



# CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • ROBERT SCOTT, VICE MAYOR  
BRUCE E. DUKE • TONY KLEPACZ • BILL LAUTAR • AMY SCHRIMPF • JOSEPH D. WANAMAKER

## KETTERING COUNCIL AGENDA

**March 28, 2017**

**Kettering Government Center – South Building  
3600 Shroyer Rd. Kettering, Ohio 45429**

6:00 P.M.      **WORKSHOP**    Kettering Room  
7:30 P.M.      **REGULAR MEETING**    Council Chambers

### PLEDGE OF ALLEGIANCE

### INVOCATION

### APPROVAL OF MINUTES

March 14, 2017- Council Meeting & Workshop Minutes

### PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

Proclamation                      Safe Dig Month

### PUBLIC HEARINGS

1. P.C. 17-007- Zoning Text Amendment.

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

2. To amend the text of various sections of the City of Kettering Zoning Code.
3. Vacating a portion of right-of-way at South Dixie Highway and Big Hill Road.
4. Vacating a portion of Kingswood Drive.
5. To rezone the land located at 4125 Hempstead Station Drive from Economic Development Overlay District No. 3 to I-Industrial District (Planning Commission Case No. PC-17-003).
6. To rezone 3085 Woodman Drive from Economic Development Overlay District No. 2 to B-Business District (Planning Commission Case No. PC-17-004).
7. To levy special assessments for the replacement and construction of curbs, sidewalks, drive approaches, and related appurtenances for the Valleywood Drive Improvements-Wilmington Pike to Clarissa Lane Project (Project No. 02-232A).
8. To levy special assessments for the replacement and construction of curbs, sidewalks, drive approaches, and related appurtenances for the improvement of Springmill Road and Millcreek Road as part of the Oak Creek Improvements Project (Project No. 02-288).

### RESOLUTIONS

9. Authorizing the City Manager to enter into an agreement with a consultant to assist City staff with assessment, evaluation, and a transition plan for continued compliance with the Americans with Disabilities Act (ADA).
10. Authorizing the City Manager to accept a donation of 0.345 acres of land at 387 West David Road (County Parcel No. N64-03409 0110) from the Board of County Commissioners of Montgomery County, Ohio.

11. Authorizing the City Manager to file an application with the U.S. Department of Justice, Bureau of Justice Assistance, for a Justice and Mental Health Collaboration Grant to assist in funding a part-time mental health specialist within the Police Department.
12. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the design and installation of HVAC equipment at the Kettering Fitness and Wellness Center.
13. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for repainting pools at Adventure Reef Water Park.
14. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the West David Road Pump Station Demolition Project.
15. Authorizing the City Manager to enter into an agreement for the sale of residential property known as 2950 Hilton Drive.
16. Authorizing the submission of a City of Kettering project for the Montgomery County ED/GE Program.
17. A Resolution of support for the Community Development Block Grant Program.
18. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2017.

**ORDINANCES IN FIRST READING**

**CERTIFICATIONS AND PETITIONS**

Certification- Planning Commission has recommended approval of P.C. 17-008- Tomlinson Plat- Request for vacation of a portion of a unneeded utility easement. A public hearing on this request will be held on Tuesday, April 11, 2017 at the Kettering City Council meeting.

**MANAGER'S REPORT/COMMUNITY UPDATE**

**OTHER BUSINESS NOT ON WRITTEN AGENDA**

Audience Participation (5 Minute Limit per Speaker)

**CITY COUNCIL REPORT/UPDATE**

*The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.*

**KETTERING CITY CALENDAR**  
**2017**

March 27	7:30 p.m.	Sister Cities
March 28	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
April 3	7:00 p.m.	Planning Commission
April 6	4:00 p.m.	Parks, Recreation, and Cultural Arts Advisory Board
April 10	7:00 p.m.	Board of Zoning Appeals
April 11	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

April 17	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
April 18	5:00 p.m.	Kettering Arts Council
April 19	8:00 a.m.	Volunteer Advisory Council
April 24	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
April 25	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

# **P**roclamation

**Whereas:**

*In Montgomery County, underground utilities are damaged every year by those who fail to locate and mark utilities prior to digging and excavating, which can lead to service interruptions, costly property damage, personal injury and even death; and*

**WHEREAS:** *April is the beginning of many digging and landscaping projects that could lead to unintended utility damage; and*

**WHEREAS:** *To reduce unintentional damages and injuries, the Montgomery County Board of Commissioners has partnered with the Miami Valley Utility Safety Council and the Ohio Utilities Protection Service to encourage citizens and businesses to call the national Call Before You Dig 811 hotline before any excavation or construction projects; and*

**WHEREAS:** *The national Call Before You Dig 811 hotline provides an easy way to request underground utility location marking at any dig site.*

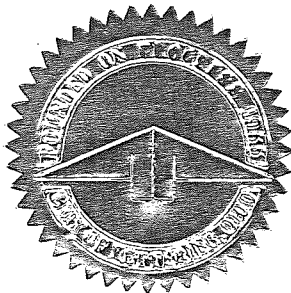
**NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, do hereby proclaim**

**April 2017**

**to be**

**Safe Dig Month**

*in the City of Kettering, Ohio, and urge citizens and businesses to promote safe digging practices by contacting the national Call Before You Dig 811 hotline before any digging or excavation projects.*



**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 28th day of March in the Year of our Lord, Two Thousand and Seventeen.**

A handwritten signature in black ink, appearing to read "Donald E. Patterson", is written over a horizontal line.

**DONALD E. PATTERSON**  
**Mayor of the City of Kettering, Ohio**

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO AMEND THE TEXT OF VARIOUS SECTIONS  
OF THE CITY OF KETTERING ZONING CODE

WHEREAS, on February 6, 2017 after giving the required notice, the City of Kettering Planning Commission conducted a public hearing regarding an application to amend the text of various sections of the Zoning Code in Planning Commission Case No. PC-16-036; and

WHEREAS, after the public hearing, the Kettering Planning Commission voted to recommend that City Council approve the proposed amendments; and

WHEREAS, on February 28, 2017, after giving the required notice, this City Council held a public hearing regarding the Kettering Planning Commission's recommendation;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio, at least five members concurring, that:

Section 1. Having considered the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code along with the staff report and evidence presented at the public hearing, City Council finds that the application to amend various sections of the Zoning Code should be approved. Therefore, the sections of the Zoning Code shown on Exhibit A, attached hereto and incorporated herein, along with the proposed amendments are hereby approved.

Section 2. The Planning and Development Director of this City shall prepare a revised version of the Zoning Code to reflect and properly incorporate the amendment(s).

Section 3. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)

**EXHIBIT A**

(9 Total Pages Including This Page.)

Key to Proposed City of Kettering Zoning Code Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

6. INDUSTRIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Commercial Bakery*, Microbrewery								<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Contractor's Office							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Contractor's Shop								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Contractor's Storage Yard*									<input checked="" type="checkbox"/>		
Electric Substation*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Energy Conversion, Geothermal									<input checked="" type="checkbox"/>		
Energy Conversion, Solar & Wind*									<input checked="" type="checkbox"/>		
Fabrication, Industrial Crafts*									<input checked="" type="checkbox"/>		
Laboratory or Specialized Facility*									<input checked="" type="checkbox"/>		
Manufacturing*									<input checked="" type="checkbox"/>		
Non-Retail Laundries & Dry Cleaning Plants*									<input checked="" type="checkbox"/>		
Printing, Publishing, Lithography & Binding*							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Process Plant*									<input type="checkbox"/>		
Product Assembly*									<input checked="" type="checkbox"/>		
Public Service Yard*								<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Research & Development*							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recycling Facility*									<input type="checkbox"/>		
Salvage*									<input type="checkbox"/>		
Self & Mini Storage*								<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Sewer, Liquid & Solid Waste Facility*									<input type="checkbox"/>		
Storage Yards, Building Materials*									<input checked="" type="checkbox"/>		
Storage Yards, Outdoor Merchandise*									<input checked="" type="checkbox"/>		
Truck Depot, Motorpool*								<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Vehicle Storage, Indoor*								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Vehicle Storage, Outdoor*									<input checked="" type="checkbox"/>		
Warehousing & Distribution*								<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Wholesale Sales & Supply Houses*							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

PERMITTED USE  
 PERMITTED CONDITIONAL USE  
 \* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1151.04.5 TABLE 51.2 - GROUND SIGN REQUIREMENTS - NUMBER, AREA AND HEIGHT

District or Location of Sign	Number of Ground Signs Permitted	Maximum Sign Area Permitted	Maximum Sign Height Permitted
R-E(a), R-E(b), R-1, R-2	NA	NA	NA
R-3, R-4	1 per lot, minimum lot size of 1 acre	6 sq ft	4 ft
Civic Conditional Uses in R districts	1 per street frontage	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Residential and Lodging Conditional Uses in R districts	1 per lot	2 sq ft for Residential Uses 6 sq ft for Lodging Uses	3 ft for Residential Uses 4 ft for Lodging Uses
Office	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Business	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 35 sq ft.	6 ft
Business, Multi-Tenant Sites over 5 acres or with more than 600' of street frontage on any one street.	1 per street frontage	1/6 sq ft per linear foot of street frontage, one sign not to exceed 100 sq ft., any additional signs not to exceed 24 sq ft.	One sign not to exceed 15 ft, any additional signs not to exceed 6 ft.
Business, Multi-Tenant Sites under 5 acres or with less than 600' of street frontage on any one street.	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 50 sq ft.	6 ft
Industrial	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Community Center	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Institutional	1 per street frontage	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
<u>Non-Residential Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA</u>		<u>See Section 1151.04.13, Campus and Large Site Signage</u>	

Table Codes:  
NA = Not Applicable



1151.04.7 TABLE 51.3 - BUILDING SIGN REQUIREMENTS - NUMBER, AREA

District or Location of Sign	Number of Building Signs Permitted	Maximum Sign Area Permitted
R-E(a), R-E(b), R-1, R-2	NA	NA
R-3, R-4	1 per street frontage	1/2 sq ft per total number of dwelling units.
Civic Conditional Uses in R districts	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Residential and Lodging Conditional Uses in R districts	Not permitted	Not Permitted
Office	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Office, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	40 sq ft per tenant.
Business	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Business, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 150 sq ft per tenant.
Industrial	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Industrial, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 20 sq ft per tenant.
Community Center	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Institutional	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.

Table Codes:

NA = Not Applicable



1151.04.7 TABLE 51.3 - BUILDING SIGN REQUIREMENTS - NUMBER, AREA

District or Location of Sign	Number of Building Signs Permitted	Maximum Sign Area Permitted
R-E(a), R-E(b), R-1, R-2	NA	NA
R-3, R-4	1 per street frontage	1/2 sq ft per total number of dwelling units.
Civic Conditional Uses in R districts	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Residential and Lodging Conditional Uses in R districts	Not permitted	Not Permitted
Office	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.
Office, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	<u>Total combined sign area for all tenant signs shall not exceed 125 sq ft or 1/4 sq ft per linear foot of building frontage on which the signs will be located, whichever is less.</u>
Business	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Business, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 150 sq ft per tenant.
Industrial	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Industrial, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 20 sq ft per tenant.
Community Center	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Institutional	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
<u>Non-Residential Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA</u>		<u>See Section 1151.04.13, Campus and Large Site Signage</u>

Table Codes:  
NA = Not Applicable

## 1151.04.12 ADDITIONAL SIGNAGE

- A. Sites which have a one-way pattern of circulation and take access from a non-residential street are permitted signage subject to the following standards:
1. Each access point shall be permitted a single sign located no further than 10' from the edge of pavement of such access point;
  2. Within CC, O, B, I, and IS districts and for Civic conditional uses in all R districts, such a sign shall be limited to 2 square feet in sign area. Such signs located elsewhere shall be limited to 1 square feet in sign area.
  3. Such signs shall be limited to 3' in height.
  4. Such signs shall meet the landscaping standards for ground signs. See Section 1151.04.4, Ground Signs.
  5. Such signs shall not have any changeable copy.
- B. Residential properties currently listed for sale with the Dayton Area Board of Realtors Multiple Listing Service, shall be permitted 1 additional temporary sign which shall be exempt from the duration requirements found within Table 51.4 - Temporary Sign Requirements. Section 1151.04.10.K
- C. Non-residential Sites which have at least 8 waiting spaces and a drive-thru window for transactions shall be permitted a single sign per drive-thru lane with each sign located adjoining such drive-thru lane. Such signs shall be viewable to the drive-thru lane and shall not face the public Right-of-Way. Such signs shall be limited to 24 square feet and 4' in height. Such signs shall be setback from the public Right-of-Way by at least 5' within TC and NC development pattern districts and at least 20' when located elsewhere.

## 1151.04.13 CAMPUS AND LARGE SITE SIGNAGE

A Campus or individual parcel of at least 30 acres in lot area and having at least 200,000 square feet of non-residential gross floor area shall be permitted signage according to the standards found below and within Table 51.5 - Campus and Large Site Signage:

- A. Building Signs displayed higher than a second story and which are adjacent to and face a residential property shall be illuminated according to the following:
1. If illuminated, such sign shall be equipped with an automatic shut off switch which will turn off the sign from 10pm each evening to 7 am each morning. Additionally, such signage shall also be equipped with dimmers to control the brightness of illumination to ensure that residential properties are protected from nuisance glare or brightness.
- B. Ground signs are permitted per access drive and type according to the following:
1. Such developments shall designate a maximum of one access drive as a Primary Access. All other access drives shall either be designated as Major or Minor access drives.

***Tip***

Primary Access Drives would be considered the main entrance to a Campus.

Major Access Drives serve a larger scale principal building within the Campus and Minor Access Drives serve accessory building or functions.

1151.04.14 TABLE 51.5 - CAMPUS AND LARGE SITE SIGNAGE

<u>Sign Type and Location of Sign</u>	<u>Conditions for Additional Signs</u>	<u>Number of Signs Permitted</u>	<u>Maximum Sign Area Permitted</u>	<u>Required Display Height</u>	<u>Required Design</u>
<u>Building Signs</u> <u>Building located upon Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA for all buildings (not including parking structures).</u>	<u>No Conditions</u>	<u>1 per street frontage</u>	<u>1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.</u>	<u>Such signs shall be displayed no higher than the second story or 25 ft whichever is less</u>	<u>Such signs shall be comprised of individual letters mounted to the facade</u>
<u>Additional Building Sign provided condition can be satisfied</u>	<u>Building is greater than 50 ft in height and consists of 3 or more stories</u>	<u>1 per street frontage (this is in addition to the signs permitted above)</u>	<u>1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.</u>	<u>Such signs shall be displayed no higher than the third story or 40 ft, whichever is less</u>	<u>Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination</u>
<u>Additional Building Sign provided condition can be satisfied</u>	<u>Building is greater than 75 ft in height and consists of 5 or more stories</u>	<u>1 per street frontage (this is in addition to the signs permitted above)</u>	<u>1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 75 sq ft.</u>	<u>Such signs shall be displayed no lower than the third story or 40 ft, whichever is greater</u>	<u>Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination</u>
<u>Additional Building Sign provided condition can be satisfied</u>	<u>Building is greater than 75 ft in height and consists of 5 or more stories</u>	<u>1 per street frontage (this is in addition to the signs permitted above)</u>	<u>Maximum letter/copy height of 18". Maximum length shall not exceed 60% of the length of the wall on which it is displayed.</u>	<u>Such signs shall be displayed no lower than the third story or 40 ft, whichever is greater</u>	<u>Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination</u>
<u>Ground Signs</u> <u>Primary Access Drive</u>	<u>NA</u>	<u>Maximum of 3 signs. A single sign on each side of the access and a possible third sign is permitted provided it is located within a landscaped median within the access drive.</u>	<u>1 sign not to exceed 120 sq ft, all others not to exceed 60 sq ft.</u>	<u>1 sign not to exceed 8 ft in height, all others not to exceed 6 ft in height.</u>	<u>All ground signs shall match materials and design of principal structure.</u>
<u>Major Access Drive</u>	<u>NA</u>	<u>1 per major access</u>	<u>Not to exceed 80 sq ft.</u>	<u>8 ft maximum height</u>	
<u>Minor Access Drive</u>	<u>NA</u>	<u>1 per minor access</u>	<u>Not to exceed 24 sq ft.</u>	<u>6 ft maximum height</u>	
<u>Ground Sign</u>	<u>NA</u>	<u>1 per lot</u>	<u>Not to exceed 35 sq ft.</u>	<u>6 ft maximum height</u>	

Table Codes:  
NA = Not Applicable

**ACCESS**

A way or means of entry or exit.

**ACCESS DRIVE**

A DRIVEWAY for non-residential and multi-dwelling uses.

**PRIMARY ACCESS DRIVE**

An access drive that provides direct access to the principal entry of a development or campus.

**MAJOR ACCESS DRIVE**

An access drive that provides direct access to large scale subordinate principal buildings or uses within a campus. Major Access Drives may serve more than one principal building or use.

**MINOR ACCESS DRIVE**

An access drive that provides access to small scale accessory buildings or functions or provides secondary access to principal buildings or uses. Any access that serves a development or campus and is not considered Primary or Major shall be considered a Minor Access Drive.

**ACRE**

A measure of land area equal to 43,560 square feet.

**ACTIVE OUTDOOR RECREATION AREA**

A man-made or physically altered area where leisure activities, usually performed with others, often requiring equipment or facilities take place. Examples include, but are not limited to swimming pools, tennis or other court games, baseball or other field games, and playgrounds.

**ACTIVE TRANSPORTATION**

The transport of person(s) or goods powered by human muscle power. Also, relating to or designed for the transportation of person(s) or goods powered by human muscle power.

**ADDITIONS**

A completely new structure or new component to an existing structure.

**ADEQUATE PUBLIC FACILITY:**

A public facility or system of facilities that has sufficient available capacity to service the physical area and designated intensity and use of development at adopted specified levels of service. See CONCURRENCY.

**ADJACENT**

To be entirely or partially within 200 feet of a specified item or use.

**ADJOIN**

To physically touch or border upon; or to share a common property line.

**ADULT ARCADE**

Means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS.

**MEDICAL OFFICE AND CLINIC**

A facility operated by one or more physicians, dentists, or other professionally licensed practitioners for the examination and treatment of:

- A) Persons solely on an outpatient basis; and/or
- B) Persons on an inpatient basis provided such persons are unable to dress, feed, bathe, or otherwise care for themselves due to physical deficiency and provided that the total cumulative number of inpatient days for each person is less than 270.

**MEMBERSHIP CLUB, ASSOCIATION**

Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social, and fraternal organizations; country clubs, tennis clubs, swim clubs, labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.

**MICROBREWERY**

An establishment engaged in the onsite production of beverages or food for human consumption. Such an establishment is comprised principally of a small-scale process plant and is supported with an accompanying tasting room or restaurant and possibly a retail sales component. The tasting room/restaurant primarily offers products produced on the premises. If a retail sales component is present, such component shall primarily offer products bearing the mark of the establishment.

**MORTUARY**

See also FUNERAL HOME.

**MOTEL**

An establishment providing sleeping accommodations and customary lodging services on a transient basis for a nightly fee with access to units primarily from exterior courts or walkways. This definition does not include hotels, camps, or correctional facilities.

**MOVIE THEATRE**

A specialized theater for showing movies or motion pictures.

**MOVIE THEATRE, DRIVE-IN**

An outdoor movie theatre where patrons view movies or motion pictures from their passenger vehicle.

**MULCHING**

The application of dead plant or tree materials to the soil surface to conserve moisture, hold soil in place and to aid in the establishment of plant cover.

**MUSEUM**

A building having public significance by reason of its architecture or former use of occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**VACATING A PORTION OF RIGHT-OF-WAY AT SOUTH DIXIE  
HIGHWAY AND BIG HILL ROAD**

WHEREAS, on January 30, 2017, the Planning Commission in Case No. PC-17-001 considered and recommended approval of an application to vacate a certain portion of public right-of-way on at South Dixie Highway and Big Hill Road; and

WHEREAS, on February 28, 2017, this Council held a public hearing on the application and Planning Commission's recommendation and during the public hearing no party came forward in opposition; and

WHEREAS, this Council is satisfied that there is good cause for vacating said public right-of-way, that vacation of the right-of-way will not be detrimental to the public interest, and that such vacation should be made;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio:

Section 1. Approval is hereby granted for the vacation of .338 acres, more or less, of public right-of-way on the corner of South Dixie Highway and Big Hill Road as described and depicted in Exhibit 1, attached hereto and incorporated herein.

Section 2. The City reserves for itself utility easements for municipal purposes in the vacated right-of-way, as described and depicted in Exhibit 1.

Section 3. The vacated right-of-way shall revert to 3490 South Dixie Highway as shown in Exhibit 1 (see Deed MF 98-0344B03 of the Montgomery County Recorder's Office for legal description of the lot).

Section 4. The Clerk of Council is directed and authorized to prepare a certified copy of this Ordinance, and the Planning and Development Director of this City is hereby directed and authorized to accept the certified copy of this Ordinance from the Clerk of Council and, upon satisfaction of all Planning Commission conditions, if any, to further cause that same certified ordinance and any other necessary documents to be properly delivered to the Montgomery County Recorder for appropriate recordation. The City Manager is authorized to sign any instruments necessary to effectuate the vacation.

Section 5. This Ordinance shall take full effect from and after the earliest period provided by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested By: Planning and Development Department)

# EXHIBIT 1

(5 Total Pages Including This Page.)





CITY OF KETTERING

ENGINEERING DEPARTMENT

**RIGHT OF WAY VACTION OF  
A PORTION OF BIG HILL ROAD  
January 2017**

Situate in Section 11, Town 1, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a vacation of a portion of Big Hill Road as dedicated on the Record Plan of Moraine Park Boulevard and recorded on Plat Book "T", Page 7, of the Plat Records of Montgomery County, Ohio being more particularly described as follows:

**Commencing** on the centerline of South Dixie Highway at STA 87+46.58, at a mag nail found;

**thence** South 50°33'17" East 3.59 feet, to a mag nail found;

**thence** South 51°53'36" East 29.39 feet along a south line of a 0.410 acre tract conveyed to The Marlou Realty Company in IR Deed 07-006814, to an iron pin set at the **Point of Beginning**;

**thence** South 51°53'36" East 2.71 feet along the existing right of way line of Big Hill Road, to a point, witness an iron pin found South 51°53'36" East 0.18 feet;

**thence** on a curve to the left having a radius of 141.85 feet, an arc distance of 246.28 feet, a central angle of 99°28'44", a chord bearing South 11°25'38" East, a distance of 216.50 feet, along the existing right of way line of Big Hill Road, to a point, witness an iron pin found North 35°17'18" East 0.26 feet;

**thence** North 84°58'15" West 193.50 feet along a new right of way line of Big Hill Road, to an iron pin set;

**thence** on a curve to the right having a radius of 10.00 feet, an arc distance of 22.01 feet, a central angle of 126°07'20", a chord bearing North 21°54'35" West, a distance of 17.83 feet, along a new right of way line of Big Hill Road, to an iron pin set;

**thence** on a curve to the left having a radius of 11,492.17 feet, an arc distance of 237.42 feet, a central angle of 01°11'01", a chord bearing North 40°33'35" East, a distance of 237.42 feet, along the existing east right of way line of South Dixie Highway, to the **Point of Beginning**, containing 0.338 acres, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Iron pins set at 5/8 inch by 30 inch reinforcing rods, with yellow caps stamped "City of Kettering".

Bearings are based on the centerline of Big Hill Road, being North 84°58'15" West, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.





## CITY OF KETTERING

ENGINEERING DEPARTMENT

### UTILITY EASEMENT "A" DESCRIPTION

#### Part of Big Hill Road

January 2017

Situate in Section 11, Town 1, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a portion of vacated Big Hill Road as dedicated on the Record Plan of Moraine Park Boulevard and recorded on Plat Book "T", Page 7, of the Plat Records of Montgomery County, Ohio, being a 10.00 feet wide easement parallel to the east right of way line of South Dixie Highway, more particularly described as follows:

**Commencing** on the centerline of South Dixie Highway at STA 87+46.58;

**thence** South 50°33'17" East 3.59 feet, to a point;

**thence** South 51°53'36" East 29.39 feet along a south line of a 0.410 acre tract conveyed to The Marlou Realty Company in IR Deed 07-006814, to the **Point of Beginning**;

**thence** South 51°53'36" East 2.71 feet along the existing right of way line of said vacated Big Hill Road, to a point;

**thence** on a curve to the left having a radius of 141.85 feet, an arc distance of 41.54 feet, a central angle of 16°46'40", a chord bearing South 29°55'27" West, a distance of 41.39 feet, along the existing right of way line of said vacated Big Hill Road, to a point;

**thence** on a curve to the right having a radius of 11,502.17 feet, an arc distance of 206.96 feet, a central angle of 01°01'51", a chord bearing South 40°41'09" West, a distance of 206.96 feet, along a new utility easement line, to a point;

**thence** on a curve to the right having a radius of 10.00 feet, an arc distance of 15.70 feet, a central angle of 89°58'30", a chord bearing North 03°50'10" West, a distance of 14.14 feet, along the existing right of way line of said vacated Big Hill Road, to a point;

**thence** on a curve to the left having a radius of 11,492.17 feet, an arc distance of 237.42 feet, a central angle of 01°11'01", a chord bearing North 40°33'35" East, a distance of 237.42 feet, along the existing east right of way line of South Dixie Highway, to the **Point of Beginning**, containing 0.052 acres, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Bearings are based on the centerline of Big Hill Road, being North 84°58'15" West, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.



## CITY OF KETTERING

ENGINEERING DEPARTMENT

### UTILITY EASEMENT "B" DESCRIPTION Part of Big Hill Road January 2017

Situate in Section 11, Town 1, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a portion of vacated Big Hill Road as dedicated on the Record Plan of Moraine Park Boulevard and recorded on Plat Book "T", Page 7, of the Plat Records of Montgomery County, Ohio, being a 10.00 feet wide easement parallel to the easterly line of a 0.547 acre tract conveyed to GEM City Properties Management II LLP in Deed MF 98 0344B03, extend south to the new right of way line of said Big Hill Road, more particularly described as follows:

**Commencing** on the centerline of South Dixie Highway at STA 87+46.58;

**thence** South 50°33'17" East 3.59 feet, to a point;

**thence** South 51°53'36" East 32.10 feet along a south line of a 0.410 acre tract conveyed to The Marlou Realty Company in IR Deed 07-006814, to a point;

**thence** on a curve to the left having a radius of 141.85 feet, an arc distance of 236.26 feet, a central angle of 95°25'41", a chord bearing South 09°24'04" East, a distance of 209.88 feet, along the existing right of way line of said vacated Big Hill Road, to the **Point of Beginning**;

**thence** continuing on a curve to the left having a radius of 141.85 feet, an arc distance of 10.03 feet, a central angle of 04°03'08", a chord bearing South 59°08'28" East, a distance of 10.03 feet, along the existing right of way line of said vacated Big Hill Road, to the southwest corner of a 0.459 acre tract conveyed to Children Have Options In Caring Environment Inc. in IR Deed 09-038361;

**thence** North 84°58'15" West 11.58 feet along the new right of way line of said Big Hill Road, to a point;

**thence** North 35°17'18" East 5.06 feet along a new utility easement line, to the **Point of Beginning**, containing 24.71 square feet, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Bearings are based on the centerline of Big Hill Road, being North 84°58'15" West, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING A PORTION OF KINGSWOOD DRIVE

WHEREAS, on January 30, 2017 the Planning Commission in Case No. PC-17-001 considered and recommended approval of an application to vacate a certain portion of public right-of-way on Kingswood Drive; and

WHEREAS, on February 28, 2017, this Council held a public hearing on the application and Planning Commission's recommendation and during the public hearing no party came forward in opposition; and

WHEREAS, this Council is satisfied that there is good cause for vacating said public right-of-way, that vacation of the right-of-way will not be detrimental to the public interest, and that such vacation should be made;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio:

Section 1. Approval is hereby granted for the vacation of 256.96 square feet, more or less, of public right-of-way on Kingswood Drive as described and depicted in Exhibit 1, attached hereto and incorporated herein.

Section 2. The City reserves for itself utility easements for municipal purposes in the vacated right-of-way, as described and depicted in Exhibit 1.

Section 3. One half of the vacated land shall revert to 3425 Kingswood Drive (Lot Number 22, Magna Associates Plat Section No. 2 as recorded in Plat Book MM, Page 26 of the Montgomery County, Ohio Plat Records) and the other half shall revert to 3500 Glaser Drive (Lot Number 64, Magna Associates Plat Section No. 2 as recorded in Plat Book MM, Page 26 of the Montgomery County, Ohio Plat Records) as shown on Exhibit 1.

Section 4. The Clerk of Council is directed and authorized to prepare a certified copy of this Ordinance, and the Planning and Development Director of this City is hereby directed and authorized to accept the certified copy of this Ordinance from the Clerk of Council and, upon satisfaction of all Planning Commission conditions, if any, to further cause that same certified ordinance and any other necessary documents to be properly delivered to the Montgomery County Recorder for appropriate recordation. The City Manager is authorized to sign any instruments necessary to effectuate the vacation.

Section 5. This Ordinance shall take full effect from and after the earliest period provided by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested By: Planning and Development Department)

# **EXHIBIT 1**

(5 Total Pages Including This Page.)



CITY OF KETTERING

ENGINEERING DEPARTMENT

**RIGHT OF WAY VACATION OF  
A PORTION OF KINGSWOOD DRIVE  
January 2017**

Situate in Section 23, Town 2, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a vacation of a portion of Kingswood Drive as dedicated on Magna Associates Plat Section No. 2 and recorded on Plat Book "MM", Page 26, of the Plat Records of Montgomery County, Ohio, said vacated area being 5.00 feet wide taken parallel off the north line of said subdivision for the entire width of Kingswood Drive, and being more particularly described as follows:

**Beginning** at the northwest corner of Lot 64 of said subdivision;

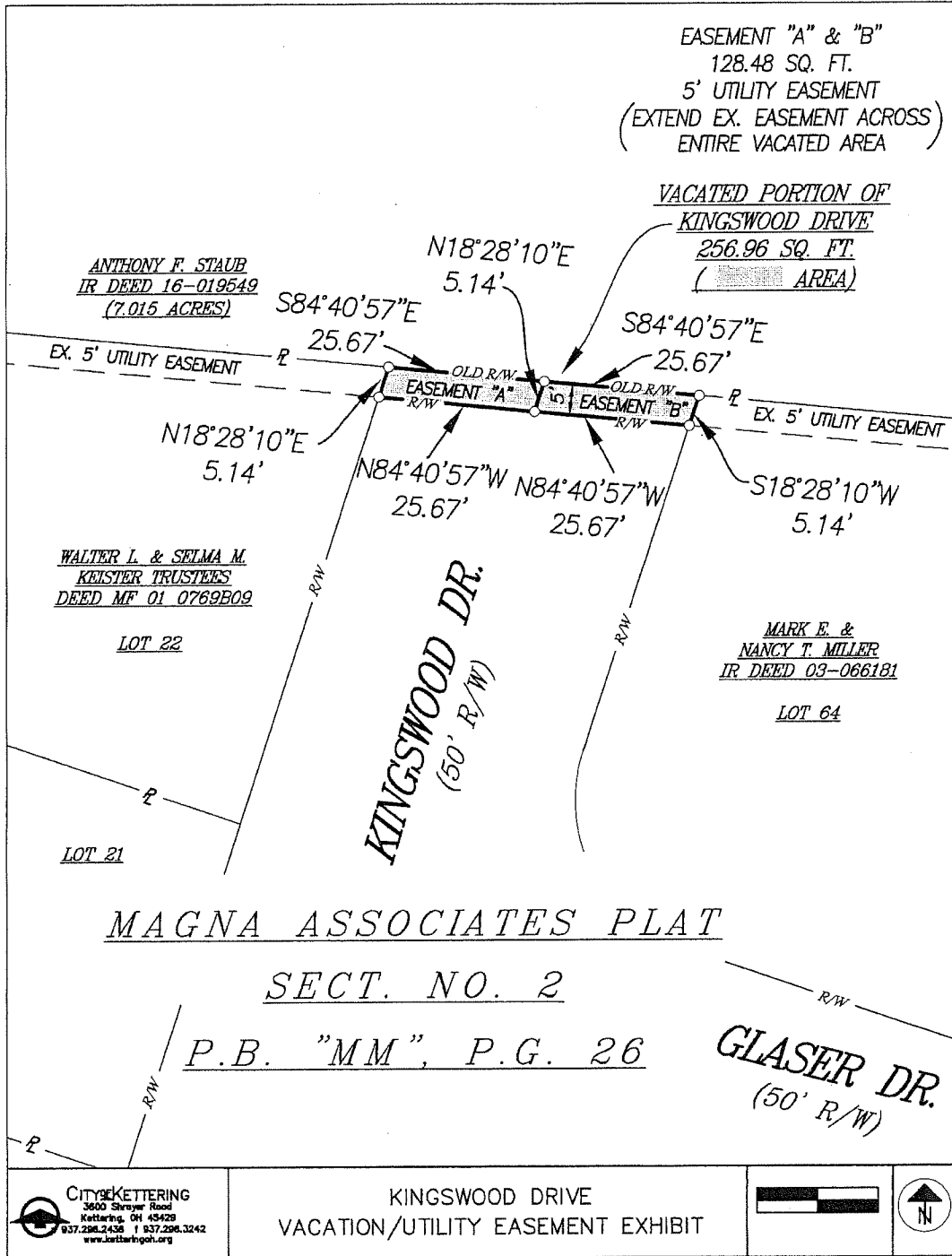
**thence** South  $18^{\circ}28'10''$  West 5.14 feet along the existing east right of way line of Kingswood Drive, to a point;

**thence** North  $84^{\circ}40'57''$  West 51.34 feet along a new right of way line of Kingswood Drive, to a point;

**thence** North  $18^{\circ}28'10''$  East 5.14 feet along the existing west right of way line of Kingswood Drive, to a point;

**thence** South  $84^{\circ}40'57''$  East 51.34 feet along the existing north right of way line of Kingswood Drive, to the **Point of Beginning**, containing 256.96 square feet, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Bearings are based on the north line of Magna Associates Plat Section No. 2, being South  $84^{\circ}40'57''$  East, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.



**CITY OF KETTERING**  
 3600 Shreve Road  
 Kettering, OH 45429  
 937.296.2436 | 937.296.3242  
 www.ketteringoh.org

**KINGSWOOD DRIVE  
 VACATION/UTILITY EASEMENT EXHIBIT**







## CITY OF KETTERING

ENGINEERING DEPARTMENT

### UTILITY EASEMENT "A" DESCRIPTION

Part of Kingswood Drive

January 2017

Situate in Section 23, Town 2, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a portion of vacated Kingswood Drive as dedicated on Magna Associates Plat Section No. 2 and recorded on Plat Book "MM", Page 26, of the Plat Records of Montgomery County, Ohio, being a utility easement over the west half of said vacated portion of Kingswood Drive, more particularly described as follows:

**Beginning** at the northeast corner of Lot 22 of said subdivision;

**thence** South  $84^{\circ}40'57''$  East 25.67 feet along the existing north right of way line of said vacated Kingswood Drive, to a point;

**thence** South  $18^{\circ}28'10''$  West 5.14 feet along a new utility easement line, also being the centerline of said vacated Kingswood Drive, to a point;

**thence** North  $84^{\circ}40'57''$  West 25.67 feet along the new north right of way line of said Kingswood Drive, to a point;

**thence** North  $18^{\circ}28'10''$  East 5.14 feet along the existing west right of way line of said vacated Kingswood Drive, to the **Point of Beginning**, containing 128.48 square feet, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Bearings are based on the north line of Magna Associates Plat Section No. 2, being South  $84^{\circ}40'57''$  East, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.



CITY OF KETTERING

ENGINEERING DEPARTMENT

**UTILITY EASEMENT "B" DESCRIPTION**  
**Part of Kingswood Drive**  
**January 2017**

Situate in Section 23, Town 2, Range 6 M.Rs., in the City of Kettering, Montgomery County, Ohio, being a portion of vacated Kingswood Drive as dedicated on Magna Associates Plat Section No. 2 and recorded on Plat Book "MM", Page 26, of the Plat Records of Montgomery County, Ohio, being a utility easement over the east half of said vacated portion of Kingswood Drive, more particularly described as follows:

**Beginning** at the northwest corner of Lot 64 of said subdivision;

**thence** South  $18^{\circ}28'10''$  West 5.14 feet along the existing east right of way line of said vacated Kingswood Drive, to a point;

**thence** North  $84^{\circ}40'57''$  West 25.67 feet along the new north right of way line of said Kingswood Drive, to a point;

**thence** North  $18^{\circ}28'10''$  East 5.14 feet along a new utility easement line, also being the centerline of said vacated Kingswood Drive, to a point;

**thence** South  $84^{\circ}40'57''$  East 25.67 feet along the existing north right of way line of said vacated Kingswood Drive, to the **Point of Beginning**, containing 128.48 square feet, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Chad E. Ingle, Professional Surveyor Number 8498 in January 2017.

Bearings are based on the north line of Magna Associates Plat Section No. 2, being South  $84^{\circ}40'57''$  East, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE THE LAND LOCATED AT 4125 HEMPSTEAD  
STATION DRIVE FROM ECONOMIC DEVELOPMENT  
OVERLAY DISTRICT NO. 3 TO I-INDUSTRIAL DISTRICT  
(PLANNING COMMISSION CASE NO. PC-17-003)

WHEREAS, on February 6, 2017, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone 4125 Hempstead Station Drive from Economic Development Overlay District No. 3 to I-Industrial District; and

WHEREAS, a vote was taken by the Planning Commission on February 6, 2017 to recommend approval of the proposed zoning change; and

WHEREAS, on February 28, 2017, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the staff report and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the property located at 4125 Hempstead Station Drive is rezoned from Economic Development Overlay District No. 3 to I-Industrial District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change referred to in Section 1 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 4. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 3085 WOODMAN DRIVE FROM ECONOMIC  
DEVELOPMENT OVERLAY DISTRICT NO. 2 TO B-BUSINESS  
DISTRICT (PLANNING COMMISSION CASE NO. PC-17-004)**

WHEREAS, on February 6, 2017, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone 3085 Woodman Drive from Economic Development Overlay District No. 2 to B-Business District; and

WHEREAS, a vote was taken by the Planning Commission on February 6, 2017 to recommend approval of the proposed zoning change; and

WHEREAS, on February 28, 2017, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the staff report and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the property located at 3085 Woodman Drive is rezoned from Economic Development Overlay District No. 2 to B-Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change referred to in Section 1 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 4. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III  
Law Director

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO LEVY SPECIAL ASSESSMENTS FOR THE REPLACEMENT  
AND CONSTRUCTION OF CURBS, SIDEWALKS, DRIVE  
APPROACHES, AND RELATED APPURTENANCES FOR THE  
VALLEYWOOD DRIVE IMPROVEMENTS – WILMINGTON  
PIKE TO CLARISSA LANE PROJECT (PROJECT NO. 02-232A)**

WHEREAS, on March 8, 2016 this Council adopted Resolution No. 9750-16, a Resolution of Necessity, declaring the necessity to replace or construct curbs, sidewalks, driveway approaches, and related appurtenances, as part of the Valleywood Drive improvements – Wilmington Pike to Clarissa Lane Project (Project No. 02-232a); and

WHEREAS, notice of the passage of that Resolution of Necessity was given as required by law; and

WHEREAS, the City of Kettering subsequently constructed and/or repaired those curbs, sidewalks, driveway approaches, and related appurtenances which were not constructed or repaired by the owners of the abutting property; and

WHEREAS, the total cost of the construction has been reported to this Council; and a list of estimated assessments of that total cost has been prepared and placed on file in the office of the Clerk of this Council so as to be available for public inspection, and a copy of said list is attached hereto as Exhibit "A" and made a part of this Ordinance; and

WHEREAS, notice that the list of estimated assessments was available for inspection and examination was published as required by law in a newspaper of general circulation; and

WHEREAS, no objections to any assessment have been filed; and

WHEREAS, this Council has now reviewed the estimated assessments;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. The list of estimated assessments referred to in the above recital paragraphs is hereby approved.

Section 2. The amounts of assessment on the list are hereby and shall be levied upon the lots and lands which abut the improvements, as set forth on the list.

Section 3. No assessment approved or levied by this Ordinance exceeds the special benefits resulting from the improvement and does not exceed any statutory limitation.

Section 4. The Clerk of Council is authorized and directed to continue to keep on file in her office until all the assessments have been paid in full a list of the assessments and the description of the lots and lands so assessed.

Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Finance Director of the City of Kettering by August 11, 2017, or, at the option of the property owner, shall be payable in not more than ten (10) annual installments over a period not exceeding ten (10) years, with the exact number of annual installments subject to the amount of the assessment, in accordance with the schedule set forth below:

<u>ASSESSMENT AMOUNT</u>	<u>ANNUAL INSTALLMENTS</u>	<u>INTEREST RATE</u>
\$0-250	1	0.99%
\$251-500	2	1.22%
\$501-750	3	1.43%
\$751-1000	4	1.65%
\$1001-1250	5	1.90%
\$1251-1500	6	2.09%
\$1501-1750	7	2.29%
\$1751-2000	8	2.49%
\$2001-2250	9	2.69%
\$2251 & OVER	10	2.89%

Assessments paid in annual installments shall include all costs of the County Auditor and shall also include interest at the rates set forth in the above table.

All assessments and assessment installments that have not been paid at the expiration of the payment period allowed by this Ordinance shall within fourteen (14) working days following such date of expiration be certified by the Clerk of this Council to the County Auditor as provided by law. These assessments and installments are then to be placed on the tax duplicate and collected at the same time and in the same manner as real estate taxes are collected.

Section 6. The Clerk of Council is authorized and directed to cause notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City; the notice shall state that the assessments have been made and are on file in the office of the Clerk of Council for inspection and examination by interested persons.

Section 7. The Clerk of Council is authorized and directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting; and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, to the extent required by or under the Charter of this City.

Section 9. This Ordinance shall take full force and effect from and after the earliest period provided by law and by Charter.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by Engineering Department)

# EXHIBIT A

(3 Total Pages Including This Page.)

**FINAL ASSESSMENT COSTS for  
Valleywood Improvements-Wilmington to Clarissa (2016)  
Project #02-232A**

Repair Address	Parcel Number	Curb Removal COST	Concrete Curb COST	Flatwork Removal COST	4in Sidewalk COST	6in Sidewalk COST	6in Drive Approach COST	TOTAL ASSESSMENT COST
1817 BOESEL AVE	N64 01912 0029	\$1,029.60	\$2,488.20	\$805.28	\$918.00	\$352.80	\$797.16	\$6,391.04
1820 BOESEL AVE	N64 01912 0028	\$314.40	\$759.80	\$33.60	\$84.00	\$0.00	\$0.00	\$1,191.80
1854 CLARISSA AVE	N64 01206 0010	\$548.40	\$1,325.30	\$777.92	\$900.00	\$361.20	\$735.84	\$4,648.66
1820 KRUSS AVE	N64 01912 0032	\$442.80	\$1,070.10	\$805.66	\$1,342.00	\$210.00	\$495.76	\$4,366.32
1821 KRUSS AVE	N64 01912 0033	\$426.00	\$1,029.50	\$173.60	\$434.00	\$0.00	\$0.00	\$2,063.10
3724 LISBON ST	N64 01912 0022	\$544.80	\$1,316.60	\$396.00	\$990.00	\$0.00	\$0.00	\$3,247.40
3320 VALLEYWOOD DR	N64 01206 0001	\$312.60	\$755.45	\$327.20	\$818.00	\$0.00	\$0.00	\$2,213.25
3334 VALLEYWOOD DR	N64 01206 0002	\$156.60	\$378.45	\$434.40	\$390.00	\$220.50	\$510.30	\$2,090.25
3335 VALLEYWOOD DR	N64 01206 0009	\$172.20	\$416.15	\$363.20	\$882.00	\$27.30	\$0.00	\$1,860.85
3349 VALLEYWOOD DR	N64 01206 0008	\$150.60	\$363.95	\$536.00	\$1,140.00	\$210.00	\$0.00	\$2,400.55
3362 VALLEYWOOD DR	N64 01206 0004	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3363 VALLEYWOOD DR	N64 01206 0007	\$180.60	\$436.45	\$481.40	\$490.00	\$226.80	\$522.38	\$2,337.63
3376 VALLEYWOOD DR	N64 01206 0005	\$205.20	\$495.90	\$396.40	\$466.00	\$0.00	\$551.25	\$2,114.75
3377 VALLEYWOOD DR	N64 01206 0006	\$173.40	\$419.05	\$284.40	\$711.00	\$0.00	\$0.00	\$1,587.85
3382 VALLEYWOOD DR	N64 01206 0021	\$309.60	\$748.20	\$350.30	\$246.00	\$88.20	\$573.04	\$2,315.34
3387 VALLEYWOOD DR	N64 01206 0040	\$142.80	\$345.10	\$357.76	\$196.00	\$222.60	\$510.72	\$1,774.98
3396 VALLEYWOOD DR	N64 01206 0022	\$201.60	\$487.20	\$263.20	\$452.00	\$216.30	\$0.00	\$1,620.30
3397 VALLEYWOOD DR	N64 01206 0039	\$146.40	\$363.80	\$168.60	\$337.50	\$88.20	\$0.00	\$1,094.50
3400 VALLEYWOOD DR	N64 01206 0023	\$127.80	\$308.85	\$212.00	\$530.00	\$0.00	\$0.00	\$1,178.65
3401 VALLEYWOOD DR	N64 01206 0038	\$168.60	\$407.45	\$515.40	\$558.00	\$262.50	\$502.43	\$2,414.38
3412 VALLEYWOOD DR	N64 01206 0024	\$227.40	\$549.55	\$426.10	\$368.00	\$216.30	\$515.81	\$2,303.16
3415 VALLEYWOOD DR	N64 01206 0037	\$149.40	\$361.05	\$413.00	\$582.00	\$0.00	\$473.03	\$1,978.48
3424 VALLEYWOOD DR	N64 01206 0025	\$254.40	\$614.80	\$652.24	\$974.00	\$222.60	\$466.83	\$3,184.87
3427 VALLEYWOOD DR	N64 01206 0036	\$112.20	\$271.15	\$295.20	\$738.00	\$0.00	\$0.00	\$1,416.55
3436 VALLEYWOOD DR	N64 01206 0026	\$168.00	\$406.00	\$527.80	\$615.00	\$212.10	\$527.63	\$2,456.53
3441 VALLEYWOOD DR	N64 01206 0035	\$148.20	\$358.15	\$0.00	\$0.00	\$0.00	\$0.00	\$506.35
3448 VALLEYWOOD DR	N64 01206 0027	\$123.60	\$298.70	\$92.00	\$0.00	\$241.50	\$0.00	\$755.80
3451 VALLEYWOOD DR	N64 01206 0034	\$241.20	\$582.90	\$311.30	\$90.00	\$222.60	\$500.06	\$1,948.06
3460 VALLEYWOOD DR	N64 01206 0028	\$191.40	\$462.55	\$220.80	\$330.00	\$233.10	\$0.00	\$1,437.85
3463 VALLEYWOOD DR	N64 01206 0033	\$203.40	\$491.55	\$124.80	\$312.00	\$0.00	\$0.00	\$1,131.75
3472 VALLEYWOOD DR	N64 01206 0029	\$234.00	\$565.50	\$270.00	\$675.00	\$0.00	\$0.00	\$1,744.50
3477 VALLEYWOOD DR	N64 01206 0032	\$291.00	\$703.25	\$563.80	\$734.00	\$236.25	\$473.03	\$3,001.33
3486 VALLEYWOOD DR	N64 01206 0030	\$405.60	\$980.20	\$0.00	\$0.00	\$0.00	\$0.00	\$1,385.80
3489 VALLEYWOOD DR	N64 01206 0031	\$167.40	\$404.55	\$552.40	\$686.00	\$252.00	\$477.75	\$2,540.10
3500 VALLEYWOOD DR	N64 01416 0021	\$296.40	\$716.30	\$809.66	\$910.00	\$361.20	\$808.66	\$3,902.22
3501 VALLEYWOOD DR	N64 01416 0022	\$224.40	\$542.30	\$142.40	\$330.00	\$27.30	\$0.00	\$1,266.40
3504 VALLEYWOOD DR	N64 01416 0020	\$156.60	\$378.45	\$388.44	\$258.00	\$220.50	\$528.26	\$1,930.25
3505 VALLEYWOOD DR	N64 01416 0023	\$22.20	\$53.65	\$372.00	\$930.00	\$0.00	\$0.00	\$1,377.85
3508 VALLEYWOOD DR	N64 01416 0019	\$183.00	\$442.25	\$367.22	\$200.00	\$216.30	\$537.65	\$1,946.42
3509 VALLEYWOOD DR	N64 01416 0024	\$124.80	\$301.60	\$684.00	\$730.00	\$357.00	\$672.00	\$2,869.40
3512 VALLEYWOOD DR	N64 01416 0018	\$122.40	\$295.80	\$578.92	\$706.00	\$220.50	\$557.87	\$2,481.49



**FINAL ASSESSMENT COSTS for  
Valleywood Improvements-Wilmington to Clarissa (2016)  
Project #02-232A**

Repair Address	Parcel Number	Curb Removal COST	Concrete Curb COST	Flatwork Removal COST	4in Sidewalk COST	6in Sidewalk COST	6in Drive Approach COST	TOTAL ASSESSMENT COST
3513 VALLEYWOOD DR	N64 01416 0025	\$168.60	\$407.45	\$427.00	\$626.00	\$0.00	\$463.58	\$2,092.63
3516 VALLEYWOOD DR	N64 01416 0017	\$300.00	\$725.00	\$525.00	\$580.00	\$216.30	\$552.83	\$2,899.13
3520 VALLEYWOOD DR	N64 01416 0016	\$89.40	\$216.05	\$594.98	\$764.00	\$216.30	\$543.32	\$2,424.05
3524 VALLEYWOOD DR	N64 01416 0015	\$366.60	\$885.95	\$388.88	\$124.00	\$243.60	\$647.01	\$2,656.04
3525 VALLEYWOOD DR	N64 01416 0008	\$201.60	\$487.20	\$668.80	\$646.00	\$384.30	\$693.00	\$3,080.90
3528 VALLEYWOOD DR	N64 01416 0014	\$352.80	\$852.60	\$222.40	\$520.00	\$37.80	\$0.00	\$1,985.60
3529 VALLEYWOOD DR	N64 01416 0009	\$45.60	\$110.20	\$82.40	\$206.00	\$0.00	\$0.00	\$444.20
3532 VALLEYWOOD DR	N64 01416 0013	\$285.60	\$690.20	\$392.00	\$670.00	\$325.50	\$0.00	\$2,363.30
3533 VALLEYWOOD DR	N64 01416 0010	\$184.80	\$446.60	\$428.40	\$646.00	\$0.00	\$446.25	\$2,152.05
3536 VALLEYWOOD DR	N64 01416 0012	\$523.80	\$1,265.85	\$603.60	\$900.00	\$0.00	\$639.45	\$3,932.70
3537 VALLEYWOOD DR	N64 01416 0011	\$249.00	\$601.75	\$524.80	\$712.00	\$210.00	\$420.00	\$2,717.55
3540 VALLEYWOOD DR	N64 01912 0001	\$253.20	\$611.90	\$463.88	\$460.00	\$205.80	\$528.89	\$2,523.67
3544 VALLEYWOOD DR	N64 01912 0002	\$127.80	\$308.85	\$100.00	\$250.00	\$0.00	\$0.00	\$786.65
3548 VALLEYWOOD DR	N64 01912 0003	\$46.20	\$111.65	\$107.20	\$268.00	\$0.00	\$0.00	\$533.05
3605 VALLEYWOOD DR	N64 01912 0031	\$261.00	\$630.75	\$131.20	\$328.00	\$0.00	\$0.00	\$1,350.95
3608 VALLEYWOOD DR	N64 01912 0006	\$268.80	\$649.60	\$224.00	\$322.00	\$249.90	\$0.00	\$1,714.30
3609 VALLEYWOOD DR	N64 01912 0030	\$364.20	\$880.15	\$416.00	\$324.00	\$231.00	\$520.80	\$2,736.15
3612 VALLEYWOOD DR	N64 01912 0007	\$290.40	\$701.80	\$160.00	\$190.00	\$220.50	\$0.00	\$1,562.70
3616 VALLEYWOOD DR	N64 01912 0008	\$201.60	\$487.20	\$98.40	\$246.00	\$0.00	\$0.00	\$1,033.20
3700 VALLEYWOOD DR	N64 01912 0009	\$362.40	\$875.80	\$308.00	\$80.00	\$224.70	\$499.80	\$2,350.70
3704 VALLEYWOOD DR	N64 01912 0010	\$355.20	\$858.40	\$311.60	\$324.00	\$0.00	\$477.75	\$2,326.95
3705 VALLEYWOOD DR	N64 01912 0027	\$342.00	\$826.50	\$450.40	\$492.00	\$214.20	\$451.50	\$2,776.60
3708 VALLEYWOOD DR	N64 01912 0011	\$358.20	\$865.65	\$347.80	\$160.00	\$212.10	\$532.88	\$2,476.63
3709 VALLEYWOOD DR	N64 01912 0026	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3712 VALLEYWOOD DR	N64 01912 0012	\$366.00	\$884.50	\$372.60	\$164.00	\$258.30	\$547.58	\$2,592.98
3713 VALLEYWOOD DR	N64 01912 0025	\$245.40	\$593.05	\$295.20	\$738.00	\$0.00	\$0.00	\$1,871.65
3716 VALLEYWOOD DR	N64 01912 0013	\$348.00	\$841.00	\$454.80	\$400.00	\$252.00	\$521.85	\$2,817.65
3717 VALLEYWOOD DR	N64 01912 0024	\$451.80	\$1,091.85	\$278.48	\$0.00	\$256.20	\$474.81	\$2,553.14
3720 VALLEYWOOD DR	N64 01912 0014	\$307.20	\$742.40	\$278.00	\$80.00	\$168.00	\$477.75	\$2,053.35
3721 VALLEYWOOD DR	N64 01912 0023	\$0.00	\$1,682.00	\$0.00	\$0.00	\$0.00	\$750.75	\$2,432.75
3724 VALLEYWOOD DR	N64 01912 0015	\$279.00	\$674.25	\$578.00	\$750.00	\$252.00	\$477.75	\$3,011.00
3728 VALLEYWOOD DR	N64 01912 0016	\$300.60	\$726.45	\$370.00	\$292.00	\$186.90	\$477.75	\$2,353.70
3732 VALLEYWOOD DR	N64 01912 0017	\$295.20	\$713.40	\$358.96	\$112.00	\$273.00	\$551.67	\$2,304.23
3800 VALLEYWOOD DR	N64 01912 0019	\$500.40	\$1,209.30	\$554.40	\$1,386.00	\$0.00	\$0.00	\$3,650.10
3801 VALLEYWOOD DR	N64 01912 0021	\$793.20	\$1,916.90	\$737.08	\$880.00	\$191.10	\$819.74	\$5,338.02
1825 WILLAMET RD	N64 01416 0026	\$130.20	\$314.65	\$584.00	\$596.00	\$321.30	\$585.90	\$2,532.05
3808 WILMINGTON PIKE	N64 03405 0051	\$258.60	\$624.95	\$101.60	\$254.00	\$0.00	\$0.00	\$1,239.15
3850 WILMINGTON PIKE	N64 01912 0039	\$406.80	\$983.10	\$788.32	\$700.00	\$445.20	\$889.14	\$4,212.56
3858 WILMINGTON PK	N64 01912 0020	\$217.80	\$526.35	\$595.60	\$114.00	\$488.25	\$955.50	\$2,897.50

\$179,256.23

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO LEVY SPECIAL ASSESSMENTS FOR THE REPLACEMENT AND CONSTRUCTION OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE IMPROVEMENT OF SPRINGMILL ROAD AND MILLCREEK ROAD AS PART OF THE OAK CREEK IMPROVEMENTS PROJECT (PROJECT NO. 02-288)**

WHEREAS, on July 14, 2015 this Council adopted Resolution No. 9651-15, a Resolution of Necessity, declaring the necessity of the improvement of Springmill Road from Bigger Road to Sugar Maple Drive and Millcreek Road from East Whipp Road to East Rahn Road (Project Number 02-288) through construct or repair the curbs, sidewalks, drive approaches, and related appurtenances; and

WHEREAS, notice of the passage of that Resolution of Necessity was given as required by law; and

WHEREAS, the City of Kettering subsequently constructed and/or repaired those curbs, sidewalks, driveway approaches, and related appurtenances which were not constructed or repaired by the owners of the abutting property; and

WHEREAS, the total cost of the construction has been reported to this Council; and a list of estimated assessments of that total cost has been prepared and placed on file in the office of the Clerk of this Council so as to be available for public inspection, and a copy of said list is attached hereto as Exhibit "A" and made a part of this Ordinance; and

WHEREAS, notice that the list of estimated assessments was available for inspection and examination was published as required by law in a newspaper of general circulation; and

WHEREAS, no objections to any assessment have been filed; and

WHEREAS, this Council has now reviewed the estimated assessments;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. The list of estimated assessments referred to in the above recital paragraphs is hereby approved.

Section 2. The amounts of assessment on the list are hereby and shall be levied upon the lots and lands which abut the improvements, as set forth on the list.

Section 3. No assessment approved or levied by this Ordinance exceeds the special benefits resulting from the improvement and does not exceed any statutory limitation.

Section 4. The Clerk of Council is authorized and directed to continue to keep on file in her office until all the assessments have been paid in full a list of the assessments and the description of the lots and lands so assessed.

Section 5. The total assessment against each lot and parcel of land shall be payable in cash to the Finance Director of the City of Kettering by August 11, 2017, or, at the option of the property owner, shall be payable in not more than ten (10) annual installments over a period not exceeding ten (10) years, with the exact number of annual installments subject to the

amount of the assessment, in accordance with the schedule set forth below:

<u>ASSESSMENT AMOUNT</u>	<u>ANNUAL INSTALLMENTS</u>	<u>INTEREST RATE</u>
\$0-250	1	0.99%
\$251-500	2	1.22%
\$501-750	3	1.43%
\$751-1000	4	1.65%
\$1001-1250	5	1.90%
\$1251-1500	6	2.09%
\$1501-1750	7	2.29%
\$1751-2000	8	2.49%
\$2001-2250	9	2.69%
\$2251 & OVER	10	2.89%

Assessments paid in annual installments shall include all costs of the County Auditor and shall also include interest at the rates set forth in the above table.

All assessments and assessment installments that have not been paid at the expiration of the payment period allowed by this Ordinance shall within fourteen (14) working days following such date of expiration be certified by the Clerk of this Council to the County Auditor as provided by law. These assessments and installments are then to be placed on the tax duplicate and collected at the same time and in the same manner as real estate taxes are collected.

Section 6. The Clerk of Council is authorized and directed to cause notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City; the notice shall state that the assessments have been made and are on file in the office of the Clerk of Council for inspection and examination by interested persons.

Section 7. The Clerk of Council is authorized and directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting; and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, to the extent required by or under the Charter of this City.

Section 9. This Ordinance shall take full force and effect from and after the earliest period provided by law and by Charter.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by Engineering Department)

# EXHIBIT A

(3 Total Pages Including This Page.)

FINAL ASSESSMENT COSTS for Oak Creek Improvements-Springmill & Millcreek (2015)

Project #02-288

Repair Address	Parcel Number	COST Curb Removal	COST Concrete Curb	COST Flatwork Removal	COST 4IN Sidewalk	COST 6in Sidewalk	COST 6in Drive Approach	TOTAL ASSESSMENT COST
2288 BERRYCREEK DR	N64 02715 0001	\$252.00	\$644.00	\$0.00	\$0.00	\$0.00	\$0.00	\$896.00
5240 BIGGER RD	N64 03008 0007	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5280 BIGGER RD	N64 03016 0021	\$576.00	\$1,472.00	\$369.00	\$171.00	\$0.00	\$693.00	\$3,281.00
2325 COLONY WAY	N64 02911 0010	\$45.00	\$115.00	\$0.00	\$0.00	\$0.00	\$0.00	\$160.00
5215 MILLCREEK RD	N64 03007 0015	\$297.00	\$759.00	\$504.00	\$90.00	\$352.00	\$770.00	\$2,772.00
5226 MILLCREEK RD	N64 03007 0003	\$324.00	\$828.00	\$180.00	\$72.00	\$352.00	\$0.00	\$1,756.00
5227 MILLCREEK RD	N64 03007 0014	\$270.00	\$690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$960.00
5238 MILLCREEK RD	N64 03007 0004	\$333.00	\$851.00	\$162.00	\$180.00	\$176.00	\$0.00	\$1,702.00
5239 MILLCREEK RD	N64 03007 0013	\$63.00	\$161.00	\$0.00	\$0.00	\$0.00	\$0.00	\$224.00
5250 MILLCREEK RD	N64 03007 0005	\$315.00	\$805.00	\$24.75	\$49.50	\$0.00	\$0.00	\$1,194.25
5251 MILLCREEK RD	N64 03007 0012	\$144.00	\$368.00	\$346.50	\$0.00	\$0.00	\$847.00	\$1,705.50
5262 MILLCREEK RD	N64 03007 0006	\$612.00	\$1,564.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,176.00
5263 MILLCREEK RD	N64 03007 0011	\$234.00	\$598.00	\$0.00	\$0.00	\$0.00	\$0.00	\$832.00
5274 MILLCREEK RD	N64 03007 0007	\$297.00	\$759.00	\$90.00	\$180.00	\$0.00	\$0.00	\$1,326.00
5275 MILLCREEK RD	N64 03007 0010	\$171.00	\$437.00	\$0.00	\$0.00	\$0.00	\$0.00	\$608.00
5286 MILLCREEK RD	N64 03007 0008	\$396.00	\$1,012.00	\$299.25	\$0.00	\$0.00	\$731.50	\$2,438.75
5287 MILLCREEK RD	N64 03007 0009	\$117.00	\$299.00	\$0.00	\$0.00	\$0.00	\$0.00	\$416.00
5298 MILLCREEK RD	N64 02715 0008	\$333.00	\$851.00	\$328.50	\$0.00	\$0.00	\$803.00	\$2,315.50
5299 MILLCREEK RD	N64 02715 0007	\$135.00	\$345.00	\$0.00	\$0.00	\$0.00	\$0.00	\$480.00
5310 MILLCREEK RD	N64 02715 0009	\$369.00	\$943.00	\$182.25	\$0.00	\$445.50	\$0.00	\$1,939.75
5311 MILLCREEK RD	N64 02715 0006	\$225.00	\$575.00	\$0.00	\$0.00	\$0.00	\$0.00	\$800.00
5323 MILLCREEK RD	N64 02715 0005	\$193.50	\$494.50	\$459.00	\$0.00	\$352.00	\$770.00	\$2,269.00
5334 MILLCREEK RD	N64 02715 0011	\$243.00	\$621.00	\$805.50	\$693.00	\$352.00	\$770.00	\$3,484.50
5335 MILLCREEK RD	N64 02715 0004	\$63.00	\$161.00	\$0.00	\$0.00	\$0.00	\$0.00	\$224.00
5346 MILLCREEK RD	N64 02715 0012	\$180.00	\$460.00	\$0.00	\$0.00	\$0.00	\$0.00	\$640.00
5358 MILLCREEK RD	N64 02715 0013	\$351.00	\$897.00	\$207.00	\$0.00	\$506.00	\$0.00	\$1,961.00
5359 MILLCREEK RD	N64 02715 0002	\$36.00	\$92.00	\$0.00	\$0.00	\$0.00	\$0.00	\$128.00
5370 MILLCREEK RD	N64 02715 0014	\$63.00	\$161.00	\$63.00	\$126.00	\$0.00	\$0.00	\$413.00
5382 MILLCREEK RD	N64 02715 0015	\$216.00	\$552.00	\$0.00	\$0.00	\$0.00	\$0.00	\$768.00
5394 MILLCREEK RD	N64 02715 0016	\$387.00	\$989.00	\$315.00	\$0.00	\$0.00	\$770.00	\$2,461.00
5401 MILLCREEK RD	N64 02716 0008	\$54.00	\$138.00	\$0.00	\$0.00	\$0.00	\$0.00	\$192.00
5413 MILLCREEK RD	N64 02716 0007	\$360.00	\$920.00	\$315.00	\$0.00	\$0.00	\$770.00	\$2,365.00
5424 MILLCREEK RD	N64 02716 0013	\$72.00	\$184.00	\$0.00	\$0.00	\$0.00	\$0.00	\$256.00
5200 OAKBROOKE DR	N64 02910 0013	\$36.00	\$92.00	\$45.00	\$90.00	\$0.00	\$0.00	\$263.00
5211 OAKBROOKE DR	N64 02910 0020	\$423.00	\$1,081.00	\$636.75	\$481.50	\$357.50	\$610.50	\$3,590.25
5435 OAKBROOKE DR	N64 02716 0009	\$306.00	\$782.00	\$446.63	\$0.00	\$341.00	\$750.75	\$2,626.38
2340 RAHN RD	N64 02718 0016	\$189.00	\$483.00	\$0.00	\$0.00	\$0.00	\$0.00	\$672.00
2360 RAHN RD	N64 02718 0015	\$225.00	\$575.00	\$447.75	\$90.00	\$396.00	\$588.50	\$2,322.25

FINAL ASSESSMENT COSTS for Oak Creek Improvements-Springmill & Millcreek (2015)

Project #02-288

Repair Address	Parcel Number	COST Curb Removal	COST Concrete Curb	COST Flatwork Removal	COST 4IN Sidewalk	COST 6in Sidewalk	COST 6in Drive Approach	TOTAL ASSESSMENT COST
2433 SPRINGHILL AVE	N64 02911 0002	\$27.00	\$69.00	\$0.00	\$0.00	\$0.00	\$0.00	\$96.00
2269 SPRINGMILL RD	N64 03008 0006	\$216.00	\$552.00	\$148.50	\$0.00	\$0.00	\$363.00	\$1,279.50
2277 SPRINGMILL RD	N64 03008 0005	\$216.00	\$552.00	\$283.50	\$0.00	\$352.00	\$341.00	\$1,744.50
2285 SPRINGMILL RD	N64 03008 0004	\$243.00	\$621.00	\$315.00	\$0.00	\$0.00	\$770.00	\$1,949.00
2293 SPRINGMILL RD	N64 03008 0003	\$207.00	\$529.00	\$0.00	\$0.00	\$0.00	\$0.00	\$736.00
2301 SPRINGMILL RD	N64 03008 0002	\$333.00	\$851.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,184.00
2309 SPRINGMILL RD	N64 03008 0001	\$243.00	\$621.00	\$0.00	\$0.00	\$0.00	\$0.00	\$864.00
2316 SPRINGMILL RD	N64 03412 0016	\$1,269.00	\$3,243.00	\$1,154.25	\$648.00	\$566.50	\$1,463.00	\$8,343.75
2317 SPRINGMILL RD	N64 03007 0020	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2325 SPRINGMILL RD	N64 03007 0019	\$207.00	\$529.00	\$451.13	\$0.00	\$352.00	\$750.75	\$2,289.88
2333 SPRINGMILL RD	N64 03007 0018	\$216.00	\$552.00	\$157.50	\$0.00	\$0.00	\$385.00	\$1,310.50
2341 SPRINGMILL RD	N64 03007 0017	\$207.00	\$529.00	\$0.00	\$0.00	\$0.00	\$0.00	\$736.00
2349 SPRINGMILL RD	N64 03007 0016	\$432.00	\$1,104.00	\$15.75	\$0.00	\$0.00	\$38.50	\$1,590.25
2360 SPRINGMILL RD	N64 03007 0002	\$351.00	\$897.00	\$585.00	\$360.00	\$220.00	\$770.00	\$3,183.00
2361 SPRINGMILL RD	N64 03007 0001	\$252.00	\$644.00	\$54.00	\$108.00	\$0.00	\$0.00	\$1,058.00
2369 SPRINGMILL RD	N64 02910 0001	\$333.00	\$851.00	\$144.00	\$0.00	\$352.00	\$0.00	\$1,680.00
2377 SPRINGMILL RD	N64 02910 0002	\$297.00	\$759.00	\$459.00	\$0.00	\$352.00	\$770.00	\$2,637.00
2392 SPRINGMILL RD	N64 02910 0012	\$225.00	\$575.00	\$459.00	\$351.00	\$308.00	\$385.00	\$2,303.00
2393 SPRINGMILL RD	N64 02910 0004	\$81.00	\$207.00	\$0.00	\$0.00	\$0.00	\$0.00	\$288.00
2400 SPRINGMILL RD	N64 02910 0011	\$198.00	\$506.00	\$135.00	\$270.00	\$0.00	\$0.00	\$1,109.00
2401 SPRINGMILL RD	N64 02910 0005	\$279.00	\$713.00	\$144.00	\$0.00	\$352.00	\$0.00	\$1,488.00
2409 SPRINGMILL RD	N64 02910 0006	\$315.00	\$805.00	\$130.50	\$0.00	\$0.00	\$319.00	\$1,569.50
2417 SPRINGMILL RD	N64 02910 0007	\$189.00	\$483.00	\$0.00	\$0.00	\$0.00	\$0.00	\$672.00
2425 SPRINGMILL RD	N64 02911 0001	\$198.00	\$506.00	\$0.00	\$0.00	\$0.00	\$0.00	\$704.00
2426 SPRINGMILL RD	N64 02911 0009	\$234.00	\$598.00	\$283.50	\$252.00	\$0.00	\$385.00	\$1,752.50
2434 SPRINGMILL RD	N64 02911 0008	\$234.00	\$598.00	\$405.00	\$180.00	\$0.00	\$770.00	\$2,187.00
2441 SPRINGMILL RD	N64 02911 0003	\$216.00	\$552.00	\$308.25	\$0.00	\$0.00	\$753.50	\$1,829.75
2449 SPRINGMILL RD	N64 02911 0004	\$261.00	\$667.00	\$459.00	\$0.00	\$352.00	\$770.00	\$2,509.00
2450 SPRINGMILL RD	N64 02911 0007	\$288.00	\$736.00	\$90.00	\$180.00	\$0.00	\$0.00	\$1,294.00
2457 SPRINGMILL RD	N64 02911 0005	\$252.00	\$644.00	\$162.00	\$0.00	\$0.00	\$396.00	\$1,454.00
2465 SPRINGMILL RD	N64 02911 0006	\$153.00	\$391.00	\$0.00	\$0.00	\$0.00	\$0.00	\$544.00
2466 SPRINGMILL RD	N64 02911 0023	\$297.00	\$759.00	\$144.00	\$288.00	\$0.00	\$0.00	\$1,488.00
2317 E WHIPP RD	N64 02716 0006	\$486.00	\$1,242.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,728.00
2325 E WHIPP RD	N64 02716 0014	\$198.00	\$506.00	\$198.00	\$396.00	\$0.00	\$0.00	\$1,298.00

72

\$107,517.25

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH A CONSULTANT TO ASSIST CITY STAFF WITH ASSESSMENT, EVALUATION, AND A TRANSITION PLAN FOR CONTINUED COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

Be It Resolved by the Council of the City of Kettering, State of Ohio:

Section 1. Pursuant to Subsection "P" of Section 152.02 of the Codified Ordinances of the City of Kettering, this Council hereby authorizes the City Manager to enter into an agreement with The W-T Group d/b/a Recreation Accessibility Consultants, LLC (RAC) to assist City staff with assessment, evaluation, and a transition plan for continued compliance with The Americans with Disabilities Act (ADA). The City Manager is further authorized to enter into any amendments to the agreement that, in the City Manager's opinion, are beneficial to the interests of the City.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

Estimated Cost: \$75,000.00  
Amount Budgeted: \$0  
Acct.: 0450-72550

(Requested by: Human Resources)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A  
DONATION OF 0.345 ACRES OF LAND AT 387 WEST DAVID  
ROAD (COUNTY PARCEL NO. N64-03409 0110) FROM THE  
BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY  
COUNTY, OHIO**

WHEREAS, the Board of County Commissioners of Montgomery County, Ohio (the "County") has recently decommissioned a water pump station on property it owns at 387 West David Road (the "Property") and no longer has use for the Property; and

WHEREAS, the City has use for the Property since it holds one of the City's disaster sirens and provides land for needed right-of-way for the West David roadway improvements; and

WHEREAS, the County wishes to donate the Property to the City, and the City wishes to accept donation of the Property;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to accept, on behalf of the City, a donation of 0.345 acres of land at 387 West David Road (County Parcel No. N64 03409 0110), more particularly described in attached Exhibit A, from the Board of County Commissioners of Montgomery County, Ohio.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by: Engineering Department)



**EXHIBIT "A"**

(4 total pages, including this page)



CITY OF KETTERING  
ENGINEERING DEPARTMENT

0.345 ACRES  
Section 34, Town 2, Range 6 M.Rs.  
City of Kettering  
Montgomery County, Ohio  
February 2017

Situate in Section 34, Town 2, Range 6 M.Rs., in the City of Kettering, Montgomery County, State of Ohio, being a 0.345 acre parcel of land conveyed to The Board of County Commissioners of Montgomery County, Ohio as recorded on Deed Book 1413, Page 83 of the Records of Montgomery County, Ohio and being more particularly described as follows:

Beginning for reference at a Mag nail set on the southeast corner of the Indian Hill Estates as recorded on Plat Book WW, Page 9, the southwest corner of a 0.345 acre parcel of land conveyed to the Board of County Commissioners of Montgomery County as recorded on Deed Book 1413, Page 83, and being on the existing centerline of West David Road;

Thence with the east line of Lot 6 conveyed to Suzanne R. Schmall as recorded on I.R. Deed 13-088184, the east line of said Indian Hills Estate, and the west line of said 0.345 acre parcel of land, North 03°45'40" East passing a 5/8" iron pin found at 40.03 feet, for a total distance of 150.20 feet to a 5/8" iron pin set;

Thence with the north line of said 0.345 acre parcel of land and the south line of Lot 41 of the Shady Crest Plat, Section 4 as recorded on Plat Book 63, Page 17, South 88°30'00" East a distance of 100.01 feet to a 1-1/2" iron pipe found at the northeast corner and on the west line of a 0.437 acre parcel of land conveyed to Miriam K. Maue as recorded on I.R. Deed CF/T 05-078079;

Thence with the east line of said 0.345 acre parcel of land and the west line of said 0.437 acre parcel of land, South 03°45'40" West a distance of 150.20 feet to a mag nail set on the centerline of West David Road and the south property line of said 0.345 acre parcel of land;

Thence with the existing said centerline of West David Road and the south line of said 0.345 acre parcel of land, North 88°30'00" West a distance of 100.01 feet to the **True Point of Beginning**, containing 0.345 acres, subject to all legal conditions, easements and rights of way. This description was prepared by Chad E. Ingle, Professional Surveyor Number 8498 in February 2017.

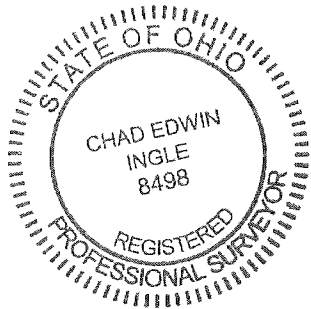
Bearings are based on the centerline of West David Road as shown on the Indian Hills Estates as recorded on Plat Book WW, Page 9 of the Plat Records of Montgomery County, Ohio

Reference Plat of Survey Volume 2017, Page 0031 as recorded in the Montgomery County Engineer's Record of Land Surveys

Iron Pin Set indicates a 5/8" Iron Pin with a plastic cap stamped "City of Kettering"

By Chad Ingle  
Chad E. Ingle P.S. No. 8498

2-27-17  
Date



PAUL W. GRUNER, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 02/28/17 FILE NO. 2017-0031

BY Paul W. Gruner



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR A JUSTICE AND MENTAL HEALTH COLLABORATION GRANT TO ASSIST IN FUNDING A PART-TIME MENTAL HEALTH SPECIALIST WITHIN THE POLICE DEPARTMENT**

BE IT RESOLVED by the Council of the City of Kettering, Ohio that:

Section 1. The City Manager is hereby authorized, on behalf of the City, to file an application with the U. S. Department of Justice, Bureau of Justice Assistance, for a Justice and Mental Health Collaboration grant in an amount up to \$138,096.42 to assist in funding a part-time mental health specialist within the Police Department. A 20% match is required of the City of Kettering.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNA D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE DESIGN AND INSTALLATION OF HVAC  
EQUIPMENT AT THE KETTERING FITNESS AND WELLNESS  
CENTER**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for the design and installation of HVAC Equipment at the Kettering Fitness and Wellness Center. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the interests of the City.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

Estimated Cost: \$55,000.00  
Amount Budgeted: \$55,000.00  
Acct. No.: 6109-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR REPAINTING POOLS AT ADVENTURE REEF WATER  
PARK**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for repainting pools and related appurtenances at Adventure Reef Water Park. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the interests of the City.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

Estimated Cost: \$50,000.00  
Amount Budgeted: \$50,000.00  
Acct. No.: 6113-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE WEST DAVID ROAD PUMP STATION DEMOLITION  
PROJECT**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for the West David Road Pump Station Demolition Project. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the interests of the City.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

Estimated Cost: \$50,000.00  
Amount Budgeted: \$50,000.00  
Acct. No.: 6600-77750

(Requested by: Public Service Department)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SALE OF RESIDENTIAL PROPERTY KNOWN AS 2950 HILTON DRIVE**

WHEREAS, the residential property known as 2950 Hilton Drive (the "Property") was acquired by the City as part of the Moving Ohio Forward Demolition Program in 2013; and

WHEREAS, the structure(s) on the Property were subsequently demolished by the City; and

WHEREAS, the City desires to sell the Property and has an offer of \$11,000, which meets CDBG Guidelines;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to enter into an agreement for sale of the Property for the gross sale amount of \$11,000.00. The City Manager is further authorized to enter into any amendments to the agreement that, in the City Manager's opinion, are beneficial to the interests of the City.

Section 2. The Property is hereby declared and determined by this Council as surplus property and no longer required for municipal purposes effective as of the date of closing.

Section 3. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by: Planning and Development Department)

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**AUTHORIZING THE SUBMISSION OF A CITY OF  
KETTERING PROJECT FOR THE  
MONTGOMERY COUNTY ED/GE PROGRAM**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager, or the City Manager's designee, is authorized to submit to the Board of Commissioners of Montgomery County, Ohio, for inclusion in the ED/GE program, Spring of 2017 funding cycle, the economic development project(s) described in Exhibit "A," attached hereto and made a part of this Resolution as if fully rewritten herein. Furthermore, this Council hereby ratifies all previous actions of this City in connection with the submission of the same economic development projects.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by City Manager's Office)

## EXHIBIT A

### CITY OF KETTERING SUBMISSION FOR THE MONTGOMERY COUNTY ED/GE PROGRAM

ED/GE funds will be requested for the Millat Industries project. The project will bring approximately 9 new jobs to Kettering and retain the existing 127 jobs. The new jobs would have an annual payroll of approximately \$422,000 and the retained jobs have an annual payroll of approximately \$6,786,000. The ED/GE application would be for \$100,000 to offset the expense associated with specific improvements to the property at 4901 Croftshire Drive. Millat Industries has indicated their facility requires significant upgrades, including the HVAC system, the main water pipeline, breakroom renovation as well as machinery and equipment upgrades. The facility improvements will allow Millat Industries to remain at their current location in Kettering. The total project cost is expected to be approximately \$602,000 with the local match being a KIP-R grant valued at approximately \$160,000 over a five year grant period.

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**A RESOLUTION OF SUPPORT FOR THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Community Development Block Grant (CDBG) program is a Federal program administered by the Department of Housing and Urban Development and provides direct grants to states and local governments for the purposes of economic and community development; and

WHEREAS, the CDBG program was established under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, this grant program was signed into law by President Gerald R. Ford on August 22, 1974, and is among the longest running grant programs in our Nation's history; and

WHEREAS, this grant program allows grantees flexibility in tackling unique and complex challenges facing their communities; and

WHEREAS, every CDBG dollar invested in communities leverages, on average, \$4.00 in other funds; and

WHEREAS, approximately 95% of funds are invested in activities that benefit low and moderate-income persons; and

WHEREAS, the Community Development Block Grant Program is a foundation of revitalization and development in America's cities, towns, and neighborhoods; and

WHEREAS, the Community Development Block Grant program promotes home maintenance, affordability and homeownership; and

WHEREAS, the Community Development Block Grant Program supports the repair, modernization and security of critical infrastructure; and

WHEREAS, the Community Development Block Grant Program is a good investment of public resources; and

WHEREAS, Community Development Block Grant Funds have allowed the City of Kettering to provide affordable housing and community services to lower income City of Kettering residents; and

WHEREAS, Community Development Block Grant Funds have been used to help this Council meet goals of providing affordable housing and neighborhood revitalization; and

WHEREAS, elimination of the Community Development Program could result in a significant decrease in the City of Kettering's affordable housing and community development activities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kettering that:

Section 1. This Council supports continuing the Community Development Block Grant Program to operate with a funding level consistent with current amounts.

Section 2. This Council authorizes the Mayor to forward this Resolution and to send a letter of support to elected officials expressing the Council's position.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III  
Law Director

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF  
THE CITY OF KETTERING, STATE OF OHIO, DURING  
THE FISCAL YEAR ENDING DECEMBER 31, 2017

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2017, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

101-0450	HUMAN RESOURCES DEPARTMENT	
	Operating Expenses	\$ 75,000.00

Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER, III,  
Law Director

(Requested by: Finance Department)



CITY OF KETTERING  
Planning and Development Department

**CERTIFICATION**

**DATE:** March 21, 2017  
**TO:** Mayor and Council, City of Kettering  
**FROM:** Planning Commission  
**SUBJECT:** #PC-17-008 – Tomlinson Plat  
Request for Vacation of a Portion of a Unneeded Utility Easement

Planning Commission hereby certifies that a public hearing was held at their meeting on March 20, 2017 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation to Council that the requested vacation of unneeded utility easement way be approved.

Vote of the Planning Commission

The motion recommending approval was passed by a vote of 5:0.

Reason for Request

The applicant in this case is the property owner, Patricia Tomlinson who submitted a replat request that has been labeled the Tomlinson Plat. This replat would move the lot line between two properties the Tomlinsons own at 1952 and 2050 William Lane, increasing the lot of the residence at 1952 William Lane by about 18,000 sq. ft. The lot line that will be eliminated by the recording of this plat has a 5' easement along both sides, providing the potential for utilities to be placed there. However, since there are no existing utilities within the affected easement, and because the owners may want to make improvements on this additional land area being added to the property at 1952 William Lane, the existing easement must be vacated. The extinguishment of the 10' easement along the lot line that would be eliminated requires City Council approval.

Respectfully submitted,

KETTERING PLANNING COMMISSION

By: Ron Hundt, Zoning Administrator  
Planning and Development Department