

RECORD OF RESOLUTIONS

Resolution No. 2018-CC

September 10, 2018

City of Bellbrook

Resolution No. 2018-CC

A Resolution Approving the Combination of Lots 61 and 62 of the Highview Terrace Subdivision, Section 3, Phase 2 into a Single Lot, Lot 61A.

WHEREAS, the Ohio Revised Code sets forth the Planning Board as the municipal platting authority; and

WHEREAS, the requested plat meets the requirements of the City's zoning code and subdivision regulations; and

WHEREAS, the Bellbrook Planning Board has recommended approval of the combination of lots 61 and 62 of the Highview Terrace Subdivision, Section 3, Phase 2 into a single lot, Lot 61A of the same subdivision; and

WHEREAS, the City of Bellbrook Subdivision Regulations stipulate that changes to a recorded plat shall be approved by action of the Bellbrook City Council.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the combination of lots 61 and 62 of the Highview Terrace Subdivision, Section 3, Phase 2 into a new single lot, Lot 61A is hereby approved for recording purposes.

Section 2. That the Mayor and Clerk of Council are authorized to affix their signatures to the revised record plan.

Section 3. That this resolution shall take effect and be in force forthwith.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council



To: City Council
From: Don Buczek, Assistant to the City Manager
Date: September 6, 2018
Subject: Staff Report for Lot Combination (Lots 61 & 62 – Highview Terrace)

Summary of the Request

The engineer representing the builder and the property owners have submitted a request to combine Lots 61 and 62 of Highview Terrace Section 3 Phase 2. The property addresses are 3626 and 3622 River Birch Drive respectively. This action is a replat of Section 3 Phase 2 which was originally approved in February 2018. The Planning Board approved the request on August 21. Each public utility has approved the vacation of the utility easement between the two existing lots. The action being presented before you is to either approve or deny the lot combination request.

Additional Actions or Next Steps to be taken by the City

If a replat is approved by City Council, the Mayor will be able to sign the documents and the owners can record the replat.

If a replat is denied, the property owners can submit revisions to the Planning Board.

Applicant's Reason for the Request

The owners bought both parcels and would like to put one residence on the newly formed parcel.

Previous Related Development Decisions in the Immediate Area (3-5 Years)

In 2011, the Planning Board approved the combination of Lots 30 and 31 in Highview Terrace Section 2 into Lot 31A. The owners wanted to combine the lots so they could build a garage on the neighboring lot. They had already completed their primary residence at the time. After reviewing documents from the replat, the Planning Board approved the lot combination, but did not discuss the impacts of the decision.

In June 2018, the Planning Board approved the combination of Lots 58 and 59 in Highview Terrace Section 3 into Lot 58A. This combination request was similar to the current request.

Comments from City and County Agencies

City Engineer: The City Engineer approves of the record plan and requested the utility providers to approve vacating the utility easement.

Other Agencies:

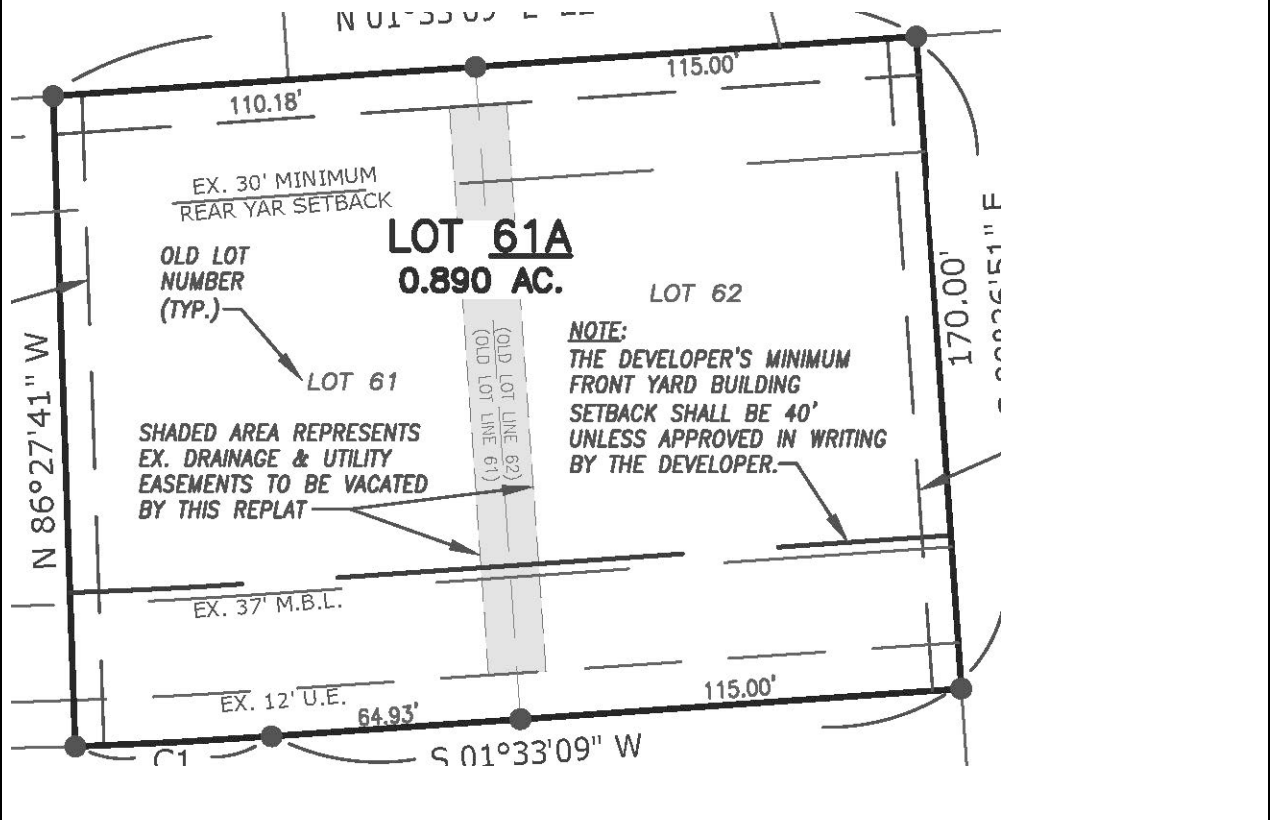
NA

Supporting Maps & Graphics

Figure 1



Figure 2



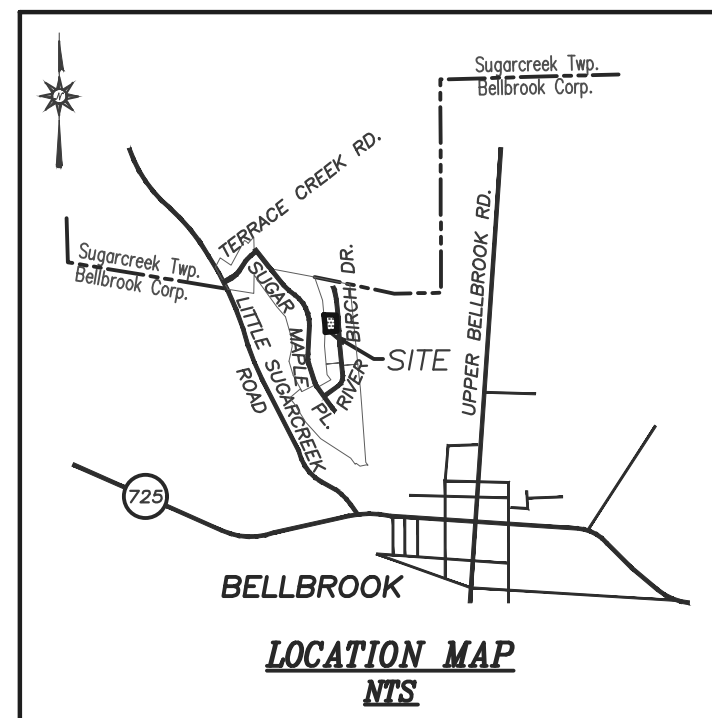
Replat - Enclosed

Staff Recommendation

Based on the previous lot combinations in the same subdivision, staff recommends the approval of this request.

**HIGHVIEW TERRACE
SECTION THREE PHASE TWO
RE-PLAT OF LOTS 61 AND 62
INTO LOT 61A**

LOCATED IN
SECTION 2, TOWN 2, RANGE 6 M.R.'s.,
CITY OF BELLBROOK, GREENE COUNTY, OHIO
0.890 ACRES
AUGUST 9, 2018



BELLBROOK PLANNING BOARD:

CHAIRMAN _____ SECRETARY _____

BELLBROOK COUNCIL:

MAYOR _____ CLERK OF COUNCIL _____

GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS.

SIGNED THIS _____ DAY OF _____, 20__

TRANSFERRED THIS _____ DAY OF _____, 20__

GREENE COUNTY AUDITOR _____

GREENE COUNTY RECORDER:

FILE NO. _____ PLAT CABINET VOL. _____, PAGES _____

FEE: _____ RECEIVED FOR RECORD THIS _____ DAY OF _____

_____, 20__ AT _____ M.

RECORDED THIS _____ DAY OF _____, 20__.

GREENE COUNTY RECORDER _____

DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DEDICATE EASEMENTS AS SHOWN HEREON TO THE PUBLIC USE FOREVER. EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED OWNERS LOTS 61 - 62:
IN THE PRESENCE OF: JAMES SPANGLER AND BRIDGET KATHERINE O'MALLEY

WITNESS _____ BY: JAMES SPANGLER

WITNESS _____ BY: BRIDGET KATHERINE O'MALLEY

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 20__, BY JAMES SPANGLER AND BRIDGET KATHERINE O'MALLEY AS OWNERS.

NOTARY PUBLIC _____

DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 0.890 ACRES AND BEING ALL OF JAMES SPANGLER AND BRIDGET KATHERINE O'MALLEY LOTS 61 & 62 AS RECORDED IN RECORD PLAN HIGHVIEW TERRACE SECTION THREE, PHASE TWO, PLAT CABINET VOL. 38, PG'S 269B-270B, ACQUIRED THROUGH INSTRUMENTS RECORDED IN INSTRUMENT # 2018002397 OF THE DEED RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.: JAMES SPANGLER, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

JAMES SPANGLER
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS _____ DAY OF _____, 20__.

NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED LIENHOLDER:
IN THE PRESENCE OF: _____

WITNESS _____

BY: _____ (PRINTED NAME)

ITS: _____ (PRINTED TITLE)

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 20__, BY _____

BY _____, IT'S _____ AS LIENHOLDER.

NOTARY PUBLIC _____

COVENANTS, CONDITIONS AND RESTRICTIONS:

THE LOTS OF THE WITHIN RE-PLAT ARE GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, ASSESSMENTS, ARTICLES OF INCORPORATION AND BY-LAWS OF THE "HIGHVIEW TERRACE SUBDIVISION HOMEOWNERS ASSOCIATION", ALL OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION ONE, O.R. VOL. 2782, PG'S 450-483 & O.R. VOL. 2795, PG'S 619-637 OF THE DEED RECORDS OF GREENE COUNTY, OHIO AND SHALL BE IN EFFECT FOR HIGHVIEW TERRACE, SECTION THREE AND INCLUDING THIS RE-PLAT.

CERTIFICATION

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A FIELD SURVEY OF MARCH, 2018 PERFORMED UNDER THE DIRECT SUPERVISION OF PHILIP C. BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE & MATERIAL SHOWN HEREON EXIST AS LOCATED OR WILL BE SET AS INDICATED, ALL DIMENSIONAL DETAILS ARE BELIEVED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

PHILIP C. BRUMBAUGH, P.S. _____ DATE _____
OHIO LICENSE NO. 5057

HIGHVIEW TERRACE SECTION THREE PHASE TWO RE-PLAT OF LOTS 61 & 62 LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.	
2270 SOUTH MIAMI STREET WEST MILTON, OHIO 45383 PHONE: (937) 698-3000 FAX: (937) 698-3928 JOB No. 394.18 SHEET 1 OF 2	

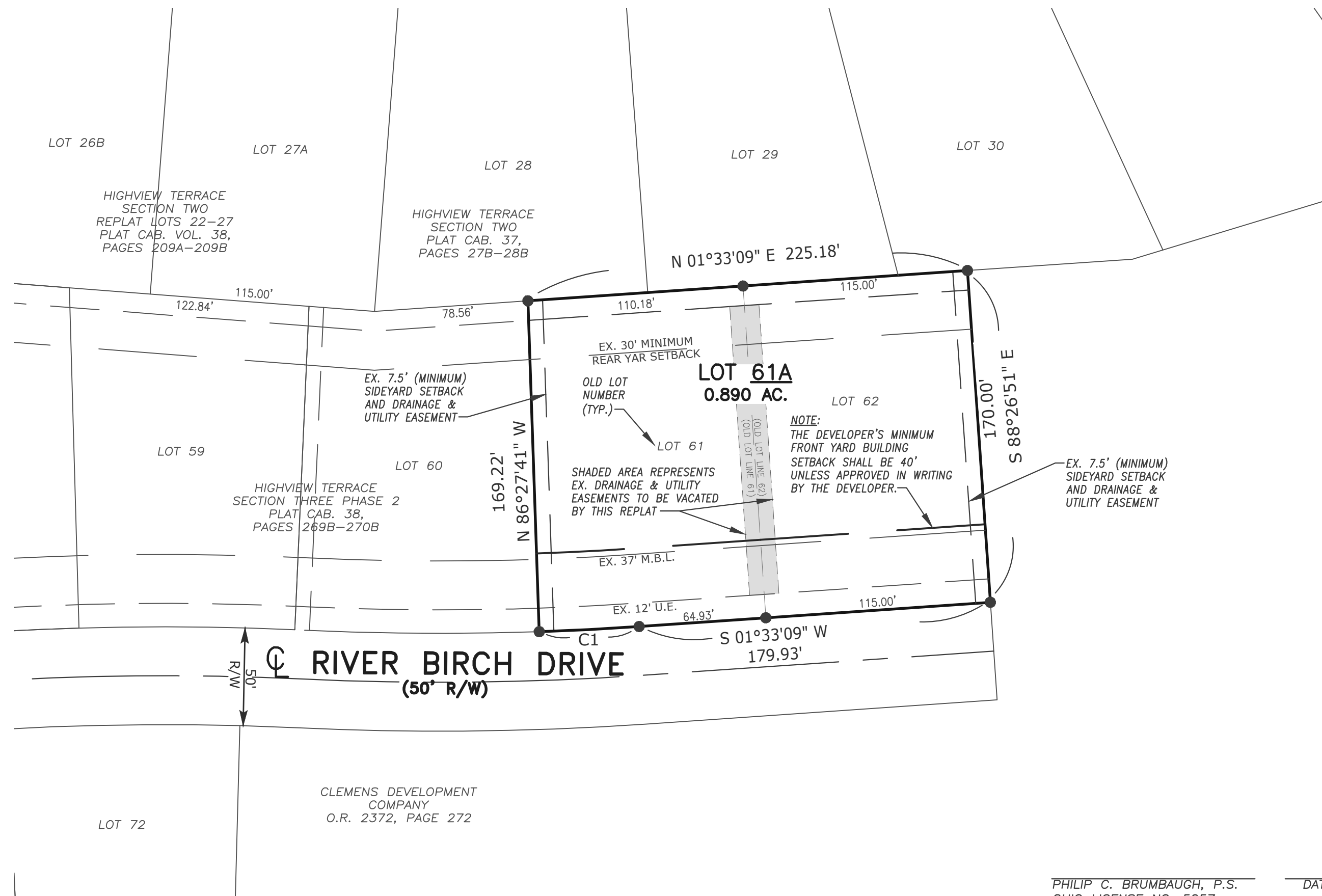
LEGEND

- 5/8" IRON PIN FOUND
- ALL MONUMENTS FOUND ARE IN GOOD CONDITION
UNLESS OTHERWISE NOTED.

**HIGHVIEW TERRACE
SECTION THREE PHASE TWO
RE-PLAT OF LOTS 61 AND 62
INTO LOT 61A**

LOCATED IN
SECTION 2, TOWN 2, RANGE 6 M.R.'s.,
CITY OF BELLBROOK, GREENE COUNTY, OHIO
0.890 ACRES
AUGUST 9, 2018

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	51.13'	1475.00'	1°59'10"	S 02°32'44" W	51.12'



NO BUILDING OR OTHER STRUCTURE SHALL BE LOCATED IN "DRAINAGE EASEMENT". MAINTENANCE OF SURFACE EROSION IN THE DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. SEE THE "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS" FOR FURTHER BUILDING RESTRICTIONS.



BEARING OF BASIS:
THE NORTH LINE OF CLEMENS
DEVELOPMENT COMPANY, INC. 60.069
ACRE TRACT AS RECORDED IN O.R. 2372
PAGE 672 BEING N 71°00'45" W



NOTES:

- ALL LOTS IN THIS SUBDIVISION SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL LOTS.
- MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS, WALKING PATH EASEMENTS, AND LANDSCAPE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
- ANY LOT AREA RESERVED FOR DRAINAGE PURPOSES, SHALL AT ALL TIMES BE KEPT FREE OF ANY OBSTRUCTIONS TO THE FLOW OF WATER. NO IMPROVEMENTS, STRUCTURES OR MODIFICATIONS WITHIN THE IDENTIFIED DRAINAGE EASEMENT WILL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF BELLBROOK'S ENGINEER. MAINTENANCE OF THE DRAINAGE EASEMENT AREA, STORMWATER MANAGEMENT CONTROL FACILITY(IES), AND DRAINAGE AREAS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNER(S) OF THE LOT OR LAND/HOMEOWNERS ASSOCIATION, WHICHEVER IS APPLICABLE, ON WHICH THESE FACILITIES AND/OR DRAINAGE AREAS ARE LOCATED.

PERTINENT DOCUMENTS:

- IN ADDITION TO THE REFERENCES SHOWN ON FACE OF THIS PLAT THE FOLLOWING DOCUMENTS WERE USED: NONE
- OCCUPATION IN GENERAL FITS THE SURVEYED LINES.
- ALL MONUMENTATION FOUND OR SET IS IN GOOD CONDITION UNLESS OTHERWISE SHOWN.

HIGHVIEW TERRACE SECTION THREE PHASE TWO RE-PLAT OF LOTS 61 & 62
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 698-3000
FAX: (937) 698-3928
JOB No. 394.18 SHEET 2 OF 2

PHILIP C. BRUMBAUGH, P.S. DATE
OHIO LICENSE NO. 5057