

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON VARIOUS CITY STREETS IN THE CITY OF KETTERING, OHIO

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

Section 1. The Traffic Control Map and the Traffic Control file of the City of Kettering, Ohio are hereby amended to show:

- A. STOP – Eastbound Donation Circle at College Drive;
- B. ROW – College Drive.

Section 2. The City Engineer is hereby directed to have signs erected or taken down in accordance with this amendment.

Section 3. As permitted in Section 406.03 of the Codified Ordinances of the City of Kettering, Ohio, the temporary traffic control authorization has been used to quickly install these regulations.

Section 4. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after 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)

Council Member  
One Will Say: Your  
Honor I have an  
ordinance in  
second reading  
(you will read the  
heading of the  
ordinance) After  
you read the  
heading you will  
state which  
department this  
legislation is being  
requested by  
(located on the  
bottom left of the  
legislation) and  
then you will say  
you move for  
approval.

Council Member  
Two Will Say:  
Second

Mayor Patterson  
will call upon the  
City Manager or  
city staff to give a  
brief overview of  
the ordinance.  
Once that is  
complete, Mayor  
Patterson will ask if  
there are any  
questions from City  
Council, if none the  
Clerk of Council  
will call roll.

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE WEST AVENUE BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 03-948

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 engineering design services for the West Avenue Bridge Rehabilitation Project, City Project No. 03-948. 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: \$60,000.00
Amount Budgeted: 2021 CIP underspending funds available
Acct. No.: 5229-77750

(Requested by: Engineering Department)

Council Member One Will Say: Your Honor I have a resolution (you will read the heading of the resolution) After you read the heading you will state which department this legislation is being requested by, the estimated cost and the amount budgeted (all located on the bottom left of the legislation) and then you will say you move for approval.

Council Member Two Will Say: Second

Mayor Patterson will call upon the City Manager or city staff to give a brief overview of the resolution. Once that is complete, Mayor Patterson will ask if there are any questions from City Council, if none the Clerk of Council will call roll.

CITY OF KETTERING, OHIO  
AN EMERGENCY ORDINANCE

By:

No.

TO APPROPRIATE PROJECT PARCELS 13-WD  
OF THE KETTERING TRAFFIC SIGNAL  
REPLACEMENTS - PHASE 3 PROJECT, CITY PROJECT  
NO. 02-005D (ODOT PROJECT MOT-KETTERING  
SIGNALS, PHASE 3, PID NO. 105950); AND TO DECLARE  
AN EMERGENCY

WHEREAS, the acquisition of real property interests is necessary for the Kettering Traffic Signal Replacements - Phase 3 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 13-WD and more particularly described in attached Exhibit A. The purpose of this appropriation of property is the improvement of public streets and roadways, including traffic signal upgrades 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 \$300.00.

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.

Council Member  
One Will Say: Your  
Honor I have an  
emergency  
ordinance (you will  
read the heading of  
the emergency  
ordinance) After  
you read the  
heading you will  
state which  
department this  
legislation is being  
requested by  
(located on the  
bottom left of the  
legislation) and  
then you will say  
you move for  
approval.

Council Member  
Two Will Say:  
Second

Mayor Patterson  
will call upon the  
City Manager or  
city staff to give a  
brief overview of  
the emergency  
ordinance. Once  
that is complete,  
Mayor Patterson  
will ask if there are  
any questions from  
City Council, if  
none the Clerk of  
Council will call roll.

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

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 "NP", 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

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LPA RX 851 WD

Ver. Date 07/08/20

PID 105930

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.

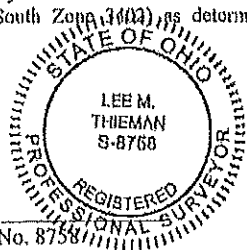
This description is based on a survey made under the direction and supervision of Lee M. Thieman, Registered Surveyor Number 8758 in January, 2019.

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 3402), 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