



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

June 23, 2020

Kettering Government Center- South Building
3600 Shroyer Road Kettering, Ohio 45429

****NOTE: DUE TO THE COVID-19 PANDEMIC, CITIZENS WISHING TO SPEAK TO CITY COUNCIL ARE ENCOURAGED TO REGISTER TO SPEAK PRIOR TO THE START OF THE COUNCIL MEETING TO ENSURE SAFE SOCIAL DISTANCING RULES AND PRACTICES ARE FOLLOWED. CITIZENS WISHING TO SPEAK 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 TO REGISTER TO SPEAK. REGISTRATION SHEETS WILL ALSO BE AVAILABLE AT THE ENTRANCE OF THE GOVERNMENT CENTER PRIOR TO THE START OF THE CITY COUNCIL MEETING.**

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

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

June 9, 2020- Council Meeting & Workshop Minutes

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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. To affirm that funds received from the Montgomery County Coronavirus Relief Distribution Fund will be expended only to cover costs of the City of Kettering consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801 (d) and any applicable regulations as is necessary under House Bill 481.

2. Authorizing the City Manager to accept a grant from crises intervention training mobile response services from the Montgomery County Alcohol, Drug Addiction and Mental Health Services Board and to contract for crisis intervention assistance services.
3. 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, 2020.

ORDINANCES IN FIRST READING

4. To appropriate 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); and to declare an emergency.
5. To appropriate 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); and to declare an emergency.
6. To appropriate 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); and to declare an emergency.

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends approval of P.C. 20-008- Zoning Text Amendment. A public hearing on this request will be held on Tuesday, July 14, 2020 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
2020

June 22	7:00 p.m.	Board of Zoning Appeals
June 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
July 3	All Day	Government Center Closed
July 6	7:00 p.m.	Planning Commission
July 13	7:00 p.m.	Board of Zoning Appeals
July 14	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO AFFIRM THAT FUNDS RECEIVED FROM THE MONTGOMERY COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS OF THE CITY OF KETTERING CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 801(d) AND ANY APPLICABLE REGULATIONS AS IS NECESSARY UNDER HOUSE BILL 481

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in House Bill 481 of the 133rd General Assembly (HB 481); and

WHEREAS, HB 481, requires political subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the political subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations before receiving said funds; and

WHEREAS, the City of Kettering is requesting its share of funds from the Montgomery County Coronavirus Relief Distribution Fund.

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

Section 1. It is hereby affirmed that all funds received from the Montgomery County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended only to cover costs of the City of Kettering consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations and guidance only to cover expenses that:

- a) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and
- b) Were not accounted for in the City of Kettering's most recently approved budget as of March 27, 2020; and
- c) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Section 2. Furthermore, in compliance with HB 481, the City of Kettering will take all necessary action to:

- a) On or before October 15, 2020, pay any unencumbered balance of money in the City of Kettering's local coronavirus relief fund to the Montgomery County Treasurer; and
- b) On or before December 28, 2020, pay the balance of any money in the City of Kettering's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- c) Provide any information related to any payments received under SB 310, now HB 481 to the Director of the Ohio Office of Budget and Management as requested.

Section 3. The Clerk of Council is directed to file a certified copy of this resolution with the Ohio Office of Budget and Management and the Montgomery County Auditor.

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

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FOR CRISES INTERVENTION TRAINING MOBILE RESPONSE SERVICES FROM THE MONTGOMERY COUNTY ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD AND TO CONTRACT FOR CRISIS INTERVENTION ASSISTANCE SERVICES

WHEREAS, the Montgomery County Alcohol, Drug Addiction and Mental Health Services Board ("Board") wants to increase the number of times a mental health professional is on the scene to assist police officers with a mental health client for the purpose of improving outcomes, such as a reduction in the number of repeat calls, community linkage, and a reduction in jail admissions for people experiencing a mental health crises; and

WHEREAS, to achieve that goal, the Board desires to create grant funded pilot projects with the police departments in Dayton, Kettering, Vandalia, Butler Township, and the Montgomery County Sheriff.

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, on behalf of the City of Kettering, to take all necessary and proper action and enter into any related agreements to accept the above-described grant from the Board and participate in the pilot project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. 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 one or more agreements (memorandum of understanding) with South Community Inc. for services related to the grant and pilot project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$60,000.00
Amount Budgeted: \$0
Acct. No.: Special Grants & Programs

(Requested by: Police 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, 2020**

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, 2020, the following supplemental sums are set aside and appropriated:

A. From the Special Grants and Programs Fund:
Law Enforcement Fund \$60,000.00

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. 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: \$60,000.00
Amount Budgeted: \$0
Acct. No. Special Grants & Programs Fund

(Requested by: Finance Department)

CITY OF KETTERING, OHIO
AN EMERGENCY ORDINANCE

By:

No.

**TO APPROPRIATE 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); AND TO DECLARE AN EMERGENCY**

WHEREAS, the acquisition of real property interests is necessary for the County Line Road Widening Project and is also necessary on an immediate basis for the preservation of the public peace, health, safety, and welfare.

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

Section 1. Under the Constitution and the laws of the State of Ohio, the following described property and estate(s) or interest(s) therein (combined, the "Property") are hereby appropriated: a fee simple interest in the property described as Project Parcel 28-WD and a temporary easement in the property described as Project Parcel 28-T, and more particularly described in attached Exhibit A. The purpose of this appropriation of property is the improvement of public streets and roadways and includes the widening and reconstructing and resurfacing portions of County Line Road, installation and/or repair of curbs, gutters, sidewalks, drive approaches, and other related appurtenances as described in the project plans (combined, the "Project"). All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 2. This Council finds that the appropriation is required for the stated public purpose, that the City has been unable to agree with the owner(s) of the Property, and that the immediate possession of the Property is necessary for the Project.

Section 3. This Council determines that the total value of the appropriated Property, including the damages, if any, to the residue, is \$1,335.00.

Section 4. The Law Director of this City is hereby authorized to take or cause to be taken any action necessary for the City to immediately gain possession and ownership of the Property, including, but not limited to, filing or causing to be filed an appropriation action in a court of competent jurisdiction so that the amount of compensation to be paid for the Property may be determined.

Section 5. This Ordinance is hereby declared to be an emergency measure on the basis that: it is necessary for the immediate preservation of the public peace, health, safety, and welfare; any delay may cause Project funding from the Ohio Department of Transportation to be withdrawn, Project bidding to be delayed, and construction costs to increase; and it is necessary to cause the Project to be implemented as soon as possible for continued vehicular and pedestrian safety. Therefore, this Ordinance shall become and be effective immediately upon its passage.

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
(Included in Budget)
Acct. No: 5226-77750 (temporary right-of-way) - \$496.00
 5231-77760 (permanent right-of-way) - \$839.00

(Requested by Engineering Department)

EXHIBIT A

(5 pages including this page)

EXHIBIT A

LPA RX 851 WD

Ver. Date 08/08/19

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PID 103418

**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)

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. Fellig and James M. Fellig 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;

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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

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Ver. Date 03/08/19

PID 103418

**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 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.

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;

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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

AN EMERGENCY ORDINANCE

By:

No.

**TO APPROPRIATE 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); AND TO DECLARE AN EMERGENCY**

WHEREAS, the acquisition of real property interests is necessary for the County Line Road Widening Project and is also necessary on an immediate basis for the preservation of the public peace, health, safety, and welfare.

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

Section 1. Under the Constitution and the laws of the State of Ohio, the following described property and estate(s) or interest(s) therein (combined, the "Property") are hereby appropriated: a fee simple interest in the property described as Project Parcel 30-WD and a temporary easement in the property described as Project Parcel 30-T, and more particularly described in attached Exhibit A. The purpose of this appropriation of property is the improvement of public streets and roadways and includes the widening and reconstructing and resurfacing portions of County Line Road, installation and/or repair of curbs, gutters, sidewalks, drive approaches, and other related appurtenances as described in the project plans (combined, the "Project"). All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 2. This Council finds that the appropriation is required for the stated public purpose, that the City has been unable to agree with the owner(s) of the Property, and that the immediate possession of the Property is necessary for the Project.

Section 3. This Council determines that the total value of the appropriated Property, including the damages, if any, to the residue, is \$941.00.

Section 4. The Law Director of this City is hereby authorized to take or cause to be taken any action necessary for the City to immediately gain possession and ownership of the Property, including, but not limited to, filing or causing to be filed an appropriation action in a court of competent jurisdiction so that the amount of compensation to be paid for the Property may be determined.

Section 5. This Ordinance is hereby declared to be an emergency measure on the basis that: it is necessary for the immediate preservation of the public peace, health, safety, and welfare; any delay may cause Project funding from the Ohio Department of Transportation to be withdrawn, Project bidding to be delayed, and construction costs to increase; and it is necessary to cause the Project to be implemented as soon as possible for continued vehicular and pedestrian safety. Therefore, this Ordinance shall become and be effective immediately upon its passage.

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
(Included in Budget)
Acct. No: 5226-77750 (temporary right-of-way) - \$372.00
 5231-77760 (permanent right-of-way) - \$569.00

(Requested by Engineering Department)

EXHIBIT A

(5 pages including this page)

EXHIBIT A

LPA RX 851 WD

Ver. Date 03/08/19

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PID 103418

**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 _____ (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 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

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PID 103418

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

EXHIBIT A

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LPA.RX 887 T

Rev. 07/09

Ver. Date 03/08/19

PID 103418

**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 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 _____ (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;

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thence with the Grantor's north property line and the north lot line of said Lot 2 *South 84°02'49" East* 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
AN EMERGENCY ORDINANCE

By:

No.

**TO APPROPRIATE 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); AND TO DECLARE AN EMERGENCY**

WHEREAS, the acquisition of real property interests is necessary for the County Line Road Widening Project and is also necessary on an immediate basis for the preservation of the public peace, health, safety, and welfare.

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

Section 1. Under the Constitution and the laws of the State of Ohio, the following described property and estate(s) or interest(s) therein (combined, the "Property") are hereby appropriated: a temporary easement in the property described as Project Parcels 52-T1 and 52-T2, and more particularly described in attached Exhibit A. The purpose of this appropriation of property is the improvement of public streets and roadways and includes the widening and reconstructing and resurfacing portions of County Line Road, installation and/or repair of curbs, gutters, sidewalks, drive approaches, and other related appurtenances as described in the project plans (combined, the "Project"). All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 2. This Council finds that the appropriation is required for the stated public purpose, that the City has been unable to agree with the owner(s) of the Property, and that the immediate possession of the Property is necessary for the Project.

Section 3. This Council determines that the total value of the appropriated Property, including the damages, if any, to the residue, is \$655.00.

Section 4. The Law Director of this City is hereby authorized to take or cause to be taken any action necessary for the City to immediately gain possession and ownership of the Property, including, but not limited to, filing or causing to be filed an appropriation action in a court of competent jurisdiction so that the amount of compensation to be paid for the Property may be determined.

Section 5. This Ordinance is hereby declared to be an emergency measure on the basis that: it is necessary for the immediate preservation of the public peace, health, safety, and welfare; any delay may cause Project funding from the Ohio Department of Transportation to be withdrawn, Project bidding to be delayed, and construction costs to increase; and it is necessary to cause the Project to be implemented as soon as possible for continued vehicular and pedestrian safety. Therefore, this Ordinance shall become and be effective immediately upon its passage.

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
(Included in Budget)
Acct. No: 5226-77750 (temporary right-of-way)

(Requested by Engineering Department)

EXHIBIT A

(5 pages including this page)

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**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

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**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 *54.51 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 N64 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 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.

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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

CERTIFICATION

DATE: June 16, 2020
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: PC-20-008 - Zoning Text Amendment

Planning Commission hereby certifies that a public hearing was held on June 15, 2020 with a decision reached at that meeting concerning a request to amend selected portions of the City of Kettering Zoning Code.

Planning Commission hereby submits its recommendation to Council that the requested zoning code text amendments be approved.

Vote of the Planning Commission

The motion recommending approval was passed by a vote of 4:0.

Reason for Request

The proposed amendments serve to modernize industrial districts and expand opportunity, address community health, safety and welfare concerns, introduce greater flexibility for existing sites and buildings, and correct areas of conflict and vagueness within the Code.

Respectfully submitted,

KETTERING PLANNING COMMISSION



By: David Roller, City Planner
Planning and Development Department