

Minutes  
City Planning Commission  
Tuesday, April 15, 2008  
1:00 P.M.  
728 Second Street - Room 25  
Portsmouth, Ohio 45662

The City Planning Commission met in regular session at 1: 00 P.M. in the City Engineering Department 728 Second Street – Room 25 Portsmouth, Ohio. Board Members in attendance were Mayor James Kalb, City Solicitor Michael Jones, Bill Beaumont, Juanita Jewett and Orville Ferguson.

**Others Present:**

Lynn Grimshaw	8055 Hayport Road, Wheelersburg, Ohio 45694
John R. Mott 11	5001 Mott Lane, Sciotoville, Ohio 45662
Gerald Jenkins	7417 Berkshire Dr. Portsmouth, Ohio 45662
Van McGinnis	5067 Gallia Street, Portsmouth, Ohio 45662
John R. Mott	5171 Oakland Blvd. Sciotoville, Ohio 45662
Cline Jenkins	5435 Gallia Street, Portsmouth, Ohio 45662

**Item # 1** John & Erica Mott  
5001 Mott Lane  
Sciotoville, Ohio 45662

**Request:** Lynn Grimshaw, Attorney states that his clients John & Erica Mott are interested in purchasing a parcel of city property. Parcel 34-2672.00 is located on US RT 52, Sciotoville.

**Discussion:** Board Member Juanita Jewett asked Attorney Lynn Grimshaw to present his request to the Board. Mr. Grimshaw stated that Erica Mott is his secretary and Mrs. Mott and her husband John Mott last August 2007 purchased property from Zeke Mullins. Mr. Grimshaw said after the Mott's purchased the property they were looking at the area and saw that the City of Portsmouth owned property on top of the hill. The Mott's currently live on top of a hill off of Oakland Blvd. in Sciotoville and they were considering about building a house sometime in the future overlooking the river. Mr. Grimshaw said by looking at the tax duplicate it shows the property as being only 1 acre but when he obtained a copy of the deed, the deed shows 90 acres. Mr. Grimshaw said as a former prosecutor the County Commissioners often did not know how just exactly how much property they owned because the property decades ago was put into their names and quickly forgotten about unless the property was being used for something. Mr. Grimshaw said after talking to the Mayor and the Solicitor Michael Jones he inquired about how much property the city actually owned and it was not clear how much property is in the city's name. Mr. Grimshaw also questioned the procedures of selling city property whether it is by auction etc. to bring cash into the city and also to put the property back on the tax duplicate so the city would in the tax revenue in the future. He said he did not obtain a clear process of procedure although he found procedures from the city charter stating the City Planning Commission has certain responsibilities as to vacating streets and the sale or disposing of city property therefore that is why they are here today. Mr. Grimshaw proceeded to say that his clients would be interested to see if the

city of Portsmouth would be interested in selling the property and if they are interested, he has not a clue as to what the next step would be. Would the city make a recommendation to city council to advertise for bids to designate the mayor or the solicitor to enter into negotiations and he said there is no law that tells him how the city would proceed with such. He said the Motts' concern is, is the city willing to sell them the property, he is not certain the Motts' would even be willing to buy the property until they are certain they can actually purchase the property. Mr. Grimshaw said even though the property fronts a public highway US 52 the property is Cliffside property and although from Fox Hollow one could conceivably at a tremendous cost build a road to the top of the hill, stating it would not be surprising to find that the appropriate permits would not be given by either the city of Portsmouth or the state of Ohio; because it would be a dangerous for ingress and egress off of US 52 and because of the speed limit on the highway; stating his clients would not want a driveway coming out at that point. This means to gain access to the property you would have to be accessible from the top of the hill; although there is a road on Betty Lowes' property which goes over to the Minford Telephone cell phone tower. Mr. Grimshaw said after talking to Cline and Gerald Jenkins they indicated in the past easements have been given to Minford Cellular to gain access to the tower, stating it is only good for that purpose and his clients would have to have an easements granted to them from Betty Lowe and both Mr. Jenkins'. Mr. Grimshaw said absent an easement from Betty Lowe and both Mr. Jenkins' the property would be worthless to his clients. Mr. Grimshaw stated the purpose of this meeting is to inform the city that his clients are interested in buying the property, although they are not saying they will buy the property unless, there is an agreement granted to his is clients so they would have access to this property. Mr. Grimshaw said if things cannot be worked out then his clients may not purchase the property from the city.

Mrs. Jewett stated Mr. Grimshaw is correct when he said the City Planning Commission is a recommending body and what they would do is after hearing his request; the planning commission would either grant or deny the request; if the request is granted the planning commission would forward the request to city council and city council would approve the sale of this city owned property and the details of the sale would most likely be worked out by the mayor; meaning the cost, the acreage and any other details would be worked out between his self ( Mr. Grimshaw) the mayor and the mayor would present all details to city council for final approval. Mrs. Jewett informed Mr. Grimshaw that the planning commission would hear the request and decide whether or not the city actually needs the property. Mr. Grimshaw said he is not certain why Harvison Walker deeded the property to the city in 1951 and was probably forgotten in time, but maybe at one point there was thought of building a water tower.

Mrs. Jewett asked for questions or comments for or against the request.

Gerald Jenkins informed the Board that he and his brother Cline own a track of land on top of the hill and as Mr. Grimshaw had stated Mr. Jenkins said they have given off of Wilson Ave. an easement which goes up and over to the Lowe property and continues on across the Lowe property to the Minford Cell Phone Tower. Mr. Jenkins said after looking at a plat of the property the plat shows 1.0 85 acres when there is actually 90 acres of land and it would seem to him that there should be a survey done on the property to determine the boundaries and exact acreage and then maybe the city or city council may want to put the property up for bid. In response, Mrs. Jewett said that is correct although what the planning commission has done in the past is for example if the request to purchase the property is granted to the Mott's, the Mott's would then have to have the area surveyed; the survey would then be submitted to either the solicitor or the mayor's office before it would be presented to city council. Mrs. Jewett said she understands what Mr. Jenkins is saying if the city would want to put the property out for

bid, then yes the city would want to know just exactly what they are selling. Mr. Grimshaw said he is not saying the property should be surveyed, but he does not believe that anyone present today seriously believes there to be only 1 acre of land. He said the actual deed to the city says there to be 90 acres of land although it may be a little smaller than 90 acres when the highway was widened which might have taken some of the property off of the legal description. Mr. Grimshaw offered a copy of the deed to the city and to those present today. Mr. Gerald Jenkins said he and his brother would be interested in the property if there to be 90 acres of land, because they do have a track of land on the hill. Mrs. Jewett informed Mr. Jenkins that if the Board today had a final vote, the Board would tell city council that the planning commission sees no reason why the city would not want to sell the property, not that the city would not want to sell the property to either the Mott's or to both Mr. Jenkins or whether the city could specify that they put the property up for bid and then the property would go up for bid or private negotiations between whomever would proceed.

Mrs. Jewett asked for further questions or comments.

Van McGinnis stated the reason he is present today is because the city's land is within 10' of his house and he has fruit trees on city property and as long as he can eat the fruit off of the trees, he has no objections. Mr. Grimshaw asked Mr. McGinnis if he goes across this property to get to his property and Mr. McGinnis said he has a private road to his property that goes up the side of the hill. Mr. Grimshaw asked Mr. McGinnis if he has other access to his property and Mr. McGinnis said he can go around the ridge and come out across Cline Jenkins road and the Lowe property. Mrs. Jewett asked Mr. McGinnis if he has access off Rt. 52 or is he talking about access off of Wilson Ave. Sciotoville and in response Mr. Grimshaw said Mr. McGinnis does have access off of Rt. 52 and goes up the Cunningham terminals into the hollow (Fox Hollow). Mr. Grimshaw asked Mr. McGinnis if his concern is that this particular property comes within 10 feet of his house and that he has fruit trees that are actually on city property; Mr. McGinnis answered yes. Mr. McGinnis stated he had a lot to be thankful for saying in 1987 the lord healed his liver and colon right on that point and he has a lot to be thankful for. Mr. Grimshaw said from his understanding the city is going to try to figure out whether they have any need for this property and if the city does not have a need, then the city planning commission will make recommendation to city council to sell the property. Mr. Grimshaw said there are the Jenkins' and the Motts' who are both interested in purchasing the property. Mr. Jenkins informed the Board that Betty Lowe is also interested in purchasing the property although she could not be present due to a doctor's appointment.

Mrs. Jewett said in the past when the Planning Commission received such a request to consider selling certain parcels/lots of city owned property the request came from an individual person. The Board then considered has made recommendations to city council, although under these circumstances the planning commission would recommend to city council that this property be advertised for bid as opposed to being sold directly to the Motts. In response, Mayor Kalb stated that he knew the city owned the property, but had no idea it was listed as being just only 1 acre. Mr. Grimshaw said he is not certain although it was probably an oversight on the county auditor's records or maybe it is a default figure for city owned property; he does not know. Mr. Kalb asked if there are any road ways on the property that is owned by the city; looking at a map of the area Mr. Grimshaw said there is somewhat of a drive to Mr. McGinnis' property and Mr. McGinnis said in an emergency he does use the road way. Mr. Jenkins said he talked to the county engineering department, they pulled up the property by parcel number and they in turn informed him that the 1.085 acres exists within the 90 acres. Mr. McGinnis said he does not know the truth but he heard the city owns a small parcel of land around fox hollow. Mr. Kalb asked McGinnis if he is referring to property near Cunningham's on US 52 and Mr. McGinnis

answered yes. Mr. Kalb also inquired whether or not the city owns the underpass that runs under US 52 near Cunningham's.

City Solicitor Michael Jones asked Mr. Grimshaw if his clients are interested in the property for personal residential development and Mr. Grimshaw answered yes. Mr. Jones also asked Mr. Jenkins what his interest is in the property and Mr. Jenkins informed Mr. Jones that his interest is also for future development. Mr. Jones said earlier in the meeting Mr. Jenkins stated that Betty Lowe also had interest in the property, Mr. Jones asked Mr. Jenkins if Mrs. Lowe had indicated to him what her interest would be and Mr. Jenkins answered no.

Mrs. Jewett asked for further comments.

Mrs. Jewett said her personal comments are after hearing comments from both the citizens and Board Members is to continue the request to the next meeting to allow the city more time to obtain information on the property and maybe the Planning Commission could possibly make a recommendation to city council asking if they would consider the city sell the property or put the property up for bid. In response Mr. Grimshaw said he is certain the city would want to know if they have either 1 acre or 90 acres to sell. Mr. Kalb said the city should at least have some kind of value base for the property, should the property go up for bid and in response Mr. Grimshaw said that may or may not work because property is only worth what someone is willing to pay for it. Mrs. Jewett asked Mrs. Mott if she is on any type of time restraints or does she plan on building anytime soon on top of Oakland Blvd. and Mrs. Mott answered no. Mr. Grimshaw said whomever purchases this property would have to obtain a right of way easement from other people to get to his property. Mr. Jones said if the city has no need for this property he believes it is very encouraging that there are several people interested in purchasing the property for future development.

Mayor James Kalb made a motion to table the request to the May 20, 2008 City Planning Commission to allow the city time to obtain more information on the property. Orville Ferguson seconded the motion. The vote was 5-0.

CC: Board Members  
Petitioner(s)  
City Clerk/City Council