glean anything from that discussion.

Caplestone Lane – Responsibilities
Ms. O'Callaghan stated the maintenance responsibilities for Caplestone Lane, as shown on page 18, are currently handled in this way:

- City provides leaf collection, curbside chipper, yard waste, recycling, trash collection, and maintains the sanitary sewer
- HOA is responsible for maintaining the pavement, curbs and gutters, storm sewer, water (there is a master meter), fire hydrants and snow and ice removal services

Ms. Salay asked how this division of responsibilities compares with other private drives and private streets, such as the Villas at Ballantrae. Does the City do similar things for them, or are there a variety of arrangements in the City within different neighborhoods? What about the two private streets referenced in Muirfield?
Ms. O'Callaghan responded that the City provides the City services listed, except for snow and ice removal as the streets are gated. For the pavement, curbs and gutters for these two private streets, the City does no maintenance.

Ms. Chinnici-Zuercher stated that she learned today that she lives on a private driveway, not a street, but this is the same distribution of what occurs in her neighborhood as well in terms of services.

Ms. O'Callaghan noted that she received information from the Caplestone HOA over the weekend, based on previous maintenance performed on the pavement and curbs. It does appear they have maintained the road; they have done some crack sealing, resurfacing and curb repair in the past. Staff also did an inspection of the road and the curb and found it to be in generally good condition. The pavement condition rating is currently a 76, and the City goal is typically a rating of 80. It is in good condition, and based on that score, the City would not anticipate resurfacing being needed, based on City standards, for another 10 years. The Association submitted to staff their plans for maintenance. The Association planned on resurfacing the street in three years, so that is a discussion item with them.

Ms. Salay asked about the cost estimate for resurfacing.
Ms. O'Callaghan responded that staff estimates the cost at $185,000. In the meantime, some crack sealing could be done at an estimated cost of $5,000. The Association did $1,200 of crack sealing a couple of years ago, and another $500-1,000 several years ago.
Ms. Salay asked about the condition of the curbs and gutters.
Ms. O'Callaghan responded they appear to be in good condition as well.
Ms. Salay stated that the City seems to replace many curbs and gutters in the street maintenance program. This seems to be a frequent occurrence.
Ms. O'Callaghan noted that some of the curb and gutter replacement is based on drainage issues and the need for a good slope. It is also cost effective to address the issues in conjunction with the paving program versus piecemeal.

Mr. Lecklider commented that he has often expressed concerns with sidewalk installation and the extent to which the City does or does not inspect. What is the process for curb and gutter installation and inspections?
Mr. Hammersmith responded that an Engineering Project Inspector is responsible for inspecting all assets that will be accepted by the City as public improvements. If the storm sewer system is to be accepted for maintenance purposes going forward as a public improvement, the City conducts inspections of the installation.
Mr. Lecklider asked if the level of replacement the City is doing is unusual.
Mr. Hammersmith responded that much of this relates to inlets, and several years ago cinder brick was used to shim up the castings. It has deteriorated over time, likely due to salt use in the winter. Cinder brick is not durable and is not used anymore. Prior to cinder brick, clay brick was used.

Comparable Public Streets – Pitlochry Court
Ms. O'Callaghan stated that staff identified similar public streets that do not meet the standards for public streets. There was some uncertainty for a few streets about whether they are public or private. Staff found many comparable streets to Caplestone Lane in terms of condition, features, how they were built, width, lack of sidewalks, etc. that are public and that the City is maintaining today. For Pitlochry Court, a similar street in similar condition – no sidewalks, similar width – the City is currently maintaining this as a public street today.
Mr. Lecklider noted this street would have been built pre-1993.
Ms. O'Callaghan confirmed that is correct, adding that many courts in Muirfield are very similar to Caplestone in terms of how they were built – the features, the width, etc.
Mr. Reiner stated that the Muirfield street structure meets the City's specifications.
Mr. Hammersmith noted that Pitlochry Court does not meet these standards, as it was built in the late 1970s/early 1980s.
Ms. O'Callaghan stated that, similar to Caplestone, the asphalt is a couple of inches thinner than what is required today.
Mr. Reiner asked when the City's specifications were established for public streets.
Mr. Hammersmith responded this occurred in the 1992-1994 time period. The requirements were changed to full-depth asphalt of six inches.
Ms. O'Callaghan noted that in this year's street maintenance program, there are many streets being addressed that have 2-1/2 to 3-inch asphalt depth. This ends up being a full-depth project.
Ms. Salay stated that these streets have apparently held up for a long period of time, unless there was previous repaving by the City.

Mr. Hammersmith stated that some had edge mill and then were capped and overlaid with asphalt. They were not milled all the way down.
Ms. Salay asked for the expected life of a residential street like Caplestone or Pitlochry that does not have a lot of through traffic – once the six-inch depth of asphalt is in place.
Mr. Hammersmith stated that for the 2-1/2 to 3 inches of asphalt streets, the life expectancy is about 15-20 years on average; for full-depth asphalt, the expectancy is for 20-25 years.
Ms. Salay asked for confirmation that Caplestone Lane is 20 or so years of age. Staff would not expect resurfacing to be needed for another 10 years?
Mr. Hammersmith stated that he believes it was resurfaced at least once.
Ms. O'Callaghan added that the Association indicated they "repaved" in 2000. That would have been at the seven-year point after construction. It was likely a mill and overcoat.
Ms. Salay stated that the street is now 15 years past that repaving, so staff estimates it would not likely need to be resurfaced for another 10 years – which translates to a 25-year life for the initial pavement, correct?
Mr. Hammersmith confirmed that is correct. Much of that depends on volume and loads on the street.

Mr. Reiner noted that the reason these streets last this long is that they are private, and there is no through traffic – just the residents.
Mr. Hammersmith responded affirmatively, noting that is the volume issue. The load issue impacts as well, as only trash trucks would use these streets on a regular basis.

Ms. O'Callaghan stated that Cara Court is another example of a public street with similar characteristics as Caplestone; on the east side of the river, there are quite a few such streets that were acquired through annexation – they don't meet public street standards but are public streets.

Caplestone Lane – Considerations
Ms. O'Callaghan noted that the following are considerations for the Committee in regard to response to this request:

1. Status quo. Caplestone Lane remains a private street maintained by the HOA as was envisioned on the plat and discussions at that time.
2. Utilize process for conversion to public street. However, bringing the private street up to public street standards would be cost prohibitive, and the process is tedious; therefore, staff does not believe this is a practical consideration.
3. Staff does believe that Caplestone Lane is in a unique situation in comparison to the other private streets in existence in the City; an option could be that the City obtain a maintenance easement for identified items such as pavement, curb and gutter, snow and ice removal and storm sewer. She noted that if Council were to provide some level of maintenance relief, staff would recommend that the water and the basin remain private since the water is master metered. Private streets are different than private drives, as discussed earlier tonight and Caplestone Lane would be viewed unique in comparison to the other private streets. Staff did identify a few other private drives that may appear to be similarly situated, including: Villages at Coffman Park, Villas at Ballantrae, Scioto Crossing.

Ms. Salay asked if these three neighborhoods are all condominium development.
Mr. Gunderman stated that Villages at Coffman Park are condominiums, with a large common lot and individual buildings on that large lot; the Villas at Ballantrae are single-family lots on a private drive and they have an association as well. Because this one is more recent, the street was built

to a high construction standard; however, the geometry of the street and other features of the right-of-way are not the same. Scioto Crossing was originally planned to be an attached condominium association, with an area at the far north end that was to be detached units. In fact, the northern area has become detached units. They, too, have a substantial association. They have a large common lot, but have individual buildings. Therefore, they are somewhat similar to the Villages at Coffman Park – big common lots and condominium ownership inside the lots. The Villas at Ballantrae has lot for each unit.
Ms. O'Callaghan stated that staff could see a distinction between Caplestone and the other private streets, and then began looking at all the private drives. The majority of them are multi-family, commercial, condominiums – but the three mentioned might try to compare themselves to Caplestone Lane – even though they are officially private drives.

Ms. Salay stated that some cases have recently been reviewed by the Commission that are coming online.
Mr. Gunderman responded that the development is near Ballantrae. One, like Scioto Crossing, began as an attached unit and now wants to convert to a lesser number of detached, single-family homes. Across the future Churchman Road is a new project where a little over half is the same – large lots, individual condominium ownership for detached, single-family units. So between Scioto Crossing and these two projects near or part of Ballantrae, this is a substantial trend – single-family looking houses with condominium ownership among a larger lot. They are all based on private street status.

Mr. Lecklider asked about Caplestone, specifically consideration 2 – conversion to a public street. In addition to the expense of regular maintenance, there is the expense associated with conversion. In this particular case, the expense for the application alone and supporting expertise needed could be $20,000 – and that does not include bringing the street up to public standards with additional asphalt and adding sidewalk. Theoretically, sidewalk could be added. But clearly, the expenses could total well into the six figures so that option is not a consideration, from their perspective.
Ms. O'Callaghan noted that these costs would outweigh the maintenance costs the Association is anticipating for the private street as it currently exists.
Mr. Reiner stated that with the small yards, adding the sidewalk would likely impact the aesthetics of the community.
Mr. Lecklider stated that the neighborhood does not want the sidewalks. What he has heard from the residents is that much of this situation was driven by the original developer's bankruptcy. In reviewing some of the records, in particular the testimony from the early years, it appears that the private street was a simple process to get this development built out by the successor developer. Otherwise, the development would fail. The successor developer was looking for concessions, from what he could surmise, in terms of standards to get this built.
Ms. Readler stated there are two references to trying to preserve trees that she has located in the documents. One was in a staff report from Bobbie Clarke dated September 1, 1994 where she references the developer wanting to preserve trees. The other was from a P&Z meeting on January 7, 1988 where there was discussion of the need to preserve trees. She can provide these documents to Council.
Ms. O'Callaghan noted that the development was originally zoned as a PUD in 1983.

Ms. Salay stated in regard to consideration 2, when looking at all the streets in Dublin that are public and do not have sidewalk that might not meet these standards, it seems unreasonable that

this neighborhood would have to "jump all of these hurdles" to convert to a public street. She is aware this is part of the Code, but it does not make sense to require of an existing neighborhood something that is not required for many public streets. Therefore, the consideration 2 is really off the table for these reasons.

Mr. Lecklider stated that another interesting point is that in areas annexed from the township to the City of Dublin, where the township roads don't meet public standards, those neighborhoods receive the benefits of City services such as maintenance of streets versus a neighborhood like Caplestone. It is a benefit of annexation for township roads not constructed to the City's standards for public streets. Perhaps the requirement should have been that as part of the annexation process, the streets must be brought up to City standards and sidewalks must be constructed.

Ms. O'Callaghan noted one other distinguishing factor between private streets and drives. For many of the private drives, if the City were to maintain those, new and different types of equipment would be needed. Many of the private drives are very different in terms of width, proximity to condos or apartments or multi-family.
Mr. Lecklider commented that in the case of Caplestone, he recalls there were potential legal issues with converting to public streets, such as right-of-way and what that would do to existing status with respect to title, etc.
Ms. Readler stated that there are conditions in the final development plan and the final plat for Caplestone, and those would have to be eliminated if a full conversion to public street was done. If something lesser was done, it could be handled through an easement.

Ms. Salay invited public testimony.

Matt Ottman, 5572 Caplestone Lane stated that his family has resided in Dublin for 13 years and on Caplestone Lane for two years. This street is very different in character, with no sidewalks and few cars, and children can ride bikes in the street. He was not aware this was a problem when they purchased this single-family home. The newer residents of the neighborhood were not aware of this issue of a private street. Until he arrived at the closing on the house, he did not know it was a private street. Younger families are moving in and don't understand the implications of a private street. It is such a different situation for a private, detached, single-family home in Dublin, and they were not expecting to encounter this. They are very happy with their home, but would like some assistance in taking care of the road. Many families walk through their street when using the adjacent bikepaths. He requested that Council consider providing assistance to them as requested.

Ms. Salay asked about contracts to purchase a home and closing documents. For an attorney retained by a home buyer, when does the private street issue come to light?
Ms. Readler responded that there are notations on the plat, and the documents are all recorded. In preparation for closing, this would be identified.
Mr. Lecklider noted that in some of the previous testimony by Caplestone residents about this matter indicated that they had not been advised prior to closing of the private street status. At closing, these residents learned this for the first time. It does appear as a traditional Dublin neighborhood of single-family homes, and one would assume this is a public street with the City bearing responsibility for maintaining it.

Mr. Reiner stated that he has computed the costs of the street maintenance. At $185,000 over ten years – the next repair needed – divided by 35 homes comes to $514 per resident. He is not certain about how the HOA is funded by the residents.

Ms. O'Callaghan noted that their HOA dues are $50 per month. She received this information over the weekend and needs to verify this by talking with the residents. Prior to this year, the dues were $40 per month per household. That is significantly higher than the HOA dues information received in the survey and discussed at the last Committee meeting.
Mr. Reiner noted that a standard Muirfield resident pays fees of $861 per year.
Ms. Salay stated that the Caplestone fee is just for their street.

Mr. Lecklider stated that for this particular case, as he has indicated previously, the City would never approve this as a private street today, given the character of the neighborhood with 36 single-family homes and not gated. Council members, both present and past, have commented with respect to private versus public streets. They have been nearly unanimous in discouraging private streets. Most recently, with Deer Run, there was a long discussion of this topic. Initially, there was opposition to private streets for this subdivision. However, Council was convinced that because the street was gated, a private street would be acceptable.
Ms. Chinnici-Zuercher stated that her recollection is that Mr. Close indicated that the people buying these homes were wealthy and could afford private streets.

Mr. Reiner stated he does not understand the differentiation with a gated private street. These gates open and close to anyone, based on his experience – he doesn't see a big difference between a private street utilized by just the neighborhood and one that has a power gate at the entry that opens and closes. From an architectural and land planning view, Caplestone is a neat neighborhood, with small streets that infer privacy, is well put together, with trees close to the roadway – and perhaps that generated the discussion about the need to save the trees. It infers a private area – whether or not a gate is in place – as the space by design is very private. If the gates referenced were keyed or allowed access only by the residents, that would be different. Whether Caplestone is gated or not is immaterial to this issue.
Ms. O'Callaghan responded that she believes the context of the gated discussion at that time related to the sidewalks, as little traffic was envisioned for the neighborhood, thus less concern about not having sidewalks.

Ms. Salay stated she disagrees with Mr. Reiner regarding the gated aspect. If she encounters a gate, she will assume it is a private area and won't enter. The gate implies this is a private area and typically includes signs indicating so.
Mr. Reiner responded that there are gated streets throughout northern Dublin communities and they do not indicate "private." Lawn services, repair companies, etc. all need access.
Ms. Salay stated that anyone having business on the private gated street could enter, but the casual driver would not drive through the neighborhood due to the gate at the entry.
Ms. Salay stated that Mr. Lecklider has made good points regarding the private versus public street issue and the fact that this private street would likely not be approved today. Certainly, the maintenance is a burden for this small neighborhood to bear. She agrees that the maintenance burden is not reasonable. However, she wants to ensure that a precedent is not set in providing some relief, and she would look to staff to provide the bases about why this would not set precedent. There are a number of other cases coming forward, as Mr. Gunderman has indicated, and this should be a consideration by P&Z – areas within a neighborhood with private

streets/private drives that appear similar to Caplestone with small lots, nice homes, nice area, but private drives.

Mr. Lecklider commented regarding Deer Run subdivision. His recollection is that those private streets are being constructed to City public street standards, correct?
Mr. Gunderman responded that the newest development is on individual lots. These are smaller lots than typically seen in the city. He is quite certain that the street pavement itself – from the back of curb to the back of curb – is constructed to City standards in terms of structure. In terms of the design of the street, he believes the area is small enough that it would meet the street geometry standards for the City as well. Where it falls short is in the sidewalk and water distribution system – fire hydrants, stormwater.
Mr. Lecklider stated that unlike Caplestone, the Deer Run streets are being constructed to City standards.
Mr. Gunderman responded affirmatively in relation to the structural standards of the pavement.
Mr. Lecklider commented regarding the other examples cited by staff – cul de sacs, courts in Muirfield as well as streets on the east side of Dublin – that are public streets, yet were constructed prior to the standards being upgraded in the early 1990s. The City does maintain these streets. For him, this private street topic in general is troublesome. He is aware that the City allowed private streets in Deer Run. He was personally persuaded, to a degree, because it was constructed to City standards in terms of the pavement. While it is gated, the developer was insistent that they did not want sidewalks, and in order to be a new public street, sidewalks were required.
Ms. Salay recalled this discussion, noting that she was persuaded to support the private streets for Deer Run because of the gate. She assumes that the City standards regarding pavement depth are being met for all new street construction – whether private drive, private street, public street.
Mr. Hammersmith responded there is a standard for condominiums, as discussed in the 2012 memo. For the driveways in condominium developments, there are minimum standards. What happened in the past is that the drives were breaking down due to trash trucks, etc.
Ms. Salay stated that, going forward, there should be labeling so that home buyers are aware they are purchasing a home with private streets that are the responsibility of the HOA.
Ms. O'Callaghan responded that there are such signs on those Muirfield cul de sacs referenced and Dunsinane Drive that indicate "private drive."

Mr. Lecklider commented that, in respect to private drives, some of the examples provided in commercial areas, such as the ones near Perimeter, have issues with maintenance and sight lines. It is likely difficult to deal with private landowners to have potholes filled, etc.
Mr. Gunderman responded those tend to be problematic, as they involve more than one commercial property owner and they must cooperate to address the issues. The code enforcement staff works on those problems continually. In the residential areas with private drives/private streets, there is typically one entity dealing with it. Whether they can afford the maintenance or not is a separate issue, but there is typically one entity involved.
Ms. Salay asked if Caplestone Lane HOA is forced and funded.
Ms. Readler confirmed it is.

Mr. Lecklider asked staff to summarize the pros and cons of allowing private drives in commercial areas.
Mr. Gunderman responded that it is difficult to make distinctions. There is a road between Sawmill and Emerald Parkway just north of the Kroger Marketplace. This is a private road yet appears

identical to a City street. From the developer standpoint, there is little difference between the traffic on this roadway and that in the main roadway in the center. They have numerous long-term property owners that will be involved in maintaining the private road when the new development on the north side of this road comes in.
Mr. Lecklider asked if the developer preferred this be a private drive.
Mr. Gunderman responded yes, as it avoided the discussion about sidewalks and permitted a narrower right-of-way.
Ms. Chinnici-Zuercher commented that she is surprised this street was allowed to be private and without sidewalks, given that people are walking to grocery stores. It is more difficult for people to access without walking in the roadway.
Ms. Salay stated that Avery Square and Perimeter Center have a similar issue.
Ms. Chinnici-Zuercher responded that those were built long ago. The Kroger Marketplace is much newer.
Mr. Lecklider stated that for Avery Square, the City asked them in later years to provide more pedestrian paths.

Mr. Lecklider asked if Ms. Salay received a sufficient response regarding her question about the City assuming maintenance responsibility for Caplestone, and what type of precedent would potentially be established. Somewhere in the records, he saw a reference by a resident 20 years ago who suggested there were only 1.5 miles of like streets in the City that could be subject to the same sort of analysis as Caplestone.
Ms. Readler responded that in the PowerPoint, there was information about the ones that are technically private streets and would meet that definition. There are many more private drives existing in the City than there are private streets. It certainly seems unique in the context of the identified public streets. In the second part of the PowerPoint, staff alluded to private drives that appear similar. For Caplestone, it is a unique situation, and whenever the City would enter into a maintenance obligation, it does not automatically bind Council to authorizing future requests. All of those would be analyzed separately. As far as technical designation of private streets, there are not many in Dublin.
Ms. O'Callaghan added that of the private streets, staff is comfortable that Caplestone Lane can be distinguished from the other private streets. The second issue is private drives, and based on research, only Dublin distinguishes private drives from private streets. The three mentioned were the most comparable and action regarding Caplestone would be precedent setting for them.

Ms. Chinnici-Zuercher stated that from a citizens' standpoint, a drive is not a street. She has an address and staff is now indicating her address is on a drive and not a street. From the citizen standpoint, this does not make sense. An address is typically a street address, and now the government is calling this a "drive" and indicating the government is not responsible for it. Apparently, only Dublin differentiates between private streets and drives.
Ms. Salay stated that when one considers some of the other factors, such as living in a condominium or apartment, the environment is very different. Of the private streets, High School Road is maintained by the School District. The other two are located behind a gate that indicates "private drive."

Mr. Reiner noted that he is pleased to hear that the Caplestone Lane neighborhood has a forced and funded HOA. It is commendable that they are looking out to the future to ensure they can cover their expenses.

Ms. Salay asked for a motion.

Mr. Lecklider moved to recommend to Council that the City enter into a maintenance agreement, consistent with the staff report and with a division of responsibility consistent with the staff report, with the understanding that this is a unique circumstance and that any future request would be considered on a case-by-case basis.
Ms. Salay seconded the motion.
Vote on the motion: Mr. Reiner, no; Mr. Lecklider, yes; Ms. Salay, yes.

Ms. Salay stated that her expectation is that a report will be brought to Council in early August. At that point, she would be interested in knowing whether the City's snow plows could be used on this street or if smaller equipment would be needed.
Ms. O'Callaghan responded that in preparation for this meeting, the snowplow drivers viewed this street and determined it would not be problematic. It is similar to the width of streets currently serviced for snow and ice.

Ms. Salay summarized that the Committee will make a positive recommendation, based on the staff report, to Council at an August Council meeting. The representatives of the neighborhood will be notified of that scheduled date.

The meeting was adjourned at 8:04 p.m.

_____
Clerk of Council