



CITY COUNCIL
Regular Meeting – October 12, 2020 6:00 p.m.
Council Chambers

This meeting will be held in the Council Chamber. Social distancing will be observed and it is asked that anyone wishing to attend the meeting in person to please wear a face mask.

Public Comments:

All persons present shall be given an opportunity to be heard on proposed legislation during a public hearing. Citizen Comments is also an opportunity to be heard regarding any topic. For those not wishing to appear in person but wish to make a public comment, please feel free to send an email to the Clerk of Council at: miscisin@beavercreekohio.gov or call (937) 320-7388. Comments must be received by 4:00 p.m., Monday, October 12., 2020 to be considered for the meeting. Please be very specific on which legislation you are addressing or if your comment is to be heard during the Citizen Comment section of the meeting. Thank you

INTRODUCTIONS

- ◆ New Officers – Sean Powers and Dyllan Saintignon

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Vice Mayor Adams
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. September 14, 2020 Regular Meeting

- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 20-22 Street Rename (Second Reading)
 - B. Ordinance 20-24 Appropriate the Right-of-Way (Joseph and Mollie Nelson) for the County Line Road Widening Project (Second Reading)
 - C. Ordinance 20-25 Appropriate the Right-of-Way (Eric Davis) for the County Line Road Widening Project (Second Reading)
 - D. Ordinance 20-26 Appropriate the Right-of-Way (Robert Neff) for the County Line Road Widening Project (Second Reading)
 - E. Resolution 20-35 Necessity and Intent to Appropriate Property (M. David Reid, Jr) for the Indian Ripple Road Improvement Project
 - F. Ordinance 20-27 Appropriate the Right-of-Way (M. David Reid, Jr.) for the Indian Ripple Road Improvement Project (First Reading and Public Hearing)
 - G. Resolution 20-36 Necessity and Intent to Appropriate Property (Terra Developers, LLC) for the Indian Ripple Road Improvement Project
 - H. Ordinance 20-28 Appropriate the Right-of-Way (Terra Developers, LLC) for the Indian Ripple Road Improvement Project (First Reading and Public Hearing)
 - I. Resolution 20-37 Necessity and Intent to Appropriate Property (Edna Napier) for the Indian Ripple Road Improvement Project
 - J. Ordinance 20-29 Appropriate the Right-of-Way (Edna Napier) for the Indian Ripple Road Improvement Project (First Reading and Public Hearing)

- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 14, 2020 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Bales, Council Member Curran, Council Member Duerr, Council Member Garcia; Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, Acting Planning and Development Director; Dennis Evers, Chief; Jeff Fiorita, Deputy Chief; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Schwartz led the pledge and a prayer.

APPROVAL OF AGENDA

Council Member Curran **MOVED** to approve the agenda, seconded by Council Member Schwartz. Motion **PASSED** by majority voice vote.

APPROVAL OF MINUTES

Council Member Schwartz **MOVED** to approve the August 10, 2020 Regular Meeting Minutes, seconded by Council Member Duerr. Motion **PASSED** by majority voice vote.

Council Member Curran **MOVED** to approve the August 17, 2020 Work Session Minutes, seconded by Council Member Schwartz. Motion **PASSED** by majority voice vote.

PUBLIC HEARING – PC 20-8 Zoning Code Text Amendments

Clerk Miscisin read an application filed by Rachel O’Leary, 1263 Lomeda Lane, Beaver Creek, Ohio. The applicant requests a Zoning Code Text Amendment to allow chickens in residential districts.

Applicant Presentation

Rachel O’Leary, 1263 Lomeda Lane, Beaver Creek, Ohio

Ms. O’Leary gave an overview of her proposal which include single family households with lots of 15,000 square feet or larger, up to six hen chickens, coop

September 14, 2020

located a minimum of 20 feet from property line and chicken ownership and accessory building permits required. She reviewed cities that currently allow chickens. She reviewed common questions regarding chickens and the benefits of owning chickens and some facts about chickens. She reviewed local veterinarians who provide medical care. She said the ASPCA, 4-H, Ohio State University and Green Umbrella support backyard chickens.

Staff Presentation

Mr. Burkett reviewed the history of this issue being brought forward to council in 2012 and 2016 which was removed both times by council expressing concerns with cleanliness and noise. He reviewed the proposed Ordinance and the regulations included in the document. He said Planning Commission recommended approval adding a two year review clause. He also proposed if Council chose to move forward two additional conditions.

Public Input

Kyle Williamson, 4128 Aley Dr., Beavercreek, Ohio

Mr. Williamson was against the Ordinance to permit chickens. He did not believe the Ordinance provides sufficient protection from those who moved to the suburbs for a safe, quiet environment. He said when they chose to buy their current house in Beavercreek the idea of chickens to be seen or heard in their backyard would have been laughable to them. His wife grew up on a farm and from her firsthand experience she always described chickens as dirty, smelly creatures. He did not find many of the pro chicken arguments to hold water. He said chickens are expensive and do not pay themselves off. Chicken feed and bedding cost \$300 per chicken per year, making a conservative estimate of \$1 per egg. He said one study puts the cost of an egg at \$2.12 making a dozen eggs \$25. He said there is no financial benefit to producing your own eggs. He said many of the form letters reference noise level compared to dogs. He said dogs do not live outside and do not dust bath themselves. He said the form letter tries to downplay that chickens are not dirty and full of disease. He said the CDC has been tracking salmonella outbreaks related to backyard poultry and found over 1,000 cases in 2019 alone resulting in over 200 hospitalizations and at least two confirmed deaths. He said chickens that carry salmonella show no signs of the disease. He said chickens can also carry Avian Flu, E.coli, lice, mites and several other bacterial, fungal and viral diseases. He said these are not things we should be introducing into our neighborhoods. He said a freshly cleaned chicken coop will not smell. Chickens defecated 70 times per day and during the summer pens would need to be cleaned every two days to prevent an overwhelming smell of ammonia. He had doubts of residents with full-time jobs would be able to maintain their coops. He said chickens coops are magnets for predators and pests. He said the form letter mentions supply chain disruptions, food source issues and food waste. He

September 14, 2020

experienced supply chain disruptions in April just like everyone but his was related to toilet paper. He said health chickens lay every other day and asked if three eggs per day keep your family going if there is an actual food emergency or was the pro chicken group trying to capitalize on a national health emergency. He said the National Library of Medicine published a report showing home grown eggs are more likely to be contaminated than commercial eggs. He said support your local egg producing farmers if you are concerned about your food supply. He said if you are concerned about your food waste he encouraged people to compost. He said chickens are not a hobby, they are agricultural entities and do not belong in neighborhoods. He said if nothing convinces you to please consider a one acre minimum.

Tammy Heyne Barnes, 3418 Greer Dr., Beavercreek, Ohio

Ms. Barnes was interested in chickens because of allergies. Her family has allergies to cats and dogs and chickens are lovable. She said she had a full time job while taking care of a cat. Her grandchildren were eager to visit and take care of her chickens. She was pro having backyard chickens.

Bradley Couturier, 2775 Stauffer Dr., Beavercreek, Ohio

Mr. Couturier stated he supported this issue. He asked Council to come over to his house because his neighbor was definitely louder.

Milan Kennedy, 1334 Lomeda Lane, Beavercreek, Ohio

Mr. Kennedy had been a farmer and had 300 chickens. He said people don't raise backyard chickens for money savings. He said it's a hobby like gardening and golf. He said it's a relaxation, a life style change to unplug from technology, show your kids and grandkids where food comes from and a great opportunity to connect with nature. He said there were many aspects that were positive and no negatives that he could see. He had raised a lot of animals for 35 years. He said if any animal is dirty and smelly it's the person responsible fault. He said this is not a money saver but something you enjoy doing. He said everybody should have the opportunity to do this. He said it's a wholesome activity. He implored Council to pass the Ordinance.

Penelope Smith, 1757 Turnbull Rd., Beavercreek, Ohio

Ms. Smith was in favor of the proposal. She would like to have chickens for the fresh eggs and was not in it for the money. She was in it for the sustainability for herself and her family. She would like to teach her grandkids about the cycle of life and taking care of animals that also take care of you. She said cats and dogs have no other way to give anything back other than emotional support. She said everyone has good intentions here and want to do something for themselves.

September 14, 2020

Amber Stammen, 4000 and 3942 Daren Dr., Beaver creek, Ohio

Ms. Stammen owns Double Infinity Stables and 3 in 1 Tree Service. She said she was in support of backyard chickens and currently own chickens because they own 16 acres in the City of Beaver creek. She said Be Hope Church had an event the past weekend with hundreds turning out for the event. She said they were asked to bring some of their animals which included a couple of chickens. She said chickens are not just farm animal. She said people come to her farm for therapy and one of the main things they like are chickens. She said there are ways to protect the chickens from the coyotes. She did not see the harm in allowing people to have six hens.

Linda Kennedy, 1334 Lomeda Lane, Beaver creek, Ohio

Ms. Kennedy supports this initiative and saw no reason why they would not be allowed to have six little hens. She said chickens are already in Beaver creek and hoped Council would do the right thing and make them legal.

Cory Hendrix, 2408 Rollingview Ave., Beaver creek, Ohio

Mr. Hendrix said he was one of the neighbors of Ms. Stammen. He said her farm was a huge selling point to moving near her farm. He said there are large farms within Beaver creek and thought it fair that he be allowed to have six chickens. He said chickens are more than just farm animals and her chickens even recognize him. He said having a full-time job and not being able to take care of chickens is a lie. He works a full-time job and still has time to go over and help to take care of the chickens and horses. He said he spoke with the superintendent and with Beaver creek not allowing any agricultural animals except on farms we have no 4-H and no FFA programs that he could find at Beaver creek City Schools or at the Greene County Career Center. He said allowing the chickens would open up scholarships and grants to our Beaver creek students. He was extremely for this proposal.

Monica Donohoo, 3971 La Bonne Rd., Beaver creek, Ohio

Ms. Donohoo supports backyard chickens for the sustainability and education value of it. She said there are many children that do not know where our food comes from. She said they are good for the environment because they eat insects and your garbage. She said there are people who will rent the whole setup. She said chickens are also used for pet therapy in nursing homes.

Seth Wagenman, 2782 Big Woods Trail, Beaver creek, Ohio

Mr. Wagenman supports the initiative. He said as a child he was able to raise chickens on a farm so it would be a different experience in the city. He said he understood Council trying to balance having to send out people to tear down coops and dispose of the chickens that are causing problems versus the need to give

September 14, 2020

people an opportunity to try something. He thought it wise to have a two year review period and would hope that after two years you would find you may be able to relax your restrictions somewhat. He said he would appreciate it because his property is less than 15,000 square feet. He said there will be some people who will cause problems because there always will be but he believed the benefit to the community will far outweigh the small amount of problems that you will see. He hoped Council would give this initiative a chance.

Lisa Brock, 1835 Hanes Rd., Beavercreek, Ohio

Ms. Brock was in full support of the backyard chicken initiative. She said by allowing chickens in the city it would help her family become a little more self-sufficient. She said the waste of the chickens would be used in their garden and is a learning opportunity for all ages. She said her neighbors on Hanes Road agree with this initiative and some have sent in letters.

Todd Brock, 1835 Hanes Rd., Beavercreek, Ohio

Mr. Brock said he was 100% in support of the initiative. He said the supply chain is broke. He said there are a lot of things you cannot get anymore. He said you can't get a bicycle anymore. He said it's getting worse and he works in the supply chain industry. He said the more self-sufficient you can become the better off your life will be. He said his family gardens and does what they can. He said we are an agricultural community.

Aubrey Hendrix, 2408 Rollingview Ave., Beavercreek, Ohio

Ms. Hendrix said she would like chickens in Beavercreek.

Paul Deflorio, 4139 Grace Circle, Beavercreek, Ohio

Mr. Deflorio had a message from the government from 1918 during World War I saying "Uncle Sam expects you to keep and raise chickens." He thought this ironic because in 1918 was also the last pandemic. He said this message was to help the war effort. He said we are talking about the privilege to keep chickens. He said it also said "in a time of war patriotic duty and "in a time of peace and profitable recreation." He said the recreational value of chickens in the backyard is manifest. He has been a practicing physician for 20 years and has seen hundreds of cases in the emergency department including dog bites and other pet induced problems. He said the idea that chickens harbor the plague is very overdone. He's never heard of anybody coming in for a chicken problem. He thought this was safe and healthy for their community. He strongly asked Council to consider this motion.

Amanda Deflorio, 4139 Grace Circle, Beavercreek, Ohio

Ms. Deflorio supports backyard chickens. She said they were a military family and have lived in a fair number of places and thought this would be it for them. She

September 14, 2020

said she chose Beaver Creek because of the mix of city amenities, subdivisions, nature reserves and the agriculture. She said the backyard abuts a cornfield. She said they wave every morning to the sheep on their way out of their subdivision. She said agriculture, farming and taking care of the land is part of this community. She said this is the first place they've lived where backyard chickens haven't been allowed. She said they could easily have 4-6 chickens without anybody seeing or hearing them. She said they are gardeners, composite and have a bee hive. She said chickens would be the next step. She would appreciate to teach her children.

Brian O'Leary, 1263 Lomeda Lane, Beaver Creek, Ohio

Mr. O'Leary said the city was already dealing with chickens now at a loss because you are not getting any permit fees. He said with a double permit you will at least compensate for the cost. He said there is an automatic two year review. He said there was no logical argument for not allowing this trial.

Cindy Fischer, 3646 Southbrook Dr., Beaver Creek, Ohio

Ms. Fischer moved here in 1973 when Shakertown Road was more farms than plats. She was raised by depressionary grandparents who canned everything. She said if they didn't can it they didn't eat it. She said she still lives by that. She said if she grew a garden strictly for financial reasons she would go broke. She does it so she can be self-reliant. She said this about being able to take care of themselves. She said they need to get back to their roots in Beaver Creek.

Sarah Hendrix, 2408 Rollingview Dr., Beaver Creek, Ohio

Ms. Hendrix supports the chickens. She said they have gotten so much support for this initiative. She said the support seems to outweigh those against.

Steve Fischer, 3646 Southbrook Dr., Beaver Creek, Ohio

Mr. Fischer said he supports the chickens.

Clerk Miscisin displayed a list of 92 names of written input received for Council. 90 of those letters were for chickens and two were against.

Council Input

Council Member Curran expressed his appreciation to all those speaking tonight. He went to Xenia and saw some coops. He said they present themselves as a rural agricultural community with 4H and the fair grounds. He said two things that concern him is safety. He said a good deal of Beaver Creek is surrounded by woods and was concerned about coyotes. He said they are attracted to chickens for a meal and the wooded areas could be occupied by a lot of them and a lot more would show up if there was a concentration of chickens. His other concern was enforcement. He said we have one individual who enforces everything. He said in

September 14, 2020

Xenia there weren't that many complaints but he was concerned with the ability to go out and enforce the regulations.

Council Member Schwartz commended Ms. O'Leary. She said she grew up on a farm in a rural community. She had chickens as part of a school project. She said they had no more than six chickens even though they were on a large farm. She said they never had any issues with smell, it was her responsibility to clean the pens and gather the eggs. She has talked with a lot of citizens, though who reached out to her and those she reached out to. She has not heard a lot of opposition but the concerns voiced were regarding roosters and coops. She said both have been addressed by the Planning Commission and by the Planning Department. She said she has seen coyotes in the neighborhoods but didn't see it as enough of a concern to outweigh the benefit it brings to the community. Her fellow Council Members have a lot of concerns and she fully appreciated that but she felt the two year review in place would allow them to address any issues.

Council Member Garcia thanked Ms. O'Leary for her presentation. She said every person she has spoken to does not want chickens. She said she spoke to a realtor who said chickens in neighborhoods are a deterrent and people do not want to move into neighborhoods with chickens in residential neighborhoods. She said we are a city with upwards of 50,000 people and the decisions we make tonight do not just effect the people in this room. She said the concerns in 2016 are the same as they are now. She said it is much easier to enforce something that is not allowed than enforce something with a lot of restrictions. She said we are a city with very limited resources. She had spoken with people who have grown up with the chickens who have had good and bad experiences. She said she had never had a problem with getting eggs with supply chains being broken down.

Council Member Duerr asked about the private covenants and restrictions. He asked if that covered all HOAs and/or PUDs within the city. Mr. Burkett said the neighborhoods that he looked at were straight rezoning and no HOAs. He said those would be disagreements between two property owners. He said if there is no HOAs to enforce it it would be up to the neighbor to enforce it against another neighbor through legal action. Council Member Duerr asked is a HOA could make changes to their HOA covenant. Mr. Burkett said yes if 75% agreed to the change. Council Member Duerr asked to be walked through the permit process. Mr. Burkett said they would create a license like a zoning permit and list the rules and regulations on the back. He said they would apply for that, there would be a fee, a second permit would be issued for an accessory structure. He said the fee amount has not been established at this time. Council Member Duerr thanked everyone for coming out. He said he tried to share his views and concerns ahead of time. He thanked everyone one for completing the survey even though it is not

September 14, 2020

statistically significant. He said 72.6% in favor raised concern. He said 49.1% said chickens should be allowed on at least half an acre which is approximately 30,000 square feet. He said the survey was not bound to Beavercreek, people could theoretically vote multiple times by clearing the browser and it's not a randomized sampling that you would normally like. He said given all that, he has learned a lot but was concerned in two major ways. He said code enforcement is one and explained he has a number of friends who sit in various positions in Cedarville. He said Cedarville allows backyards chickens with no restrictions and it is the number one code enforcement concern. He said was concerned if they allow them and then in two years revert back and the challenges associated with that. He was also concerned with lot size and the survey suggested at least half an acre. He said 15,000 square feet was not enough for him at this time. He did not feel he had the consent of the people of Beavercreek.

Council Member Bales confirmed one code enforcement officer would be dealing with the additional duties. Mr. Burkett said yes stating that person he addresses all complaints. Council Member Bales asked Mr. Burkett on the thoughts of the fees and the inspections the code enforcement officer may have. Mr. Burkett explained the interaction of the code enforcement officer would be the inspection of the coop after it's built which would be included on the accessory structure permit fees. The license permit would be coordinated within the Planning Department. Council Member Bales confirmed the hope of the administration fees to cover the cost of the processing. Mr. Burkett said the increased staff time would be offset by the fee structure. He said it's not a money making business but an offset of the costs. Council Member Bales asked if there was any thought of the architectural features of the coop other than the material used to construct it. Mr. Burkett said there was opportunity to add that it be architecturally compatible with the house. He said the language could be added prior to the Ordinance passing on the second reading. Council Member Bales said he's had a bad experience with chickens at another municipality where he worked. His concern is the lot size and thought one third of an acre lot too small. He was concerned about the pet issue and implementing a two year review.

Vice Mayor Adams thanked everyone who spoke. He said he has a different perspective. He said he grew up on a farm in South Dakota where they raised chickens. His experiences were not what he was hearing in the room. He said you are talking about chickens as pets. He said the chicken he had as a pet was attacked by a dog and it was not a pretty sight and not something you want kids to be seeing. He has spoken with several people in Beavercreek including realtors and most do not want chickens. He said we have 50,000 people here that they need to look at. He said the lot size is definitely too small. He said you have a coop but what about the pen. Mr. Burkett said there were regulations that if they

September 14, 2020

are in the backyard it needs to be fenced in. Vice Mayor Adams confirmed the chickens could run up to the fence line. He said that being the case, feces could be carried into the house. He said the CDC has confirmed salmonella because of that.

Mayor Stone noticed in the emails that a majority of the people live in old Beaver creek with larger lots that are half acre. He can understand that's how it was and people had chickens back in the 50s and 60s. He said we are not the same Beaver creek. He said lot size is his concern. He commended Ms. O'Leary for her presentation. He said zoning is not necessarily to protect the owner itself but it is to protect the neighbor of that property. He said it's the neighbor that may not want the chickens.

Council Member Curran asked what percentage of parcels were 15,000 square feet. Mr. Burkett said roughly half which equates to around 12,000 lots that are 15,000 square feet or more.

Ordinance 20-19 (First Reading)

Council Member Schwartz MOVED Ordinance 20-19 with the recommended two added conditions to the second reading. Motion FAILED for lack of a second.

Council Member Garcia MOVED to not move Ordinance 20-19 forward to the second reading and to deny the Planning Commission's recommendation, seconded by Council Member Bales. Motion PASSED by majority voice vote. (Schwartz – against)

PUBLIC HEARING – PC 20-6 ASRA Dayton-Xenia Marathon Food Mart

Clerk Miscisin read an application filed by N & G Takhar, 4365 Lisa Drive, Tipp City, OH 45371. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.53 acres of land to construct a 6,868 square foot gas station. The property is located at 3810 Dayton-Xenia Road further described as Book 2, Page 11, Parcel 13 are the Greene County Property Tax Atlas.

Applicant Presentation

Amarjit Takhar, 4365 Lisa Drive, Tipp City, Ohio 45371

Mr. Takhar said he owns several gas stations and would like to build one here as well. He was available for questions.

Staff Presentation

Ms. Pereira summarized the staff report dated September 10, 2020 which state the applicant is requesting Administrative Site Plan Review Approval to allow for the construction of a 6,900 square foot two-tenant building and gas station. She

September 14, 2020

discussed the location of the property, what currently exists on the property, the site plan, the access points, the parking requirements, the proposed color rendering and materials, the landscaping plan, water detention, lighting and proposed signage. Staff and Planning Commission recommend approval of the application with 21 conditions.

Public Input

There being no public input, public input was closed.

Council Input

Council Member Bales said the building in Fairborn is very nice. He questioned the outdoor speakers and was confused about it. Ms. Pereira said there would only be a speaker for communication between the customer and the worker.

Council Member Duerr was concerned with the traffic flow and a car missing the slight curve on Dayton Xenia and hitting the gas pumps.

Council Member Garcia was not a concerned about the points of entry. She thought it would be okay.

Council Member Schwartz questioned the look of signage that was shown in the photo provided. Ms. Pereira said the photo was of a Sunoco station and this gas station would be a Marathon.

Council Member Curran questioned if there was an access to Longview. Ms. Pereira said there was no access because of the building on the corner.

Vice Mayor Adams was concerned with the traffic flow on Dayton-Xenia but hoped the widening project would take care of that.

Mayor Stone was concerned with the curb and how narrow Central Ave. is and questioned if it could be widened. He suggested widening that area if there was enough room. He suggested adding a condition to have staff review any options.

Council Member Bales asked the applicant the timeline regarding construction. Mr. Takhar reviewed the timeline.

Council Member Curran MOVED to add condition 22 to have staff review the area along Central Ave., seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Motion

September 14, 2020

Council Member Bales MOVED, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for Dayton-Xenia Marathon Food Mart, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Bales further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.”

1. The approved plans for this development shall be the plans stamped “Received September 9, 2020”, except as modified herein.
2. The approved building elevations shall be those plans stamped “Received July 1, 2020” except where modified herein.
3. The approved building colors shall be similar to those depicted in the photographs stamped “Received July 30, 2020”.
 - i. The rear (north) elevation of the building shall incorporate lighter brick inlays to mimic windows. Final approval of the north elevation shall be given by Planning Department staff prior to the release of a zoning permit.
 - ii. The material within the dormers shall consist of either EIFS, HardiePlank, or similar materials.
4. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit. An additional row of bushes, that are the same type and caliber as the ones to the north of the detention pond, shall be added along the southern edge of detention pond and shall be shown on the final landscaping plan.
5. Prior to the issuance of a zoning permit, all structures including accessory buildings, paved areas and the like shall be completely demolished and removed from the site. A demolition permit shall be required from the City and County prior to any demo work being performed.
6. All existing curb cuts and driveway aprons on Dayton-Xenia Road and N. Central Drive shall be removed and replaced with new curb and gutter. This shall be shown on the final construction drawing, to be reviewed and approved by the Engineering Department prior to the release of the zoning permit.

September 14, 2020

7. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
8. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
9. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
10. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection, as necessary.
11. Gutters and downspouts shall be the same color as the abutting surface.
12. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
13. All Signage shall comply with the Zoning Code for B-2 district with the exception of the ground sign. The final location and size of all signs shall be reviewed and approved by the Planning Department prior to the issuance of any sign permits.
 - i. Raceways shall be prohibited.
 - ii. No temporary signage shall be permitted.
 - iii. The ground sign shall be no larger than 36 square feet per side and no taller than 6.1 feet and shall be constructed with a masonry base to match the materials used to construct the building.
 - iv. Canopy signage as shown in the rendering stamped received "July 30, 2020" shall only be permitted on the east and west elevations of the canopy.
14. Prior to the issuance of a zoning permit, final cut sheet details and

September 14, 2020

- photometric plans for lighting of the site shall be reviewed and approved by the Planning Department.
- i. No pole shall be located in the paved area of the parking field.
 - ii. All lights shall be full cut off fixtures.
 - iii. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
15. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
 16. All roof top or ground mounted mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets) or landscaping.
 17. No outdoor speakers shall be permitted with the exception of speaker communication between gas pumps and the cashier.
 18. The outdoor display of goods or merchandise shall be prohibited with the exception of an ice cooler and propane cage.
 19. A certificate of use compliance shall be required prior to the occupancy of the second tenant space. The issuance of the certificate shall be contingent on their being adequate parking for the proposed use, as outlined in the City of Beavercreek Zoning Code Off Street Parking.
 20. A replat shall be required, combining the two properties and specifying a detention easement over the detention pond area, prior to the release of a zoning permit.
 21. The piers that support the canopy must be comprised of brick that matches the building from the base to the top.
 22. Staff will review layout of Central Ave. access.

Council Member Duerr seconded the motion. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-20 Massage Registration Requirements (First Reading)

Clerk Miscisin read an Ordinance by Beavercreek City Council amending Title XI: "Business Regulations" of the codified Ordinances of the City of Beavercreek by

September 14, 2020

enacting a new Chapter 116 "Massage Service Providers" to regulate massage-related services in the City of Beavercreek, Ohio.

Mr. Burkett explained this was an addition for Chapter 116 of the Codified Ordinances. There have been complaints of illegal occurrences and human trafficking through massage parlors. In order to alleviate concerns there is a need for regulations. Businesses would be required to complete a registration of the business and inspect the licenses when needed on location. The goal was to balance between effectiveness and not creating undue burden on existing legitimate businesses.

Virginia Brembeck, 1666 Kenklare Drive, Beavercreek, Ohio

Ms. Brembeck said she works at the Women's Centers of Ohio and she sees the victims. She said Ohio has very strict regulations for a masseuse. She said this is also in the top three sex and traffic labor types. She said we need to be aware of the Asian massage businesses are the number one industry linking to human trafficking activities. She said we need to be educated on identifying the signs of human trafficking. She said they work very closely with the Montgomery County Sheriff's office. She has to go through training once per year. She said the two businesses on Dayton-Xenia have so many red flags it's unbelievable. She said these businesses need to be shut down and this was an excellent way to do that.

Public Input was closed.

Council Member Curran asked for clarification of the enforcement. Mr. Burkett explained they would need to get a business license and renew it once per year. He said if we get complaints this gives them the opportunity to get in the door. He said the code enforcement officer in conjunction with the police department would be the enforcers.

Council Member Schwartz said this was a very important ordinance. She commended staff for this initiative.

Council Member Duerr thanked staff for all the hard work on this legislation

Vice Mayor Adams asked if there would be follow-up with the registration. Mr. Burkett said there would be follow-up with the state regarding the licenses.

Mayor Stone asked if there would be onsite inspections. Mr. Burkett said only on a reactive basis.

September 14, 2020

Council Member Garcia MOVED to Ordinance 20-20 to the second reading, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Ordinance 20-21 Bikeway Regulation Updates (First Reading)

Clerk Miscisin read an Ordinance repealing current Sections 75.07 “Signal Devise on Bicycle” and 75.08 “Lights and Reflectors; Brakes” of the City of Beavercreek Code of Ordinances, and adopting new Section 75.08 “Bicycle Signal Devices” of the City of Beavercreek Code of Ordinances.

Mr. Burkett said there was a current section in the Code of Ordinances that requires a signal with an audible bell when passing. He said the new section would state *may have an audible bell*. He said most people use their voice. He said this would also be in line with the Ohio Revised Code.

There being in public input, public input was closed.

Council Member Duerr MOVED Ordinance 20-21 to the second reading, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Resolution 20-23 Selective Traffic Enforcement Program (STEP) Grant

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department’s acceptance of the Ohio Traffic Safety Selective Enforcement Program (STEP) Grant.

Deputy Chief Fiorita said the Beavercreek Police Department was notified of their eligibility to receive a grant through the Ohio Traffic Safety Office to provide funding for High Visibility Enforcement High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue. STEP hours must be used to conduct HVE activities in areas to impact fatal crashes by targeting occupant restraint, speed, distracted driving, aggressive driving, failure to yield, etc. STEP Grant eligibility is for a maximum of \$22,913.52 of reimbursement to the city for officer overtime and fringe benefits. Included in this amount is transportation/fuel costs reimbursable up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2020 through September 30, 2021.

Council Member Garcia MOVED to approve Resolution 20-23, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Resolution 20-24 Impaired Driving Enforcement Program (IDEP) Grant

September 14, 2020

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's Acceptance of the Ohio Traffic Safety Impaired Driving Enforcement Program (IDEP) Grant.

Deputy Chief Fiorita said they received notification of eligibility to the Impaired Driving Enforcement Program (IDEP). He said this is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. It combines highly visible proactive law enforcement targeting a specific traffic safety issue. IDEP hours must be used to conduct HVE activities in areas to impact impaired driving/fatal crashes. IDEP Grant eligibility is for a maximum of \$32,120.27 of reimbursement of the city for officer overtime and fringe benefits. This amount also includes reimbursement for transportation/fuel costs up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2020 through September 30, 2021.

Council Member Schwartz MOVED to approve Resolution 20-24, seconded by Council Member Curran. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Duerr gave a presentation regarding the income tax and where does each dollar of your property tax go.

Council Member Schwartz said the Beavercreek Kiwanis would be hosting a virtual open house on September 24th. She said they would also be hosting their annual auction in October.

Council Member Bales thanked the Optimist Club for putting out the flags five times per year. He thanked the public for expressing their views tonight. He thanked staff for the work on FEMA reimbursement for the tornado and being proactive regarding the budget relating to COVID-19. He congratulated Steve Klick and Joe Moore who have qualified to participate in a national golf event. He asked everyone to get informed about the income tax. He said there would be another Zoom presentation at 6:30 p.m. tomorrow.

Vice Mayor Adams attended the Beavercreek Youth Development Committee meeting last week. He attended the 911 Memorial ceremony along with Mayor Stone and Council Member Schwartz. He and the mayor participated in the 5K for Greenebucs last Saturday which raised \$25,000. He said Greenebucs was named National Chapter of the Year for the fourth year in a row.

MAYOR'S REPORT

Mayor Stone reminded everyone to complete their census if you haven't already done so. Please get your flu shots. He spoke at the Soin Medical Center's new

September 14, 2020

unit last week. He toured the new Greene County Career Center. He thanked staff who is fixing the manhole covers.

CITY MANAGER’S REPORT

Mr. Landrum reviewed the Kemp Road Reconstruction stating the Knoll Drive would be closed for approximately two weeks. Try-a-Truck Drive-Thru will be Saturday, October 3rd from 10 a.m. to noon at the Municipal Maintenance Facility.

CITIZEN COMMENTS

There being no comments. Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 8:51 p.m., seconded by Council Member Garcia. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin09142020

Agenda Item VI. A.
Second Reading

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 20-22**

SPONSORED BY COUNCIL MEMBER SCHWARTZ ON THE 28TH
DAY OF SEPTEMBER, 2020.

**AN ORDINANCE TO CHANGE THE NAME OF SEGMENTS OF
LANTZ ROAD AND WALLABY DRIVE TO MCGRATH WAY.**

WHEREAS, the City of Beavercreek Capital Improvement Plan calls for the extension of Lantz Road to the west of N. Fairfield Road to connect to the portion of Wallaby Drive just to the north of Dayton-Xenia Road; and

WHEREAS, the City of Beavercreek has received a petition, in accordance with ORC 723.04, by a person owning a lot in the municipal corporation praying that the names of the segments of Lantz Road and Wallaby Drive between N. Fairfield Road and Dayton-Xenia Road be changed to McGrath Way; and

WHEREAS, the City of Beavercreek has determined that there is good cause for said change of name and that it will not be detrimental to the general interest; and

NOW THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

The name of sections of Wallaby Drive and Lantz Road, public streets located within the City of Beavercreek, in Section 32, Town 3, Range 7, as generally depicted in 'Exhibit A' attached hereto, shall be and hereby are changed to McGrath Way.

SECTION II.

The name changes shall not alter, change or modify any house or building numbers previously assigned to any lot or parcel of land on the current Lantz Road or Wallaby Drive.

SECTION III.

The City Manager is hereby directed to cause notice of this public street name change to be made by sending a certified copy of this ordinance via U.S. mail to all homeowners and owners of property affected by this street name change, the U.S. Postal Service, the Greene County Auditor, the Greene County

Board of Elections, the Beavercreek Fire Department, and all other appropriate agencies.

SECTION IV.

This ordinance shall take effect from and after the earliest period allowed by law.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

THIS ORDINANCE CHANGES THE NAMES OF SEGMENTS OF LANTZ ROAD AND WALLABY DRIVE TO MCGRATH WAY.



Beavercreek

INSTRUCTIONS

(This Petition should be used for street name changes. It should be signed by a person or persons owning a lot in this City in the immediate vicinity of the street in question.)

PETITION FOR STREET NAME CHANGE

TO THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO:

We the undersigned owners of property abutting on or in the immediate vicinity of

Lantz Road / Wallaby Drive
(Name of Street)

From N. Fairfield Road to Dayton-Xenia Road

hereby respectfully petition for the name change of said street herein described:

Change the name of this portion of roadway to 'McGrath Way'

OUR REASON FOR REQUESTING A NAME CHANGE WILL BE PRESENTED
BEFORE COUNCIL AT A PUBLIC HEARING

NAME OF OWNER

MAILING ADDRESS

PLAT & LOT

Mills Barnett Pavilion 3500 Pentagon Blvd 1505 North Fairfield
Jerald Barnett Beavercreek, OH 45431

Jerald Barnett

EXHIBIT A
PROPOSED STREET NAME CHANGE
PORTIONS OF LANTZ ROAD AND WALLABY DRIVE
TO MCGRATH WAY



Agenda Item VI. B.
Second Reading

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-24

SPONSORED BY COUNCIL MEMBER BALES ON THE 28TH DAY OF SEPTEMBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY JOSEPH NELSON AND MOLLIE NELSON, FOR THE COUNTY LINE ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-29, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the County Line Road Widening Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the County Line Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Joseph Nelson, Mollie Nelson, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$300, as determined by an independent, certified appraiser.

Agenda Item VI. B.
Second Reading

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-24

SPONSORED BY COUNCIL MEMBER BALES ON THE 28TH DAY OF SEPTEMBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY JOSEPH NELSON AND MOLLIE NELSON, FOR THE COUNTY LINE ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-29, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the County Line Road Widening Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the County Line Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Joseph Nelson, Mollie Nelson, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$300, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Joseph Nelson and Mollie Nelson, with interest by others, for the County Line Road Widening Project in the City of Beavercreek, Ohio.

**PARCEL 27-T
COUNTY LINE ROAD WIDENING
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
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 Beavercreek, County of Greene, State of Ohio, Section 12, Town 2, Range 6, M.R.s., being part of Lot 134 of Concept Four Section 1, as recorded in Plat Book 8, Pages 100-103 of the Plat Records of Greene County, Ohio, and a 0.4591 acre parcel of land owned by Joseph Nelson and Mollie Nelson, as recorded in Official Record Volume 2008, Page 388 of the records of the Greene County Recorder's Office and being more particularly described as follows:

Being on the RIGHT 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 234, Page 32/32A (I.R. Plat 19-855956), in the Recorder's Office of Montgomery County, Ohio, 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 a 5/8" Iron pin found at the Grantor's northwest property corner, on the existing easterly right-of-way line of County Line Road and the northwest lot corner of said Lot 134, being located at 65.75 feet right, Station 19+57.95;

thence with the Grantor's north property line and the north lot line of said Lot 134 *South 85°20'36" East* for a distance of *18.14 feet* to a point being located at 83.89 feet right, Station 19+57.96;

thence with a temporary easement the following 2 courses:

1.) *South 04°04'59" West* for a distance of *40.68 feet* to a point being located at 84.33 feet right, Station 19+17.29;

2.) *South 75°10'44" West* for a distance of *19.67 feet* to a point on the Grantor's west property line, on the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 134, being located at 65.79 feet right, Station 19+10.71;

thence with the Grantor's west property line, the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 134 *North 04°31'24" East* for a distance of *47.24 feet* to the **POINT OF BEGINNING**.

EXHIBIT A

Page 2 of 2

Rev. 07/09

LPA RX 827 T

Ver. Date 03/08/19

PID: 103478

The above described area is contained within Greene County Auditor's Parcel Number B42-0003-0003-0-0004-00 and contains 0.0183 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: Official Record Volume 2008, Page 388 in the Deed Records of Greene 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.

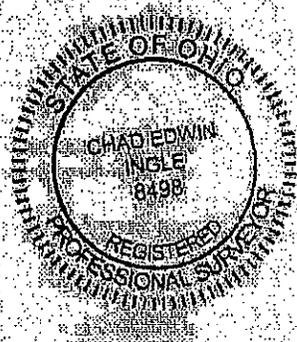
All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.



Chad E. Ingle, Ohio Registered Surveyor No. 8498

9/6/19

Date



Agenda Item VI. C.
Second Reading

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-25

SPONSORED BY COUNCIL MEMBER CURRAN ON THE 28TH DAY OF SEPTEMBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY ERIC J. DAVIS, FOR THE COUNTY LINE ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-30, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the County Line Road Widening Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the County Line Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Eric J. Davis, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$499, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stene, Mayor

ATTEST:

**PARCEL 36-T
COUNTY LINE ROAD WIDENING
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
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 Beavercreek, County of Greene, State of Ohio, Section 12, Town 2, Range 6, M.R., being part of Lot 139 of Concept Four Section 1, as recorded in Plat Book 8, Pages 100-103 of the Plat Records of Greene County, Ohio, and a 0.5433 acre parcel of land owned by Eric J. Davis, as recorded in Deed Book 593, Page 829 of the records of the Greene County Recorder's Office and being more particularly described as follows:

Being on the RIGHT 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 234, Page 32/32A (I.R. Plat 19-055950), in the Recorder's Office of Montgomery County, Ohio, 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 southwest property corner, on the existing easterly right-of-way line of County Line Road and the southwest lot corner of said Lot 139, being located at 66.29 feet right, Station 23+56.09;

thence with the Grantor's west property line, the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 139, on a curve to the left having a radius of 1208.80 feet, an arc distance of 52.90 feet, a central angle of 2°30'26", a chord bearing North 03°24'11" East for a chord distance of 52.89 feet to a point being located at 67.35 feet right, Station 24+07.13, said curve being tangent at its point of beginning to a line bearing South 04°39'24" West;

thence with a temporary easement the following 4 courses:

- 1.) South 57°32'00" East for a distance of 34.78 feet to a point being located at 97.24 feet right, Station 23+90.10;
- 2.) South 06°37'52" West for a distance of 25.78 feet to a point being located at 93.33 feet right, Station 23+65.62;
- 3.) South 83°22'08" East for a distance of 5.00 feet to a point being located at 100.31 feet right, Station 23+65.30;

4.) *South 01°39'24" West* for a distance of *10.72 feet* to a point on the Grantor's south property line and the south lot line of said Lot 139, being located at 99.98 feet right, Station 23+55.12;

thence with the Grantor's south property line and the south lot line of said Lot 139 *North 85°20'36" West* for a distance of *35.71 feet* to the POINT OF BEGINNING.

The above described area is contained within Greene County Auditor's Parcel Number B42-0002-0005-0-0009-00 and contains 0.0314 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 Book 593, Page 829 in the Deed Records of Greene 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.

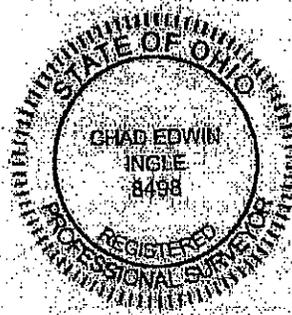
All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

Chad Ingle

Chad E. Ingle, Ohio Registered Surveyor No. 8498

9/6/19

Date



Agenda Item VI. D.
Second Reading

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-26

SPONSORED BY COUNCIL MEMBER BALES ON THE 28TH DAY OF SEPTEMBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY ROBERT H. NEFF, FOR THE COUNTY LINE ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-31, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the County Line Road Widening Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A' and in Exhibit 'B', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the County Line Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Robert H. Neff, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$962, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A' and Exhibit 'B', which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Robert H. Neff, with interest by others, for the County Line Road Widening Project in the City of Beavercreek, Ohio.

**PARCEL 35-F1
COUNTY LINE ROAD WIDENING
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
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 Beavercreek, County of Greene, State of Ohio, Section 12, Town 2, Range 6, M.R.s. being part of Lot 138 of Concept Four Section 1, as recorded in Plat Book 8, Pages 100-103 of the Plat Records of Greene County, Ohio, and a 0.4591 acre parcel of land owned by Robert H. Neff, as recorded in Official Record Volume 1109, Page 326 of the records of the Greene County Recorder's Office and being more particularly described as follows:

Being on the RIGHT 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 234, Page 37/321 (I.B. Plat 19-~~855450~~), in the Recorder's Office of Montgomery County, Ohio, 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 a 5/8" iron pin found at the Grantor's southwest property corner, on the existing easterly right-of-way line of County Line Road and the southwest lot corner of said Lot 138, being located at 65.51 feet right, Station 22+57.96;

thence with the Grantor's west property line, the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 138 *North 04°39'24" East* for a distance of *49.01 feet* to a point being located at 65.49 feet right, Station 23+06.74;

thence with a temporary easement the following 2 courses:

1.) *South 79°14'27" East* for a distance of *35.29 feet* to a point being located at 100.57 feet right, Station 23+03.08;

2.) *South 04°38'49" West* for a distance of *45.26 feet* to a point on the Grantor's south property line and the south lot line of said Lot 138, being located at 100.51 feet right, Station 22+57.99;

thence with the Grantor's south property line and the south lot line of said Lot 138 *North 85°20'36" West* for a distance of *55.10 feet* to the **POINT OF BEGINNING**.

EXHIBIT A

Page 2 of 2

Rev. 07/09

LPA RX 887 T

Ver. Date: 09/08/19

PID: 103418

The above described area is contained within Greene County Auditor's Parcel Number B42-0003-0005-0-0008-00 and contains 0.0380 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: Official Record Volume 1409, Page 326 in the Deed Records of Greene County, Ohio.

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

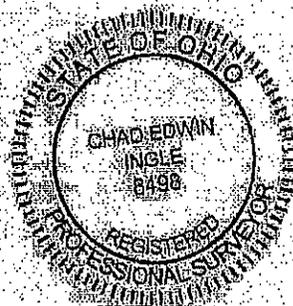
This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in September 2018.

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

9/6/19
Date



**PARCEL 35-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 Beavercreek, County of Greene, State of Ohio, Section 12, Town 2, Range 6, M.R.s., being part of Lot 138 of Concept Four Section 1, as recorded in Plat Book 8, Pages 100-103 of the Plat Records of Greene County, Ohio, and a 0.4591 acre parcel of land owned by Robert H. Neff, as recorded in Official Record Volume 1109, Page 326 of the records of the Greene County Recorder's Office and being more particularly described as follows:

Being on the RIGHT 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 234, Page 32 (32A) (I.R. Plat 19-05595C), in the Recorder's Office of Montgomery County, Ohio, 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 northwest property corner, on the existing easterly right-of-way line of County Line Road and the northwest lot corner of said Lot 138, being located at 66.29 feet right, Station 23+56.03;

thence with the Grantor's north property line and the north lot line of said Lot 138 *South 85°20'36" East* for a distance of 33.71 feet to a point being located at 99.98 feet right, Station 23+55.12;

thence with a temporary easement *South 73°30'06" West* for a distance of 36.15 feet to a point on the Grantor's west property line, the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 138, being located at 65.96 feet right, Station 23+43.49;

thence with the Grantor's west property line, the existing easterly right-of-way line of County Line Road and the west lot line of said Lot 138 *North 04°39'24" East* for a distance of 13.05 feet to the POINT OF BEGINNING.

The above described area is contained within Greene County Auditor's Parcel Number B42-0003-0005-0-0008-00 and contains 0.0050 acres, more or less, and being subject to all legal highway and any easements or restrictions of record.

LPA RX 887 T

EXHIBIT B

Page 2 of 2

Rev. 07/09

Ver. Date 03/08/19

EID:103418

Prior instrument reference as of the date this survey was prepared: Official Record Volume 1109, Page 326 in the Deed Records of Greene 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.

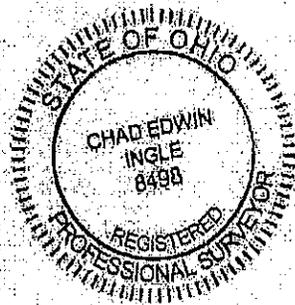
Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

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 Ingle

Chad E. Ingle, Ohio Registered Surveyor No. 8498

9/6/19
Date



CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

PEL

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; R/W Acquisition; M. David Reid, Jr. Property
Agenda Reference No.: <u>VI. E.</u>	Resolution No. <u>20-35</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the additional permanent right-of-way, drainage easement and temporary grading easements needed to build the improvement from Mr. Reid. Despite these efforts, the City and Mr. Reid have been unable to agree upon a purchase price for this land to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 20-35**

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH
DAY OF OCTOBER, 2020.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT
TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND
OTHER PROPERTY INTERESTS OWNED BY M. DAVID REID,
JR., WITH INTEREST BY OTHERS, FOR THE INDIAN RIPPLE
ROAD IMPROVEMENT PROJECT, IN THE CITY OF
BEAVERCREEK, OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Indian Ripple Road Improvement Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain temporary right-of-way in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain temporary right-of-way in real estate described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', Exhibit 'F', Exhibit 'G', and Exhibit 'H' attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include M. David Reid, Jr., and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

Page 1 of 3

Rev. 06/09

LPA RX 877 S

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-S
GRE-CR36-1.26
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

EXHIBIT A

Page 2 of 3

LPA RX 877 S

Rev. 06/09

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 556.47 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.27 feet right of station 48+86.10;

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.74 feet left of station 48+86.35 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly continuing on the grantor's west property line, also being the east property line of said GNS Investment Properties, Inc. 3.976 acre tract, North 04 degrees 59 minutes 16 seconds East, 5.06 feet, to a point on the proposed sewer easement line, said point being 36.00 feet left of station 48+86.38;

Thence easterly on the proposed sewer easement line, North 73 degrees 15 minutes 54 seconds East, 9.59 feet, to a point on the proposed sewer easement line, said point being 40.29 feet left of station 48+95.32;

Thence southerly continuing on the proposed sewer easement line, South 16 degrees 44 minutes 06 seconds East, 9.13 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.79 feet left of station 48+98.64;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 12.29 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0017 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0017 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

EXHIBIT A

LPA RX 877 S

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

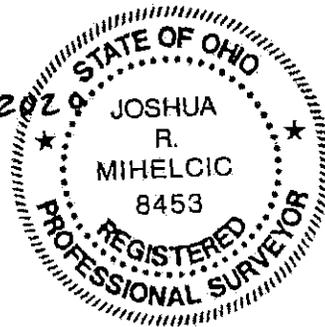
All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



LPA RX 887 T

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-T
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's east property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of Indian Ripple Road proposed centerline of construction station 49+36.52 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 37.71 feet, to a point on the proposed sewer easement line, said point being 31.79 feet left of station 48+98.64;

Thence northerly on the proposed sewer easement line, North 16 degrees 44 minutes 06 seconds West, 9.13 feet, to a point on the proposed sewer easement line, said point being 40.29 feet left of station 48+95.32;

Thence westerly continuing on the proposed sewer easement line, South 73 degrees 15 minutes 54 seconds West, 9.59 feet, to a point on the grantor's west property line, said point being 36.00 feet left of station 48+86.38;

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 8.20 feet, to a point on the proposed temporary easement line, said point being 45.00 feet left of station 48+86.44;

Thence easterly on the proposed temporary easement line, South 87 degrees 50 minutes 00 seconds East, 50.06 feet, to a point on the grantor's east property line, said point being 47.00 feet left of station 49+36.70;

Thence southerly on the grantor's east property line, also being the west property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 15.18 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0146 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0146 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

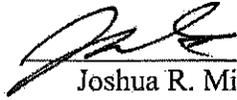
All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

LPA RX 887 T

Page 3 of 3

Rev. 07/09

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020

Date



LPA RX 851 WD

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-WD
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 506.47 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.18 feet right of station 49+36.08 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 50.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.27 feet right of station 48+86.10;

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.74 feet left of station 48+86.35;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 50.00 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.82 feet left of station 49+36.52;

Thence southerly on the grantor's east property line, also being the west property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0425 acres, of which 0.0287 acres is PRO (Present Road Occupied), leaving a net take of 0.0138 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: EAM Date: 7/13/2020

PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF BAZ 3 19 50

LPA RX 877 S

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-S
GRE-CR36-1.26
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 329.14 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.37 feet right of station 51+13.41;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 30.39 feet, to a point on the proposed sewer easement line, said point being 31.60 feet left of station 51+44.24 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the proposed sewer easement line, North 00 degrees 38 minutes 32 seconds West, 11.47 feet, to a point on the proposed sewer easement line, said point being 43.03 feet left of station 51+43.25;

Thence easterly continuing on the proposed sewer easement line, North 89 degrees 21 minutes 28 seconds East, 10.00 feet, to a point on the proposed sewer easement line, said point being 43.90 feet left of station 51+53.21;

Thence southerly continuing on the proposed sewer easement line, South 00 degrees 38 minutes 32 seconds East, 12.35 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.59 feet left of station 51+54.28;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 10.04 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0027 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0027 acres, more or less, subject to legal highways and other easements of record.

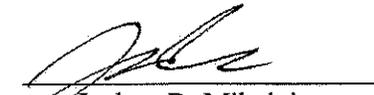
The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT E

Page 1 of 2

Rev. 07/09

LPA RX 887 T

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-T1
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid, Jr., Trustee as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's west property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of Indian Ripple Road proposed centerline of construction station 49+36.52 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid 7.808 acre tract as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 15.18 feet, to a point on the proposed temporary easement line, said point being 47.00 feet left of station 49+36.70;

Thence easterly on the proposed temporary easement line, North 89 degrees 36 minutes 03 seconds East, 24.38 feet, to a point on the proposed temporary easement line, said point being 49.00 feet left of station 49+61.00;

Thence easterly continuing on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 153.06 feet, to a point on the grantor's east property line, said point being 49.00 feet left of station 51+14.06;

Thence southerly on the grantor's east property line, also being the west property line of the Marlin David Reid Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 17.37 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 177.33 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0698 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0698 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005200.

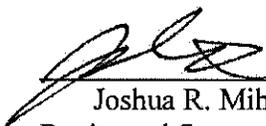
Prior Instrument Reference as of the date this survey was prepared: Official Record 518 Page 646 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT F

LPA RX 887 T

Page 1 of 3

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-T2
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's east property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of Indian Ripple Road proposed centerline of construction station 52+91.17 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 136.90 feet, to a point on the proposed sewer easement line, said point being 31.59 feet left of station 51+54.28;

Thence northerly on the proposed sewer easement line, North 00 degrees 38 minutes 32 seconds West, 12.35 feet, to a point on the proposed sewer easement line, said point being 43.90 feet left of station 51+53.21;

Thence westerly continuing on the proposed sewer easement line, South 89 degrees 21 minutes 28 seconds West, 10.00 feet, to a point on the proposed sewer easement line, said point being 43.03 feet left of station 51+43.25;

Thence southerly continuing on the proposed sewer easement line, South 00 degrees 38 minutes 32 seconds East, 11.47 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.60 feet left of station 51+44.24;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 30.39 feet, to a Mag Nail to be set on the grantor's west property line, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 17.37 feet, to a point on the proposed temporary easement line, said point being 49.00 feet left of station 51+14.06;

Thence easterly on the proposed temporary easement line, South 84 degrees 23 minutes 26 seconds East, 43.95 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 51+58.00;

Thence easterly continuing on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 133.37 feet, to a point on the grantor's east property line, said point being 48.00 feet left of station 52+91.37;

Thence southerly on the grantor's east property line, also being the west property line of the Terra Developers, LLC tract as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 16.55 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0648 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0648 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

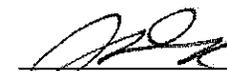
Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 887 T

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio; No. S-008453

06-30-2020

Date



EXHIBIT G

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-WD1
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid, Jr., Trustee as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

LPA RX 851 WD

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 329.14 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.37 feet right of station 51+13.41 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 177.33 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.18 feet right of station 49+36.08;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid 7.808 acre tract as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of station 49+36.52;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 177.33 feet, to a Mag Nail to be set on the grantor's east property line, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence southerly on the grantor's east property line, also being the west property line of the Marlin David Reid Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1506 acres, of which 0.1018 acres is PRO (Present Road Occupied), leaving a net take of 0.0488 acres, more or less, subject to legal highways, an existing 10 foot Ohio Bell easement as recorded in Official Record 512 Page 696 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005200.

Prior Instrument Reference as of the date this survey was prepared: Official Record 518 Page 646 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020

Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By:  Date: 7/13/2020
PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF B42 3 19 52

EXHIBIT H

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-WD2
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 151.82 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.55 feet right of station 52+90.73 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 177.32 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.37 feet right of station 51+13.41;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 177.32 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.45 feet left of station 52+91.17;

Thence southerly on the grantor's east property line, also being the west property line of the Terra Developers, LLC tract as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1506 acres, of which 0.1018 acres is PRO (Present Road Occupied), leaving a net take of 0.0488 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020

Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: RAM Date: 7/13/2020

PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF 842 3 19 53

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PE

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; R/W Acquisition; M. David Reid, Jr. Property
Agenda Reference No.: <u>VI. F.</u>	<u>Ordinance No. 20-27</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the additional permanent right-of-way, drainage easement and temporary grading easements needed to build the improvement from Mr. Reid. Despite these efforts, the City and Mr. Reid have been unable to agree upon a purchase price for this land to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Ordinance so that this project may proceed.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-27

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH DAY OF OCTOBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY M. DAVID REID, JR., FOR THE INDIAN RIPPLE ROAD IMPROVEMENT PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-35, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Indian Ripple Road Improvement Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', Exhibit 'F', Exhibit 'G', and Exhibit 'H' attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Indian Ripple Road Improvement Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: M. David Reid, Jr., and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$39,419, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', Exhibit 'F', Exhibit 'G', and Exhibit 'H' which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____ 2020.

Bob Stone, Mayor

ATTEST:

EXHIBIT A

Page 1 of 3

LPA RX 877 S

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-S
GRE-CR36-1.26
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

EXHIBIT A

Page 2 of 3

LPA RX 877 S

Rev. 06/09

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 556.47 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.27 feet right of station 48+86.10;

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.74 feet left of station 48+86.35 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly continuing on the grantor's west property line, also being the east property line of said GNS Investment Properties, Inc. 3.976 acre tract, North 04 degrees 59 minutes 16 seconds East, 5.06 feet, to a point on the proposed sewer easement line, said point being 36.00 feet left of station 48+86.38;

Thence easterly on the proposed sewer easement line, North 73 degrees 15 minutes 54 seconds East, 9.59 feet, to a point on the proposed sewer easement line, said point being 40.29 feet left of station 48+95.32;

Thence southerly continuing on the proposed sewer easement line, South 16 degrees 44 minutes 06 seconds East, 9.13 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.79 feet left of station 48+98.64;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 12.29 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0017 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0017 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

EXHIBIT A

LPA RX 877 S

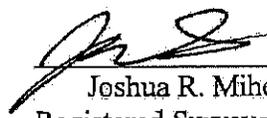
Rev. 06/09

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT B

Page 1 of 3

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-T
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's east property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of Indian Ripple Road proposed centerline of construction station 49+36.52 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 37.71 feet, to a point on the proposed sewer easement line, said point being 31.79 feet left of station 48+98.64;

Thence northerly on the proposed sewer easement line, North 16 degrees 44 minutes 06 seconds West, 9.13 feet, to a point on the proposed sewer easement line, said point being 40.29 feet left of station 48+95.32;

Thence westerly continuing on the proposed sewer easement line, South 73 degrees 15 minutes 54 seconds West, 9.59 feet, to a point on the grantor's west property line, said point being 36.00 feet left of station 48+86.38;

LPA RX 887 T

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 8.20 feet, to a point on the proposed temporary easement line, said point being 45.00 feet left of station 48+86.44;

Thence easterly on the proposed temporary easement line, South 87 degrees 50 minutes 00 seconds East, 50.06 feet, to a point on the grantor's east property line, said point being 47.00 feet left of station 49+36.70;

Thence southerly on the grantor's east property line, also being the west property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 15.18 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0146 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0146 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

LPA RX 887 T

Page 3 of 3

Rev. 07/09

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020

Date

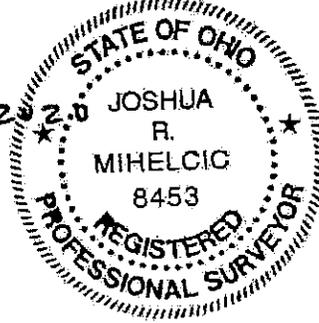


EXHIBIT C

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24A-WD
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beaver creek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 4 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beaver creek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 506.47 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.18 feet right of station 49+36.08 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 50.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.27 feet right of station 48+86.10;

Thence northerly on the grantor's west property line, also being the east property line of the GNS Investment Properties, Inc. 3.976 acre tract as recorded in Instrument Number 2019015802 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.74 feet left of station 48+86.35;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 50.00 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.82 feet left of station 49+36.52;

Thence southerly on the grantor's east property line, also being the west property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0425 acres, of which 0.0287 acres is PRO (Present Road Occupied), leaving a net take of 0.0138 acres, more or less, subject to legal highways, an existing 45 foot sanitary sewer easement as recorded in Deed Book 463 Page 167 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 468 Page 766 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio; No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: EAM Date: 7/3/2024

PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF BAZ 3 19 50

EXHIBIT D

Page 1 of 3

LPA RX 877 S

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-S
GRE-CR36-1.26
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 329.14 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.37 feet right of station 51+13.41;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 30.39 feet, to a point on the proposed sewer easement line, said point being 31.60 feet left of station 51+44.24 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the proposed sewer easement line, North 00 degrees 38 minutes 32 seconds West, 11.47 feet, to a point on the proposed sewer easement line, said point being 43.03 feet left of station 51+43.25;

Thence easterly continuing on the proposed sewer easement line, North 89 degrees 21 minutes 28 seconds East, 10.00 feet, to a point on the proposed sewer easement line, said point being 43.90 feet left of station 51+53.21;

Thence southerly continuing on the proposed sewer easement line, South 00 degrees 38 minutes 32 seconds East, 12.35 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.59 feet left of station 51+54.28;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 10.04 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0027 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0027 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

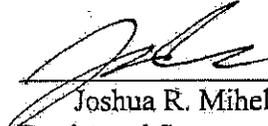
LPA RX 877 S

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date

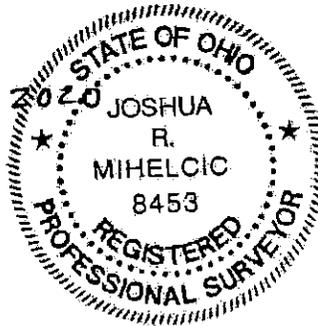


EXHIBIT E

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

PARCEL 24B-T1
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid, Jr., Trustee as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's west property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of Indian Ripple Road proposed centerline of construction station 49+36.52 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid 7.808 acre tract as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 15.18 feet, to a point on the proposed temporary easement line, said point being 47.00 feet left of station 49+36.70;

Thence easterly on the proposed temporary easement line, North 89 degrees 36 minutes 03 seconds East, 24.38 feet, to a point on the proposed temporary easement line, said point being 49.00 feet left of station 49+61.00;

Thence easterly continuing on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 153.06 feet, to a point on the grantor's east property line, said point being 49.00 feet left of station 51+14.06;

LPA RX 887 T

Thence southerly on the grantor's east property line, also being the west property line of the Marlin David Reid Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 17.37 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 177.33 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0698 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0698 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005200.

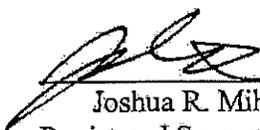
Prior Instrument Reference as of the date this survey was prepared: Official Record 518 Page 646 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT F

Page 1 of 3

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-T2
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's east property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of Indian Ripple Road proposed centerline of construction station 52+91.17 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 136.90 feet, to a point on the proposed sewer easement line, said point being 31.59 feet left of station 51+54.28;

Thence northerly on the proposed sewer easement line, North 00 degrees 38 minutes 32 seconds West, 12.35 feet, to a point on the proposed sewer easement line, said point being 43.90 feet left of station 51+53.21;

Thence westerly continuing on the proposed sewer easement line, South 89 degrees 21 minutes 28 seconds West, 10.00 feet, to a point on the proposed sewer easement line, said point being 43.03 feet left of station 51+43.25;

LPA RX 887 T

Thence southerly continuing on the proposed sewer easement line, South 00 degrees 38 minutes 32 seconds East, 11.47 feet, to a point on the proposed north right of way line of Indian Ripple Road, said point being 31.60 feet left of station 51+44.24;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 30.39 feet, to a Mag Nail to be set on the grantor's west property line, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 17.37 feet, to a point on the proposed temporary easement line, said point being 49.00 feet left of station 51+14.06;

Thence easterly on the proposed temporary easement line, South 84 degrees 23 minutes 26 seconds East, 43.95 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 51+58.00;

Thence easterly continuing on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 133.37 feet, to a point on the grantor's east property line, said point being 48.00 feet left of station 52+91.37;

Thence southerly on the grantor's east property line, also being the west property line of the Terra Developers, LLC tract as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 16.55 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0648 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0648 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

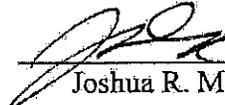
Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 887 T

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT G

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-WD1
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to M. David Reid, Jr., Trustee as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 329.14 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.37 feet right of station 51+13.41 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 177.33 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.18 feet right of station 49+36.08;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid 7.808 acre tract as recorded in Official Record 468 Page 766 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.82 feet left of station 49+36.52;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 177.33 feet, to a Mag Nail to be set on the grantor's east property line, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence southerly on the grantor's east property line, also being the west property line of the Marlin David Reid Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1506 acres, of which 0.1018 acres is PRO (Present Road Occupied), leaving a net take of 0.0488 acres, more or less, subject to legal highways, an existing 10 foot Ohio Bell easement as recorded in Official Record 512 Page 696 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005200.

Prior Instrument Reference as of the date this survey was prepared: Official Record 518 Page 646 of the Deed Records of Greene County, Ohio.

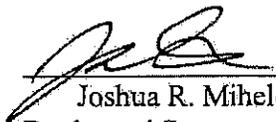
Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: EA Date: 7/13/2020

PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF B42 3 19 52

EXHIBIT H

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 24B-WD2
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 5 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Marlin David Reid, Jr. as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

LPA RX 851 WD

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 151.82 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.55 feet right of station 52+90.73 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 177.32 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.37 feet right of station 51+13.41;

Thence northerly on the grantor's west property line, also being the east property line of the M. David Reid, Jr., Trustee tract as recorded in Official Record 518 Page 646 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to a Mag Nail to be set on the proposed north right of way line of Indian Ripple Road, said Mag Nail being 31.63 feet left of station 51+13.85;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 177.32 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.45 feet left of station 52+91.17;

Thence southerly on the grantor's east property line, also being the west property line of the Terra Developers, LLC tract as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1506 acres, of which 0.1018 acres is PRO (Present Road Occupied), leaving a net take of 0.0488 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005300.

Prior Instrument Reference as of the date this survey was prepared: Official Record 435 Page 342 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

JRM
Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

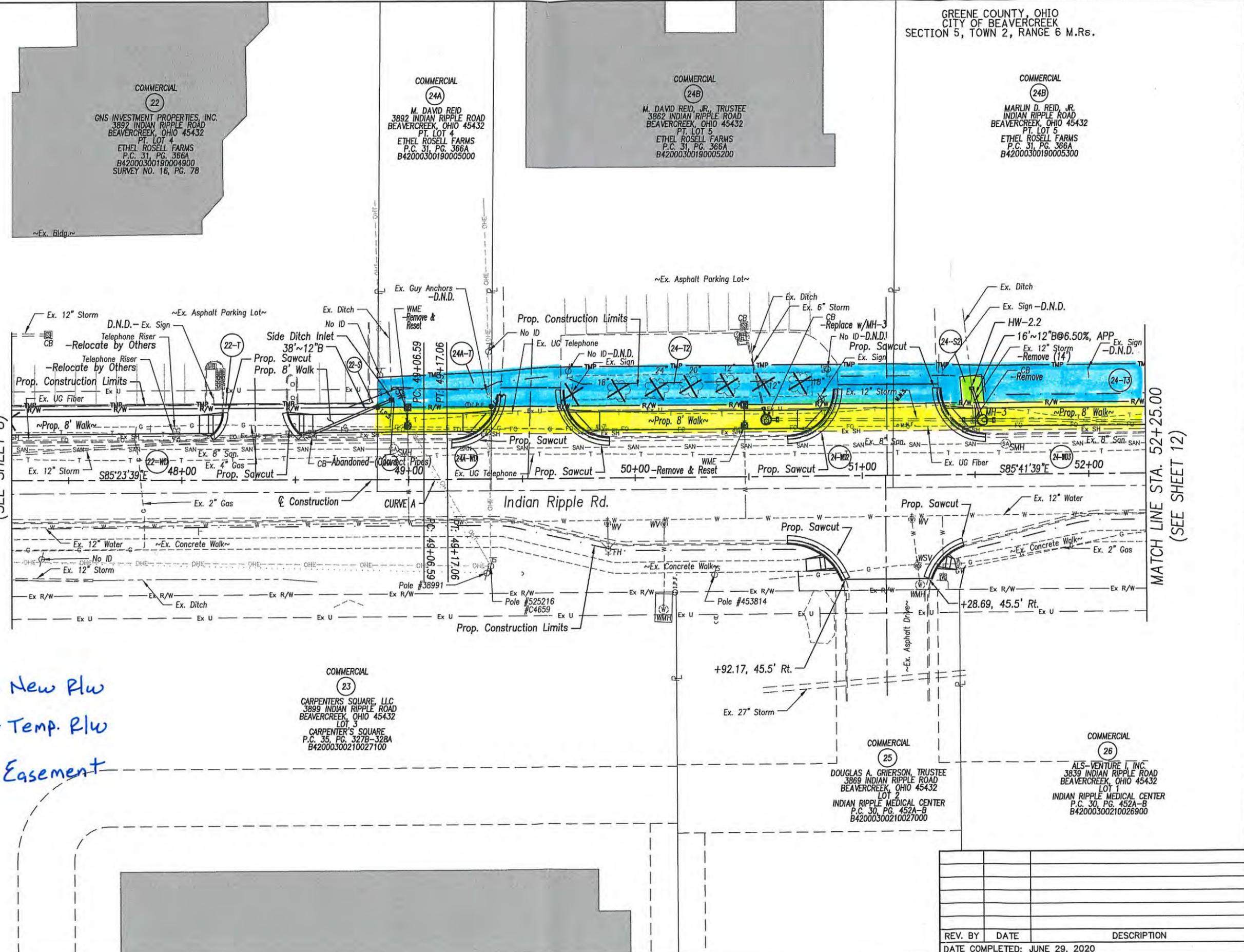
Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: *RAM* Date: 7/13/2020
PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF 542 3 19 53

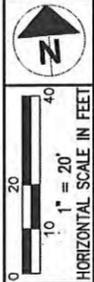
CURVE A:
 PI = 49+11.82
 Δ = 00°18'00"
 Dc = 02°51'53"
 R = 2000.00'
 T = 5.24'
 L = 10.47'
 C = 10.47'
 C.B. = S85°32'39"E



- New Plw
- Temp. Plw
- Easement

MATCH LINE STA. 47+25.00
(SEE SHEET 8)

MATCH LINE STA. 52+25.00
(SEE SHEET 12)



PID NO. 103493
 R/W DESIGNER ELY
 R/W REVIEWER JRM

RIGHT OF WAY TOPO SHEET
 STA. 47+25.00 TO STA. 52+25.00

GRE-CR 36-1.26
 SIDEWALKS

10 / 17

54
 61

REV. BY	DATE	DESCRIPTION

DATE COMPLETED: JUNE 29, 2020

06/29/2020 1612BROW.DWG

COMMERCIAL (22)
 GNS INVESTMENT PROPERTIES, INC.
 3892 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 4
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190004900
 SURVEY NO. 16, PG. 78

COMMERCIAL (24A)
 M. DAVID REID
 3892 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 4
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005000

COMMERCIAL (24B)
 M. DAVID REID, JR., TRUSTEE
 3862 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 5
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005200

COMMERCIAL (24B)
 MARLIN D. REID, JR.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 5
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005300

COMMERCIAL (23)
 CARPENTERS SQUARE, LLC
 3899 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 LOT 3
 CARPENTER'S SQUARE
 P.C. 35, PG. 327B-328A
 B42000300210027100

COMMERCIAL (25)
 DOUGLAS A. GRIERSON, TRUSTEE
 3869 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 LOT 2
 INDIAN RIPPLE MEDICAL CENTER
 P.C. 30, PG. 452A-B
 B42000300210027000

COMMERCIAL (26)
 ALS-VENTURE I, INC.
 3839 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 LOT 1
 INDIAN RIPPLE MEDICAL CENTER
 P.C. 30, PG. 452A-B
 B42000300210026900

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

POL

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; R/W Acquisition; Terra Developers, LLC Property
Agenda Reference No.: <u>VI. G.</u>	Resolution No. <u>20-36</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the additional permanent right-of-way, and temporary grading easements needed to build the improvement from Terra Developers. Despite these efforts, the City and Terra Developers have been unable to agree upon a purchase price for this land to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 20-36**

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH DAY OF OCTOBER, 2020.

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER PROPERTY INTERESTS OWNED BY TERRA DEVELOPERS, LLC, WITH INTEREST BY OTHERS, FOR THE INDIAN RIPPLE ROAD IMPROVEMENT PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Indian Ripple Road Improvement Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain temporary right-of-way in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain temporary right-of-way in real estate described in Exhibit 'A', and Exhibit 'B', attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Terra Developers, LLC, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 12th day of October, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 27-T
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 6 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Terra Developers, LLC as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's west property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of Indian Ripple Road proposed centerline of construction station 52+91.17 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the grantor's west property line, also being the east property line of the Marlin David Reid, Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 16.55 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 52+91.37;

Thence easterly on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 68.63 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 53+60.00;

Thence easterly continuing on the proposed temporary easement line, South 87 degrees 25 minutes 10 seconds East, 66.43 feet, to a point on the grantor's east property line, said point being 50.00 feet left of station 54+26.40;

EXHIBIT A

LPA RX 887 T

Rev. 07/09

Thence southerly on the grantor's east property line, also being the west property line of the Dwane Roderick Rankin 1.83 acre tract as recorded in Official Record 3392 Page 92 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 18.69 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.31 feet left of station 54+26.18;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 135.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0530 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0530 acres, more or less, subject to legal highways, an existing 40 foot sanitary sewer easement as recorded in Deed Book 463 Page 165 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005400.

Prior Instrument Reference as of the date this survey was prepared: Instrument Number 2018001108 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT B

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 27-WD
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 6 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Terra Developers, LLC as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 16.81 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.69 feet right of station 54+25.74 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 135.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.55 feet right of station 52+90.73;

Thence northerly on the grantor's west property line, also being the east property line of the Marlin David Reid, Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of station 52+91.17;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 135.00 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.31 feet left of station 54+26.18;

Thence southerly on the grantor's east property line, also being the west property line of the Dwane Roderick Rankin 1.83 acre tract as recorded in Official Record 3392 Page 92 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1147 acres, of which 0.0775 acres is PRO (Present Road Occupied), leaving a net take of 0.0372 acres, more or less, subject to legal highways, an existing 40 foot sanitary sewer easement as recorded in Deed Book 463 Page 165 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005400.

Prior Instrument Reference as of the date this survey was prepared: Instrument Number 2018001108 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Joshua R. Mihelcic
Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: EAM Date: 7/13/2020

PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF BAZ 3 1D SA

CURVE B:
 PI = 55+86.19
 Δ = 01°11'01"
 Dc = 02°51'53"
 R = 2000.00'
 T = 20.66'
 L = 41.31'
 C = 41.31'
 C.B. = S86°17'09"E

CURVE C:
 PI = 57+09.19
 Δ = 00°52'52"
 Dc = 02°51'53"
 R = 2000.00'
 T = 15.38'
 L = 30.76'
 C = 30.76'
 C.B. = S86°26'14"E

GREENE COUNTY, OHIO
 CITY OF BEAVERCREEK
 SECTION 5, TOWN 2, RANGE 6 M.Rs.



PID NO.
 103493

R/W DESIGNER
 ELY

R/W REVIEWER
 JRM

RIGHT OF WAY TOPO SHEET
 STA. 52+25.00 TO STA. 57+25.00

GRE-CR 36-1.26
 SIDEWALKS

12/17

56
 61

COMMERCIAL
 (30)

BERNS DEVELOPMENT GROUP, INC.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005700
 SURVEY NO. 41, PG. 236

RESIDENTIAL
 (28)

DWANE RODERICK RANKIN
 3828 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005600

RESIDENTIAL
 (27)

TERRA DEVELOPERS, LLC
 3838 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005400

COMMERCIAL
 (24B)

MARLIN D. REID, JR.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 5
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005300

RESIDENTIAL
 (29)

TYLER J. JOHNSON &
 KEGAN L. JOHNSON
 3815 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 LOT 60
 CHERRY HILL SECTION FOUR
 P.C. 32, PG. 274B-275A
 B42000300210006000

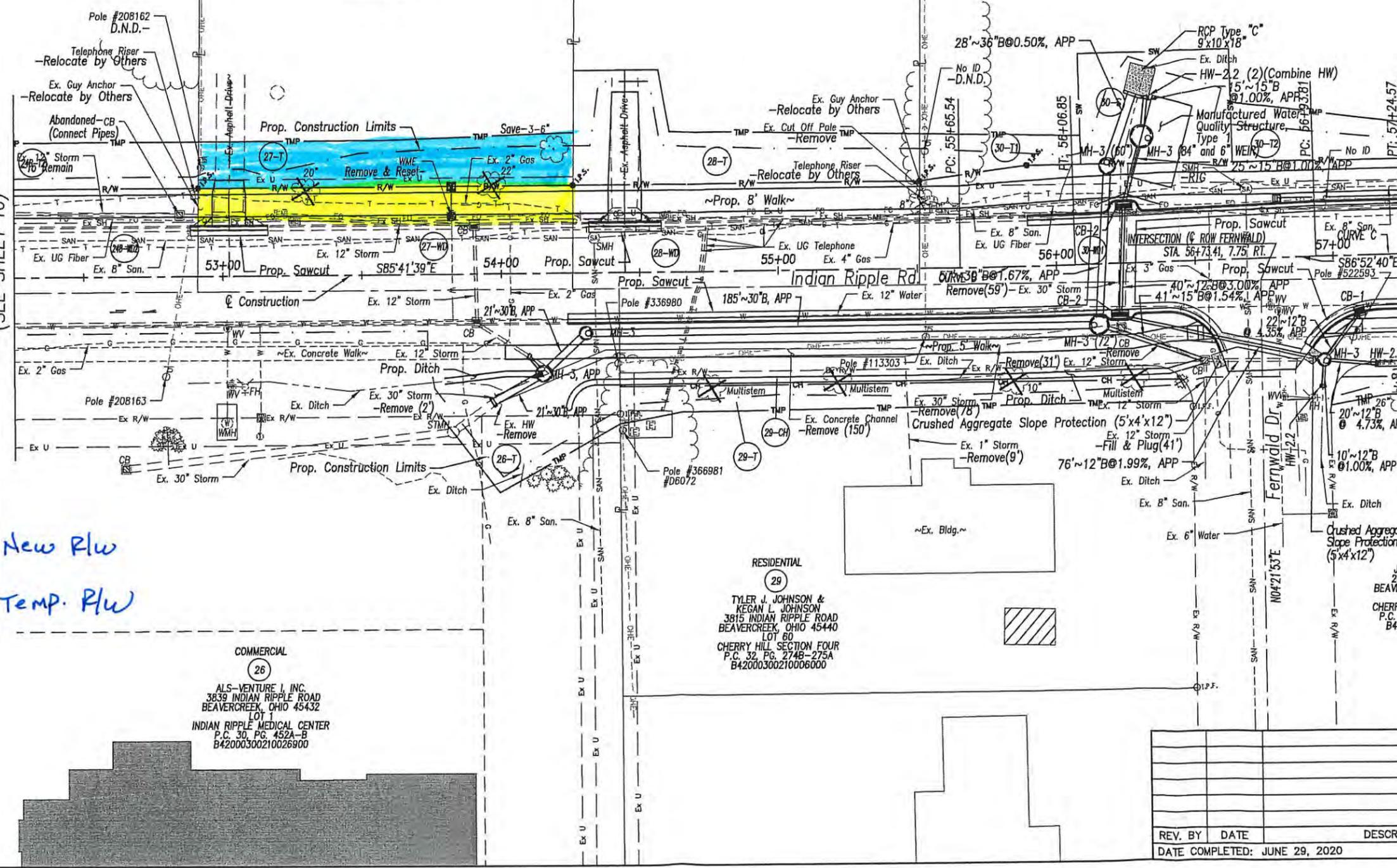
COMMERCIAL
 (26)

ALS-VENTURE I, INC.
 3839 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 LOT 1
 INDIAN RIPPLE MEDICAL CENTER
 P.C. 30, PG. 452A-B
 B42000300210026900

MATCH LINE STA. 52+25.00
 (SEE SHEET 10)

MATCH LINE STA. 57+25.00
 (SEE SHEET 14)

- New R/W
 - Temp. R/W



REV. BY	DATE	DESCRIPTION

DATE COMPLETED: JUNE 29, 2020

06/29/2020 18126R01.DWG

PCC

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; R/W Acquisition; Terra Developers, LLC Property
Agenda Reference No.: <u>VI. H.</u>	Ordinance No. <u>20-28</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the additional permanent right-of-way, and temporary grading easements needed to build the improvement from Terra Developers. Despite these efforts, the City and Terra Developers have been unable to agree upon a purchase price for this land to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Ordinance so that this project may proceed.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-28

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH DAY OF OCTOBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY TERRA DEVELOPERS, LLC., FOR THE INDIAN RIPPLE ROAD IMPROVEMENT PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-36, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Indian Ripple Road Improvement Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', and Exhibit 'B', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Indian Ripple Road Improvement Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Terra Developers, LLC. and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$11,326.00, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', and Exhibit 'B' which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____ 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Terra Developers, LLC, with interest by others, for the Indian Ripple Road Improvement Project in the City of Beavercreek, Ohio.

EXHIBIT A

Page 1 of 2

Rev. 07/09

LPA RX 887 T

Ver. Date 06/30/2020

PID 103493

**PARCEL 27-T
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beaver creek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 6 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Terra Developers, LLC as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beaver creek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the grantor's west property line, said pin also being on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of Indian Ripple Road proposed centerline of construction station 52+91.17 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the grantor's west property line, also being the east property line of the Marlin David Reid, Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 16.55 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 52+91.37;

Thence easterly on the proposed temporary easement line, South 85 degrees 41 minutes 39 seconds East, 68.63 feet, to a point on the proposed temporary easement line, said point being 48.00 feet left of station 53+60.00;

Thence easterly continuing on the proposed temporary easement line, South 87 degrees 25 minutes 10 seconds East, 66.43 feet, to a point on the grantor's east property line, said point being 50.00 feet left of station 54+26.40;

EXHIBIT A

LPA RX 887 T

Rev. 07/09

Thence southerly on the grantor's east property line, also being the west property line of the Dwane Roderick Rankin 1.83 acre tract as recorded in Official Record 3392 Page 92 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 18.69 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.31 feet left of station 54+26.18;

Thence westerly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 135.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0530 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0530 acres, more or less, subject to legal highways, an existing 40 foot sanitary sewer easement as recorded in Deed Book 463 Page 165 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005400.

Prior Instrument Reference as of the date this survey was prepared: Instrument Number 2018001108 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

06-30-2020
Date

Registered Surveyor of Ohio: No. S-008453



EXHIBIT B

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 27-WD
GRE-CR36-1.26
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 BEAVERCREEK, GREENE COUNTY, 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]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Pt. Lot 6 of Ethel Rosell Farms plat as recorded in Plat Cabinet 31 Page 366A of the plat records of Greene County, Ohio and conveyed to Terra Developers, LLC as recorded in Instrument Number 2018001108 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at the northeast corner of Lot 1 of Indian Ripple Medical Center plat as recorded in Plat Cabinet 30 Page 452A-B of the plat records of Greene County, Ohio, said northeast corner being 50.70 feet right of proposed centerline of construction of Indian Ripple Road station 54+42.51, said northeast corner witnessed by a capped iron pin found, cap not legible, North 06 degrees 07 minutes 44 seconds West, 0.36 feet, said capped iron pin found being 50.34 feet right of station 54+42.52;

Thence northerly on the east line of said Indian Ripple Medical Center plat, also being the west line of Cherry Hill Section Four plat as recorded in Plat Cabinet 32 Page 274B-275A of the plat records of Greene County, Ohio, North 04 degrees 21 minutes 53 seconds East, 45.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the northeast corner of said Indian Ripple Medical Center plat, said point being 5.70 feet right of station 54+42.55;

Thence westerly on the existing centerline of right of way of Indian Ripple Road, North 85 degrees 38 minutes 07 seconds West, 16.81 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southeast corner, said point being 5.69 feet right of station 54+25.74 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly continuing on the existing centerline of right of way of Indian Ripple Road, also being the grantor's south property line, North 85 degrees 38 minutes 07 seconds West, 135.00 feet, to a point on the existing centerline of right of way of Indian Ripple Road, said point also described as the grantor's southwest corner, said point being 5.55 feet right of station 52+90.73;

Thence northerly on the grantor's west property line, also being the east property line of the Marlin David Reid, Jr. tract as recorded in Official Record 435 Page 342 of the Deed Records of Greene County, Ohio, North 04 degrees 59 minutes 16 seconds East, 37.00 feet, to an iron pin to be set on the proposed north right of way line of Indian Ripple Road, said pin being 31.45 feet left of station 52+91.17;

Thence easterly on the proposed north right of way line of Indian Ripple Road, being a right of way line 37.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, South 85 degrees 38 minutes 07 seconds East, 135.00 feet, to an iron pin to be set on the grantor's east property line, said pin being 31.31 feet left of station 54+26.18;

Thence southerly on the grantor's east property line, also being the west property line of the Dwane Roderick Rankin 1.83 acre tract as recorded in Official Record 3392 Page 92 of the Deed Records of Greene County, Ohio, South 04 degrees 59 minutes 16 seconds West, 37.00 feet, to the **TRUE POINT OF BEGINNING** and containing 0.1147 acres, of which 0.0775 acres is PRO (Present Road Occupied), leaving a net take of 0.0372 acres, more or less, subject to legal highways, an existing 40 foot sanitary sewer easement as recorded in Deed Book 463 Page 165 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300190005400.

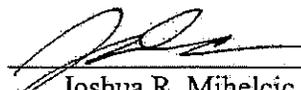
Prior Instrument Reference as of the date this survey was prepared: Instrument Number 2018001108 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, FISHBECK" and will be set after construction.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Needed
- Legally Insufficient, New Survey Required

By: EANA Date: 7/13/2020
PAR ID: DIST ___ BK ___ PG ___ PAR ___

OUT OF BAZ 3 10 54

CURVE B:
 PI = 55+86.19
 Δ = 01°11'01"
 Dc = 02°51'53"
 R = 2000.00'
 T = 20.66'
 L = 41.31'
 C = 41.31'
 C.B. = S86°17'09"E

CURVE C:
 PI = 57+09.19
 Δ = 00°52'52"
 Dc = 02°51'53"
 R = 2000.00'
 T = 15.38'
 L = 30.76'
 C = 30.76'
 C.B. = S86°26'14"E

GREENE COUNTY, OHIO
 CITY OF BEAVERCREEK
 SECTION 5, TOWN 2, RANGE 6 M.Rs.



PID NO.
103493

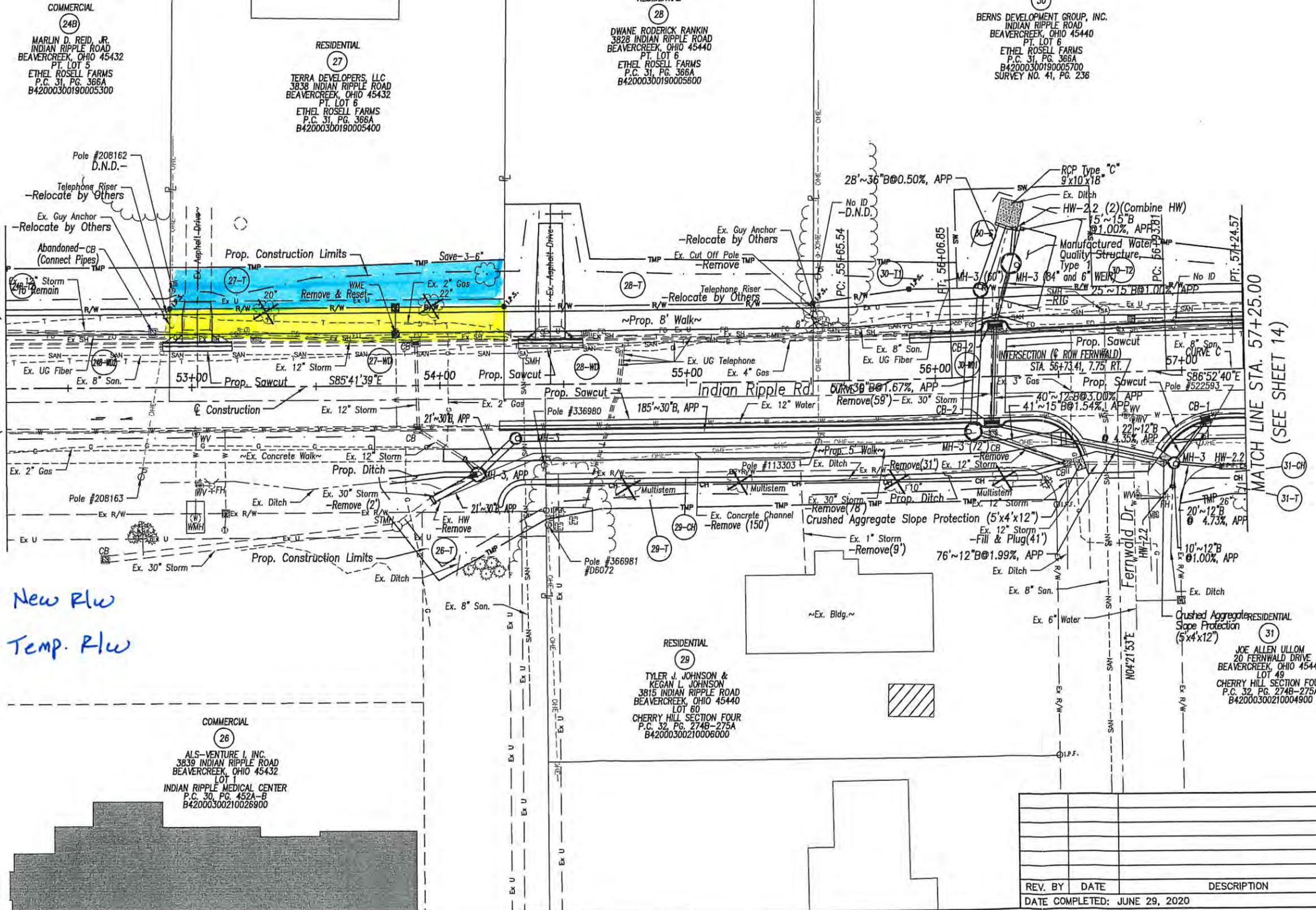
R/W DESIGNER
ELV
R/W REVIEWER
JRM

RIGHT OF WAY TOPO SHEET
 STA. 52+25.00 TO STA. 57+25.00

GRE-CR 36-1.26
 SIDEWALKS

12 / 17

56
61



MATCH LINE STA. 52+25.00
 (SEE SHEET 10)

MATCH LINE STA. 57+25.00
 (SEE SHEET 14)

- New R/W
 - Temp. R/W

COMMERCIAL
 (26)
 ALS-VENTURE I, INC.
 3839 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 LOT 1
 INDIAN RIPPLE MEDICAL CENTER
 P.C. 30, PG. 452A-B
 B42000300210026900

COMMERCIAL
 (24B)
 MARLIN D. REID, JR.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 5
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005300

RESIDENTIAL
 (27)
 TERRA DEVELOPERS, LLC
 3838 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45432
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005400

RESIDENTIAL
 (28)
 DWANE RODERICK RANKIN
 3828 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005800

COMMERCIAL
 (30)
 BERN'S DEVELOPMENT GROUP, INC.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 PT. LOT 6
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005700
 SURVEY NO. 41, PG. 236

RESIDENTIAL
 (29)
 TYLER J. JOHNSON &
 KEGAN L. JOHNSON
 3815 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 LOT 60
 CHERRY HILL SECTION FOUR
 P.C. 32, PG. 274B-275A
 B42000300210006000

RESIDENTIAL
 (31)
 JOE ALLEN ULLON
 20 FERNWALD DRIVE
 BEAVERCREEK, OHIO 45440
 LOT 49
 CHERRY HILL SECTION FOUR
 P.C. 32, PG. 274B-275A
 B42000300210004900

REV. BY	DATE	DESCRIPTION

DATE COMPLETED: JUNE 29, 2020

06/29/2020 18126ROW.DWG

pe

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; RW Acquisition; Edna Napier Property
Agenda Reference No.: <u>VI. I.</u>	Resolution No. <u>20-37</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the temporary grading easements needed to build the improvement from Ms. Napier. Despite these efforts, the City and Ms. Napier have been unable to agree upon a purchase price for these grading easements to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 20-37**

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH DAY OF
OCTOBER, 2020.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT
TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND
OTHER PROPERTY INTERESTS OWNED BY EDNA NAPIER,
WITH INTEREST BY OTHERS, FOR THE INDIAN RIPPLE ROAD
IMPROVEMENT PROJECT, IN THE CITY OF BEAVERCREEK,
OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Indian Ripple Road Improvement Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain temporary right-of-way in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain temporary right-of-way in real estate described in Exhibit 'A', and Exhibit 'B', attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Edna Napier, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this _____ day of _____, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 34-T1
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Lot 29 of Cherry Hill Section Three plat as recorded in Plat Cabinet 32 Page 234B-235A of the plat records of Greene County, Ohio and conveyed to Edna Napier as recorded in Official Record 3675, Page 767 and Official Record 3675, Page 765 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the east lot line of said Lot 29, said point also being on the existing south right of way line of Indian Ripple Road, said point being 34.85 feet right of Indian Ripple Road proposed centerline of construction station 62+76.50 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence southerly on the east lot line of said Lot 29, also being the west line of Hawthorne Glen Section One plat as recorded in Plat Cabinet 33 Page 389A-390A of the plat records of Greene County, Ohio, South 04 degrees 12 minutes 23 seconds West, 15.15 feet, to a point on the proposed temporary easement line, said point being 50.00 feet right of station 62+76.92;

Thence westerly on the proposed temporary easement line, North 84 degrees 11 minutes 26 seconds West, 174.44 feet, to a point on the existing right of way line, said point being 50.00 feet right of station 61+02.48;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Thence on the existing right of way line, in a northeasterly direction on a curve to the right with a central angle of 73 degrees 33 minutes 10 seconds and a radius of 15.00 feet, an arc distance of 19.26 feet, the chord of which bears North 57 degrees 35 minutes 18 seconds East for a distance of 17.96 feet, to a point on the existing south right of way line of Indian Ripple Road, said point being 38.89 feet right of station 61+16.59;

Thence easterly on the existing south right of way line of Indian Ripple Road, being a right of way line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, also being the north lot line of said Lot 29, South 85 degrees 38 minutes 07 seconds East, 159.96 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0509 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0509 acres, more or less, subject to legal highways, an existing 5 foot utility easement as recorded in said Cherry Hill Section Three plat and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300210002900.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3675, Page 767 and Official Record 3675, Page 765 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

06-30-2020
Date

Registered Surveyor of Ohio: No. S-008453

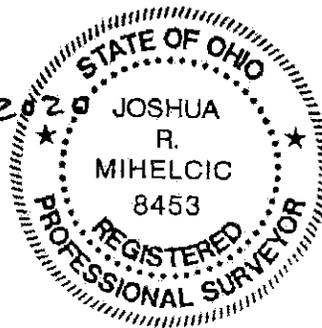


EXHIBIT B

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 34-T2
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Lot 19 of Hawthorne Glen Section One plat as recorded in Plat Cabinet 33 Page 389A-390A of the plat records of Greene County, Ohio and conveyed to Edna Napier as recorded in Official Record 3675, Page 770 and Official Record 3675, Page 768 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the existing south right of way line of Indian Ripple Road, said point also being on the proposed temporary easement line, said point being 44.14 feet right of Indian Ripple Road proposed centerline of construction station 63+75.00 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south right of way line of Indian Ripple Road, being a right of way line 40.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, also being the north lot line of said Lot 19, South 85 degrees 38 minutes 07 seconds East, 95.50 feet, to a point on the existing south right of way line of Indian Ripple Road, said point being 44.40 feet right of station 64+70.50;

Thence on the existing right of way line, in a southeasterly direction on a curve to the right with a central angle of 65 degrees 00 minutes 33 seconds and a radius of 20.00 feet, an arc distance of 22.69 feet, the chord of which bears South 53 degrees 07 minutes 50 seconds East for a distance of 21.49 feet, to a point on the proposed temporary easement line, said point being 56.00 feet right of station 64+88.60;

LPA RX 887 T

Thence westerly on the proposed temporary easement line, North 85 degrees 47 minutes 29 seconds West, 28.60 feet, to a point on the proposed temporary easement line, said point being 56.00 feet right of station 64+60.00;

Thence westerly continuing on the proposed temporary easement line, North 77 degrees 50 minutes 53 seconds West, 85.82 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0176 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0176 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300220010400.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3675, Page 770 and Official Record 3675, Page 768 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

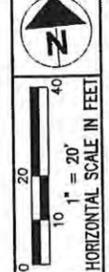
This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-20
Date



CURVE E:
 PI = 63+11.32
 $\Delta = 01^{\circ}36'04''$
 $D_c = 02^{\circ}51'53''$
 $R = 2000.00'$
 $T = 27.94'$
 $L = 55.89'$
 $C = 55.88'$
 $C.B. = S84^{\circ}59'28''E$



COMMERCIAL 30
 BERNIS DEVELOPMENT GROUP, INC.
 3776 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 LOT 8
 ETHEL ROSELL FARMS
 P.C. 31, PG. 366A
 B42000300190005800
 SURVEY NO. 41, PG. 236

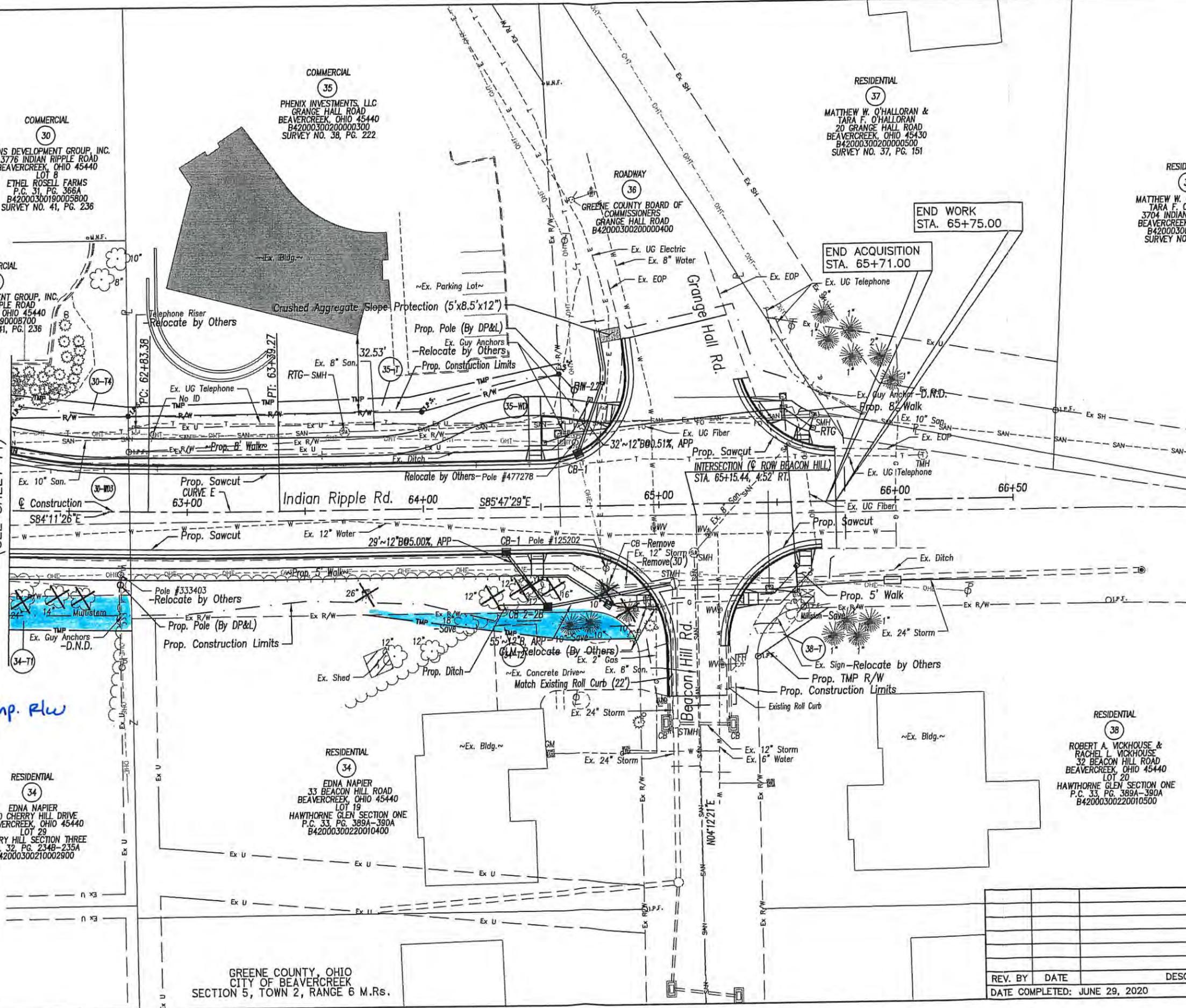
COMMERCIAL 35
 PHENIX INVESTMENTS, LLC
 GRANGE HILL ROAD
 BEAVERCREEK, OHIO 45440
 B42000300200000300
 SURVEY NO. 38, PG. 222

RESIDENTIAL 37
 MATTHEW W. O'HALLORAN &
 TARA F. O'HALLORAN
 20 GRANGE HILL ROAD
 BEAVERCREEK, OHIO 45430
 B42000300200000500
 SURVEY NO. 37, PG. 151

RESIDENTIAL 37
 MATTHEW W. O'HALLORAN &
 TARA F. O'HALLORAN
 3704 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 B42000300200000600
 SURVEY NO. 17, PG. 26

COMMERCIAL 30
 BERNIS DEVELOPMENT GROUP, INC.
 INDIAN RIPPLE ROAD
 BEAVERCREEK, OHIO 45440
 B42000300190008700
 SURVEY NO. 41, PG. 236

MATCH LINE STA. 62+25.00
(SEE SHEET 14)



-Temp. R/W

RESIDENTIAL 34
 EDNA NAPIER
 30 CHERRY HILL DRIVE
 BEAVERCREEK, OHIO 45440
 LOT 29
 CHERRY HILL SECTION THREE
 P.C. 32, PG. 234B-235A
 B42000300210002900

RESIDENTIAL 34
 EDNA NAPIER
 33 BEACON HILL ROAD
 BEAVERCREEK, OHIO 45440
 LOT 19
 HAWTHORNE GLEN SECTION ONE
 P.C. 33, PG. 389A-390A
 B42000300220010400

RESIDENTIAL 38
 ROBERT A. VICKHOUSE &
 RACHEL L. VICKHOUSE
 32 BEACON HILL ROAD
 BEAVERCREEK, OHIO 45440
 LOT 20
 HAWTHORNE GLEN SECTION ONE
 P.C. 33, PG. 389A-390A
 B42000300220010500

GREENE COUNTY, OHIO
 CITY OF BEAVERCREEK
 SECTION 5, TOWN 2, RANGE 6 M.Rs.

PID NO.
103493

R/W DESIGNER
ELV
R/W REVIEWER
JRM

RIGHT OF WAY TOPO SHEET
STA. 62+25.00 TO STA. 66+50.00

GRE-CR 36-1.26
SIDEWALKS

16 / 17

60
61

REV. BY	DATE	DESCRIPTION

DATE COMPLETED: JUNE 29, 2020

06/29/2020
18128CRH.DWG

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEC

Meeting Date: <u>October 12, 2020</u>	Reference Topic: Indian Ripple Road Improvement Project; R/W Acquisition; Edna Napier Property
Agenda Reference No.: <u>VI. J.</u>	Ordinance No. <u>20-29</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Indian Ripple Road Improvement Project consists of drainage, curb, and pedestrian improvements along Indian Ripple Road between Harbert Drive and Grange Hall Road, with construction currently planned to begin in the summer of 2021. In order to construct these improvements it was necessary to purchase additional property rights from a total of thirteen land owners. Unfortunately, our efforts to purchase these additional property rights have been unsuccessful with three of these owners to date.

Over the past several months, City staff has been actively pursuing the purchase of the temporary grading easements needed to build the improvement from Ms. Napier. Despite these efforts, the City and Ms. Napier have been unable to agree upon a purchase price for this land to date. The Engineering Division has had an ongoing dialog with the property owner, but the passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are ultimately unable to agree upon the terms for the sale of this property.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Ordinance so that this project may proceed.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-29

SPONSORED BY COUNCIL MEMBER _____ ON THE 12TH DAY OF OCTOBER, 2020.

TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY EDNA NAPIER, FOR THE INDIAN RIPPLE ROAD IMPROVEMENT PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, this Council, by Resolution Number 20-37, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Indian Ripple Road Improvement Project;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', and Exhibit 'B', attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Indian Ripple Road Improvement Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Edna Napier, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$2,834.00, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', and Exhibit 'B' which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and 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.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____ 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Edna Napier, with interest by others, for the Indian Ripple Road Improvement Project in the City of Beavercreek, Ohio.

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 34-T1
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beaver creek, Section 5, Town 2, Range 6, M.Rs. and being part of Lot 29 of Cherry Hill Section Three plat as recorded in Plat Cabinet 32 Page 234B-235A of the plat records of Greene County, Ohio and conveyed to Edna Napier as recorded in Official Record 3675, Page 767 and Official Record 3675, Page 765 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beaver creek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the east lot line of said Lot 29, said point also being on the existing south right of way line of Indian Ripple Road, said point being 34.85 feet right of Indian Ripple Road proposed centerline of construction station 62+76.50 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence southerly on the east lot line of said Lot 29, also being the west line of Hawthorne Glen Section One plat as recorded in Plat Cabinet 33 Page 389A-390A of the plat records of Greene County, Ohio, South 04 degrees 12 minutes 23 seconds West, 15.15 feet, to a point on the proposed temporary easement line, said point being 50.00 feet right of station 62+76.92;

Thence westerly on the proposed temporary easement line, North 84 degrees 11 minutes 26 seconds West, 174.44 feet, to a point on the existing right of way line, said point being 50.00 feet right of station 61+02.48;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Thence on the existing right of way line, in a northeasterly direction on a curve to the right with a central angle of 73 degrees 33 minutes 10 seconds and a radius of 15.00 feet, an arc distance of 19.26 feet, the chord of which bears North 57 degrees 35 minutes 18 seconds East for a distance of 17.96 feet, to a point on the existing south right of way line of Indian Ripple Road, said point being 38.89 feet right of station 61+16.59;

Thence easterly on the existing south right of way line of Indian Ripple Road, being a right of way line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, also being the north lot line of said Lot 29, South 85 degrees 38 minutes 07 seconds East, 159.96 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0509 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0509 acres, more or less, subject to legal highways, an existing 5 foot utility easement as recorded in said Cherry Hill Section Three plat and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000300210002900.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3675, Page 767 and Official Record 3675, Page 765 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date



EXHIBIT B

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/30/2020

PID 103493

**PARCEL 34-T2
GRE-CR36-1.26
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 5, Town 2, Range 6, M.Rs. and being part of Lot 19 of Hawthorne Glen Section One plat as recorded in Plat Cabinet 33 Page 389A-390A of the plat records of Greene County, Ohio and conveyed to Edna Napier as recorded in Official Record 3675, Page 770 and Official Record 3675, Page 768 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the proposed centerline of construction of Indian Ripple Road as part of the GRE-CR36-1.26 Centerline Plat made by Fishbeck for the City of Beavercreek as recorded in Plat Cabinet 39 Pages 65A-66A of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the existing south right of way line of Indian Ripple Road, said point also being on the proposed temporary easement line, said point being 44.14 feet right of Indian Ripple Road proposed centerline of construction station 63+75.00 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south right of way line of Indian Ripple Road, being a right of way line 40.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Indian Ripple Road, also being the north lot line of said Lot 19, South 85 degrees 38 minutes 07 seconds East, 95.50 feet, to a point on the existing south right of way line of Indian Ripple Road, said point being 44.40 feet right of station 64+70.50;

Thence on the existing right of way line, in a southeasterly direction on a curve to the right with a central angle of 65 degrees 00 minutes 33 seconds and a radius of 20.00 feet, an arc distance of 22.69 feet, the chord of which bears South 53 degrees 07 minutes 50 seconds East for a distance of 21.49 feet, to a point on the proposed temporary easement line, said point being 56.00 feet right of station 64+88.60;

LPA RX 887 T

Thence westerly on the proposed temporary easement line, North 85 degrees 47 minutes 29 seconds West, 28.60 feet, to a point on the proposed temporary easement line, said point being 56.00 feet right of station 64+60.00;

Thence westerly continuing on the proposed temporary easement line, North 77 degrees 50 minutes 53 seconds West, 85.82 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0176 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0176 acres, more or less, subject to legal highways and other easements of record.

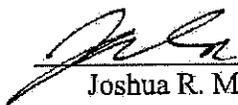
The above described area is contained within Greene County Auditor's permanent parcel number B42000300220010400.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3675, Page 770 and Official Record 3675, Page 768 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Fishbeck between the months of July 2018 through October 2018 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on June 30, 2020 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

06-30-2020
Date





CITY COUNCIL
Work Session – October 19, 2020 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Parks ADA Study
 - B. Road Construction Update
 - C. COVID-19 Update
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Bales
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 20-__ Additional Appropriations (Single Reading)
 - B. Ordinance 20-__ Repealing Current Sections 96.35, 96.36 and 96.37 and Adopting New Sections 96.35, 96.36 and 96.37 (First Reading and Public Hearing)
 - C. Resolution 20-__ CARES Act
 - D. Resolution 20-__ Greene County Council on Aging Grant
 - E. Resolution 20-__ Ohio Department of Natural Resources (ODNR) Fishing Derby Grant
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT
October 6, 2020

CITY COUNCIL

October 12, 2020

•

Tabled / Delayed / Pending

PLANNING COMMISSION

October 7, 2020

- No cases

Tabled / Delayed / Pending

-

Commercial Permits Submitted and Under Review

- Trinity

BOARD OF ZONING APPEALS

October 14, 2020

- V-20-2, Charles Brackenhoff, 2823 Maginn Drive