

EMERGENCY RESOLUTION NO. 73-2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL FROM BRIGGS CREATIVE SERVICES, LLC FOR PROFESSIONAL RIGHT-OF-WAY ACQUISITION SERVICES FOR THE BUTLER WARREN AND MASON ROAD WATER MAIN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, land is needed for the reconstruction of Mason Road and the replacement of a water main; and

WHEREAS, Council desires to utilize professional services to negotiate land acquisition for the reconstruction, realignment of Mason Road, and the utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is hereby authorized to accept the proposal from Briggs Creative Services, LLC for professional right-of-way acquisition services for the Butler Warren and Mason Road Water Main Improvement Project. The terms and conditions of the proposal is marked Exhibit "A" attached hereto and made a part hereof.


SECTION 2: This measure is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to proceed with the property acquisition at the earliest possible date. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: November 10, 2020

ATTEST:

APPROVED:


Clerk of Council


Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.


Clerk of Council
City of Monroe, Ohio



5390 Courseview Drive, Suite 2 • Mason OH • 45040
Mailing: P.O. Box 159 • South Lebanon OH • 45065
(513) 339-2387 • www.briggscreativeservices.com

March 6, 2020

Exhibit "A" Res No. 73-2020

Mr. William Brock, City Manager
City of Monroe
233 South Main Street / PO Box 330
Monroe, Ohio 45050

RE: REQUEST FOR COST PROPOSAL
Butler Warren and Mason Road Water Main Improvement Project

Mr. Brock,

Briggs Creative Services, LLC, is pleased to have the opportunity to submit our right-of-way acquisition service cost proposal for the Butler Warren and Mason Road Water Main Improvement project in the City of Monroe. Our proposal is based on the acquisition of warranty deeds for three parcels and includes a section of "If Authorized" fees to cover any unanticipated costs that may arise during the acquisition process. The price proposal is based on the information provided. This information did not include detailed right-of-way plans, therefore, if there are revisions to the original assumptions required once acquisition begins, BCS, LLC requests the opportunity to discuss these changes at that time.

BCS, LLC team members provide experience in right-of-way acquisition services including project management, title research, value analysis, negotiation and closing. Our team incorporates the expertise of three professional surveyors and two dually registered professional engineers and surveyors to anticipate acquisition problems. BCS, LLC employees are also pre-qualified in non-complex roadway design, complex right-of-way plan development and bicycle facilities and enhancement design. We believe that we have established a group of professionals that provides comprehensive local experience, an excellent track record and a depth of personnel that will provide you with the best possible services for your project needs.

We appreciate the opportunity to submit our cost proposal to the City of Monroe. Our team is available to start immediately upon authorization. Please do not hesitate to contact me if you have any questions or need more information.

Sincerely,

R. Douglas Briggs, P.E., P.S.
Member, Briggs Creative Services, LLC
doug.briggs@briggscreativeservices.com
cell (513) 519-1756; office (513) 339-2387
cc: file



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**STATEMENT OF QUALIFICATIONS
RIGHT-OF-WAY ACQUISITION
(PLAN DEVELOPMENT-RIGHT-OF-WAY/ROADWAY / SURVEY)**

BCS, LLC employees have provided right-of-way acquisition for local public agencies including the cities of Mason, Kettering, Fairborn and Washington Township. We have won and successfully completed several task order contracts and projects directly with the Ohio Department of Transportation (ODOT). Recently, we were awarded one of the CEAO FY20 right-of-way task order contracts and a 24-month ODOT Statewide Various right-of-way task order contract. BCS, LLC personnel have worked with AES/DP&L on an IDIQ basis on easement and power line projects around the state since 2012. We are registered with SAP Ariba (ANID: AN01054604333) and Avetta (Contractor ID: 34374). Our employees comply with annual drug screening requirements for AES/Dayton Power and Light and hold TWIC cards. BCS, LLC also provides five registered surveyors, two of whom are dually registered engineers. All have extensive experience throughout the state of Ohio. Examples of our right-of-way plan development include projects located on I-75, US Route 35, and for the city of Dayton.

BACKGROUND AND CAPABILITIES

Briggs Creative Services, LLC

Briggs Creative Services, LLC (BCS, LLC) is an Ohio-based full-service firm, chartered in 2010, with an office in Mason. BCS, LLC specializes in right-of-way acquisition, civil engineering, surveying, right-of-way design and environmental services. We are dedicated to providing competent, timely and quality services and have the experience to support our commitment. BCS, LLC employees have extensive engineering, surveying and right-of-way acquisition experience and are directly prequalified in nearly all right-of-way acquisition categories including project management (2), title research (3), negotiation (3), closings (3) and value analyses (2). Our right-of-way plan development team has well over 100 years of combined right-of-way plan and survey experience.

Knowledge and Experience

BCS, LLC's expertise provides insight into the right-of-way acquisition process by utilizing our experience in surveying, design, construction layout, and right-of-way plan development. Our surveyors have provided both field and office solutions for some of the most complex projects within the state of Ohio, in the Dayton/Cincinnati region, and in other regions nationally and internationally. The projects include: MOT-75-13.11/Rte. 4 Interchange, MOT-75-0.75, HAM 75 at Monmouth, Hopple Street, IR-74, Colerain Beekman, Mitchell Avenue, Norwood Lateral and the proposed Brent Spence Bridge.



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ODOT PRE-QUALIFICATIONS

Ohio Department of Transportation Pre-Qualifications and Certifications:

- Right-of-Way Plan Development (Complex and Limited)
- Non-Complex Roadway Design
- Bicycle Facilities and Enhancement Design
- Ecological Surveys and Stream and Wetland Mitigation
- Unlimited Contracting Status (FAR)
- Small Business Enterprise (SBE) Certified

Right-of-Way Acquisition Pre-Qualifications:

- | | |
|----------------------|---------------------|
| ◦ Project Management | ◦ Appraisal |
| ◦ Negotiations | ◦ Appraisal Review |
| ◦ Titles | ◦ Relocation |
| ◦ Closings | ◦ Relocation Review |
| ◦ Value Analysis | |

PROJECT RESPONSIBILITIES

| Key Project Team Members: | |
|--------------------------------------|---|
| Name/Firm | Project Responsibility |
| R. Douglas Briggs, BCS, LLC | Project/Contract Manager, Value Analysis, Negotiations |
| Paul Feie, BCS, LLC | Title Research |
| Brent Graham, BCS, LLC | Project Manager, Value Analysis, Title Research, Negotiation, Closing |
| Debra Bolling, BCS, LLC | Negotiation, Closing |
| Beth Riggs, Integra Realty Resources | Value Analysis, Appraisal |

CAPACITY OF STAFF AND PROJECT FAMILIARITY

BCS, LLC has more than sufficient capacity and is committed to making the acquisition and professional design services for our clients a top priority to complete in a timely manner. BCS, LLC, is located in Mason, Ohio and we are able to demonstrate prompt attention to projects throughout the state. We have shown the ability to complete previous projects well within the allotted timeframe and budget. Our clients and efforts include AES/Dayton Power and Light, the Ohio Department of Transportation and individual LPA's that have included road widening, safe routes to schools, structure replacement, waterline and other utility projects.

RIGHT-OF-WAY AND ACQUISITION PROJECTS

The projects listed below are a representative sample of the experience of the members of the BCS, LLC team in performing right-of-way acquisition and related right-of-way acquisition services. These



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projects vary through all types, from standard acquisition projects and task order projects to interchange projects contracted directly to ODOT and bikeways acquired for LPA's.

- MOT-75-6.36 West Carrollton Project, complete acquisition interchange project
110 title reports, underlying fee and right-of-way plans - \$28 Million
- HAM-75-0.22 (Brent Spence Bridge), complex titles for over 100 parcels - \$1.2 Billion
- Butler-South Hamilton Crossing, 90 title reports - \$28 Million
- MOT-CR175-0.79, title reports and right-of-way plans - \$4.1 Million
- City of Fairfield: BUT-SR4-3.00, complete acquisition
- SEN-Sarah Street (City of Tiffin)
- MIA-Covington SRTS
- Olde Sterling Water Line (Dayton MSD)
- Numerous easements and acquisition for Dayton Power and Light (AES)
- ALL-65-8.02 – 33 parcels, complete acquisition - \$5.3 Million
- GRE-CR142-1.78 Dayton-Xenia Road – 43 parcels, complete acquisition - \$4.8 Million
- WHG-TR81A-0.00 (OPWC)
- WAR-Snyder Road Roundabout, 8 parcels, complete acquisition
- Kettering: MOT-Signals/MOT-Wilmington Pike, 6 parcels, complete acquisition
- Fairborn: GRE-SR444-7.53 Broad Street, 6 parcels, complete acquisition
- Fairborn: GRE-CR502-1.12 (Maple Avenue), 30 parcels, complete acquisition, nearing completion
- CEAO: COL-CR430-0.30, 16 parcels, complete acquisition, nearing completion

PAST PROJECTS, BCS ACTING AS PRINCIPLE CONSULTANT

GRE-CR502-1.12 – Maple Avenue PID 101771

Key staff members: R. Douglas Briggs, Paul Feie, Brent Graham

BCS, LLC worked for the City of Fairborn to provide right-of-way acquisition on this ODOT District 8 LPA project. The purpose of the project is to rehab the roadway pavement while making improvements that will result in a consistent roadway cross section to include bicycle accommodations, one through-lane in each direction, and a center two-way-left-turn lane for the length of the project. Acquisition for 30 parcels included right-of-way takes for properties ranging from multi-family residences, auto shops, and convenience stores to government related properties. The right-of-way certification date was approximately six months after award of the project, which required attention to the schedule in order to meet client's goals.

GRE-SR444-7.53 - Broad Street Improvements PID 98158

Key staff members: R. Douglas Briggs, Paul Feie, Brent Graham

BCS, LLC worked for the City of Fairborn to provide right-of-way acquisition on this ODOT District 8 LPA project. The purpose of the project is to widen, resurface, realign, install new curb and gutter, sidewalks, ADA curb ramps, a bicycle facility, new storm sewer, and removal of the haul road bridge



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off Broad Street (SR-444) between the north corporate limit and Sandhill Road. BCS, LLC provided right-of-way acquisition for six ownerships. BCS, LLC expedited the right-of-way acquisition due to an extremely shortened schedule through the use of rights of entry and nearly simultaneous offers. We worked closely with the city to help assure clearance of the project within the allotted timeframe. BCS, LLC also provided surveying, mapping and right-of-way plan development services for this project as a subconsultant to Strand Associates.

WAR-Snider Road Roundabouts

Key staff members: R. Douglas Briggs, Paul Feie, Brent Graham, Daryl Wells

A project in the City of Mason, Ohio. BCS, LLC worked with Strand Associates, Inc. to provide right-of-way acquisition services for 8 parcels for a roundabout to be constructed at Thornberry Court and another at Mason Road where the roads intersect with Snider Road. BCS, LLC provided appraisal, title research, negotiation and closings. The roundabout locations created additional consideration with both homeowners and the homeowner's associations because of extensive overlapping easements and property rights.

WHG TR81A-0.00 (Gebhart Road)

Washington Township, Ohio

Key staff members: R. Douglas Briggs, Paul Feie, Brent Graham, Daryl Wells

BCS, LLC provided right-of-way acquisition as well as roadway, right-of-way plan design on this OPWC project in Montgomery County. The project extends from the box culvert at Social Row Road to the Warren County Line, approximately 2,900 feet. The purpose is to alleviate congestion to Oak Grove Park which is located on the west side of the road and to replace deteriorated pavement through the entire length. Safety along the route to and from the park will also be improved by providing wider lanes and a turning lane. Drainage will be improved through the use of curb and a closed drainage system.

BRIGGS CREATIVE SERVICES, LLC (BCS, LLC)

R. Douglas Briggs P.E., P.S. – Owner, Principle in Charge, Project Manager, Value Analysis, Negotiations

Mr. Briggs is a professional engineer and professional land surveyor with more than 33 years of experience. He will be leading the BCS, LLC project team. He has provided and managed right-of-way design for numerous roadway and bridge projects of various sizes both while working directly for ODOT and while working as a consultant.

As the owner of BCS, LLC, Mr. Briggs has provided project management on Ohio Department of Transportation agreements involving right-of-way acquisition, surveying and right-of-way plan development. Some of these projects include MOT-75-6.36 (West Carrollton interchange), ALL-65-8.02, and several projects in Clermont and Butler counties. In addition, he has served as project manager for a number of LPAs requiring right-of-way acquisition services. These LPAs include Fairfield, Kettering, Beavercreek, Huber Heights, Athens, Tiffin and Washington Township. He also assisted the city of Lewisburg in meeting an extremely tight schedule for a recent acquisition project. Currently, BCS, LLC is completing right-of-way acquisition on projects for the city of Mason, Fairborn



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and Kettering. Mr. Briggs has also managed right-of-way plan development and surveying and mapping on projects located in Dayton, Washington Township, Mason, Fairborn, Springfield and throughout Montgomery County.

Mr. Briggs holds a Bachelor of Science degree in civil engineering and has completed the relevant ODOT training courses, including roadway and bridge design, wetland design, bridge climbing and eminent domain law changes. While serving as the regional projects' manager for ODOT's Southwest Region and providing acquisition services for Districts 7, 8 and 9, he cleared over 1,600 parcels having a value of approximately \$37 million. As part of managing those projects, he provided consultant administration on approximately 500 of those 1,600 parcels. We believe this diversity of experience allows BCS, LLC to provide insights that will facilitate the right-of-way acquisition process through a complete understanding of the engineering aspects and right-of-way acquisition.

Brent A. Graham – Project Manager, Titles, Value Analysis, Negotiations and Closings

Mr. Graham is ODOT prequalified for Project Management, Title Research, Value Analysis, Negotiations and Closings. He has a bachelor of arts in Environmental Earth Science, Urban and Regional Planning, and he holds a Certificate in Geographic Information Science (GIS). He has engineering field experience in Geotechnical and Environmental Engineering. Mr. Graham also has experience on surveying projects including boundary, topographic, and construction surveys. This experience provides a complete understanding of the projects being acquired. His experience includes preparing titles including numerous railroad titles for several projects including BUT-4-3.00; Wolfangel Road Sidewalk project; Harrison, Ohio Sidewalk project; HAM-75-0.22 (Brent Spence); and BUT-SHX (a one hundred parcel job in Hamilton, Ohio). Mr. Graham also has experience in negotiations for Kettering-East Dorothy Lane at Woodman Drive; CLE-125-6.90; Kettering-Smithville Bikepath; MIA-Covington SRTS; MOT-CR88-2.70 East Stroop; SEN-Sarah Street; GRE-142-1.78 and ALL-65-8.02. Mr. Graham has also handled negotiations and closings for CLE-50-2.21, CLE-50-6.10, CLE-125-6.90, MIA-48-3.59, MIA-Covington SRTS, ALL-65-8.02, GRE-444-7.53 and WAR-Snyder Road.



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REFERENCES FOR RIGHT-OF-WAY ACQUISITION

Matt Kendall / Real Estate Administrator
Ohio Department of Transportation District 7
1001 Saint Marys Avenue
Sidney, Ohio 45365
937.497.6741

Chad Ingle PE, PS / Engineering Department
3600 Shroyer Road
Kettering, Ohio 45429
937.296.2436

Russ Bergman PE / City Engineer
City of Huber Heights
6131 Taylorsville Road
Huber Heights, Ohio 45424
937.237.5816

Doug Raters / Real Estate Administrator
Ohio Department of Transportation District 8

505 South State Route 741
Lebanon, Ohio 45036
513.933.6629

Paul Gruner
County Engineer
Montgomery County
451 West Third Street
Dayton, Ohio 45422-1260
937.225.4904

Thomas (Lee) Harris, P.E.
City Engineer
City of Fairborn
44 West Hebble Avenue
Fairborn, Ohio 45324
937.754.3055

RW ACQUISITION SERVICES COST PROPOSAL

Company Name: Briggs Creative Services, LLC

District: City of Monroe, Ohio

Date: March 6, 2020

PID NO.:

Task No.:

Project CRS: Butler Warren and Mason Road Water Main Improvement Project

| Pay Item | Type of Unit | No. of Units | Fee Per Unit | Total Amount |
|---|--------------|--------------|--------------|-------------------|
| 1. Project Management - line items found in sections below | parcel | | | |
| 2. Appraisal (by Integra Realty Resources) | | | | |
| a. RE 95 Preparation | parcel | | | \$0.00 |
| b. R/W Appraisal Report (RE 25-17) | parcel | | | \$0.00 |
| c. Limited Scope R/W Appraisal Report (RE 25-17) | parcel | 2 | \$3,000.00 | \$6,000.00 |
| d. Value Finding (RE 90) | parcel | | | \$0.00 |
| e. Value Analysis | parcel | 1 | \$600.00 | \$600.00 |
| f. Project Data Book | parcel | | | \$0.00 |
| g. Project Management | parcel | 3 | \$150.00 | \$450.00 |
| SECTION SUBTOTAL | | | | \$7,050.00 |
| 4. Title Researches | | | | |
| a. Abbreviated Titles | parcel | 1 | \$350.00 | \$350.00 |
| b. Full Title (42 year) | parcel | 2 | \$600.00 | \$1,200.00 |
| c. Title Update | parcel | | | \$0.00 |
| d. Project Management | parcel | 3 | \$150.00 | \$450.00 |
| SECTION SUBTOTAL | | | | \$2,000.00 |
| SECTION TOTAL | | | | \$9,050.00 |

Table split for Federal Authorization for Right of Way Acquisition

| Pay Item | Type of Unit | No. of Units | Fee Per Unit | Total Amount |
|--|---------------|--------------|--------------|--------------|
| 5. Negotiation | | | | |
| a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.) | parcel | 3 | \$1,650.00 | \$4,950.00 |
| b. Bill of Sale Negotiation | Per BS Parcel | | | \$0.00 |

| Pay Item | Type of Unit | No. of Units | Fee Per Unit | Total Amount |
|---|---------------|--------------|--------------|--------------------|
| c. Negotiation Trainee | parcel | | \$300.00 | \$0.00 |
| d. Project Management | parcel | 3 | \$150.00 | \$450.00 |
| SECTION SUBTOTAL | | | | \$5,400.00 |
| 6. Closings | | | | |
| a. Mail Out | parcel | | \$300.00 | \$0.00 |
| b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.) | parcel | 3 | \$550.00 | \$1,650.00 |
| c. Formal - structure parcels | parcel | | \$725.00 | \$0.00 |
| d. Title Update for Appropriation | parcel | | | \$0.00 |
| e. Mortgage Release | per release | | \$350.00 | \$0.00 |
| f. Project Management | per release | 3 | \$150.00 | \$450.00 |
| SECTION SUBTOTAL | | | | \$2,100.00 |
| 10. Miscellaneous | | | | |
| a. Red Books | parcel | | | \$0.00 |
| b. appropriations | parcel | | | \$0.00 |
| c. Property Management | parcel | | | \$0.00 |
| d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.) | parcel | | | \$0.00 |
| e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary) | parcel | 3 | \$125.00 | \$375.00 |
| f. R/W Cost Estimate (RE-101) | parcel | | | \$0.00 |
| SECTION SUBTOTAL | | | | \$375.00 |
| SECTION TOTAL | | | | \$7,875.00 |
| GRAND TOTAL | | | | \$16,925.00 |
| <i>If Authorized</i> | | | | |
| a. RE 95 Preparation | parcel | 2 | \$300.00 | \$600.00 |
| b. Sign Valuation Estimate | parcel | 1 | \$300.00 | \$300.00 |
| c. Bill of Sale Negotiation | Per BS Parcel | 1 | \$1,400.00 | \$1,400.00 |
| d. Title Update for Appropriation | parcel | 1 | \$250.00 | \$250.00 |
| SECTION SUBTOTAL | | | | \$2,550.00 |
| GRAND TOTAL incl <i>If Authorized</i> | | | | \$19,475.00 |