

CITY OF OAKWOOD
COUNCIL AGENDA
MAY 1, 2023

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF APRIL 3 REGULAR SESSION & WORK SESSION AND APRIL 17 WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
 - Proclamation recognizing May as “National Tennis Month.”
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to levy special assessments for the 2024 Street Lighting, Mr. Stephens
 - An Ordinance adopting the 2024 tax budget, Vice Mayor Byington
 - An Ordinance to provide a supplemental appropriation for the Far Hills Storm Sewer Reconstruction Project, traffic signal study engineering costs and a replacement scooter, Vice Mayor Byington
 - An Ordinance authorizing the acquisition of four storm sewer easements, Vice Mayor Byington
- VIII. STAFF REPORT – FINANCE DEPARTMENT
- IX. AN OAKWOOD MOMENT
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JUNE 5, 2023

AN ORDINANCE

BY: _____

NO. _____

LEVYING SPECIAL ASSESSMENTS FOR THE
IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN
TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING
THE SAME WITH ELECTRICITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY
COUNTY, OHIO:

SECTION I.

That the revised assessments for the cost and expense of improving in the City of Oakwood, Ohio, the streets designated and between the termini set forth in Resolution No. 1905, adopted March 6, 2023, by lighting the same with electricity from the 1st day of January, 2024 through the 31st day of December, 2024, amounting in the aggregate estimated to be \$131,894.35 which were filed with the Clerk of Council the 6th day of March, 2023 and are now on file in the office of the Clerk of Council, be and the same are hereby adopted and confirmed and such revised assessments are hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement in the respective amounts reported as aforesaid, which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION II.

That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk of Council are in the same proportion to the estimated assessments as originally filed as the actual costs of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION III.

That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after passage of this Ordinance. All cash payments shall be made to the Director of Finance of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

SECTION IV.

That the Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and to continue on file in her office said revised assessments.

SECTION V.

That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage.

SECTION VI.

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:
Please publish in summary form below.

City Attorney Robert F. Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled "LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY."

Lori Stacel
Clerk of Council
City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in the said City of Oakwood, that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

ADOPTING THE 2024 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2024.

WHEREAS, the City Manager has prepared the attached tax budget for the city of Oakwood, Ohio, for fiscal year beginning January 1, 2024, in conformance with the requirements of law and in accordance with Section 6.01 of Article VI of the Charter of the city of Oakwood, which tax budget sets forth all revenues expected to be received for such fiscal year; including but not limited to all general and special taxes, fees, costs, percentages, penalties, allowances and prerequisites; and

WHEREAS, based on preliminary estimates, 2024 operating expenditures are not expected to exceed the 2023 operating expenditure appropriations by more than 3%; and

WHEREAS, based on preliminary estimates, 2024 capital expenditures are not expected to exceed \$4,744,000;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

The budget described in the above recital paragraph, shall be and is hereby adopted as the official tax budget of the city of Oakwood, Ohio, for the fiscal year beginning January 1, 2024.

SECTION II.

That this ordinance be and remain in force from and after the earliest date allowed by law.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 1st day of May, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:

Please publish in summary form set forth below.

LEGAL NOTICE

Ordinance _____ of the City of Oakwood was passed on _____, to adopt the 2024 Tax Budget.

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, that said publication occurred on the following date:

Clerk of Council

Cities/Villages Tax Budget

Council of the City of Oakwood,

May 1, 2023

To Karl L. Keith, Montgomery County Auditor:

The Council of the City of Oakwood hereby submits its annual Budget for the year commencing January 1st, 2024 for consideration of the Montgomery County Budget Commission pursuant to Section 6.01 of the Oakwood City Charter.

Director of Finance

Fund	Estimated Unencumbered Balance January 1st, 2024	Other Sources	Total
GENERAL FUND	8,700,528	11,394,036	20,094,564
MAJOR OPERATING FUNDS			
Street Maintenance and Repair	500,000	1,499,988	1,999,988
Leisure Activity	500,000	1,322,705	1,822,705
Health	163,594	184,940	348,534
Equipment Replacement	1,143,320	1,149,000	2,292,320
Capital Improvement	982,274	2,043,000	3,025,274
Sidewalk, Curb & Apron	200,000	226,700	426,700
Service Center	100,000	769,975	869,975
OTHER FUNDS			
Bullock Endowment Trust	50,652	300	50,952
MLK Community Recognition	0	0	0
Special Improvement District Assessment	0	117,306	117,306
Smith Memorial Gardens	400,000	142,115	542,115
Indigent Drivers Alcohol Treatment	40,748	2,600	43,348
Enforcement and Education	8,575	200	8,775
Law Enforcement	15,272	0	15,272
Drug Law Enforcement	0	0	0
Police Pension	0	0	0
Court Clerk Computerization	45,414	8,000	53,414
Court Computerization	36,625	4,200	40,825
Court Special Projects	51,942	7,000	58,942
Sub-Total, Page 1	12,938,944	18,872,065	31,811,009

Cities/Villages Tax Budget

Fund	Estimated Unencumbered Balance January 1st, 2024	Other Sources	Total
OTHER FUNDS (continued)			
OneOhio	11,500	5,750	17,250
State Highway Improvement	156,252	47,250	203,502
Public Safety Endowment	161,984	1,300	163,284
Special Projects	4,527,598	0	4,527,598
Issue 2 Projects	0	0	0
Public Facilities	0	0	0
Local Coronavirus Relief	0	0	0
Local Fiscal Recovery	0	0	0
Bond Retirement	0	0	0
Electric Street Lighting	100,000	172,400	272,400
Self-Funded Insurance Trust	25,000	17,500	42,500
Fire Insurance Trust	0	0	0
Contractor's Permit Fee	0	2,000	2,000
REFUSE			
Refuse	303,248	1,387,100	1,690,348
Refuse Improve/Equip Replacement	53,713	175,000	228,713
ENTERPRISE FUNDS			
Water Operating	515,142	1,134,600	1,649,742
Water Improve/Equip Replacement	112,654	677,000	789,654
Sanitary Sewer Operating	1,057,076	1,883,200	2,940,276
Sanitary Sewer Improve/Equip Replace	318,748	275,000	593,748
Stormwater Operating	322,103	466,600	788,703
Stormwater Improve/Equip Replacement	30,789	250,000	280,789
Sub-Total, Page 2	7,695,807	6,494,700	14,190,507
Grand Total	20,634,751	25,366,765	46,001,516

**Exhibit of Bonds, Notes, and Certificates of Indebtedness Outstanding January 1st of the Coming Year,
and Bond Retirement Fund Requirements, for the coming year.**

Purpose of Bonds and Notes	Authority for Levy Outside 10 mill Limit	Date of Issue	Date Due	Rate of Interest	Amount Outstanding	Amount Required for Principal & Interest	Amount Required from Sources other than Property Tax	Total Required from General Property Taxes
INSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				
OUTSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

Fund (Include only those funds which are requesting general property tax revenue)	Amount Approved By Budget Commission Inside 10M. Limitation Column I	Amount To Be Derived From Levies Outside 10 M. Limitation Column II	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit Column III	Outside 10 M. Limit Column IV
GOVERNMENTAL FUNDS				
GENERAL FUND	1,267,660	1,550,806		
PROPRIETARY FUNDS				
FIDUCIARY FUNDS				
TOTAL ALL FUNDS	1,267,660	1,550,806		

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2023 ORIGINAL APPROPRIATION ORDINANCE NO. 4967, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$985,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE STORMWATER IMPROVEMENT / EQUIPMENT REPLACEMENT FUND FOR THE FAR HILLS STORM SEWER RECONSTRUCTION PROJECT; AND
2. AN ADDITIONAL AMOUNT OF \$50,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR COSTS RELATED TO THE CONTINUATION OF A TRAFFIC SIGNAL STUDY;
3. AN ADDITIONAL AMOUNT OF \$25,000 TO BE EXPENDED FROM THE REFUSE IMPROVEMENT / EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE OF A REFUSE SCOOTER; AND
4. ADDITIONAL TRANSFERS RELATED TO THESE EXPENDITURES;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.

WHEREAS, the city is preparing to commence the 2023 Far Hills Storm Sewer Reconstruction Project (the “sewer project”), a critically important improvement to the city’s stormwater infrastructure; and

WHEREAS, the city applied for grant funding through the Ohio Public Works Commission in connection with the sewer project, but the application was denied; and

WHEREAS, the sewer project was included in the 2023 budget but did not include a transfer from the General Fund to the Stormwater Improvement/Equipment Replacement Fund because the grant application was still pending during the budgeting process; and

WHEREAS, the city has previously engaged the services of a traffic engineering consultant to conduct a significant study of the 17 signalized traffic intersections throughout Oakwood, with the goal of creating a multi-year plan for major capital improvements to this critically important public infrastructure; and

WHEREAS, as the study has progressed, the city manager has recommended an expanded scope of work to include additional areas of study as well as modeling and animation that will be necessary to engage and educate the public in a series of public meetings to be held later this year; and

WHEREAS, this additional scope of work is a new recommendation that was not included in the 2023 budget; and

WHEREAS, in addition, the city recently received insurance proceeds related to a refuse collection scooter that was damaged in a 2022 accident, but the replacement thereof was not included in the 2023 budget because the insurance claim had not yet been resolved and paid; and

WHEREAS, this supplemental appropriation will authorize an additional transfer of \$985,000 from the General Fund to the Stormwater Improvement / Equipment Replacement Fund for the 2023 Far Hills Storm Sewer Reconstruction Project; an additional \$50,000 to be transferred from the General Fund to, and expended from, the Capital Improvement Fund for the continuation of the traffic signal study; an additional \$25,000 to be expended from the Refuse Improvement/Equipment Replacement Fund for a replacement refuse scooter; and an additional transfer of \$23,900 from the General Fund to the Refuse Improvement/Equipment Replacement Fund in relation to this expenditure;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2023 and ending December 31, 2023, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

<u>Fund</u>	<u>Appropriation</u>	
101 General Fund	\$5,041,990	\$6,100,890
206 Refuse Improvement / Equipment Fund	\$ 55,000	\$ 80,000
309 Capital Improvement Fund	\$1,436,600	\$1,486,600

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 1st day of May, 2023.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the 1st day of May, 2023. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2023.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY _____

NO _____

AUTHORIZING THE ACQUISITION OF FOUR (4) EASEMENTS
IN CONNECTION WITH THE 2023 FAR HILLS STORM SEWER
RECONSTRUCTION PROJECT, AND DECLARING AN
EMERGENCY.

WHEREAS, Council has budgeted and appropriated funds in connection with a critically important infrastructure project known as the 2023 Far Hills Storm Sewer Reconstruction Project; and

WHEREAS, design work for the project has been underway since late 2022 and construction on the project is scheduled to commence in late spring or early summer 2023; and

WHEREAS, in connection with said project, the City must acquire four (4) separate easements, the legal descriptions of which are attached hereto as Exhibit A, and the general descriptions of which are as follows:

- A permanent easement upon the real property owned by David E. Cail and Sandra J. Cail, known as 7 Dellwood Drive, Oakwood, Ohio 45419, having a total area of 710 square feet, more or less;
- A permanent easement upon the real property owned by Nicholas Pierce and Megan M. Pierce, known as 9 Dellwood Drive, Oakwood, Ohio 45419, having a total area of 1,059 square feet, more or less;
- A permanent easement upon the real property owned by Bruce L. Henninger, known as 1400 Devereux Drive, Oakwood, Ohio 45419, having a total area of 3,646 square feet, more or less;
- A temporary construction easement upon the real property owned by Tami H. Kirby and Joseph L. Kirby, known as 1410 Devereux Drive, Oakwood, Ohio 45419, having a total area of 502 square feet, more or less; and

WHEREAS, City staff has engaged in discussions with the above-listed property owners for the acquisition of the necessary easements, and have negotiated the following purchase prices: \$5,500 for the permanent easement upon 7 Dellwood Drive; \$11,000 for the permanent easement upon 9 Dellwood Drive; \$30,000 for the permanent easement upon 1400 Devereux Drive; and \$850 for the temporary construction easement upon 1410 Devereux Drive, for a total easement acquisition cost of \$47,350; and

WHEREAS, based on independent appraisals and the timeline for this project, Council finds that these are reasonable acquisition costs for the necessary easements, and are within the amounts budgeted and appropriated for this project; and

WHEREAS, Council further finds that acquiring these easements will benefit the public health, safety, and welfare, and wishes to authorize the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, THAT:

SECTION I:

The foregoing recitals are incorporated as if fully restated herein.

SECTION II:

The City Manager is hereby authorized to finalize written agreements for the acquisition of the four (4) easements described herein, and to acquire the same at the purchase prices set forth herein.

SECTION III:

Upon finalization of each easement and payment to the affected property owner(s), the City Attorney is hereby authorized and directed to file each easement with the appropriate Montgomery County offices, and to prepare and/or file such documents as may be necessary to finalize the

transactions contemplated by this Ordinance, and to take such other acts as may be necessary or desirable to accomplish these purposes.

SECTION IV:

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including §121.22, Ohio Revised Code.

SECTION V:

It is hereby declared that this ordinance is an emergency measure to take effect immediately, on the basis that it is necessary to acquire these easements quickly to ensure that the 2023 Far Hills Storm Sewer Reconstruction Project remains on schedule, and for the further reason that doing so will protect the public health, safety, and/or welfare.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this ____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the foregoing ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance number _____ of the Council of the city of Oakwood, Ohio, was passed on the ____ day of _____, 2023. Said ordinance was adopted to authorize the acquisition of four (4) easements in connection with the 2023 Far Hills Storm Sewer Reconstruction Project.

Lori Stacel,
Clerk of Council

CERTIFICATE OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, state of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in the city of Oakwood, and that said publication occurred on the following date: _____.

Lori Stacel, Clerk of Council

Exhibit "A" - 1
LEGAL DESCRIPTION
STORM SEWER EASEMENT
DAVID E. CAIL
SANDRA J. CAIL

Situated in Section 31, Town 2, Range 7 MRs, City of Oakwood, Montgomery County, Ohio and being a Storm Sewer Easement, over and through Lot 1602 of the of the consecutive numbers of lots on the Revised Plat of the City of Oakwood, Ohio and as conveyed to David E. Cail and Sandra J. Cail, described in DMF 86-617 B09 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, Ohio), and being more particularly described as follows:

Beginning at a point in the north right of way line for Dellwood Avenue, being the southeast corner of Lot 1602 and the southwest corner of Lot 1603;

Thence with said north right of way line, North 84°55'43" West 4.71 feet;

Thence leaving said north right of way line, through said Lot 1602 along a new line, North 05°20'27" East 138.74 feet;

Thence continuing along said new line, North 36°52'51" West 9.46 feet to a point in the north line of said Lot 1602, being in the south line of the part of Lot 2775 conveyed to the Board of Education of the Oakwood City School District, described in D.B. 487, Page 241;

Thence with the common line between Lot 1602 and said part of Lot 2775 South 84°54'53" East 11.07 feet to the northeast corner of said Lot 1602, being the northwest corner of said Lot 1603;

Thence with the common line between said Lots 1602 and 1603, South 05°20'27" West 145.78 feet to the point of beginning;

Containing 710 square feet, more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared by:

LJB Inc.

By: _____
David Hulsmeyer, Ohio PS No. 8548

Date

Exhibit "A" - Z
LEGAL DESCRIPTION
STORM SEWER EASEMENT
NICHOLAS PIERCE
MEGAN M. PIERCE

Situated in Section 31, Town 2, Range 7 MRs, City of Oakwood, Montgomery County, Ohio and being a Storm Sewer Easement, over and through Lot 1603 of the of the consecutive numbers of lots on the Revised Plat of the City of Oakwood, Ohio and as conveyed to Nicholas Pierce and Megan M. Pierce, described in IR Deed 2017-006588 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, Ohio), and being more particularly described as follows:

Beginning at a point in the north right of way line for Dellwood Avenue, being the southwest corner of Lot 1603 and the southeast corner of Lot 1602;

Thence with the common line between said Lots 1602 and 1603, North $05^{\circ}20'27''$ East 145.78 feet to the northwest corner of Lot 1603, being the northeast corner of Lot 1602 and in the south line of the part of Lot 2775 conveyed to the Board of Education of the Oakwood City School District, described in D.B. 487, Page 241;

Thence with the common line between said Lot 1603 and said part of Lot 2775 South $84^{\circ}54'53''$ East 5.07 feet;

Thence through said Lot 1603 along a new line, South $36^{\circ}52'51''$ East 3.30 feet;

Thence continuing along said new line, South $05^{\circ}20'27''$ West 143.31 feet to a point in the north right of way line of Dellwood Avenue;

Thence with said north right of way line, North $84^{\circ}55'43''$ West 7.29 feet to the point of beginning;

Containing 1059 square feet, more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared by:

LJB Inc.

By: _____
David Hulsmeier, Ohio PS No. 8548

_____ Date

Exhibit "A" - 3
**LEGAL DESCRIPTION
STORM SEWER EASEMENT
BRUCE L. HENNINGER**

Situated in Section 31, Town 2, Range 7 MRs, City of Oakwood, Montgomery County, Ohio and being a Storm Sewer Easement, over and through Lot 3343 of the of the consecutive numbers of lots on the Revised Plat of the City of Oakwood, Ohio and as conveyed to Bruce L. Henninger, described in IR Deed 2005-050037 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, Ohio), and being more particularly described as follows:

Beginning at a point in the east right of way line for Devereux Avenue, being the southwest corner of Lot 3343 and the northwest corner of Lot 3344;

Thence with said east right of way line along an arc deflecting $0^{\circ}49'39''$ to the left 20.19 feet, having a radius of 1397.76 and a chord bearing North $05^{\circ}33'36''$ East 20.19 feet;

Thence through said Lot 3343, on a new line, North $87^{\circ}47'09''$ East 180.56 feet to a point in the east line of said lot, being in the west line of Lot 3353;

Thence with the common line between said Lots 3343 and 3353, South $04^{\circ}37'49''$ East 20.02 feet to the southeast corner of said Lot 3343, being the northeast corner of Lot 3344;

Thence with the common line between said Lots 3343 and 3344 South $87^{\circ}47'09''$ West 184.14 feet to the point of beginning;

Containing 3,646 square feet, more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared by:

LJB Inc.

By: _____ Date _____
David Hulsmeyer, Ohio PS No. 8548

Exhibit "A" - 4
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
TAMI H. KIRBY
JOSEPH L. KIRBY

Situated in Section 31, Town 2, Range 7 MRs, City of Oakwood, Montgomery County, Ohio and being a Storm Sewer Easement, over and through Lot 3344 of the of the consecutive numbers of lots on the Revised Plat of the City of Oakwood, Ohio and as conveyed to Tami H. Kirby and Joseph L. Kirby, described in IR Deed 2019-054475 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, Ohio), and being more particularly described as follows:

Beginning at the northeast corner of Lot 3344, being the southeast corner of Lot 3343 and in the west line of Lot 3353;

Thence with the common line between said Lots 3344 and 3353, South 04°37'49" East 10.01 feet;

Thence through said Lot 3344, on a new line, South 87°47'09" West 50.43 feet;

Thence continuing along said new line, North 02°12'51" West 10.00 feet to a point in the north line of said Lot 3344, being in the south line of said Lot 3343;

Thence with the common line between said Lots 3344 and 3343 North 87°47'09" East 50.00 feet to the point of beginning;

Containing 502 square feet, more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared by:

LJB Inc.

By: _____
David Hulsmeyer, Ohio PS No. 8548

_____ Date