



## CITY OF KETTERING

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

### KETTERING COUNCIL AGENDA

May 12, 2020

**\*\*REMOTE TELECONFERENCE MEETING\*\***

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**\*\*NOTE: DUE TO THE COVID-19 PANDEMIC AND RESULTING STATE OF EMERGENCY, THE MAY 12, 2020 MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. ALTHOUGH NO ONE WILL BE IN OR BE ABLE TO ACCESS COUNCIL CHAMBERS DURING THE MEETING, THE PUBLIC MAY STILL OBSERVE AND HEAR THE MEETING THROUGH VARIOUS MEANS. THE MEETING WILL BE TELEVISED AS USUAL ON MVCC CABLE CHANNEL 6 AND STREAMED LIVE OVER THE INTERNET AT MVCC.NET. IT WILL ALSO BE RECORDED AND AVAILABLE FOR LATER VIEWING AT MVCC.NET.**

CITIZENS WISHING TO SPEAK TO CITY COUNCIL DURING THE MEETING SHOULD CONTACT THE CLERK OF COUNCIL'S OFFICE BY PHONE AT (937) 296-2416 DURING NORMAL BUSINESS HOURS OR SEND AN EMAIL TO KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG FOR INSTRUCTIONS. (THIS EMAIL ADDRESS WILL BE MONITORED DURING THE MEETING.) AFTER COMPLETING THE INSTRUCTIONS, CITIZENS WAITING TO SPEAK WILL BE MUTED UNTIL THAT PORTION OF THE MEETING WHERE CITIZEN COMMENTS ARE HEARD AND IT IS THEIR TURN TO SPEAK. BEFORE SPEAKING, ALL CITIZENS MUST STATE THEIR NAME AND ADDRESS FOR THE RECORD. SPEAKERS MUST BE RESPECTFUL. THERE IS A FIVE MINUTE LIMIT PER SPEAKER.

THE MAY 12, 2020 WORKSHOP MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. THE PUBLIC MAY OBSERVE AND HEAR THE MEETING VIA LIVE STREAM ON YOUTUBE.COM AT  
[https://www.youtube.com/channel/UCI\\_SOPAtN4vZoPrJRFPpVvQ?view\\_as=subscriber](https://www.youtube.com/channel/UCI_SOPAtN4vZoPrJRFPpVvQ?view_as=subscriber)

THE WORKSHOP MAY INCLUDE AN EXECUTIVE SESSION THAT IS NOT OPEN TO THE PUBLIC AND WILL NOT BE STREAMED.

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6:00 P.M.      WORKSHOP    Teleconference  
7:30 P.M.      REGULAR MEETING    Teleconference

#### PLEDGE OF ALLEGIANCE

#### INVOCATION

#### QUORUM ROLL CALL

## **APPROVAL OF MINUTES**

April 28, 2020- Council Meeting Minutes

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

Appointment Board of Community Relations- Lisa Duvall (Term ending 12/31/22)

## **PUBLIC HEARINGS**

## **PUBLIC COMMENT ON LEGISLATION**

(5 Minute Limit per Speaker)

## **ORDINANCES IN SECOND READING**

## **RESOLUTIONS**

1. To declare the necessity and intention of acquiring a certain property interests in Project Parcels 28-WD and 28-T of the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT- County Line Road, PID 103418).
2. To declare the necessity and intention of acquiring a certain property interests in Project Parcels 30-WD and 30-T of the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418).
3. To declare the necessity and intention of acquiring a certain property interests in Project Parcels 52-T1 and 52-T2 of the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418).

## **ORDINANCES IN FIRST READING**

## **CERTIFICATIONS AND PETITIONS**

## **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**

**2020**

May 12	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO DECLARE THE NECESSITY AND INTENTION OF  
ACQUIRING A CERTAIN PROPERTY INTERESTS IN  
PROJECT PARCELS 28-WD AND 28-T OF THE COUNTY  
LINE ROAD WIDENING PROJECT IN THE CITY OF  
KETTERING, OHIO (PROJECT NO. 02-136H, ODOT  
PROJECT MOT-COUNTY LINE ROAD, PID 103418)**

WHEREAS, the City of Kettering desires to implement the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418) (the "Project"); and

WHEREAS, the Project will benefit and preserve the public peace, health, safety, and welfare of this City by constructing and repairing public roads and related appurtenances and making new improvements as specified in the Project plans; and

WHEREAS, the acquisition of certain interests in real estate is necessary for completion of said Project;

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

Section 1. This Council deems it necessary to and, in accordance with law, declares its intention to appropriate a fee simple interest in Project Parcel 28-WD and a temporary easement in Project Parcel 28-T as both are described in Exhibit A, attached hereto and incorporated herein (the "Property"). Persons and entities that may claim an interest in the Property are identified in Exhibit A.

Section 2. The purpose of this appropriation is for the improvement of public roads as specified in the Project Plans. All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 3. The Law Director or the Law Director's designee is authorized and directed to cause written notice of the adoption of this Resolution to be given to the owner(s), person(s) in possession of, or having an interest of record in, the Property or their authorized agent. The notice will be served by a person designated for that purpose and return made in the manner provided for the service and return of summons in civil actions. The Law Director or the Law Director's designee is further authorized, if necessary, to cause notice to be given by publication once a week for three consecutive weeks in a newspaper of general circulation in this City or as provided in R.C. §7.16.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,  
Clerk of Council

THEODORE A. HAMER III  
Law Director

Estimated Cost: \$1,335.00  
Amount Budgeted: \$46,000.00  
Acct. Nos.: 5226-77750 (temporary right-of-way) - \$496.00  
5231-77760 (permanent right-of-way) - \$839.00

(Requested by Engineering Department)

EXHIBIT A

**COUNTY LINE ROAD WIDENING PROJECT IN THE CITY OF  
KETTERING, OHIO (PROJECT NO. 02-136H, ODOT PROJECT MOT-  
COUNTY LINE ROAD, PID 103418)**

**Parcel 28-WD (Permanent)**

28-WD = 0.0059 acres (257 sq. ft.) ± fee simple

**Parcel 28-T (Temporary)**

28-T = 0.0402 acres (1,751 sq. ft.) ± temporary easement

**Property Address/Location:**

2775 County Line Road, Kettering, OH 45430

**Owners and Other Parties of Interest:**

Alicia Blanco  
Stonegate Inc.

**Value of Interest To Be Acquired:**

Parcel 28WD - \$839.00

Parcel 28T - \$496.00

**Legal descriptions of Parcels 28-WD AND 28-T follow this page.**

**PARCEL 28-WD  
COUNTY LINE ROAD WIDENING  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF KETTERING, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

**(Surveyor's description of the premises follows)**

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Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 1 of Stonegate of Kettering, as recorded in Plat Book 165, Page 15 of the Plat Records of Montgomery County, Ohio, and a 0.5102 acre parcel of land owned by Alicia Blanco, as recorded in IR DEED 08-058492 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

BEGINNING at the Grantor's southeast property corner, on the existing westerly right-of-way line of County Line Road and the southeast corner of said Lot 1, also being the northeast corner of a 0.8950 acre parcel conveyed to Sara J. Feltig and James M. Feltig by IR DEED 07-025416, being located at 33.25 feet left, Station 18+83.26, said point being witnessed by an iron pin with a cap stamp "Judge Eng" found South 84°13'54" East, 0.12 feet;

thence with the Grantor's south property line and the south lot line of said Lot 1, also being the north property line of said 0.8950 acre parcel, *North 84°13'54" West* for a distance of *2.53 feet* to an iron pin set, being located at 35.78 feet left, Station 18+83.31;

thence with a new division line, said line being the Grantor's proposed east property line and the proposed westerly right-of-way line of County Line Road *North 04°41'00" East* for a distance of *98.54 feet* to an iron pin set on the Grantor's north property line, the north lot line of said Lot 1 and the south lot line of Lot 2 of said subdivision, being located at 35.81 feet left, Station 19+81.85;

thence with the Grantor's north property line, the north lot line of said Lot 1 and the south lot line of said Lot 2, *South 84°02'49" East* for a distance of *2.56 feet* to an iron pin set on the Grantor's east property line, the existing westerly right-of-way of County Line Road and the east lot line of said Lot 1, being located at 33.25 feet left, Station 19+81.79;

thence with the Grantor's east property line, the existing westerly right-of-way line of County Line Road and the east lot line of said Lot 1 *South 04°42'05" West* for a distance of *98.53 feet* to the POINT OF BEGINNING.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 04520 0001 and contains 0.0059 acres, more or less, and being subject to all legal highway and any easements or restrictions of record. The P.R.O. in Take for Auditor's Parcel N64 04520 0001 is 0.0000 acres.

Prior instrument reference as of the date this survey was prepared: IR DEED 08-058492 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 8, 2019 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in September 2018.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

Chad E. Ingle, Ohio Registered Surveyor No. 8498

Date

**PARCEL 28-T  
COUNTY LINE ROAD WIDENING  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
GRADING AND SEEDING AND DRIVE GRADING  
FOR 18 MONTHS FROM DATE OF ENTRY BY  
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

---

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 1 of Stonegate of Kettering, as recorded in Plat Book 163, Page 15 of the Plat Records of Montgomery County, Ohio, and a 0.5102 acre parcel of land owned by Alicia Blanco, as recorded in IR DEED 08-058492 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

COMMENCING, for reference, at the Grantor's southeast property corner, on the existing westerly right-of-way line of County Line Road and the southeast lot corner of said Lot 1, being located at 33.25 feet left, Station 18+83.26, witnessed by a 5/8" iron pin with a cap stamp "Judge Eng" found South 84°13'54" East, 0.12 feet;

thence with the Grantor's south property line and the south lot line of said Lot 1, *North 84°13'54" West* for a distance of *2.53 feet* to an iron pin set, being located at 35.78 feet left, Station 18+83.31, being the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the Grantor's south property line and the south lot line of said Lot 1 *North 84°13'54" West* for a distance of *9.38 feet* to a point being located at 45.16 feet left, Station 18+83.48;

thence with a temporary easement the following 4 courses:

- 1.) *North 17°04'19" West* for a distance of *43.91 feet* to a point being located at 61.45 feet left, Station 19+24.26;
- 2.) *North 04°41'00" East* for a distance of *24.13 feet* to a point being located at 61.45 feet left, Station 19+48.39;



EXHIBIT A

LPA RX 887 T

Ver. Date 03/08/19

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3.) *North 66°28'49" East* for a distance of *19.76 feet* to a point being located at 44.04 feet left, Station 19+57.74;

4.) *North 06°46'22" West* for a distance of *24.89 feet* to a point on the Grantor's north property line and the north lot line of said Lot 1, being located at 49.00 feet left, Station 19+82.13;

thence with the Grantor's north property line and the north lot line of said Lot 1 *South 84°02'49" East* for a distance of *13.19 feet* to an iron pin set, being located at 35.81 feet left, Station 19+81.85;

thence with the Grantor's proposed east property line and the proposed westerly right-of-way line of County Line Road *South 04°41'00" West* for a distance of *98.54 feet* to the TRUE POINT OF BEGINNING of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 04520 0001 and contains 0.0402 acres, more or less, and being subject to all legal highway and any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: IR DEED 08-058492 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 8, 2019 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in September 2018.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

Chad E. Ingle, Ohio Registered Surveyor No. 8498

Date

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO DECLARE THE NECESSITY AND INTENTION OF  
ACQUIRING A CERTAIN PROPERTY INTERESTS IN  
PROJECT PARCELS 30-WD AND 30-T OF THE COUNTY  
LINE ROAD WIDENING PROJECT IN THE CITY OF  
KETTERING, OHIO (PROJECT NO. 02-136H, ODOT  
PROJECT MOT-COUNTY LINE ROAD, PID 103418)

WHEREAS, the City of Kettering desires to implement the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418) (the "Project"); and

WHEREAS, the Project will benefit and preserve the public peace, health, safety, and welfare of this City by constructing and repairing public roads and related appurtenances and making new improvements as specified in the Project plans; and

WHEREAS, the acquisition of certain interests in real estate is necessary for completion of said Project;

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

Section 1. This Council deems it necessary to and, in accordance with law, declares its intention to appropriate a fee simple interest in Project Parcel 30-WD and a temporary easement in Project Parcel 30-T as both are described in Exhibit A, attached hereto and incorporated herein (the "Property"). Persons and entities that may claim an interest in the Property are identified in Exhibit A.

Section 2. The purpose of this appropriation is for the improvement of public roads as specified in the Project Plans. All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 3. The Law Director or the Law Director's designee is authorized and directed to cause written notice of the adoption of this Resolution to be given to the owner(s), person(s) in possession of, or having an interest of record in, the Property or their authorized agent. The notice will be served by a person designated for that purpose and return made in the manner provided for the service and return of summons in civil actions. The Law Director or the Law Director's designee is further authorized, if necessary, to cause notice to be given by publication once a week for three consecutive weeks in a newspaper of general circulation in this City or as provided in R.C. §7.16.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

ATTEST:

CERTIFICATE OF APPROVAL:

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

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

Estimated Cost: \$941.00  
Amount Budgeted: \$46,000.00  
Acct. Nos.: 5226-77750 (temporary right-of-way) - \$372.00  
5231-77760 (permanent right-of-way) - \$569.00

(Requested by Engineering Department)

## EXHIBIT A

### **COUNTY LINE ROAD WIDENING PROJECT IN THE CITY OF KETTERING, OHIO (PROJECT NO. 02-136H, ODOT PROJECT MOT- COUNTY LINE ROAD, PID 103418)**

#### **Parcel 30-WD (Permanent)**

30-WD = 0.0060 acres (261 sq. ft.) ± fee simple

#### **Parcel 30-T (Temporary)**

30-T = 0.0320 acres (1,394 sq. ft.) ± temporary easement

#### **Property Address/Location:**

County Line Road, Kettering, Ohio 45430

Situate in the City of Kettering, County of Montgomery, State of Ohio and being lot number Two (2) Stonegate of Kettering, as recorded in Plat Book 165, Page 15 of the Plat Records of Montgomery County, Ohio. Further identified as Auditor's Parcel No. N64 04520 0002

#### **Owners and Other Parties of Interest:**

Joon W. Pyo

Ashil K. Higgins

#### **Value of Interest To Be Acquired:**

Parcel 30WD - \$569.00

Parcel 30T - \$372.00

**Legal descriptions of Parcels 30-WD AND 30-T follow this page.**

**PARCEL 30-WD  
COUNTY LINE ROAD WIDENING  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF KETTERING, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

(Surveyor's description of the premises follows)

---

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 2 of Stonegate of Kettering, as recorded in Plat Book 165, Page 15 of the Plat Records of Montgomery County, Ohio, and a 0.5947 acre parcel of land owned by Daniel G. Kerr and Sarah S. Kerr, as recorded in DEED MF 99 810C12 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (L.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

BEGINNING at an iron pin set at the Grantor's northeast property corner, on the existing westerly right-of-way line of County Line Road and the northeast lot corner of said Lot 2, being located at 33.25 feet left, Station 20+80.69;

thence with the Grantor's east property line, the existing westerly right-of-way line of County Line Road and the east lot line of said Lot 2 *South 04°42'05" West* for a distance of *98.90 feet* to an iron pin set at the Grantor's southeast property corner and the southeast lot corner of said Lot 2, being located at 33.25 feet left, Station 19+81.79;

thence with the Grantor's south property line and the south lot line of said Lot 2, also being the north lot line of Lot 1 of said subdivision, *North 84°02'49" West* for a distance of *2.56 feet* to an iron pin set, being located at 35.81 feet left, Station 19+81.85;

thence with a new division line, said line being the Grantor's proposed east property line and the proposed westerly right-of-way line of County Line Road

**EXHIBIT A**

LPA RX 851 WD

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*North 04°41'00" East* for a distance of *98.90 feet* to an iron pin set on the Grantor's north property line, the north lot line of said Lot 2 and the south lot line of Lot 3 of said subdivision, being located at 35.84 feet left, Station 20+80.75;

thence with the Grantor's north property line, the north lot line of said Lot 2, also being the south line of said Lot 3, *South 84°02'49" East* for a distance of *2.60 feet* to the POINT OF BEGINNING.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 04520 0002 and contains 0.0060 acres, more or less, more or less, and being subject to all legal highway and any easements or restrictions of record. The P.R.O. in Take for Auditor's Parcel N64 04520 0002 is 0.0000 acres.

Prior instrument reference as of the date this survey was prepared: DEED MF 99 810C12 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 8, 2019 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in September 2018.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

---

Chad E. Ingle, Ohio Registered Surveyor No. 8498

---

Date

**PARCEL 30-T  
COUNTY LINE ROAD WIDENING  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
GRADING AND SEEDING  
FOR 18 MONTHS FROM DATE OF ENTRY BY  
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

---

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 2 of Stonegate of Kettering, as recorded in Plat Book 163, Page 15 of the Plat Records of Montgomery County, Ohio, and a 0.5947 acre parcel of land owned by Daniel G. Kerr and Sarah S. Kerr, as recorded in DEED MF 99 810C12 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

COMMENCING, for reference, at an iron pin set at Grantor's northeast property corner, on the existing westerly right-of-way line of County Line Road and the northeast lot corner of said Lot 2, being located at 33.25 feet left, Station 20+80.69;

thence with the Grantor's north property line and the north lot line of said Lot 2 *North 84°02'49" West* for a distance of *2.60 feet* to an iron pin set, being located at 35.84 feet left, Station 20+80.75, being the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the Grantor's proposed east property line and the proposed westerly right-of-way line of County Line Road *South 04°41'00" West* for a distance of *98.90 feet* to an iron pin set on the Grantor's south property line and the south lot line of said Lot 2, being located at 35.81 feet left, Station 19+81.85;

thence with the Grantor's south property line and the south lot line of said Lot 2 *North 84°02'49" West* for a distance of *13.19 feet* to a point being located at 49.00 feet left, Station 19+82.13;

thence with a temporary easement *North 03°38'35" East* for a distance of *98.96 feet* to a point on the Grantor's north property line and the north lot line of said Lot 2, being located at 50.82 feet left, Station 20+81.07;

EXHIBIT A

LPA RX 887 T

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Ver. Date 03/08/19

PID 103418

thence with the Grantor's north property line and the north lot line of said Lot 2  
*South 84°02'49" Egst* for a distance of *14.98 feet* to the TRUE POINT OF  
BEGINNING of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number  
N64 04520 0002 and contains 0.0320 acres, more or less, and being subject to all legal highway and  
any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: DEED MF 99 810C12 in the  
Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 8, 2019 by the City of Kettering Engineering  
Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle,  
Registered Surveyor Number 8498 in September 2018.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped  
"City of Kettering". Right-of-way monuments called for as set herein will be set upon the  
completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011  
Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of  
Kettering.

\_\_\_\_\_  
Chad E. Ingle, Ohio Registered Surveyor No. 8498

\_\_\_\_\_  
Date



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO DECLARE THE NECESSITY AND INTENTION OF  
ACQUIRING A CERTAIN PROPERTY INTERESTS IN  
PROJECT PARCELS 52-T1 AND 52-T2 OF THE COUNTY  
LINE ROAD WIDENING PROJECT IN THE CITY OF  
KETTERING, OHIO (PROJECT NO. 02-136H, ODOT  
PROJECT MOT-COUNTY LINE ROAD, PID 103418)**

WHEREAS, the City of Kettering desires to implement the County Line Road Widening Project in the City of Kettering, Ohio (Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418) (the "Project"); and

WHEREAS, the Project will benefit and preserve the public peace, health, safety, and welfare of this City by constructing and repairing public roads and related appurtenances and making new improvements as specified in the Project plans; and

WHEREAS, the acquisition of certain interests in real estate is necessary for completion of said Project;

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

Section 1. This Council deems it necessary to and, in accordance with law, declares its intention to appropriate temporary easements in Project Parcels 52-T1 and 52-T2 as both are described in Exhibit A, attached hereto and incorporated herein (the "Property"). Persons and entities that may claim an interest in the Property are identified in Exhibit A.

Section 2. The purpose of this appropriation is for the improvement of public roads as specified in the Project Plans. All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 3. The Law Director or the Law Director's designee is authorized and directed to cause written notice of the adoption of this Resolution to be given to the owner(s), person(s) in possession of, or having an interest of record in, the Property or their authorized agent. The notice will be served by a person designated for that purpose and return made in the manner provided for the service and return of summons in civil actions. The Law Director or the Law Director's designee is further authorized, if necessary, to cause notice to be given by publication once a week for three consecutive weeks in a newspaper of general circulation in this City or as provided in R.C. §7.16.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,  
Clerk of Council

THEODORE A. HAMER III  
Law Director

Estimated Cost: \$655.00  
Amount Budgeted: \$46,000.00  
Acct. Nos.: 5226-77750 (temporary right-of-way) - \$655.00

(Requested by Engineering Department)

## EXHIBIT A

**COUNTY LINE ROAD WIDENING PROJECT IN THE CITY OF  
KETTERING, OHIO (PROJECT NO. 02-136H, ODOT PROJECT MOT-  
COUNTY LINE ROAD, PID 103418)**

**Parcel 52-T1 (Temporary)**

52-T1 = 0.0060 acres (261 sq. ft.) ± temporary easement

**Parcel 52-T2 (Temporary)**

52-T2 = 0.0307 acres (1337 sq. ft.) ± temporary easement

**Property Address/Location:**

3071 Vale Drive, Kettering, OH 45420

**Owners and Other Parties of Interest:**

Rwinkiza B. Mufurege

Joselyne Ziraje

U.S. Bank National Association

State of Ohio

**Value of Interest To Be Acquired:**

Parcel 52-T1 - \$107.00

Parcel 52-T2 - \$548.00

**Legal descriptions of Parcels 52-T1 and 52-T2 follow this page.**

**PARCEL 52-T1  
COUNTY LINE ROAD WIDENING  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
GRADING AND SEEDING  
FOR 18 MONTHS FROM DATE OF ENTRY BY  
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 8 of Pegwood Plat Section 1, as recorded in Plat Book 61, Page 12 of the Plat Records of Montgomery County, Ohio, and a 0.2948 acre parcel of land owned by Rwinikiza B. Mufurege and Joselyne Ziraje, as recorded in IR DEED 19-011341 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

COMMENCING, for reference, at the Grantor's northeast property corner, on the existing westerly right-of-way line of County Line Road and the northeast lot corner of said Lot 8, said point being located at 54.69 feet left, Station 35+18.38;

thence with the Grantor's east property line, the existing westerly right-of-way line of County Line Road and the east lot line of said Lot 8 *South 05°58'04" West* for a distance of *96.84 feet* to a point being located at 55.28 feet left, Station 34+21.55, being the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the Grantor's east property line, the existing westerly right-of-way line of County Line Road and the east lot line of said Lot 8 *South 05°58'04" West* for a distance of *8.20 feet* to a point on a curve being located at 55.33 feet left, Station 34+13.35;

thence with the Grantor's southeasterly property line, the existing northerly right-of-way line of Vale Drive and the southeasterly lot line of said Lot 8 on a tangent curve to the right along the right-of-way of Vale Drive, having a *radius of 15.00 feet*, an *arc distance of 23.37 feet*, a central angle of 89°16'09", a chord bearing *South 50°36'09" West* for a chord distance of 21.08 feet to a point being located at 70.23 feet left, Station 33+98.44;

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thence with the Grantor's south property line, the existing northerly right-of-way line of Vale Drive and the south lot line of said Lot 8 *North 84°45'47" West* for a distance of *12.02 feet* to a point being located at 82.25 feet left, Station 33+98.36;

thence with a temporary easement *North 54°55'49" East* for a distance of *35.57 feet* to the TRUE POINT OF BEGINNING of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 02402 0008 and contains 0.0060 acres, more or less, and being subject to all legal highway and any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: IR DEED 19-011341 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 14, 2019 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in September 2018.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

Chad E. Ingle, Ohio Registered Surveyor No. 8498

Date

EXHIBIT A

**PARCEL 52-T2  
COUNTY LINE ROAD WIDENING  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
GRADING AND SEEDING  
FOR 18 MONTHS FROM DATE OF ENTRY BY  
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 18, Town 2, Range 6, M.Rs., being part of Lot 8 of Pegwood Plat Section 1, as recorded in Plat Book 61, Page 12 of the Plat Records of Montgomery County, Ohio, and a 0.2948 acre parcel of land owned by Rwinikiza B. Mufurege and Joselyne Ziraje, as recorded in IR DEED 19-011341 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of County Line Road, as shown on the County Line Road Widening Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 19-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of County Line Road.

**BEGINNING** at the Grantor's northeast property corner, on the existing westerly right-of-way line of County Line Road and the northeast lot corner of said Lot 8, said point being located at 54.69 feet left, Station 35+18.38;

thence with the Grantor's east property line, the existing westerly right-of-way line of County Line Road and the east lot line of said Lot 8 *South 05°58'04" West* for a distance of *82.91 feet* to a point being located at 55.19 feet left, Station 34+35.48;

thence with a temporary easement the following 3 courses:

- 1.) *North 40°56'00" West* for a distance of *24.82 feet* to a point being located at 73.21 feet left, Station 34+52.55;
- 2.) *North 04°10'48" East* for a distance of *54.31 feet* to a point being located at 74.58 feet left, Station 35+07.05;
- 3.) *North 55°01'21" East* for a distance of *17.36 feet* to a point on the Grantor's north property line, the north lot line of said Lot 8, and the south line of a 9.000 acre parcel of land owned by Societa Di Mutuo Soccorso Italiana of Dayton, Ohio, as recorded in Deed Book 1866, Page 281, being located at 61.40 feet left, Station 35+18.34;

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thence with the Grantor's north property line and the north lot line of said Lot 8  
*South 84°44'08" East* for a distance of *6.72 feet* to the POINT OF BEGINNING  
of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number  
NG4 02402 0008 and contains 0.0307 acres, more or less, and being subject to all legal highway and  
any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: IR DEED 19-011341 in the Deed  
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Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of  
Kettering.

\_\_\_\_\_  
Chad E. Ingle, Ohio Registered Surveyor No. 8498

\_\_\_\_\_  
Date