



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR

KETTERING COUNCIL AGENDA

July 27, 2021

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

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

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

May 25, 2021- Workshop Minutes Amendment
July 13, 2021- 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. Authorizing the City Manager to apply for and accept, on behalf of the Kettering Municipal Court, Justice Reinvestment Incentive Grant Funds from the Ohio Department of Rehabilitation and Correction.
2. To amend Resolution No. 10570-21.
3. Authorizing the City Manager to enter into an economic development incentive grant agreement with Resonetics, LLC.
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for repair of water slides at the Adventure Reef Water Park.
5. Authorizing the City Manager to accept Shuttered Venues Grant Funds from the U.S. Small Business Administration.
6. Authorizing the City Manager to submit an application to the Ohio Department of Transportation's Municipal Bridge Program for funding of the West Avenue Bridge Project (City Project 03-948).
7. To declare the necessity and intention of acquiring property interests in Project Parcel 13-WD of Kettering Traffic Signal Replacements- Phase 3 Project, City Project No. 02-005D (ODOT Project MOT-Kettering Signals, Phase 3, PID No. 105950).
8. 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, 2021.

ORDINANCES IN FIRST READING

9. Vacating a portion of Wilmington Pike right-of-way abutting Lot 1 of the Brownleigh Corner Record Plan.

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
2021

July 26	7:30 p.m.	Sister Cities
July 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
August 2	7:00 p.m.	Planning Commission
August 5	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
August 9	7:00 p.m.	Board of Zoning Appeals
August 10	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
August 16	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, ON BEHALF OF THE KETTERING MUNICIPAL COURT, JUSTICE REINVESTMENT INCENTIVE GRANT FUNDS FROM THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

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 Kettering Municipal Court, to apply for an Ohio Department of Rehabilitation and Correction Justice Reinvestment Incentive Grant ("Grant") in the amount of \$332,600.00 and to sign any related agreements and instruments and any amendments thereto. The City Manager is further authorized to accept the Grant in the amount awarded and to sign any related agreements and instruments and any amendments thereto.

Section 2. The Grant will be used to pay for the costs of a full-time probation officer and supplies and vendor services necessary to accomplish the goals of the grant. No matching funds from the City are required.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$332,600.00
Amount Budgeted: \$0
Acct. No.: Special Grants & Programs

(Requested by: Judge Long and Judge Dressel)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO AMEND RESOLUTION NO. 10570-21

WHEREAS, Resolution No. 10570-21 authorized the City Manager to advertise for bids and to contract for renovation of the Rosewood Arts Centre, which renovation will be completed in phases; and

WHEREAS, at the time Resolution No. 10570-21 was adopted, the original project budget for the first phase was \$1,685,000.00; and

WHEREAS, subsequently, it became prudent and necessary to include in the first phase work originally planned for future phases (e.g. a complete fire alarm system and renovation of the main restrooms) which resulted in a cost increase for the first phase;

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

Section 1. Resolution No. 10570-21 is amended to authorize an expenditure of funds in the amount of \$2,393,000.00 for the Project.

Section 2. In all other respects, Resolution No. 10570-21 shall remain in full force and effect.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$2,393,000.00
Amount Budgeted: \$1,685,000.00
Acct. No.: 6120-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVE GRANT
AGREEMENT WITH RESONETICS, LLC**

WHEREAS, Resonetics, LLC ("Resonetics") desires to expand its existing manufacturing facility located at 2941 College Drive, Kettering, Ohio which will result in the retention of existing jobs and the addition of new jobs; and

WHEREAS, Resonetics desires an economic development incentive grant from the City of Kettering in order to do so; and

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 economic development incentive grant agreement with Resonetics and to provide Resonetics with an incentive estimated at \$200,000.00 over a five-year grant incentive period. Additional terms that the City Manager deems are appropriate and in the interest of the City shall also be included. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$200,000.00
To be budgeted in future years: \$200,000.00
Acct. No.: 0550-72550

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR REPAIR OF WATER SLIDES AT THE 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 contracts for repair of water slides at the Adventure Reef Water Park. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$30,740.00
Amount Budgeted: \$30,740.00
Acct. No.: 6113-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT
SHUTTERED VENUES GRANT FUNDS FROM THE U.S.
SMALL BUSINESS ADMINISTRATION**

WHEREAS, in accordance with Resolution No. 10559-21, the City applied for a Shuttered Venues Grant ("Grant") from the U.S. Small Business Administration to assist with lost revenues from the closing of the Frazee Pavilion due to the COVID-19 pandemic; and

WHEREAS, the City's grant application has been approved;

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 take all necessary and proper action to accept the above-described Grant from the U.S. Small Business Administration. Further, this Council hereby affirms all matters and statements included in the grant application.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$2,029,912.66
Amount Budgeted: \$0
Acct. No.: Special Grants & Programs

(Requested by: Parks, Recreation & Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION'S MUNICIPAL BRIDGE PROGRAM FOR FUNDING OF THE WEST AVENUE BRIDGE PROJECT (CITY PROJECT 03-948)

WHEREAS, the Ohio Department of Transportation's ("ODOT") Municipal Bridge Program ("Program) provides Federal funds to municipal corporations for roadway bridge replacement and bridge rehabilitation projects; and

WHEREAS, the City of Kettering is currently planning the following roadway bridge replacement/rehabilitation project(s):

- I. West Avenue Bridge Project (City Project 03-948); and

WHEREAS, the roadway bridge project identified above is a qualified project under the ODOT Municipal Bridge Program;

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 make application on behalf of the City of Kettering to the ODOT for funds for the project identified in the recital paragraphs above.

Section 2. The City Manager is further authorized to take all necessary and proper action to accept any funds awarded and execute any related agreements or instruments. 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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO DECLARE THE NECESSITY AND INTENTION OF
ACQUIRING PROPERTY INTERESTS IN PROJECT
PARCEL 13-WD OF KETTERING TRAFFIC SIGNAL
REPLACEMENTS - PHASE 3 PROJECT, CITY PROJECT
NO. 02-005D (ODOT PROJECT MOT-KETTERING
SIGNALS, PHASE 3, PID NO. 105950)**

WHEREAS, the City of Kettering desires to implement the Kettering Traffic Signal Replacements - Phase 3 Project, City Project No. 02-005D (ODOT Project MOT-Kettering Signals, Phase 3, PID No. 105950) (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 13-WD as 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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III
Law Director

Estimated Cost: \$300.00
Amount Budgeted: \$25,000.00 (for all project property acquisitions)
Acct. Nos.: 5107-77760 (permanent right-of-way)

(Requested by Engineering Department)

EXHIBIT A

KETTERING TRAFFIC SIGNAL REPLACEMENTS - PHASE 3 PROJECT,
CITY PROJECT NO. 02-005D (ODOT PROJECT MOT-KETTERING
SIGNALS, PHASE 3, PID NO. 105950)

Parcel 13-WD (Permanent)

13-WD = 0.0021 acres (91.48 sq. ft.) ± fee simple

Property Address/Location:

905 E. Dorothy Lane, Kettering, OH 45419

Owner(s) and Other Parties claiming an Interest:

Kevin J. Thomas
USA

Value of Interest To Be Acquired:

Parcel 13WD - \$300.00

Legal description of Parcel 13-WD follows this page.

EXHIBIT A

LPA RX 851 WD

Ver. Date 07/08/20

Page 1 of 2

Rev. 06/09

PID 105950

**PARCEL 13-WD
MOT - KETTERING SIGNALS PHASE 3
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 30, Town 2, Range 6, M.Rs., being part of Lot 444 of the Oak Park Plat as recorded in Plat Book "N", Page 65 & 66 of the Plat Records of Montgomery County, Ohio and a 0.1377 acre parcel of land owned by Kevin J. Thomas, as recorded in DEED M.F. 98 840D01 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 East Dorothy Lane, as shown on the East Dorothy Lane MOT - Kettering Signals Phase 3 Centerline Plat as recorded in Plat Book 236, Page 24 (I.R. Plat 20-) and being located within the following described points in the boundary thereof: 00074146

All references herein to station and offset are to the centerline of right-of-way of East Dorothy Lane.

COMMENCING, for reference, at a 1" iron pin found in a monument box on the north line of Section 29, the south line of Section 30, and being in the existing centerline of East Dorothy Lane, as recorded in Plat Book 70, Page 77 of the Plat Records of the Montgomery County Recorder's Office, being located at 0.00 feet left, Station 214+49.93;

thence with the north line of Section 29, the south line of Section 30, and said existing centerline of East Dorothy Lane *South 88°16'54" East* for a distance of *1074.11 feet* to a point, being located at 0.00 feet left, Station 225+24.04;

thence departing the north line of Section 29, the south line of Section 30, and the said existing centerline of East Dorothy Lane, *North 1°43'06" East* for a distance of *35.00 feet* to a point the north right-of-way line of East Dorothy Lane, the existing east right-of-way line of Colonial Avenue, the south line of said 0.1377 acre parcel, and the north line of a 0.1033 acre parcel of land conveyed to the City of Kettering by Deed Book 2232, Page 320, being located at 35.00 feet left, Station 225+24.04, said point being the **TRUE POINT OF BEGINNING**, of the parcel herein described;

EXHIBIT A

LPA RX 851 WD

Ver. Date 07/08/20

PID 105950

thence with said existing east right-of-way line of Colonial Avenue and the west line of said 0.1377 acre parcel, *North 4°12'16" East* for a distance of *12.62 feet* to an iron pin set on said existing east right-of-way line of Colonial Avenue and the west line of said 0.1377 acre parcel, being located at 47.60 feet left, Station 225+24.59;

thence with a new division line, *South 45°38'27" East* for a distance of *18.61 feet* to an iron pin set on said north right-of-way line of East Dorothy Lane, the south line of said 0.1377 acre parcel, and the said north line of said 0.1033 acre parcel of land, being located at 35.00 feet left, Station 225+38.28;

thence with said north right-of-way line of East Dorothy Lane, the south line of said 0.1377 acre parcel, and the north line of said 0.1033 acre parcel of land, *North 88°16'54" West* for a distance of *14.24 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 00807 0150 and contains 0.0021 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 00807 0150 is 0.0000 acres.

Prior instrument reference as of the date this survey was prepared: DEED M.F. 98 840D02 in the Deed Records of Montgomery County, Ohio.

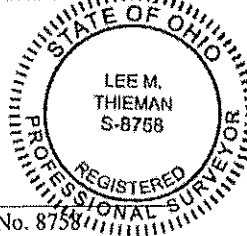
This description was prepared and reviewed on May 21, 2020 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Lee M. Thieman, Registered Surveyor Number 8758 in January, 2019.

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, ~~7602~~) as determined by the City of Kettering.

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 12/09/20 FILE NO. 2020-0130



BY Lee M. Thieman
Lee M. Thieman, Ohio Registered Surveyor No. 8758

12/07/2020
Date

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, 2021**

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, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

TRANSFERS TO OTHER FUNDS	
Capital Improvement Fund	\$ 708,000.00

B. From the Special Grants and Programs Fund:

Other	\$ 2,362,512.66
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C. From the Capital Improvement Fund:

PARKS & RECREATION	\$ 708,000.00
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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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$3,070,512.66, net transfer
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING A PORTION OF WILMINGTON PIKE RIGHT-OF-WAY ABUTTING LOT 1 OF THE BROWNLEIGH CORNER RECORD PLAN

WHEREAS, on June 7, 2021, the Planning Commission, in Case No. PC-21-007, considered and recommended approval of an application to vacate a certain portion of Wilmington Pike public right-of-way abutting Lot 1 of the Brownleigh Corner Record Plan; and

WHEREAS, on July 13, 2021, 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 0.0112 acres, more or less, of public right-of-way, more particularly described and depicted in attached Exhibit 1, which abuts Lot 1 of the Brownleigh Corner Record Plan as recorded in Plat Book 180, Page 31, of the Plat Records of Montgomery County, Ohio.

Section 2. The vacated right-of-way shall revert to Lot 1 of the Brownleigh Corner Record Plan as recorded in Plat Book 180, Page 31, of the Plat Records of Montgomery County, Ohio (Parcel No. N64 01904 0095) as shown in Exhibit 1.

Section 3. 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 4. This Ordinance shall take full effect from and after the earliest period provided by law.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

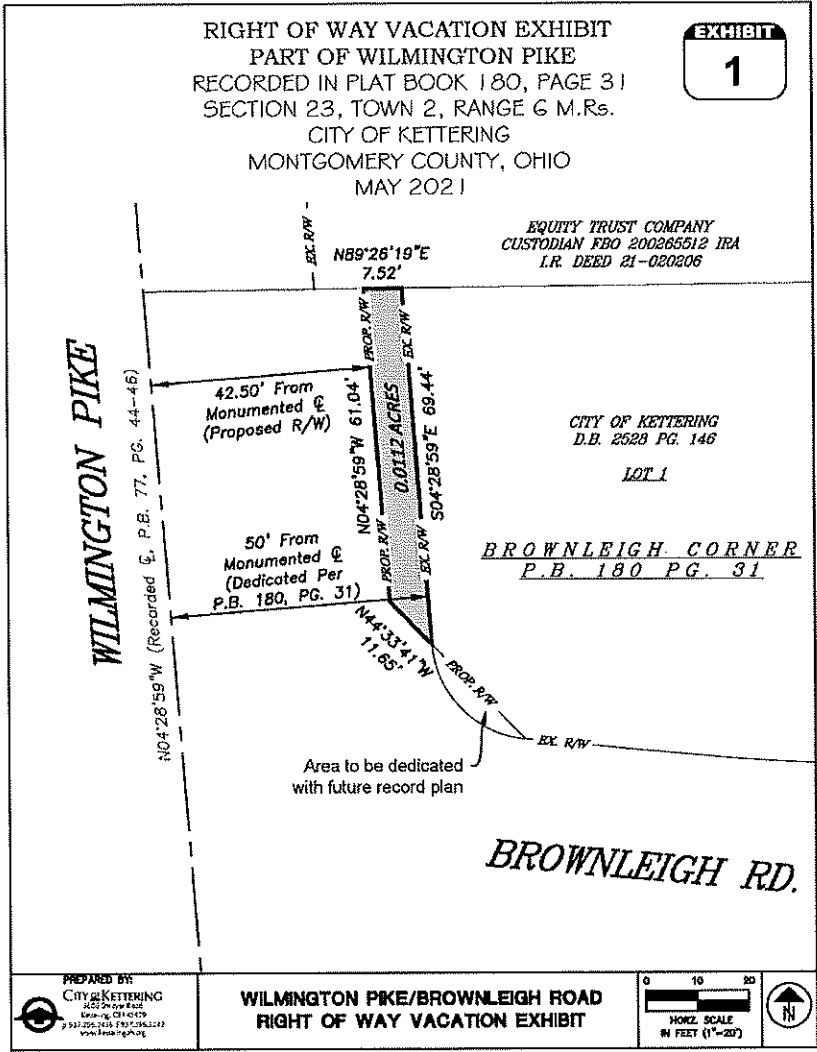
LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested By: Planning and Development Department)

RIGHT OF WAY VACATION EXHIBIT
 PART OF WILMINGTON PIKE
 RECORDED IN PLAT BOOK 180, PAGE 31
 SECTION 23, TOWN 2, RANGE 6 M.R.s.
 CITY OF KETTERING
 MONTGOMERY COUNTY, OHIO
 MAY 2021

EXHIBIT
1



PREPARED BY
 CITY OF KETTERING
 1022 W. 9th Street
 Kettering, OH 45429
 937.226.3433 FAX 937.261.2112
 www.kettering.org

WILMINGTON PIKE/BROWNLEIGH ROAD
 RIGHT OF WAY VACATION EXHIBIT

0 10 20
 HORIZ. SCALE
 IN FEET (1"=20')



**RIGHT OF WAY VACATION OF
A PORTION OF WILMINGTON PIKE
May 2021**

Situate in Section 23, Town 2, Range 6 M.R.s., in the City of Kettering, Montgomery County, Ohio, being a vacation of a portion of Wilmington Pike as dedicated on Brownleigh Corner and recorded on Plat Book 180, Page 31, of the Plat Records of Montgomery County, Ohio, said vacated area being more particularly described as follows:

Beginning at the northwest corner of Lot 1 of said subdivision;

thence South $04^{\circ}28'59''$ East 69.44 feet along the existing east right of way line of Wilmington Pike, to a point, said point being a point of curvature of the existing right of way line;

thence North $44^{\circ}33'41''$ West 11.65 feet along a new right of way line of Wilmington Pike, to a point;

thence North $04^{\circ}28'59''$ West 61.04 feet along a new right of way line of Wilmington Pike, to a point;

thence North $89^{\circ}26'19''$ East 7.52 feet along the existing north right of way line of Wilmington Pike, also being the existing south line of a tract owned by Equity Trust Company Custodian FBO 200265512 IRA, as described in I.R. DEED 21-020206, to the **Point of Beginning**, containing 0.0112 acres, more or less, subject to all legal conditions, easements and rights of way. Surveyed and prepared by Lee M. Thieman, Professional Surveyor Number 8758 in May 2021.

Said vacation of right of way is intended to result in the new east right of way of Wilmington Pike to be 42.50 feet east of and parallel to the existing centerline of Wilmington Pike as recorded in Plat Book "77", Pages 44-46.

Bearings are based on the centerline of Wilmington Pike, being North $04^{\circ}28'59''$ West, per the state plane coordinate system, NAD 83(2011), Ohio South Zone.