

BELLBROOK CITY COUNCIL AGENDA
October 28, 2019



City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

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www.cityofbellbrook.org

6:00 pm Work Session - Budgeting for Administration and Service

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Work Session and Regular Meeting Minutes of October 14, 2019
5. Mayor's Announcements/Special Guests
 - Beautification Awards – Presented by Chairs Robert and Michele Johnson
 - Oath of Office – Tim Tuttle Planning Board
6. Public Hearing of Ordinances
 - Ordinance No. 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019 (Edwards)
7. Introduction of Ordinances
8. Resolutions
9. City Manager Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
11. Old Business
 - Greene County Master Trail Plan Support Request
12. New Business
 - Request to Remove the Walking Path from the Approved Plans for Section 3, Phase 1 of Highview Terrace
13. Open Discussion
14. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
October 14, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Elaine Middlestetter
Dona Seger-Lawson
David Van Veldhuizen, PhD
Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, October 14, 2019. Mayor Schweller called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. David Van Veldhuizen, yes; Mayor Schweller, yes.

Mr. Edwards made a motion to excuse Mr. McGill from the Council meeting. This was seconded by Mrs. Seger-Lawson. The Clerk called the roll. Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. David Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

FORMAL APPROVAL OF MINUTES

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of September 23, 2019 Mayor Schweller declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST - none

PUBLIC HEARING OF ORDINANCES

Mr. Greenwood read **Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook**. He explained that the new language that Council had suggested at the previous meeting was added to this ordinance.

Mrs. Dodd pointed out that the permit now included the steps to be taken before demolition can commence.

Mr. Greenwood made a motion to adopt **Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

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Mrs. Middlestetter read **Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of the City of Bellbrook.**

The City Manager explained that the ordinance outlines what a special event is and the requirements. The permit ensures that all Department heads are aware of the event.

Mr. Greenwood added that the city invites citizens to host special events.

Mrs. Middlestetter made a motion to adopt **Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of the City of Bellbrook.** The motion was seconded by Mr. Greenwood. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

Dr. Van Veldhuizen read **Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of the City of Bellbrook.** Dr. Van Veldhuizen condensed the content of the ordinance to explain that the purpose is to define the standards for sidewalks since the City did not have any previously.

Mr. Greenwood added that these standards will be helpful when hiring a contractor to make repairs.

Mrs. Middlestetter commented that it is difficult to get a contractor to take on such a small job and suggested that maybe a group of property owners could join together to hire out the work. Maybe the City could look into this idea. Mrs. Middlestetter has heard of other areas that gather interested owners together and then add the cost to the person’s taxes.

Mayor Schweller asked if the City still did annual sidewalk assessments. Mrs. Dodd said they hadn’t done them in 2019.

Mr. Edwards asked if this was work that the City’s Service Department could do and then bill the property owner. Mrs. Dodd does not think that is something the Service Department has the time or staff to cover but she would talk with Supervisor Ryan Pasley about it.

Mrs. Seger-Lawson added that maybe it could be added to the City’s web page to assist property owners.

Dr. Van Veldhuizen made a motion to adopt **Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of the City of Bellbrook.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 6-0.

Mrs. Seger-Lawson read **Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Property Maintenance Code.** This ordinance adds the sidewalk requirements from the previous ordinance to the Property Maintenance Code.

Mrs. Seger-Lawson made a motion to adopt **Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Property Maintenance Code.** The motion was seconded by Mrs. Middlestetter. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs.

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Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

INTRODUCTION OF ORDINANCES

Mr. Edwards read **Ordinance 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019**. He explained that this is just revising the starting and ending amounts that were wrong in Ordinance 2019-14.

City Manager Melissa Dodd explained that this was due to a clerical error. The revisions themselves stayed the same.

Mr. Edwards made a motion to Introduce **Ordinance 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

RESOLUTIONS

Mrs. Middlestetter read **Resolution 2019-DD Combination of Lots 51 and 52 of Section 3 Phase 1 of Highview Terrace**.

Mrs. Dodd explained that this lot combination was approved by the Planning Board on October 10. Due to the steep slope of these lots, the combining of them gives a better build site for the house.

Mrs. Seger-Lawson asked if this request affects the walking path on the adjacent lot that is under question. Mrs. Dodd answered that this does not affect the walking path at all.

Dr. Van Veldhuizen stated that the Planning Board had looked at this when he was on it. The combination of lots can have an effect on expected property taxes.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-DD Combination of Lots 51 and 52 of Section 3 Phase 1 of Highview Terrace**. This was seconded by Dr. Van Veldhuizen. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion passed 6-0.

CITY MANAGER'S REPORT

City Manager Melissa Dodd reported that on the 9th staff and a few council members took a tour of available spaces around downtown and talked with development officials from Greene County and the Dayton Development Coalition. They toured and talked about a few larger properties downtown and their potential.

Mrs. Dodd announced that she was coordinating an event called Bellbrook Open for Business. This will be an open house type event for entrepreneurs interested in possibly locating in Bellbrook to view some available spaces and speak with property owners. There would be contact information and specs

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available. This is schedules for two different sessions on Saturday, November 2 from 9-11 am and Wednesday, November 13 from 6-8 pm. This is a creative idea that doesn't cost the city money.

Mrs. Seger-Lawson asked if the lack of income tax would be highlighted as a benefit to business. Mrs. Dodd answered that this is included in the brochure that was being created.

Mayor Schweller asked if the Coalition or Greene County would be involved as a resource. Mrs. Dodd said they have a database that could list our vacant properties that could possibly link them to potential business owners.

The City Manager asked Council about hosting a community open house in January to present to the public a year in review of accomplishments and projects and get input for the coming year. This would be similar to the Visioning meeting that we had as part of the Comprehensive Plan where we have different stations and topics. We would have one for each major department and staff on hand to talk with the public. We have tentatively set this for the evening of January 29th.

On Tuesday the 8th the City Manager received a call from Judge O'Diam of the Greene County Probate Court commending Chief Doherty. Chief Doherty spoke at a hearing and Judge O'Diam commended him for going above and beyond to assist an elderly woman in the community. Judge O'Diam stated that Chief left a positive impression far beyond the City that day and he wanted me to pass this along to Council.

Mrs. Dodd updated Council on the Police Department Hiring for two positions. This week the Police Department will be interviewing for the Administrative Assistant and Police Officer positions. These are both full-time. We had 45 applicants for the Administrative Assistant position and 6 for the Police Officer position. We are hopeful to get great candidates from the applications received.

Small Business Revolution is a television series that works with small towns to revitalize them by assisting their small businesses. Nominations for their fifth season are open until October 22. Mrs. Dodd encouraged everyone to nominate Bellbrook. The link is on our Facebook page and has also been emailed to Council and a number of community members to nominate.

Mr. Greenwood wanted to add that the process to renovate a business property can be expensive and take time. He asked if there was a way for the City to waive property taxes for a period as an incentive to renovate some of the older properties in the City.

Mayor Schweller added that an owner can get a reassessment done by Greene County. He also suggested working with Greene County Economic Development.

Mrs. Seger-Lawson asked for an update on the group that formed from the revitalization efforts. Mrs. Dodd responded that the group being led by Tony Cali has a name which is Bellbrook By Design. They have seven board members and meet every Thursday. It is an all volunteer organization. He will be making quarterly updates.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson reminded residents not to put their leaves into the street. The City does not have leaf pick-up. Everyone is welcome to mulch the leaves or bag them and throw them away with garbage pickup.

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Safety: Mr. Greenwood reported that the Fire Department held an Open House on October 8. It was well attended. Lieutenant Nartker donated a car that was used in a demonstration. They performed a stove fire drill. The bedroom remodel inside the Fire house is complete. It included noise cancellation system, positive air pressure system, CO2 detection and new lighting. The project came in under budget.

Finance/Audit: none

Community Affairs: Mrs. Middlestetter reminded everyone that Halloween in the Park is coming up on October 26 which is a very fun event. She announced that the Committee recommends Mr. Timothy Tuttle to fill the vacancy on the Planning Board.

Mrs. Middlestetter made a motion to appoint Timothy Tuttle to the Planning Board. This was seconded by Dr. Van Veldhuizen. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion carried 6-0.

OLD BUSINESS - none

NEW BUSINESS

Greene County Master Trail Plan Support Request

Mrs. Dodd explained that this is the follow up from the meeting she attended a couple of months ago. Greene County Parks and Trails and Greene County Regional Planning are partnering to create a master plan for trails for the county. Bellbrook's main connection point in terms of Greene County is Spring Valley. They are asking each municipality to support the plan by letting them know if we would contribute \$1,250 by to go toward the cost of creating the plan. If Council is in favor, this will be included in the 2020 budget.

Mr. Edwards asked how many other municipalities and the county are contributing. And Mrs. Seger-Lawson asked if Sugarcreek Township is included. Mrs. Dodd answered that she did not know yet, but would find out before the next meeting.

Mr. Edwards also asked about the long-term financial commitment and who actually pays for the trail to be built. According to Mrs. Dodd this part of the project is just creating the plan.

Dr. Van Veldhuizen said he thought the scope and timeline seems reasonable.

OPEN DISCUSSION

Mrs. Seger-Lawson reminds the public that Beggar's Night is always on Halloween, October 31 from 6 to 8 PM rain or shine.

Mayor Schweller commended Chief Doherty on his remarkable work. He also congratulated the Fire Department on their Open House.

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ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 8:02PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

2019 Beautification Award Winners

Business

6 W Franklin St. - Bella Realty Group

Area A

4269 Clearview Court - Michael & Joni Dingledine

2223 S Lakeman - Robin & William Logsdon

Area B

4035 Eckworth - Alex & Diana Fabrick

4098 Maxwell - Dale & Bronne Wilson

Area C

4216 Beryl Drive - James & Patricia Brady

1665 Cedar Court - Dale & Susan Steele

Area D

3588 Big Tree Road - Hannah & Matthew Couch and Doug & Annie Smith

143 Upper Hillside - Roger & Sharon Dohner

Area E

1905 Little Sugarcreek - Thomas and Vicki Craycraft

1828 Von Hovel Court - Vernon & Kristen Oakley

RECORD OF ORDINANCES

Ordinance No. 2019-19

October 28, 2019

City of Bellbrook

Ordinance No. 2019-19

An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019.

WHEREAS, the City of Bellbrook adopted Ordinance 2019-14 to Adjust the City of Bellbrook Appropriations for 2019; and

WHEREAS, there were clerical errors in the beginning and amended appropriation lines; and

WHEREAS, the City of Bellbrook wishes to repeal Ordinance 2019-14 and adopt Ordinance 2019-19 and correct clerical errors.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. Council hereby repeals Ordinance 2019-14 to correct clerical errors and hereby adopts new Ordinance 2019-19.

Section 2. That the 2019 appropriation levels in several of the funds listed below be amended as follows:

| Fund | 2019 Appropriations | Personnel Services Revisions | Other Expenses Revisions | Total Revisions | Amended 2019 Appropriations |
|-------------------------|--------------------------------|---|---|----------------------------|--|
| General Fund: | | | | | |
| -Legislative | \$ 51,170 | \$ 12,000 | \$ 1,230 | \$ 13,230 | \$ 64,400 |
| -Administrative | \$ 684,355 | \$ - | \$ - | \$ - | \$ 684,355 |
| -Library | \$ 2,000 | \$ - | \$ - | \$ - | \$ 2,000 |
| -Museum | \$ 19,780 | \$ - | \$ - | \$ - | \$ 19,780 |
| -Community Env. | \$ 11,022 | \$ 63,475 | \$ - | \$ 63,475 | \$ 74,497 |
| Total General Fund | \$ 768,327 | \$ 75,475 | \$ 1,230 | \$ 76,705 | \$ 845,032 |
| | \$ - | | | | |
| Police Fund | \$ 1,764,085 | \$ - | \$ - | \$ - | \$ 1,764,085 |
| Police Pension Fund | \$ 48,340 | \$ - | \$ - | \$ - | \$ 48,340 |
| Fire Fund | \$ 1,277,084 | \$ - | \$ - | \$ - | \$ 1,277,084 |
| Street Fund | \$ 322,775 | \$ - | \$ 65,480 | \$ 65,480 | \$ 388,255 |
| State Highway Fund | \$ 23,200 | \$ - | \$ - | \$ - | \$ 23,200 |
| Motor Vehicle Fund | \$ 32,100 | \$ - | \$ - | \$ - | \$ 32,100 |
| Waste Fund | \$ 465,968 | \$ 6,085 | \$ - | \$ 6,085 | \$ 472,053 |
| Water Fund | \$ 1,386,318 | \$ 20,367 | \$ - | \$ 20,367 | \$ 1,406,685 |
| Capital Impr. Fund | \$ 474,280 | \$ - | \$ - | \$ - | \$ 474,280 |
| Fuel System Fund | \$ 1,200 | \$ - | \$ 3,000 | \$ 3,000 | \$ 4,200 |
| Perf. Bond Fund | | | | \$ - | \$ - |
| Grand Total - All Funds | <u>\$ 6,563,677</u> | <u>\$ 101,927</u> | <u>\$ 69,710</u> | <u>\$ 171,637</u> | <u>\$ 6,735,314</u> |

RECORD OF ORDINANCES

Ordinance No. 2019-19

October 28, 2019

Section 3. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

SUPPLEMENTAL APPROPRIATION WORKSHEET

SUPPLEMENT TO ORDINANCE 2019-19

| GENERAL FUND | | |
|--|------------------|---|
| DEPARTMENT | AMOUNT | PROJECT |
| LEGISLATIVE | \$ 13,230 | Clerk wages underbudgeted due to position changes |
| COMMUNITY ENVIRONMENT (P&Z) | \$ 63,475 | New position not budgeted for |
| TOTAL GENERAL FUND | \$ 76,705 | |
| SPECIAL REVENUE FUNDS | | |
| STREET FUND | \$ 65,480 | Little Sugarcreek & Franklin St. Engineering Fees |
| FUEL SYSTEM | \$ 3,000 | Unexpected repairs to fuel system |
| TOTAL SPECIAL REVENUE FUNDS | \$ 68,480 | |
| ENTERPRISE FUNDS | | |
| WASTE | \$ 6,085 | Leave payouts not budgeted for |
| WATER | \$ 20,367 | Leave payouts not budgeted for |
| TOTAL ENTERPRISE FUNDS | \$ 26,452 | |
| Total Supplemental Appropriations | | \$ 171,637 |

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: October 25, 2019
Subject: October 28th City Council Meeting

- **Budget Work Session** – General Fund and Service
- **Ordinances Presented:**
 - **Public Hearing**
 - **2019-19 Ordinance Repealing and Replacing 2019-14 and Approving Supplemental Appropriations for 2019** This is replacing 2019-14 to increase various line items as a result of unforeseen expenditures so far this year. that refers to the standards established in 2019-17.
- **Old Business**
 - **Greene County master trail plan support request** – I spoke with Barry Tiffany and the township trustees had not yet discussed the plan but he thought that it would be likely that they support it. I also asked about Greene County’s share in cost and they stated that the County funds both the Parks and Regional Planning departments and are also rolling this plan into their larger land use plan which is getting a better deal overall.
- **New Business**
 - **Highview Terrace Plan Change Request** – Staff worked to provide all of the necessary materials for Council to consider this request after Planning Board voted to deny the request. It should be noted that removal of the path in the request would leave only a 5 foot easement along Little Sugarcreek that is not as viable of an option for connectivity from that neighborhood
- **Updates**
 - **Franklin Street Bridge Project** – The Service Director and I met with staff from LJB to review the first stage of design for the bridge project. We are excited about the way that this is going to look as you enter the downtown area. Final design will be next year with the hopes that if earlier funding becomes available, our project will be ready.
 - **Small Business Revolution Show** – I received an email outlining the next steps for the show. On November 18th the top 10 towns will be announced. I thank you all for taking the time to nominate Bellbrook! Fingers crossed from here.
 - **Farmers Markets** – The market has officially come to an end. We had a very successful first year of regular markets. I am already looking forward to next year! I have had a

community member and market vendor offer to assist me next year. I am gladly accepting the assistance!

- **Brook Mills 10k in 2020** – Staff met with the race director and we set the date for next year's race. August 22 will be the date of the next race. Registration will open in January. We are going to add more slots next year as this year sold out at 300 runners. Be sure to check out the beautiful gift to the City commemorating the first year out in the lobby.
- **Heritage Ohio Conference** – On Tuesday and Wednesday of last week Jeff Green and I attended the annual Heritage Ohio Conference held in Newark. I attended sessions on Special Improvement Districts, public art, economic impact of breweries, community design and more. It was the second year I have attended and was so very valuable.
- **Bellbrook Open for Business** – The open house style event for empty spaces downtown is going to be tabled until the spring. I did not have any response from property owners. I plan to do a more personal outreach to try to get the owners to participate and really make the event worthwhile. Stay tuned!

Regional Planning and Coordinating Commission of Greene County

651 Dayton-Xenia Road • Xenia, Ohio 45385-2699
Phone 937-562-7480 • Fax 937-562-7485



J. Devon Shoemaker, AICP, Executive Director
E-mail: dshoemaker@co.greene.oh.us

October 9, 2019

Member Jurisdictions

Greene County

Cities

Bellbrook
Fairborn

Villages

Clifton
Jamestown
Spring Valley
Yellow Springs

Townships

Bath
Beavercreek
Caesarscreek
Cedarville
Jefferson
Miami
New Jasper
Ross
Silvercreek
Spring Valley
Sugarcreek
Xenia

Subject: Countywide Trails Master Plan

Hello All,

As a result of the consensus reached at the June 24th meeting by the representatives of each community/township in Greene County, we were charged to move forward to develop a scope and obtain an estimate from a qualified vendor for the Countywide Trails Masterplan (CTM).


Greene County Parks & Trails (GCP&T) and Regional Planning (RPCC) received project estimates that totaled \$49,810. The project timeline was six months. A copy of the scope for the CTM will be sent via e-mail. We are writing this letter to discuss the funding of the CTM. GCP&T will allocate 60% of the project cost while RPCC will provide in kind service of staff time to schedule meetings and to attend steering committee and technical meetings. We would like all the communities/townships to be partners in the project and share ownership of the plan. To that end, we would ask that each community/township consider committing \$1250 in the first quarter of 2020 to the project. We understand that budgets are tight and that this comes toward the end of the year and wanted to give you all the chance to address this in your 2020 budgets. If this amount is not possible, please let us know.

Please provide GCP&T and RPCC a response with your commitment for the project by November 8, 2019. This will allow us enough time to evaluate a course of action, based on the response, and to finalize a contract for the project.

Our goal would be to begin preliminary work in early 2020 with a completion date by the end of June or early July. This will allow us to coordinate public input workshops with the Land Use Plan update to save time, money, and resources. These workshops will tentatively begin in March.

We trust you are all still interested in being a part of this project.


Jon Dohney
Director, Greene County Parks and Trails


J. Devon Shoemaker
Director, RPCC

Scope of Services – Greene County Master Trails Plan

Draft: September 4, 2019

The following project scope of services provides a detailed explanation for the methods, services, requirements, and deliverables Toole Design will provide for the completion of the Greene County Master Trails Plan (MTP). For additional project background please reference the Greene County Master Trails Plan Scope of Work Draft.

Objective

As represented in Greene County Master Trails Plan Scope of Work Draft provided by Greene County Parks and Trails and the Regional Planning and Coordinating Commission of Greene County (RPCC) the MTP is an important part of Vision 2040, a comprehensive planning strategy for Greene County, Ohio. The MTP is an essential planning document focusing on active transportation issues such as a vision for bike and pedestrian pathways to improve safety, connectivity, and economic vibrancy. The MTP should be synergistic with local plans, MVRPC's regional plans, and the state bikeway plan. It will at minimum use the following plan organization: Introduction, Vision and Goals, Existing Conditions, Recommendations, and Implementation.

MTP Oversight

Greene County Parks and Trails will oversee the entire project. The RPCC and MVRPC will provide space for meetings, facilitate the project, provide mapping aid when needed, and provide overall guidance to and management of Toole Design.

The following tasks will be completed to create the Greene County MTP:

Task 1: MTP Project Management

Task 1.1: Establish MTP Oversight Committee and Technical Advisory Committee (TAC)

Greene County Parks and Trails along with municipal and township partners will each appoint a person and an alternate to the MTP Oversight Committee. The MTP Oversight Committee will listen to public feedback; consider advice from the Technical Advisory Committee, and Toole Design to make plan recommendations.

The Technical Advisory Committee will consist of the County Engineer, Greene County Parks and Trails, RPCC staff appointee, MVRPC staff appointee, rails to trails representative, ODOT, and ODNR, and Toole Design. The purpose of the technical advisory committee is to provide Toole Design with information and guidance necessary for the consultant to perform the scope of work, and to review potential projects for feasibility and make recommendations to the Oversight Committee.

Greene County Parks and Trails and RPCC will be responsible for coordinating the creation of the Oversight Committee and Technical Advisory Committee. RPCC will also schedule meetings and secure accommodations when meeting space is needed. Oversight and Technical Advisory Committee meetings should be scheduled on the same day if possible.

Task 1.1 Deliverables

Oversight Committee Meetings

- Facilitation of up to three (kickoff, pre-engagement, post-recommendations) meetings including providing meeting agendas and notes

Technical Advisory Committee Meetings

- Facilitations of up to three (kickoff, pre-engagement, post-recommendations) meetings including providing meeting agendas and notes

Task 1.2: Project Management

Toole Design will initiate and conduct regularly scheduled coordination and status meetings with RPCC and MVRPC, including preparation of all associated meeting materials, follow-up on meeting outcomes, and ensuring quality control. Toole Design will prepare and provide meeting schedules, meeting agendas, meeting minutes, evaluations of comments and suggestions, and progress reports. At the kickoff meeting Toole Design and RPCC will discuss and establish a project schedule, major deliverables, and a communication process.

Toole Design will send monthly progress reports, including updates on project work completed and anticipated work. Toole Design will provide project oversight, including monitoring the budget, general QAQC, and non-task specific communications with Greene County Parks and Trails and RPCC as needed during the project.

Task 1.2 Deliverables

- Facilitation of monthly check-in meetings including scheduling meetings, and providing meeting agendas and notes
- Monthly progress reports

Task 2: Public Outreach

Task 2.1 – Web Presence

Toole Design will coordinate with Greene County Parks and Trails and RPCC to utilize its websites to provide the public with regular status updates and project information. Greene County Parks and Trails and RPCC will be responsible for posting and monitoring content on the County and RPCC websites including addressing public questions.

Content for a brief online survey will be crafted by Toole Design. The survey will focus on gathering preliminary input from the public, such as MTP goals and understanding the existing network challenges and opportunities. RPCC and/or Greene County Parks and Trails will post and monitor the survey as well as advertise the survey to the public. RPCC and/or Greene County Parks and Trails will

provide Toole Design the survey results for analysis. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft survey analysis and summary memorandum and produce the final memorandum.

Task 2.1 Deliverables

- Content for one brief online survey with up to 10 questions
- Draft and final survey analysis and summary memorandum (up to four pages)
- Up to three project status updates and supporting project information to be posted to the website

Task 2.2 – Public Workshops

Toole Design will plan and work with Greene County Parks and Trails, RPCC, and the Oversight Committee to facilitate one full day workshop. The full day workshop will be informational and interactive and focus on goal setting, visioning, and understanding the existing network challenges and opportunities. There will be three meetings with three different audiences as part of the full day workshop: Technical Advisory Committee, Oversight Committee, and general public. Toole Design will also facilitate one workshop to present the draft plan for public review and comment. Subsequent workshop(s) may be combined with the RPCC's Land Use Plan meetings and will be led by the Oversight Committee or staff and volunteers. Toole Design will develop a workshop template to guide the facilitation of these meetings. Toole Design may utilize mapping skills of MVRPC and RPCC to aid with presentation materials. Toole Design will work with staff on developing display boards, handouts, questionnaires, sign-in sheets, agendas etc.

RPCC will schedule, provide meeting accommodations, and advertise all workshops and/or meetings. RPCC and/or Greene County Parks and Trails will print all workshop materials, such as display boards, handouts, surveys, sign-in sheets, and agendas.

Task 2.2 Deliverables

Full Day Workshop

- Facilitation of workshop including developing materials such as display boards, handouts, surveys, sign-in sheets, and agendas
- Meeting notes and summary of input from community

Draft Plan Workshop

- Facilitation of a workshop to present the draft plan including developing materials such as display boards, handouts, surveys, sign-in sheets, and agendas
- Meeting notes and summary of input from community

Workshop Template

- Workshop template for meetings led by Oversight Committee or staff and volunteers

Task 3: Goals and Objectives and Best Practices

Task 3.1 – Preparation of Goals and Objectives

In the kickoff meetings with the Oversight and Technical Advisory Committees, Toole Design will discuss desired goals and objectives. Based on these discussions and other relevant local, regional, and state plans provided by Greene County Parks and Trails and/or RPCC, Toole Design will draft project goals and objectives. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft goals and objectives memorandum and produce the final memorandum.

Task 3.1 Deliverables

- Draft and final goals and objectives memorandum (up to two pages)

Task 3.2 – Active Transportation Best Practices

Toole Design will review existing active transportation and complete streets plans in Greene County and the region and develop an active transportation reference section for the plan. Toole Design will also develop a summary of current national best practices for integrating active transportation and complete streets plans into trail development, trail upgrades, and connectivity.

RPCC and/or Greene County Parks and Trails will provide all existing Greene County active transportation and complete streets plans to be reviewed and included in the memorandum summary by Toole Design. In addition, Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft memorandum and produce the final memorandum.

Task 3.2 Deliverables

- Draft and final memorandum (up to six pages) including the following components:
 - » summary of existing active transportation and complete streets plans in Greene County
 - » current best practices for active transportation and complete streets

Task 4: Network Recommendations

Task 4.1 – Existing Conditions Review

Toole Design with heavy collaboration with MVRPC and RPCC will develop an existing conditions map and description of current inventory using all available resources by reference and by description where appropriate. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the existing conditions map and produce the final map. It is assumed there will be no field inventory needed to create the existing conditions map.

Greene County Parks and Trails and/or RPCC will provide all current and available related data such as trails and important community destinations (such as businesses, commercial centers, schools, etc.) to create the existing conditions map.

Task 4.1 Deliverables

- Draft and final existing conditions map

Task 4.2 – Proposed Trail Network

Toole Design will coordinate with MVRPC and RPCC to produce a proposed trail network map along with descriptions of each proposed project. The recommendations will build upon the groundwork already completed by Greene County Parks and Trails and RPCC and will incorporate public input, Oversight Committee recommendations, feasibility, and respond to local, regional, and state trail plans. Where possible, trails should serve to connect neighborhoods to businesses and commercial centers, and to schools. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the proposed trail network map and produce the final map.

Task 4.2 Deliverables

- Draft and final proposed trail network map

Task 4.3 – Project Prioritization

In the second Oversight and Technical Advisory Committee meetings, Toole Design will discuss the potential prioritization methodology and determine prioritization factors to rank the entire network. The prioritization matrix could include factors such as stakeholder input, safety, existing conditions, connectivity, equity, and funding sources. The ability to simultaneously build additional public infrastructure such as water and sewer or broadband or other utilities should greatly increase project value and prioritization.

Task 4.3 Deliverables

- Project prioritization matrix
- Project list organized by priority

Task 4.4 – Recommendations to Improve Bicycle and Pedestrian Education

Toole Design will recommend programs to promote the use of these facilities, and to improve safety, such as bicycle safety classes and trail etiquette. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the memorandum and produce the final memorandum of recommended programs.

Task 4.4 Deliverables

- Draft and final memorandum of recommended programs that support and promote active transportation (up to two pages)

Task 4.5 – Recommendations to Achieve Higher Economic Return to the Community

Trails have proven economic benefits for the host communities. Toole Design will work with the Oversight Committee to develop recommendations to maximize the economic benefit of public and private investments in the trail network. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the memorandum and produce the final memorandum.

Task 4.5 Deliverables

- Draft and final memorandum explaining the economic benefits of trails and recommendations to maximize investment into the network (up to two pages)

Task 5: Implementation Plan

Task 5.1 – Highest Priority Project(s) Descriptions, Conceptualization and Cost Estimates

Toole Design will provide typical design sections for a segment of the trail and prepare conceptual design rendering(s) for up to two of the highest ranked project(s) accompanied by planning level lifecycle cost (construction cost + maintenance cost). These projects should be identified as short-term projects.

Task 5.1 Deliverables

- Typical design sections for a segment of the trail
- Conceptual design rendering(s) for up to two of the highest ranked project(s) accompanied by a planning level project lifecycle cost (construction cost + maintenance costs)

Task 5.2 – Identification of Funding Sources

Toole Design will prepare a funding matrix including funding sources by project and high-level information about funding sources, such as application process, due dates, and point of contact.

Task 5.2 Deliverables

- Funding sources matrix

Task 5.3 – Implementation Table

Toole Design will prepare an implementation table based on all the tasks above. The table will include all the projects listed with columns such as priority, possible funding source(s), and implementation (e.g. short-term, mid-term, or long-term).

Task 5.3 Deliverables

- Implementation table

Task 6: Maintenance Plan for Prioritized Projects

Task 6.1 – Develop a Maintenance Plan

Toole Design will prepare a sustainable maintenance section of the plan based on national best practices. This section will guide the maintenance of existing inventories and investments in new trails and include elements, such as cost estimates for routine maintenance for trail surfaces, structures, mowing, plantings, bridges, underpasses, crosswalks, snow removal and a recommended maintenance schedule. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the maintenance memorandum and produce the final memorandum.

Task 6 Deliverables

- Draft and final sustainable maintenance memorandum (up to twelve pages)

Task 7: Public Hearing

Toole Design will present the final report in a public hearing led by the Parks and Trails Board and RPCC. RPCC will advertise and invite the public to the hearing.

Task 7 Deliverables

- Attendance and presentation of final report at one public hearing

Task 8: Draft and Final MTP

Toole Design will produce one draft plan to be reviewed by Greene County Parks and Trails and RPCC. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the plan and produce the final MTP. The final MTP report will be submitted in PDF format to be easily printed and source files will be provided.

Task 8 Deliverables

- Draft MTP (PDF format)
- Final MTP (PDF format)

PROPOSAL COST SUMMARY

C/R/S : Greene County MTP
 PID NO.:
 CONSULTANT: Toodle Design Group
 DATE: 9/4/2019

Overhead Percentage = 163.31%
 Avg. Overhead Percentage = 156.68% (Net Fee Calc)
 Net Fee Percentage = 11.00%
 Cost of Money = 0.14%

| Step - Description | Hourly Rate | Total Hours | Labor Costs | Overhead Costs | Cost of Money | Direct Costs | Subcon. Costs | Net Fee | Total Cost |
|---|----------------|-------------|-----------------|-----------------|---------------|--------------|---------------|----------------|-----------------|
| 1.0 MTP Project Management | \$51.53 | 38 | \$1,958 | \$3,198 | \$3 | \$300 | \$0 | \$553 | \$6,012 |
| 2.0 Public Outreach | \$48.88 | 50 | \$2,444 | \$3,991 | \$3 | \$200 | \$0 | \$690 | \$7,328 |
| 3.0 Goals and Objectives and Best Practices | \$42.12 | 34 | \$1,432 | \$2,339 | \$2 | \$0 | \$0 | \$404 | \$4,177 |
| 4.0 Network Recommendations | \$39.90 | 82 | \$3,272 | \$5,344 | \$5 | \$0 | \$0 | \$924 | \$9,545 |
| 5.0 Implementation Plan | \$39.58 | 66 | \$2,612 | \$4,266 | \$4 | \$0 | \$0 | \$737 | \$7,619 |
| 6.0 Maintenance Plan for Prioritized Projects | \$40.44 | 50 | \$2,022 | \$3,302 | \$3 | \$0 | \$0 | \$571 | \$5,898 |
| 7.0 Public Hearing | \$46.00 | 13 | \$598 | \$977 | \$1 | \$100 | \$0 | \$169 | \$1,845 |
| 8.0 Draft and Final Plan | \$42.20 | 60 | \$2,532 | \$4,135 | \$4 | \$0 | \$0 | \$715 | \$7,386 |
| TOTAL | \$42.93 | 393 | \$16,870 | \$27,552 | \$25 | \$600 | \$0 | \$4,763 | \$49,810 |

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,
PERSONNEL CATEGORIES, AND LABOR RATES**

C/R/S : Greene County MTP
 PID NO.: 0
 CONSULTANT: Toole Design Group
 DATE: 9/4/2019

| <u>HOURLY RATES</u> | |
|---------------------------|--------------------|
| <u>Personnel Category</u> | <u>Salary Rate</u> |
| P4 | \$70.00 |
| P2 | \$43.00 |
| P1 | \$36.00 |
| E1 | \$35.00 |
| Intern | \$20.00 |

HOURS BY PERSONNEL CATEGORY

| | P4 | P2 | P1 | E1 | Intern | Total Hours | Labor Costs |
|---|-----------|------------|------------|----------|----------|-------------|-----------------|
| 1.0 MTP Project Management | 12 | 26 | 0 | 0 | 0 | 38 | \$1,958 |
| 2.0 Public Outreach | 14 | 24 | 12 | 0 | 0 | 50 | \$2,444 |
| 3.0 Goals and Objectives and Best Practices | 2 | 20 | 12 | 0 | 0 | 34 | \$1,432 |
| 4.0 Network Recommendations | 2 | 36 | 44 | 0 | 0 | 82 | \$3,272 |
| 5.0 Implementation Plan | 2 | 24 | 40 | 0 | 0 | 66 | \$2,612 |
| 6.0 Maintenance Plan for Prioritized Projects | 2 | 22 | 26 | 0 | 0 | 50 | \$2,022 |
| 7.0 Public Hearing | 3 | 4 | 6 | 0 | 0 | 13 | \$598 |
| 8.0 Draft and Final Plan | 6 | 24 | 30 | 0 | 0 | 60 | \$2,532 |
| TOTAL | 43 | 180 | 170 | 0 | 0 | 393 | \$16,870 |

DETAILED BREAKDOWN OF DIRECT COSTS

C/R/S : Greene County MTP
 PID NO.: 0
 CONSULTANT: Toole Design Group
 DATE: 9/4/2019

| | Travel | postage | photos, repro & mountings | misc. | Direct Costs |
|---|--------------|------------|------------------------------|------------|-----------------|
| 1.0 MTP Project Management | \$300 | \$0 | \$0 | \$0 | \$300 |
| 2.0 Public Outreach | \$200 | \$0 | \$0 | \$0 | \$200 |
| 3.0 Goals and Objectives and Best Practices | \$0 | \$0 | \$0 | \$0 | \$0 |
| 4.0 Network Recommendations | \$0 | \$0 | \$0 | \$0 | \$0 |
| 5.0 Implementation Plan | \$0 | \$0 | \$0 | \$0 | \$0 |
| 6.0 Maintenance Plan for Prioritized Projects | \$0 | \$0 | \$0 | \$0 | \$0 |
| 7.0 Public Hearing | \$100 | \$0 | \$0 | \$0 | \$100 |
| 8.0 Draft and Final Plan | \$0 | \$0 | \$0 | \$0 | \$0 |
| TOTAL | \$600 | \$0 | \$0 | \$0 | \$600 |



To: City Council
From: Staff
Date: October 21, 2019
Subject: Highview Terrace Walking Path Request

Applicant Information

Property Owners: James and Katherine Cyphers, owners of lots 49 and 50 of Highview Terrace
Developer: Clemens Development Co

Summary of Request

Request to amend/remove any pedestrian access on lot 50 of Highview Terrace record plan. The section that the applicant is requesting to be removed is located between lots 50 and 51 and runs down to the parking lot at Dot's Market on their property. If approved, the walking path easement will be removed however the utility easements will remain.

Applicant's Reason for Request

The easement for the walking path in question, is one of two and 10 times wider than the original easement. It connects the development to the parking lot of Dot's Market and currently cuts through the lot that they own, lot 50. They are concerned about privacy, liability and safety due to the location of the path on the approved record plan being mostly on their property.

History of Path

City Council granted preliminary approval (for a major changed) to the final development plan in May of 2016 with Ordinance 2016-5 (attached) noting the following conditions in regards to the walking path easement:

- 1) Pedestrian access path will be located between lots #51 and #74 (lot 74 changed and became lot 50). Council approval is required if the path were to be moved.
- 2) Pedestrian access will be owned and maintained by the Home Owners Association.

City council granted final approval in February of 2017 via resolution 2017-K (attached)

Supplemental Information from Staff

Path Description

It should be noted that there are two walking paths going along lot 50:

1) The original walking path is dated to 1975, prior to the subdivision and is only 5 foot in width. It is not located on the applicant's property and would place itself on the other side of the tree line (closest to the creek) and runs along little Sugarcreek eventually crossing over to McGee Park. This path is currently in a narrow wooded area along the creek. If this were to be developed into a usable path, a significant amount of trees would have to be removed and therefore could create additional erosion issues. This path is not being requested to be vacated.

2) The second path is dated 2017 when the final record plan was approved. It is 50' in width and encompasses the area where the old driveway (going up to the founder's old home site) was located. This easement is the subject of the request for it to be removed. This easement is located on the applicant's property where a portion of the path branches off and extends between lots 50 and 51 which will connect to the sidewalk at Sugar Maple Place.

Ownership and Liability

Per the approval of the final development plan, it is the Home Owner's Association that will both own and maintain the walking path. This is further stated on the approved development plan.

Floodplain Concerns

The proposed walking path easement is largely located within the floodplain. Bill Scheiman of the Little Miami Watershed Network spoke with staff regarding the request. Per Mr. Scheiman, he does not foresee any immediate issues with the proposed path once established.

Comprehensive Plan

One of the objectives outlined in the 2019 Comprehensive Plan is for the city to adopt policies to encourage walkability and access to downtown. This walking path, once complete, would serve to connect the following subdivisions to downtown Bellbrook: Highview Terrace, The Vineyards, Sable Ridge and The Landings. The path, once fully completed would extend from Dot's Market.

Planning Board Consideration

Any change to a recorded record plan should first be considered by Planning Board.

Planning Board first had this request presented at their August 22, 2019 meeting. The item was tabled due to questions regarding path location and grade. At this meeting six households came out in support of keeping the path as is and two were opposed to the

walking path.

Planning Board met again on September 19, 2019 to consider. Their consideration included a walking discussion of the development and then formal meeting and discussion after back at the City building. At this meeting two households of Highview Terrace spoke in support of the walking path and one in opposition. The request was denied and the vote passed unanimously 3-0. Minutes to both meetings are attached.

Opinion from Greene County Sanitary Engineer

The applicant noted that the path would be built on an existing easement which they say “can have no improvements, grading or structure for any purpose”. Per the Greene County Sanitary Engineer, no structures (such as a shed) can be placed on the proposed path as there are utilities located within the easement in question. The sanitary engineer did however state that a walking path would not be an issue.

List of Related Attachments

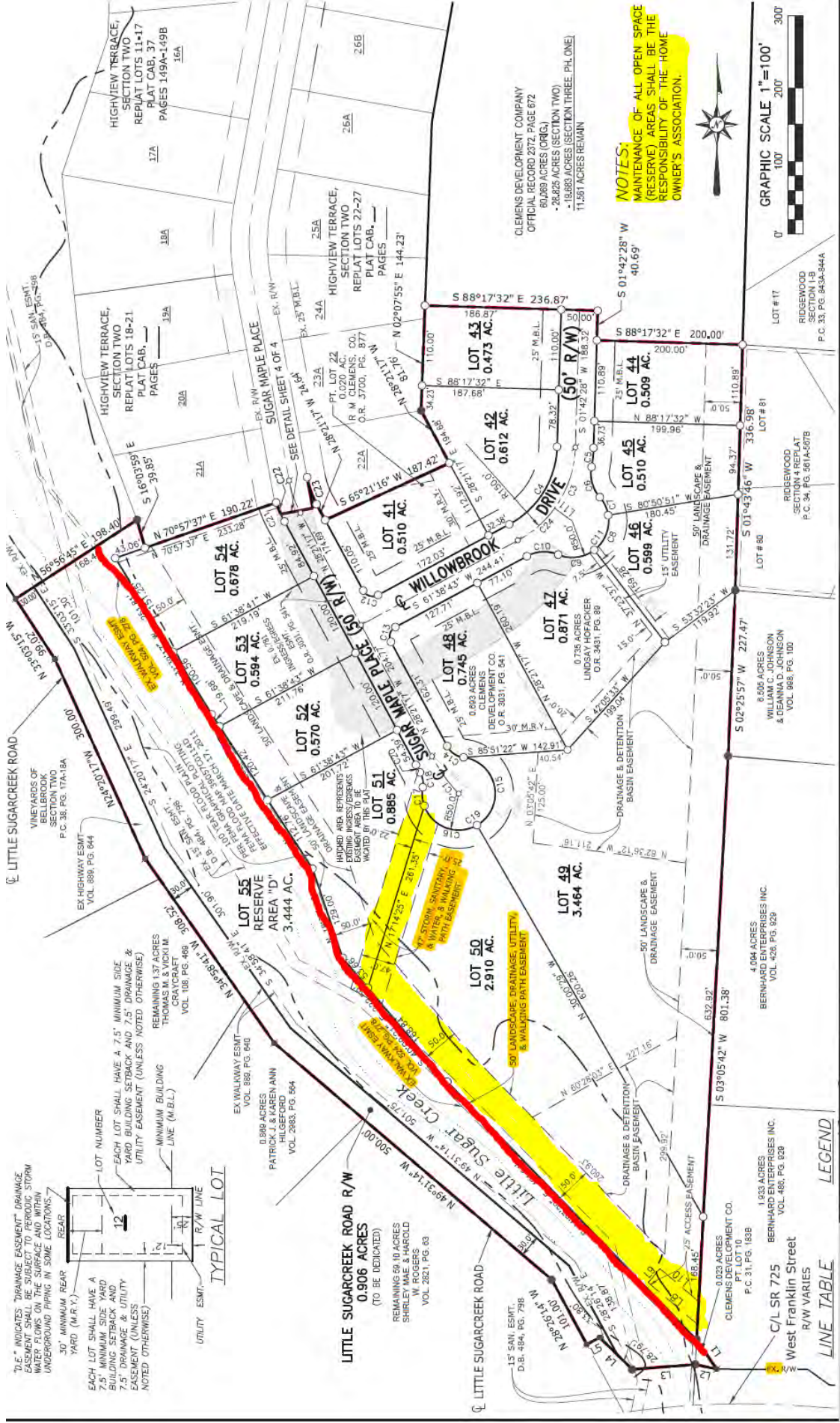
- Letter from applicant to Council
- Supplemental maps
- Planning Board minutes from August 22 and September 19, 2019 and sign in sheets
- Email from Greene County Sanitary Engineer
- Ordinance 2016-5 which outlines walking path
- Resolution 2017-K final record plan approval

Staff Recommendation

Staff supports the recommendation of Planning Board to not revise the record plan to remove the walking path. It is recommended that staff continue to work with the developer to ensure the most suitable path is installed to connect the developments and downtown.

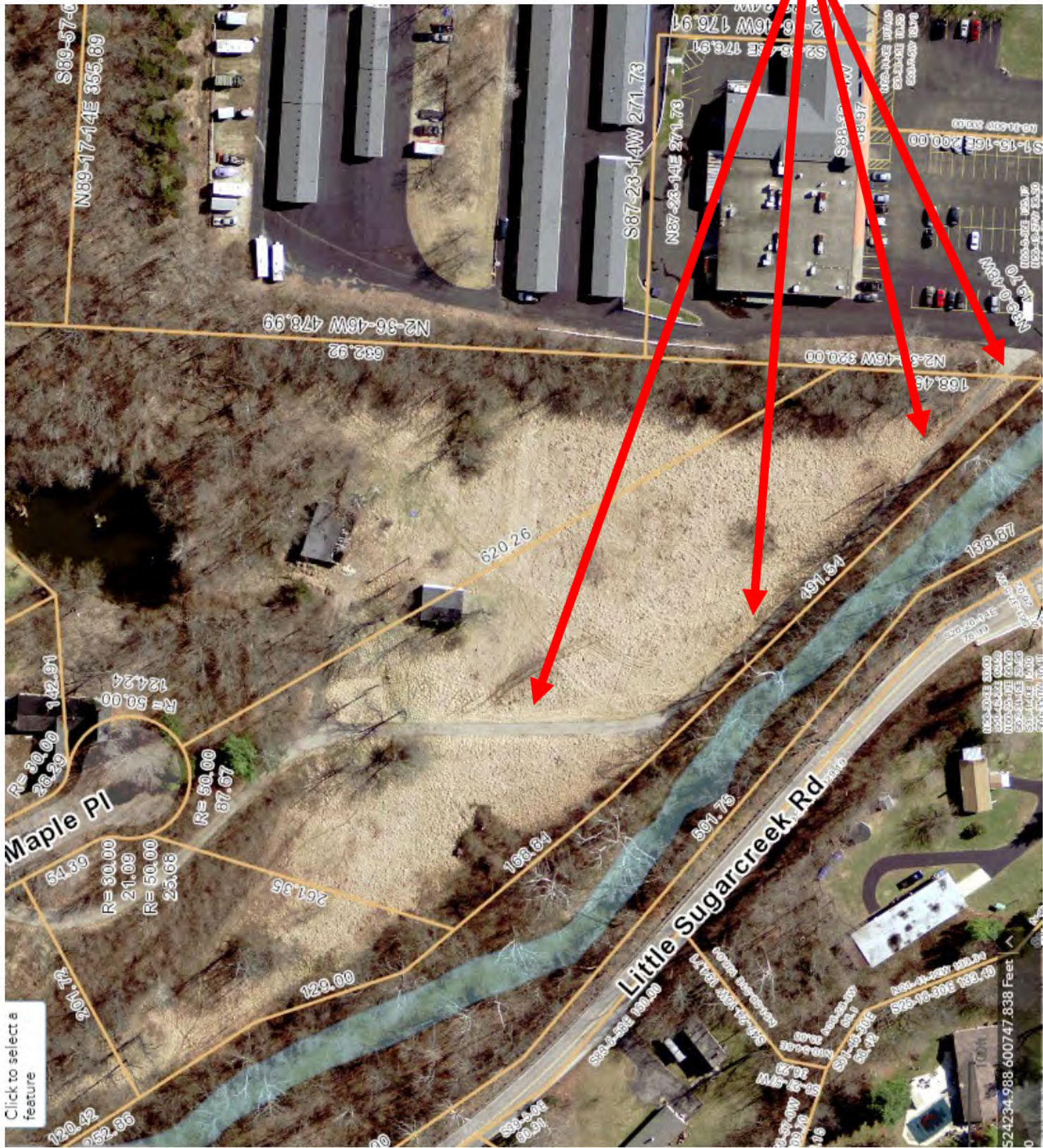
Action by City Council

In order to amend a record plan, City Council must legally approve or deny the request. If Council chooses to approve the request, a resolution will be brought before Council with an amended record plan.



Original Easement—1975—5 foot wide

Second Easement—2017—50 foot wide (requested to be removed)



Map outlining
old driveway
location

James and Katherine Cyphers
[REDACTED]

To: Bellbrook City Council

Subject: Request to amend/remove pedestrian access on lot 50 of Highview Terrace Record Plan

We are requesting pedestrian access path listed in lot 50 be removed and pedestrian access be relocated to an alternate location in deeded easements or HOA owned lot.

The pedestrian access path was added to Record Plan prior to development of the lots/houses and without knowing the topography or actual location of existing storm, water, sewer drains and flood areas. Now that our home is built and lot 50 has been graded, we see the impact of the location and the lack of privacy.

In Ordinance 2016-5, City Staff listed condition 3 : *This pedestrian access is to be owned and maintained by the Home Owners Association.* However, the path is not owned by the HOA or in public open space, it is in lot 50. We purchased lot 50.

City Staff condition 4: *The pedestrian access path will be located between lot #51 and lot#74. If path needs to be relocated in the future, it will require Council Approval.* However, the location is not **between** lot 51 and 74, it is **on** lot 50. Lot 50 is privately owned property. The pedestrian access was added to an existing utility easement instead of placing it on public property (Lot #38 and #55-Reserve C and D) or HOA property (lot15A-Reserve D).

Since 2016, lot #74 has become lot#50. Lot sizes and topography has changed, stormwater and sewer drains have been installed, water lines installed, detention pond installed, and flood zone issues are present. Additionally, our home has been built. Resolution 2017-K Record plan lists pedestrian access path in lot 50. This puts people walking down a steep hill, over five open storm drains and manhole covers, and into floodway area and detention pond along the Little Sugar Creek.

We are requesting the path be removed entirely from lot 50 for the following reasons:

1. Extremely hazardous terrain, steep elevation and dangerous location. The location in Lot 50 contains the stormwater, sewer, and water pipes and is in the floodway. During storms, water is naturally directed to run down between lot 50 and 51 and into the open storm drain as it deposits into multiple water drains, a detention basin, and Little Sugarcreek. The area along the water drains floods as it receives water from the neighborhood run-off as well as Little Sugarcreek.

Pictures are attached reflecting the hill, open drains, detention basin and flooding following a storm. There were people that mentioned no flooding occurs, but they do not live on those lots, nor do they have the viewpoint we do. The attached

photos are just a few of the occasions we have witnessed the flooding and water run-off in the area.

2. The pedestrian path was placed in an existing easement for sewer, water, and stormwater and can have no improvements, grading, or structures for any purpose due to the location and depth of the piping. Restrictions have been confirmed by both the Bellbrook Service Director and Greene County Sanitary Engineering Department. Greene County Sanitary Engineer has been to our lot 50 location three times this summer to excavate the sewer drain and remove stormwater debris. The most recent occurring in September 16, 2019. Attached are pictures from the most recent Greene County Sanitary sewer replacement on lot 50 at the location of intended path. The attached maps also indicate the location of the utilities.

3. We have no privacy and have received several trespassers in our back yard, porch, and driveway because of the open access no screening from the Dots parking lot. After several instances, we started stopping people to tell them they cannot come right by our house because we live here now and it is private property. My daughters should not have to worry about strangers in the back yard. Nor should I see random males 25 feet from my bathroom window. Repeat offenders and even the neighborhood residents do not use the lot 50/51 location after being notified of the location on the map. People did not believe us when we said we have random people coming in our yard and near the house, pictures are attached of a couple of the instances.

We also find a lot of trash in the yard. It is coming in from people or commercial parking lot. We find bags, cigarette butts, food and drink trash, and beer cans in our yard. We have picked up about a bag of trash a month since moving into home in May. It is not construction trash. I could not believe I found beer cans in the yard, so I took a picture, also attached.

4. Future liability issues as a result of the placement of the pedestrian path that cannot be ADA compliant. City Staff dictated where the path be placed and is now advertising the path to be public use. According to our insurance company, liability resides with the HOA and/or the City because of the easement and the Comprehensive Plan advertises a multi-use path. A multi-use path is not typically considered available for bikes, skateboards, wheelchairs, etc. None of these things should be permitted down the hill, but there will be nothing there that can stop them from trying to use it if the easement remains in place on lot 50.

Accidents are already occurring. Some in the easement area, some on our private property because people are accessing via the open areas. Within the first weeks of living in our home, we had already witnessed one injury from a girl falling off her bike and then trying to walk up a hill with one shoe. She had to walk her bike up another hill because it was too steep, just to make it to the roadway.

On another occasion, a young man slipped down the hill when it was wet and continued along the flooded area along the retention pond basin.

We have also witnessed Little Sugar Creek flooding over the bank and into lot 50. In July, we noticed four people walking with no shoes and looking into the flooded creek. They had been washed down stream when a flash flood hit following a storm. They were pushed down the creek from wading in Magee Park.

August 15th, we saw another accident along lot 50. A live power line was down. DP&L was working to install a new underground line at the rear of lot 50, but until that repair could be completed, there was a live power line on the ground across the path.

5. We also have concerns the location of the path in lot 50 contradicts or violates Zoning Codes. We should not be accountable for the violations created by others.

Zoning Code Article 2: purpose of a Plan is to reduce undue hazards due to flooding, and to promote the public health, safety, and general welfare. It is the further purpose of this Ordinance to safeguard the public health, safety, and general welfare.

Zoning Code Article 15 Flood Damage Prevention. Any area designated for the natural flow of surface water shall be at all times kept free and clear from any obstruction of such natural flow.

The 2017 Record plan indicates lot 50, lies in the 100 year Floodplain Floodway fringe. This is why lot 50 often floods during inclement weather and has standing water for extended periods of time.

In 2016 Council meetings, the development engineer and City Manager stated no pavement can be put along this area in lot 50. We suspect any materials used for a path will obstruct natural flow, or flow directly into the open stormwater drains if chips/dust are used.

Zoning Code Article 17.01(5) Purpose of Planned Development: To protect flood plains from encroachment by development within the City of Bellbrook.

17.05 (5) Site Design: All housing shall be sited to preserve privacy and to ensure natural light. We have no privacy when people are coming through our yards and are permitted open roaming due to multiple entry points being advertised to the public.

17.05 (9) Setback and Screening. A minimum of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods or be suitably landscaped with grass and/or ground cover, shrubs, and trees. Projects located adjacent to commercial or industrially zoned areas shall provide suitable screening to the residential development.

Our review of the Zoning map reflects Lot 49 and 50 abuts a commercial district, parking lot, and off-street loading. Therefore, a protective buffer and/or screening are required according to Code 18.15, 18.16, and 18.17. Lot 49 and 50 are unique in this development because we are directly adjacent to a commercial zoned area.

We would like to have a screening fence on lot 50 where it adjoins to the commercial parking lot so the noise and debris from Dots would be contained outside the perimeter. However, we were told by City Staff we could not install a fence because anyone can come onto our property and it would violate the easement. As a result, we have limited landscape buffer or screening in lot 50.

We own the only lots that abut to a commercial district, so we suspect this may have been overlooked when the plans were submitted/reviewed. As mentioned, we would like to install a screening fence/gate that will provide a visual barrier to obstruct the view from the commercial parking lots, will absorb or deflect noise from the offloading activities and trash compactor; contain the debris and litter to the outside our yard, and keep our pets in our yard.

We placed a simple chain fence to stop people from trying to drive up the old driveway, but we have been told we cannot put much more than a string and a stake because of the utility easements and floodway. Meanwhile, we continue to hear the noise from the loading trucks, the trash compactor, find trash in our yard, and have no privacy from the commercial area.

6. It appears as if the City has two deeded walkway easements on open space property recorded in 1975 and 1994. The walkway easements are recorded on Development maps and are listed in City Ordinance 2016-5 and Resolution 2017-K maps. Attached are maps and Deeded easements reflecting the walkpaths connect SR725 to Magee Park on both sides of the creek. One goes along Little Sugarcreek Rd (VOL889,PG 640) and the other to Magee Park (VOL524,PG278).

These two easements are on safe flat surface, behind the landscape buffers, connect the neighborhoods on Little Sugarcreek Rd and Magee Park. These two paths accomplish the goals in the Comprehensive plan and would be much safer options if the paths were being maintained.

We heard people mention Little Sugarcreek Rd is not safe, but we don't understand why some feel it is unsafe. We see people walking/running it, have personally walked it and it is behind a guard rail. If speeding cars is a safety issue, perhaps traffic cameras can be installed to stop the speeding. According to the Engineering studies conducted as part of the Little Sugarcreek Road Assessment(August 26,2019) this path is safe because it is behind a guardrail.

We have attached maps, photos, and deeded easements for review.

We appreciate the opportunity to address Council and working together to resolve.



Existing Walkway Easement Deed



Existing Walkway Jogging Easement



Council meeting maps.pdf



HVT_utility pipes.pdf



HVT Sec 3 PH 1_Prop'd Vaction of

Regards,

James and Katherine Cyphers
Cyphersfamily6@gmail.com
571-232-5214

1995 FEB 15 PM 2:37

LARRY B. MORRIS
GREENE CO. RECORDER
XENIA, OH

**PERPETUAL EASEMENT FOR WALKWAY AND JOGGING PURPOSES
(Non-Highway)**

VOL 0889 PG 640

MICHAEL M. HARRISON and L. M. HARRISON, husband and wife and hereinafter called Grantors, for and in consideration of the City's agreement to release, and extinguish all easement rights and/or title which previously accrued to the City to an access walkway easement pursuant to a certain Easement Deed recorded at Volume 524 Pages 278-281, do sell and convey unto THE CITY OF BELLBROOK, OHIO, herein after called Grantee, its successors and assigns, a perpetual easement and right-of-way for walkway and jogging purposes, upon and across the property of the Grantors described as follows:

**A Perpetual Easement For Walkway And Jogging Purposes
And For Filling, Grading And Maintenance Of Adequate
Slopes In Order To Support Walkway And Jogging Facilities
On The East Side Of The Little Sugarcreek Road**

Situate in the City of Bellbrook, County of Greene, State of Ohio and being located in Section 2, Town 2, Range 6 MRS, and being a strip of ground of a uniform width, 10 feet wide along the east side of the 30 feet right of way described as Parcel 4WD in the companion highway easement of even date herewith, and extending out at the walkway easement's southern terminus a distance 40 feet right of station 0+72.59 of the center line stationing of the Little Sugarcreek Road and extending out at the walkway easement's northern terminus to a point 40 feet right of station 17+57.

The easement, rights, and privileges shall be perpetual. Grantors hereby warrant that Grantors have full power and authority to convey this easement and that Grantors have a good and indefeasible fee simple title to the above-described easement premises, free and clear of all liens and encumbrances except:

Grantors agree to forever defend the above-described easement and rights unto Grantee, Grantee's legal representatives, successors and assigns, against every person or entity lawfully claiming or to claim the easement property or any part of it, except as noted above.

The easement, rights, and privileges are exclusive, and Grantors covenant that they will not convey any conflicting easement or conflicting rights within the area covered by this grant.

The instrument shall be binding on, and shall inure to the benefit of, the heirs, legal representatives, successors and assigns of the parties hereto. Wherever the term Grantors is used herein, the term shall be deemed to include their heirs, legal representatives, successors and assigns.

And for the consideration aforesaid, Michael M. Harrison and L. M. Harrison, husband and wife, who each release their right of dower herein, have set their hands this 30th day of August, 1994.

SIGNED AND SEALED IN
THE PRESENCE OF:

Kare E. Huber
John B. Huber
JOHN B. HUBER

Michael M. Harrison
Michael M. Harrison
L. M. Harrison
L. M. Harrison

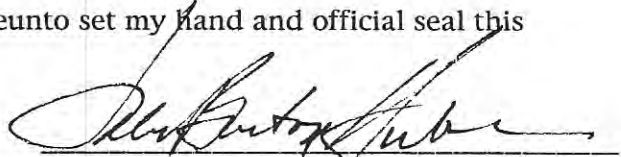
000495

TRANSFER NOT NECESSARY
Fee Exempt
LAWANNA A. DELANEY, GREENE COUNTY AUDITOR

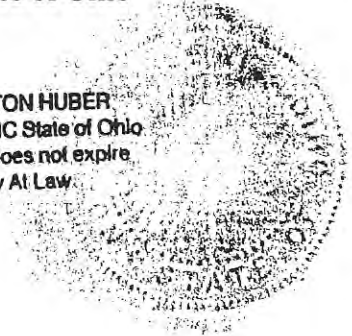
STATE OF OHIO,
GREENE COUNTY, SS:

Before me, a Notary public in and for said County, personally appeared the above named Michael M. Harrison and L. M. Harrison, Grantors, who acknowledge that they did sign the foregoing instrument and that the same is their free and voluntary act and deed.

30th In testimony whereof, I have hereunto set my hand and official seal this day of August, 1994.


Notary Public, State of Ohio

JOHN BARTON HUBER
NOTARY PUBLIC State of Ohio
Commission does not expire
Attorney At Law



Instrument prepared by:

John B. Huber, Attorney at Law,
1520 Marsetta Drive, Beavercreek, Ohio 45432

VOL 0889 PG 64 I

EASEMENT DEED 10809

12-6-94 Resolution in O.R. U.S. 876 pg. 648

KNOW ALL MEN BY THESE PRESENTS:

That Dayton Baptist Temple of Dayton, Ohio in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them paid by The City of Bellbrook, (County of Greene), Ohio, receipt of which is acknowledged, does hereby give, grant, bargain and convey to said City of Bellbrook, (County of Greene), Ohio, forever the easement and perpetual right that with respect to that portion of the property described on Exhibit "A" attached hereto and made a part hereof which is below eight hundred twenty (820) above sea level as shown on Exhibit "B" attached hereto and made a part hereof, the Grantor shall preserve the general natural appearances of the terrain when making changes in that terrain.

IN WITNESS WHEREOF, the said Dayton Baptist Temple of Dayton, Ohio has hereunto subscribed its name by

DR. BERARD O. FLEMING its PASTOR and
N. E. JOESTEN its CHAIRMAN OF TRUSTEES
on this 13th day of FEBRUARY, 1975.

Signed and acknowledged in the presence of:

Dayton Baptist Temple of Dayton, Ohio

[Signature]

By: [Signature]
Title PASTOR

[Signature]

By: [Signature]
Title Chairman of Board of Trustees

STATE OF OHIO)
COUNTY OF Greene) SS

Before me, the undersigned, a Notary Public in and for said county personally appeared Dayton Baptist Temple of

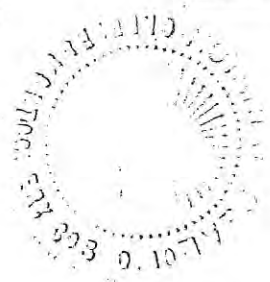
[Signature]
E. E. YATES, Notary Public
In and for Montgomery & Greene Counties, Ohio
My Commission Expires OCTOBER 27, 1976

Dayton, Ohio by DR. GERALD O. FLEMING its TASTOR

and A. E. JORSTEN its CHAIRMAN OF TRUSTEES

the Grantor in the foregoing Easement Deed and each of said persons individually and as Officers of the Grantor acknowledge the execution of the foregoing Easement Deed to be their free and voluntary act for themselves and for said organization for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this 13TH day of FEBRUARY, 19 75.



E. E. Yates
Notary Public
E. E. YATES, Notary Public
In and for Montgomery & Greene Counties, Ohio
My Commission Expires OCTOBER 27, 1974.

THIS INSTRUMENT PREPARED BY:

Howard N. Thiele, Jr., Attorney-at-Law

REC'D FOR RECORD
SEP 8 2 20 PM 1976
ALBERT L. MOORE
GREENE CO. RECORDER
XENIA, OHIO

TRANSFER NOT NECESSARY
Fee Exempt
DOROTHY L. SHAW, GREENE COUNTY AUDITOR

Recorded 9-9-76
Fee 5.00
Albert L. Moore
GREENE COUNTY RECORDER

WOODED HILLS MEMORIAL GARDENS
DESCRIPTION OF A 5.00' WIDE ACCESS WALKWAY

Situate in the City of Bellbrook, County of Greene, State of Ohio and being located in Section 2, Town 2, Range 6 MRS and being the centerline of a 5.00 foot wide Access Walkway through the Dayton Baptist Temple, Dayton, Ohio lands as described in Deed Book 344, page 110 of the Greene County Deed Records, being more particularly described as follows:

Beginning at a point on the south line of said Baptist Temple lands, said point being 2.53 feet west of the southeast corner of said Baptist Temple lands, said south line being also the centerline of State Route 725;

thence North $0^{\circ}-09'-30''$ East, a distance of 77.58 feet to a point;

thence North $46^{\circ}-15'-45''$ West, a distance of 174.06 feet to a point;

thence North $47^{\circ}-27'-44''$ West, a distance of 299.32 feet to a point;

thence North $42^{\circ}-54'-44''$ West, a distance of 244.18 feet to a point;

thence North $21^{\circ}-36'-05''$ West, a distance of 129.38 feet to a point;

thence North $36^{\circ}-04'-33''$ West, a distance of 252.57 feet to a point;

thence North $34^{\circ}-35'-29''$ West, a distance of 178.44 feet to a point;

thence North $41^{\circ}-00'-12''$ West, a distance of 227.64 feet to a point;

thence North $15^{\circ}-18'-57''$ West, a distance of 349.77 feet to a point;

thence North $26^{\circ}-45'-57''$ West, a distance of 94.48 feet to

75-1585
5.00' Access Walkway
Page 2

the terminus of said Access Walkway on the east line of lands conveyed to the Township Trustees of Sugarcreek Township as described in Deed Book 291, page 214 of the Greene County Deed Records, said terminus being a distance of 587.72 feet south of the northeast corner of said Trustees lands.

BY

Ralph D. Amos

Ralph D. Amos
Registered Surveyor
Ohio License 5787

Miami Engineering Company
303 Fame Road
West Carrollton, Ohio 45449

August 12, 1975



Recorded 9-9-76
Fee 5.00
Albert L. Moore
GREENE COUNTY RECORDER

VOL 524 PAGE 281

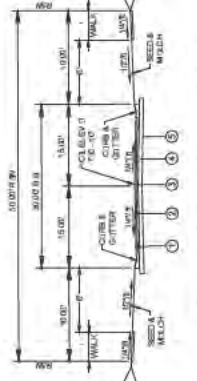
REVISED PRELIMINARY PLAN FOR HIGHVIEW TERRACE LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRS CITY OF BELLBROOK, GREENE COUNTY, OHIO MARCH 30, 2016



| CONTROL POINTS | | | |
|----------------------|----------|---------|-----------|
| DESCRIPTION | NORTHING | EASTING | ELEVATION |
| BM 410 (MAG WAL SET) | 05200.8 | 10278.0 | 038.05 |
| BM 411 (MAG WAL SET) | 05172.8 | 10233.8 | 038.15 |
| BM 412 (MAG WAL SET) | 05145.1 | 10211.7 | 038.11 |

KEY NOTE LEGEND

- 1. 1/2" ASPHALT CONCRETE SURFACE COURSE
- 2. 1/2" ASPHALT CONCRETE BASE COURSE
- 3. 1/2" ASPHALT CONCRETE EXISTING COURSE
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TYP STREET SECTION - 50' R/W

SPACES FROM

- MATERIALS**
- 1. 1/2" ASPHALT CONCRETE SURFACE COURSE
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LINE TABLE

| LINE NUMBER | START STATION | END STATION | LENGTH |
|-------------|---------------|-------------|--------|
| 1 | 0+00.00 | 0+05.00 | 5.00 |
| 2 | 0+05.00 | 0+10.00 | 5.00 |
| 3 | 0+10.00 | 0+15.00 | 5.00 |
| 4 | 0+15.00 | 0+20.00 | 5.00 |
| 5 | 0+20.00 | 0+25.00 | 5.00 |
| 6 | 0+25.00 | 0+30.00 | 5.00 |
| 7 | 0+30.00 | 0+35.00 | 5.00 |
| 8 | 0+35.00 | 0+40.00 | 5.00 |
| 9 | 0+40.00 | 0+45.00 | 5.00 |
| 10 | 0+45.00 | 0+50.00 | 5.00 |
| 11 | 0+50.00 | 0+55.00 | 5.00 |
| 12 | 0+55.00 | 0+60.00 | 5.00 |
| 13 | 0+60.00 | 0+65.00 | 5.00 |
| 14 | 0+65.00 | 0+70.00 | 5.00 |
| 15 | 0+70.00 | 0+75.00 | 5.00 |
| 16 | 0+75.00 | 0+80.00 | 5.00 |
| 17 | 0+80.00 | 0+85.00 | 5.00 |
| 18 | 0+85.00 | 0+90.00 | 5.00 |
| 19 | 0+90.00 | 0+95.00 | 5.00 |
| 20 | 0+95.00 | 1+00.00 | 5.00 |

OWNER/DEVELOPER
CLEMENS DEVELOPMENT COMPANY
6750 LITTLE SUGARCREEK ROAD
DAYTON, OHIO 45440
(937) 545-3333

TOPOGRAPHICAL SURVEY PROVIDED BY:
COLLINS-SADDLER & ASSOCIATES
CONTRACTOR - SURVEYING AND MAPPING
1998 NORTH CENTRAL DRIVE
BEAVERCREEK, OHIO 45424
(937) 434-8119

MAPPING COMPILED FROM AERIAL PHOTOGRAPHY
DATED: 4/12/08

PROPOSED OVERALL ACRES - TABULATION

| | |
|-----------------------------|----------------|
| TOTAL RESIDENTIAL LOTS (74) | = 62,809 ACRES |
| RESERVE AREA (0) | = 0 ACRES |
| STREET RIGHT-OF-WAY | = 7,242 ACRES |
| TOTAL | = 71,051 ACRES |

AVERAGE LOT SIZE = 0.89 ACRES (30041 S.F.)

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 43083
PHONE (937) 698-3000
FAX (937) 698-3920

RECORD PLAN HIGHVIEW TERRACE SECTION THREE PHASE ONE

CONTAINING 19,683 ACRES
LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRS
CITY OF BELLBROOK GREENE COUNTY, OHIO
SEPTEMBER 30, 2016



OWNER / DEVELOPER
CLEMENS DEVELOPMENT CO.
6730 LITTLE SUGARCREEK RD.
DAYTON, OHIO 45440
PHONE: (937) 545-3232
ACQUIRED IN
O.R. VOLUME 2372, PAGE 672

AREA SUMMARY
19,683 ACRES
SITE ACRES: 13,929 ACRES
STREETS & RIGHT OF WAY: 2,310 ACRES
RESERVE AREA TO: 3,444 ACRES

LINE DATA
L1-S 33°57'54" E 49.00'
L2-N 77°32'25" W 29.90'
L3-N 45°38'42" W 82.50'
L4-S 81°33'48" W 20.00'

STATE OF OHIO
VOL. 501, PG. 157
0.239 ACRES

STATE OF OHIO
VOL. 504, PG. 160
0.176 ACRES

BERNHARD ENTERPRISES, INC.
VOL. 491, PG. 926
1.533 ACRES

STATE OF OHIO
VOL. 699, PG. 110
0.001 ACRES

SHIRLEY MAE &
HAROLD W. ROGERS
VOL. 2821, PG. 83
REMAINING 09.10 ACRES

PATRICK J. HANSEN AND
WIFE
VOL. 2883, PG. 84
0.699 ACRES

THOMAS M. CRYODRAFT &
WOKIM. CRYODRAFT
VOL. 100, PG. 607
REMAINING 1.157 ACRES

WILLIAM C. JOHNSON &
DEANNA D. JOHNSON
VOL. 586, PG. 130
8.505 ACRES

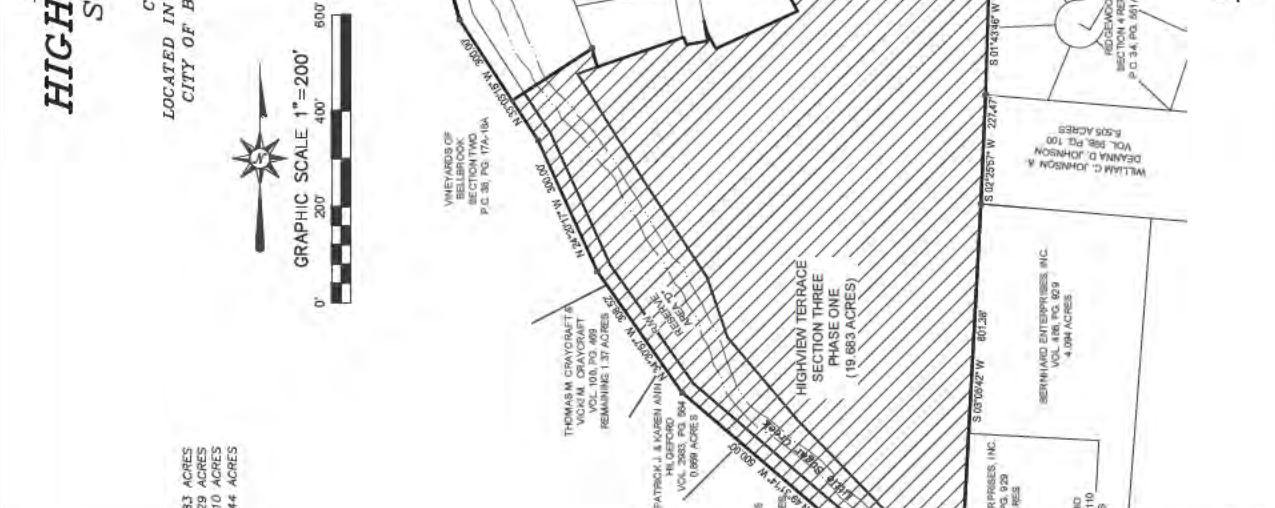
REDWOOD
SECTION 4 REPLAT
P.C. 34, PG. 371/4/9/16

REDWOOD
SECTION 3
P.C. 34, PG. 371/4/18A

REDWOOD
SECTION 3
P.C. 34, PG. 371/4/18A

REDWOOD
SECTION 3
P.C. 34, PG. 371/4/18A

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-362-2764
800 UTILITIES PRODUCTION SERVICE



BASIS OF BEARING

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\"/>

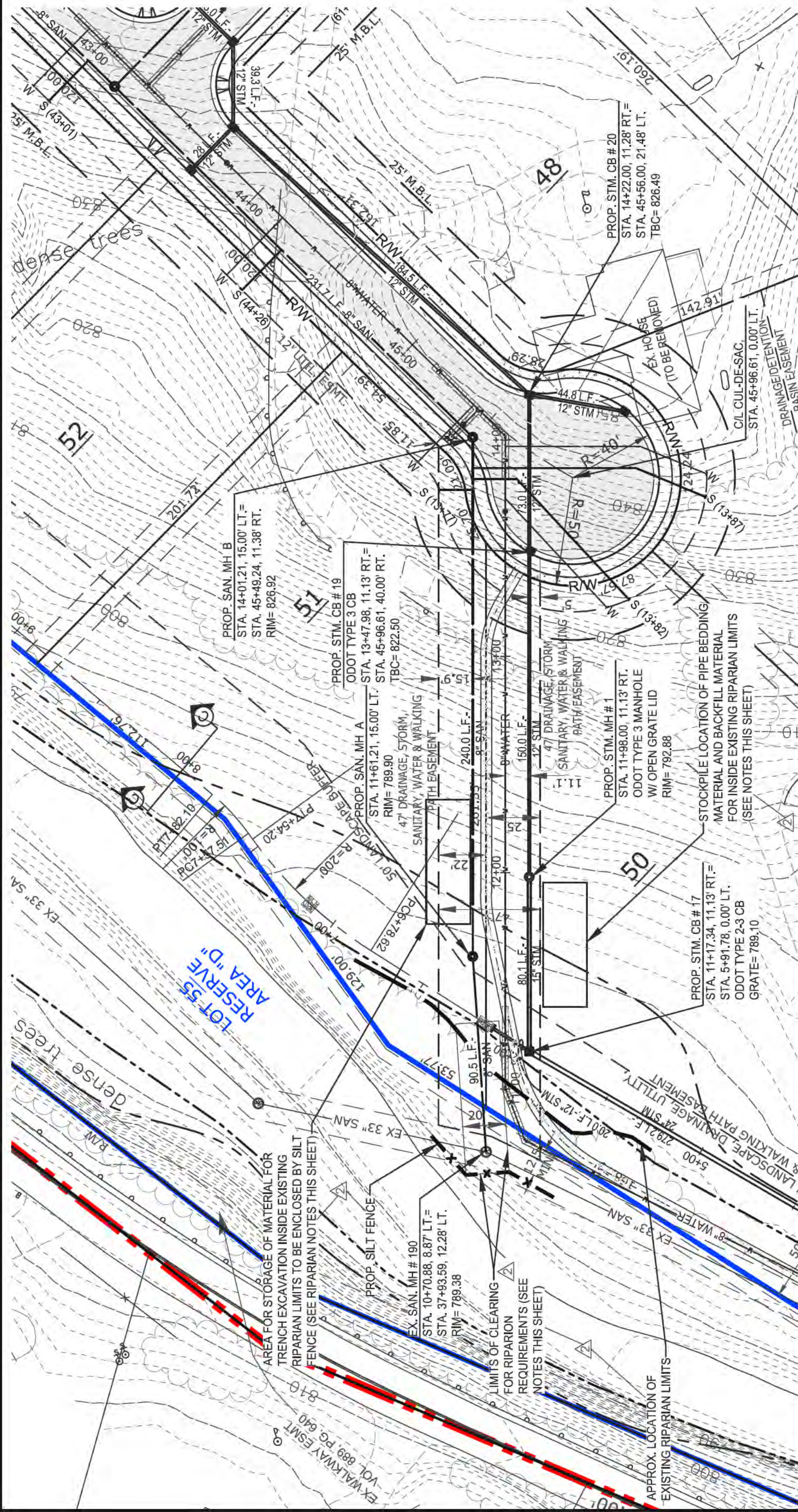
PHILIP C. BRUMBAUGH
OHIO REGISTERED
PROFESSIONAL SURVEYOR NO. 5057

HIGHVIEW TERRACE, SECTION THREE, PHASE ONE RECORD PLAN
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.



**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**
135 SOUTH MAIN STREET
WEST MILTON, OHIO 43080
PHONE: (937) 686-5000
FAX: (937) 686-3926

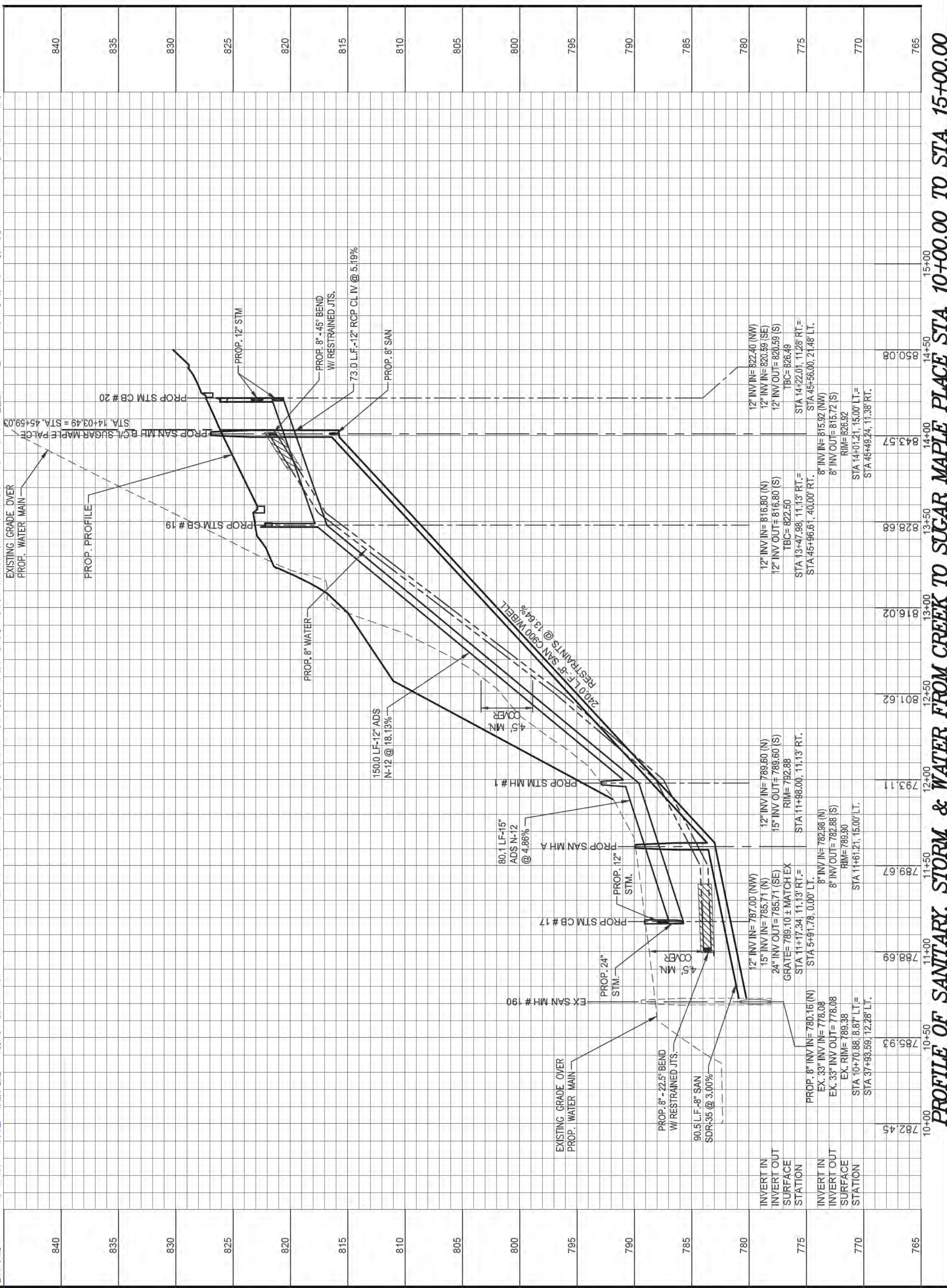
SUPERIMPOSITION MAP
SCALE: 1" = 200'



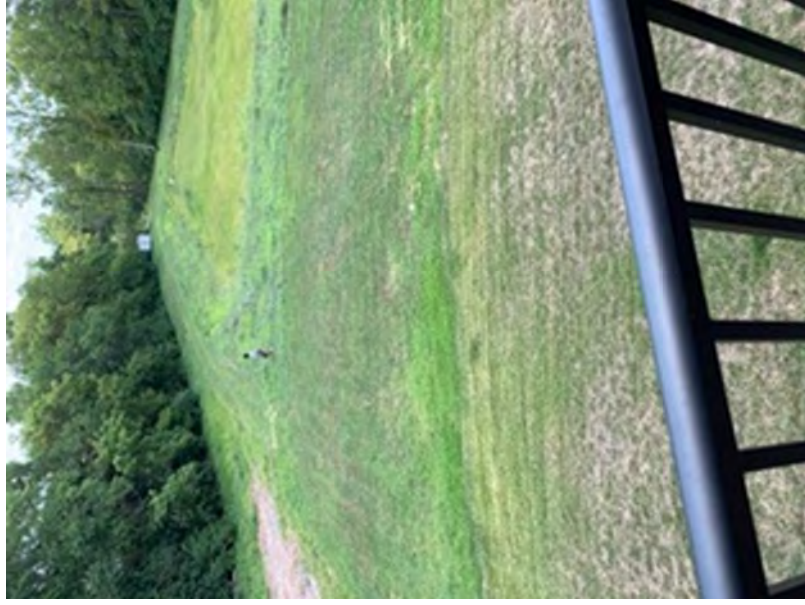
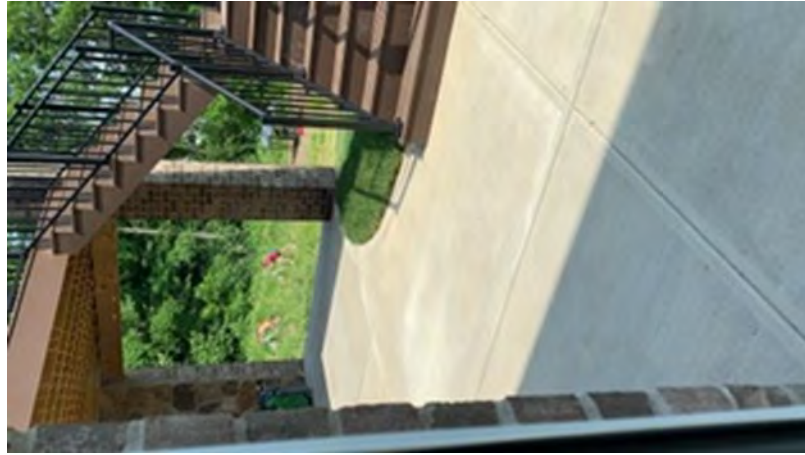
- NOTES:**
- ALL PIPE LENGTHS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE.
 - ALL CATCH BASINS LOCATED IN THE CURB LINE OF THE STREETS ARE LOCATED BY STATION AND OFFSET TO THE BACK OF CURB, ALL OTHER CATCH BASINS AND MANHOLES NOT LOCATED IN THE CURB LINE ARE LOCATED BY STATION AND OFFSET AT THE CENTER OF THE STRUCTURE.
 - ALL MANHOLES SHALL BE INSTALLED AROUND PIPE TYPES WITH EXCEPT CONCRETE PIPE TO SECURE PIPES TO HEADWALLS.
 - EXISTING STRUCTURES SHOWN AS (TO BE REMOVED) ARE TO BE REMOVED COMPLETE INCLUDING BUT NOT LIMITED TO POURED CONCRETE FOUNDATIONS, FOOTINGS, FOUNDATION WALLS, BASEMENTS, CONCRETE STEPS, PERIMETER PIPING & DRAINS AND UNDERGROUND UTILITIES. ALL DISTURBED AREAS FROM THE REMOVAL OF THE EXISTING STRUCTURES SHALL BE FILLED WITH APPROVED FILL PER THE CITY OF BELLBROOK STANDARDS.
 - UNDERGROUND UTILITIES TO THE EXISTING STRUCTURES INCLUDING BUT NOT LIMITED TO SANITARY, STORM, AND WATER SHALL BE REMOVED COMPLETE. ALL DISTURBED AREAS FROM THE REMOVAL OF THE EXISTING UNDERGROUND UTILITIES SHALL BE FILLED WITH APPROVED FILL PER THE CITY OF BELLBROOK STANDARDS.

CONSTRUCTION NOTES AND REQUIREMENTS IN RIPARIAN AREA:

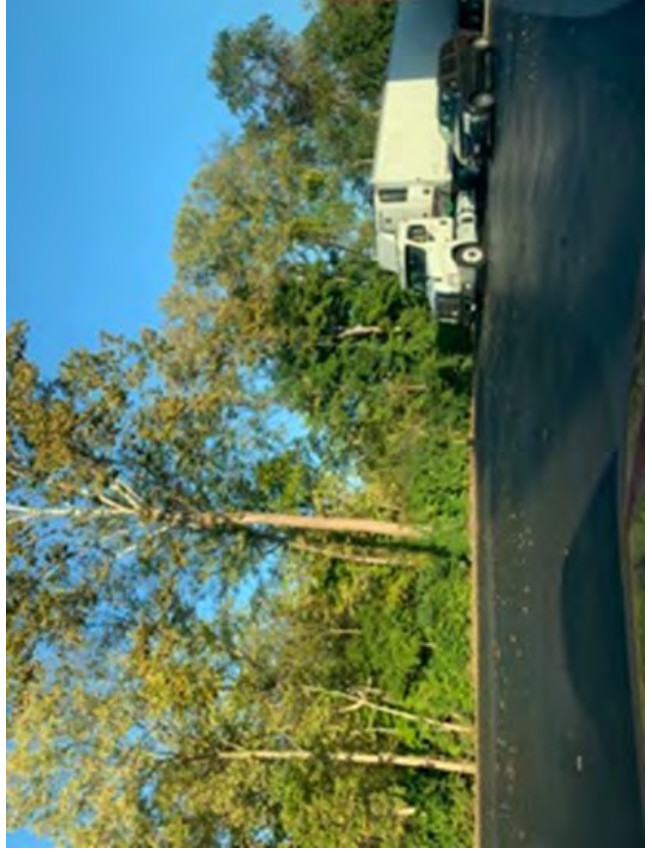
- THE CONSTRUCTION CLEARING LIMITS SHOULD BE AS NARROW AS POSSIBLE OR PRACTICABLE DEPENDING ON THE SIZE OF THE STREAM. IN MOST CASES, A CLEARING LIMIT IN THE RIPARIAN AREA OF NO MORE THAN 20 FEET IS USUALLY APPROPRIATE. THE CLEARING LIMIT ARE CLEARLY SHOWN ON THIS SHEET.
- THE MATERIAL REMOVED FROM THE TRENCH EXCAVATION SHOULD BE STORED OUTSIDE OF THE RIPARIAN AREA. THIS AREA IS TO BE ENCLOSED BY A SILTATION FENCE.
- TREES WITHIN THE RIPARIAN AREA SHOULD AVOIDED AS MUCH AS POSSIBLE. OLDER TREES ALONG THE STREAM SHOULD BE GIVEN THE GREATEST LEVEL OF PROTECTION POSSIBLE. IN THE EVENT THAT A TREE MUST BE REMOVED SO THAT THE SEWERS CAN BE CONSTRUCTED, THE TREE SHOULD BE EITHER CUT AT THE GROUND OR 1 TO 2 FEET ABOVE THE GROUND SO THAT THE ROOT MASS IS MAINTAINED AND THAT THE TREE MAY REGROW AFTER THE PROJECT. ALL OTHER VEGETATION IN THE RIPARIAN AREA SHOULD BE CUT AT THE GROUND SURFACE.
- THE STOCKPILE LOCATIONS FOR THE PIPE BEDDING MATERIAL AND THE BACKFILL MATERIAL ARE SHOWN ON THIS SHEET. THIS AREA SHALL BE LOCATED OUTSIDE OF THE RIPARIAN AREA.
- ALL TRENCH DEWATERING SHALL BE PASSED THROUGH A SEDIMENT IMPOUNDMENT STRUCTURE. ADEQUATE OUTLET PROTECTION MUST BE PROVIDED FOR EACH IMPOUNDMENT. IF ANY GROUNDWATER DEWATERING SHOULD OCCUR, THE CONTRACTOR SHALL CONTACT THE OHIO DEPARTMENT OF NATURE RESOURCES, DIVISION OF WATER, TO ASSURE PROPER WELL INSTALLATION AND ABANDONMENT OF WELLS. THE CONTRACTOR SHALL NOT DIRECT THE GROUNDWATER TO THE IMPOUNDMENT INTENDED FOR TRENCH WATER.
- SILT FENCING SHALL BE PROVIDED DOWN GRADIENT FROM ANY EARTH MOVING ACTIVITIES IN THE RIPARIAN AREA WITH STEEP SLOPE. SEE THIS SHEET FOR PROPOSED LOCATION OF SILT FENCE.
- ONCE THESE EARTH MOVING ACTIVITIES ARE COMPLETED IN THE RIPARIAN AREA, THE DISTURBED AREAS MUST BE SEEDED AND/OR MULCHED AS REQUIRED FOR THE PERMANENT STABILIZATION AND TEMPORARY STABILIZATION REQUIREMENTS DETAILED IN THE GENERAL STORM WATER NPDES PERMIT FOR CONSTRUCTION ACTIVITY.
- FOR PROJECTS INVOLVING CONSTRUCTION OR PLACEMENT OF FILL IN A STREAM OR WETLAND, THE APPLICANT SHALL CONTACT THE APPROPRIATE DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS FOR A DETERMINATION REGARDING POTENTIAL IMPACTS TO WATER OF THE STATE AS WELL AS THE REQUIREMENTS FOR OBTAINING NECESSARY CERTIFICATION. THE APPLICANT SHALL PREPARE A SECTION 401 PERMIT APPLICATION AND A SECTION 404 PERMIT APPLICATION. NECESSARY PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. AS PART OF THIS PROJECT, THESE REQUIREMENTS MAY BE REQUIRED FOR THE PROPOSED STREAM CROSSINGS AND FOR ANY SANITARY SEWER CONSTRUCTED IN A WETLAND.



PROFILE OF SANITARY, STORM & WATER FROM CREEK TO SUGAR MAPLE PLACE STA. 10+00.00 TO STA. 15+00.00









BELLBROOK PLANNING BOARD

PUBLIC MEETING MINUTES

August 22, 2019

PRESENT: Mr. Mitchell Thompson
Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Chairman Van Veldhuizen

CALL TO ORDER

Chairman Van Veldhuizen called the meeting of the Planning Board to order at 6:00 PM.

FORMAL APPROVAL OF MINUTES

Chairman Van Veldhuizen requested a motion regarding the prior minutes of July 11, 2019. Mr. Bennett made a motion to approve the prior minutes; Mr. Stangel seconded the motion. Roll was called. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, abstain; Mr. Harding, yes; Chairman Van Veldhuizen, yes. The motion carried 4-0; the minutes stand approved.

OLD BUSINESS

NEW BUSINESS

- **Resignation**

Chairman Van Veldhuizen submitted his resignation from the Planning Board. He announced that he had been appointed to City Council. The members of the Board congratulated him and thanked him for his service to the Planning Board.

- **Amendment to Section 3 Phase 1 of approved Highview Terrace Development Plan**

Jeff Green, Planning and Zoning Administrative Assistant, explained that this request was made by James and Katherine Cyphers. The Cyphers propose that the walking path easement between Lots 50 and 51 be removed from the Highview Terrace Development plan. The plan calls for the developer to build the path with the liability and maintenance being the responsibility of the HOA. When the plan was approved by City Council in 2016 it included the condition that any changes to the plan would also need to be approved by Council. The purpose for the Planning Board is to decide how to proceed with the request. If the Board deems it appropriate, the request will be heard by the Council. The Cyphers own Lots 49 and 50 which abut Dot's Market and downtown. The Comprehensive Plan identifies links to create a walkable community of which this path is one. Mr. Green included the approved plan, pictures, and emails from interested residents.

The Board asked for the Cyphers to speak about their request.

James Cyphers, is the property owner requesting this change. He owns the property along which the walking path will follow. Mr. Cyphers advised that the topography cannot be changed. He invited the board to walk the proposed path. A service worker was looking for a water access which was under about 2 foot of silt because the terrain is steep. He opined that it is fine for the city to say they want a path but doesn't have any cost or liability for it. He agreed with access to downtown being appropriate. They haven't stopped any of their neighbors from cutting through their yard, but they have had others including groups of boys who have come up close to the house. They are willing to let their neighbors pass through but don't want anyone else to. They opined that even if the path was built people would still cut through their yard because it is less steep.

Mr. Bennett asked if Mr. Cyphers had an alternative. Mr. Cyphers doesn't have one but would prefer one along Little Sugarcreek street to Magee Park. He claims the City is forcing this on the neighborhood. The land has been changed over time from the original development plan. Mr. Bennett agreed that the City wants a safe way for people to access town.

Council has required that the path be chip sealed or paved in some way.

Mr. Harding asked about the percent of the grade. Mr. Cyphers did not know, but asked the Board to walk the property. Mr. Harding asked which was the Cyphers' biggest concern: the slope or being paved. Mr. Cyphers said it was both.

Mr. Cyphers reported that their lawyer advised them to put up the "No trespassing" signs.

Ryan Kramer, 1911 Sugar Maple Place, said they bought their property in 2018. They understand that part of the planned path is in a 100-year flood plain but they have never seen it actually flood. He believes that a lot of the silt and runoff is due to the construction going on. The developer, Mr. Clemens sold them on the idea of connectivity with the rest of town. All the property owners were made aware of the planned walking easement. He agrees that everyone wants it to be safe. The grade and pavement will have to be maintained. He recounted that the owners of lots 51 and 52 are also in favor of the walkway. The opening at Dot's Market creates a natural path anyway.

Bill Dahling, 1839 Sugar Maple Place, has watched the development since it started. The city wanted access through the development on Upper Bellbrook Road to Little Sugarcreek Road. The owners wanted to keep the gravel driveway that used to extend from the old farmhouse. It was determined that the driveway was too steep for emergency vehicles. The new location of the path is even steeper. Gravel is treacherous when it is wet or frozen. He added that he no longer walks to work. He wants the path to go along the creek. Mr. Dahling asked if the easement was private property or who owns it? Mr. Green explained that the easement is owned by the property owner but is useable by utilities and the public.

Mr. Bennett compared people using a path through a neighborhood to the public using a sidewalk in his front yard. He might not like dogs peeing on his lawn, but that is part of living in a community.

Alana Harman, 1885 Sugar Maple Place, echoed the idea that everyone needs and wants a good walking path. Currently people are using it so building an actual path doesn't get rid of the liability. She added that walking along Little Sugarcreek Road is not safe.

James Cyphers replied that there is no way to fix the grading because of the utilities along the path. The Board asked if an engineer has looked at this.

Sean Antosh, 1911 Sugar Maple Place, asked about making the path ADA compliant or adding stairs. Mr. Antosh explained that his property has a steep grade also and understands the difficulty, but it can be done. He opined that he is not in agreement with the idea that only Highview Terrace people can use it. He believes that it is a community and would not want Highview Terrace to be a gated community.

Brian Wentrell, Lots 53 and 54, explained that they own a lot and they are also proxy for their in-laws who own Lot 53. They want to express their desire to have access and a path is better than just a cut through. They do not want this path removed from the plan.

Michelle Cutting, 1877 Sugar Maple Place, reiterated what Brian said about being in favor of a path. She stated that there was always an understanding that there would be community access.

James Cyphers, also pointed out that he and his wife have had to pick up a lot of garbage from the ground. A lot of people go through their yard. They feel the neighbors should help. He also added that they are paying taxes on 50' of easement and have the liability. He explained that their attorney advised them to put their concerns on record.

Katherine Cyphers, wanted to add that the path is in the flood zone which limits what they can do. She explained that they are mostly concerned with people in their yard by their house.

Mr. Green reported that Mr. Clemens and his engineer never said the path had to be ADA compliant. Walking paths are not the same as public sidewalks.

Mr. Thompson closed the discussion.

Mr. Green reiterated the city staff's recommendation that this proposal be denied. The original intent of the development plans included a path connecting neighborhoods with the downtown. The path does not have to be complete until the entire development is finished which will be a while.

Mr. Stangel asked if the board could meet with Mr. Clemens and look at proposals and safety concerns. Mr. Bennett asked if the City's Service Director Ryan Pasley could look at the proposed site. Mr. Harding added that he would like to hear from the civil engineer who was hired by Mr. Clemens to design the development. Is the path as it is proposed now within the industry design standards? Does it meet all applicable codes? What are the engineer's recommendation on a sub base and pavement details? He is looking for more than just the developer's idea. Mr. Green answered that there are no stipulations to how Mr. Clemens goes about building this path.

Mr. Thompson asked if it would be possible for the Board to go out to the location with a city engineer and the Service Director. Mr. Green replied that he will ask the City Manager about it plus the city does not have an engineer on staff.

Mr. Bennett made a motion to table the amendment request to Section 3 Phase 1 of Highview Terrace until the Board can view the location. This was seconded by Mr. Harding. The Clerk called the roll. Mr. Bennett, yes; Mr. Harding, yes; Mr. Stangel, yes; Mr. Thompson, yes. This item was tabled 4-0.

- **Amendment to Article 18 in regard to demolition standards**

Mr. Green explained that this request is to add section 18.41 to the city's zoning code. There have been cases where demolition of a structure was started but due to a contractor leaving, or lack of funds it was not completed leaving the property in an unusable state. These standards would hold the property owner responsible for completing demolition to a point where the property is a clean park-like setting ready for future development. This new code requires a bond to ensure that the work is done to the correct standards. The County has demolition standards that are mainly concerned with the type of demolition needed such as asbestos remediation or hazardous waste cleanup. The city's code is mainly focused on bringing the piece of land to a clear empty space.

Mr. Harding asked about what constitutes a structure that requires a bond. Mr. Green answered that there are exemptions for sheds and accessory structures.

The Board members suggested adding a specific square foot requirements to define the size of accessory structures as less than 250 square feet.

Mr. Cyphers, agreed that these standards are a good idea. The property they purchased had some issues from the demolition of the original structure.

Mr. Bennet made a motion to recommend to Council the addition to Article 18.41 of demolition standards with the addition of a definition of a storage shed not to exceed 250-square-foot. The motion was seconded by Mr. Harding. The Clerk called the roll. Mr. Bennett, yes; Mr. Harding, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion passed 4-0.

OPEN DISCUSSION

Mr. Green gave an update on 2088 Dane Lane. The case was turned over to the prosecutor who contacted Mr. Green that they were moving forward with the charges. An arraignment date should be scheduled soon. The \$1,000 fine has not been paid. They have paid the charges for the city to mow the grass.

ADJOURNMENT

Mr. Stangel moved to adjourn the meeting at 7:20 PM and was seconded by Mr. Bennett.

Mitchell Thompson, Acting Chairman

Date



CITY OF
Bellbrook

Planning Board Meeting

August 22, 2019

Sign In Sheet – Please Print Clearly

| Name | Address |
|--------------------------------|--|
| Ryan Krause | 1911 Sugar Maple Place |
| Sean Antosh | " |
| Ron & Cindy Wiederholt | 3654 RIVER BIRCH DR |
| Ruth Weller | " |
| Michaela Grant | 2550 Thomas Jefferson Dr., Beavercreek |
| Katherine & James Cyphers | [REDACTED] |
| Alana Harman | 1885 Sugar Maple |
| Bill and Sandy Dehly | 1839 Sugar Maple Place |
| Shelly Pustag, + Brian Wentzel | Lot 54 54 + 55 Highview |
| Michelle Cuffaday | 1877 Sugar Maple Pl. |
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BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
September 19, 2019

PRESENT: Mr. Ed Stangel
Mr. Denny Bennett
Acting Chairman Mitchell Thompson

Jeff Green Planning and Zoning Administrative Assistant was also in attendance.

Members and the public met in Dot's Market parking lot at 6:00 PM and walked the land for the proposed walking path through Highview Terrace.

CALL TO ORDER

Chairman Thompson called the meeting of the Planning Board to order at 6:45 PM. The Clerk called the roll. Mr. Stangel, yes; Mr. Bennett, yes; Chairman Thompson, yes.

FORMAL APPROVAL OF MINUTES

Chairman Thompson asked if there were any corrections or additions to the minutes of August 22, 2019. Being no changes, the minutes are approved as written.

OLD BUSINESS

NEW BUSINESS

- **Proposed Use 41 W. Franklin St**

Planning and Zoning Administrative Assistant Jeff Green presented the zoning permit for a new business looking to move into a property in Bellbrook. Present was the business owner Amanda Haydon of Luminary Microblading and Tattoo Design. The property is at 41 W Franklin Street. The Village Review Board has already approved this permit.

Mr. Bennett opined that the Planning Board is pro-business. He made a motion to approve the proposed use of 41 W. Franklin Street. Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion passed 3-0.

- **Amendment to Section 3 Phase 1 of approved Highview Terrace Development Plan**

Mr. Green explained that this is a continuation of the discussion from the last Planning Board meeting. He explained that the Planning Board and interested citizens walked the land for the walking path. Mr. Clemens is allowing the property owners, James and Katherine Cyphers, to

bring this request to the board. The Planning Board's responsibility in this case is to make their recommendation to City Council. Council is where any legal decision is made.

Mr. Bennett recounted that Bellbrook citizens came out to City Council meetings when Highview Terrace and the Vineyards were proposed, and they were furious about these neighborhoods being built this close to town. He opined that the City cannot please everyone, and someone will end up being disappointed.

Mark Raslich, 1904 Sugar Maple Place, stated that he uses the pathway several times a week. Since the old driveway was removed, he has cut through to Catalpa Way. It has been inconvenient to go around.

James Cyphers said that he has new information pertinent to the request to remove the path. He relayed that the board has asked him for an alternative to the path, but he opined that it is not his responsibility but that of an engineer. Mr. Cyphers asked why another easement that runs along the creek has been in existence since 1970. The Cyphers spoke with a worker from Greene County Sanitation who was on the property with an excavator to relocate a pipe 3 feet higher due to the amount of silt that has accumulated. Mr. Cyphers recounted that he asked the director of Greene County Sanitation contact the City of Bellbrook. He also asked about the plan that the City approved for Little Sugarcreek Road that includes a sidewalk. Mr. Green stated that he had not gotten a call from Greene County Sanitation yet. As for the Little Sugarcreek Road project, Mr. Green explained that the plan is many years in the future.

Dave Elliot, 3662 River Birch Court, explained that when they were looking to buy a house access was an important consideration. He added that he is older but has no problem traversing the hill the path will be on.

The Board asked about the kind of material to be used to create the path. Mr. Green explained that the Council had required only that it needs to be chip sealed. The Board also reiterated that the Comprehensive Plan is a critical part of any discussion concerning walkability.

After the public was allowed an opportunity to speak Mr. Thompson closed the public hearing. Mr. Bennett made a motion to deny the request to amend Section 3 Phase 1 of the approved Highview Terrace Development Plan. The motion was seconded by Mr. Stangel. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion was denied 3-0.

- Prioritize Code Updates

Mr. Green outlined suggestions for Codes to be reviewed and possibly updated. He asked the Board to choose the order to proceed.

The Board chose the following topics to begin:

- Accessory Structure/Uses
- Lot Consolidation
- Triggers for subdivision regulations
- Repeat Offenders (fines/punishments)

- Fee Analysis
- Sign Code

OPEN DISCUSSION

Katherine Cyphers asked which takes precedence when making decisions, the Comprehensive Plan or the Zoning Code. Mr. Green explained that the Zoning Code is the law. The Comprehensive Plan is a goal for the City.

ADJOURNMENT

Mr. Stangel moved to adjourn the meeting at 7:40 PM and was seconded by Mr. Bennett.

Mitchell Thompson, Acting Chairman Date

Pamela Timmons, Secretary Date



Planning Board Meeting

September 19, 2019

Sign In Sheet – Please Print Clearly

| Name | Address |
|-----------------------|--------------------------------|
| James Cyphers | [REDACTED] |
| Kathy Elliott | 3662 River Birch Ct. Bellbrook |
| David Elliott | 3662 River Birch Ct Bellbrook |
| Marc Raslich | 1904 Sugar Maple Place |
| Brian Wink | Lot 54, 53 |
| Bill Schieman | LITTLE MIAMI WATERSEED NETWORK |
| Ron Wilderkolt | 3654 River Birch DR |
| Cindy Wilderkolt | 3654 River Birch DR |
| Ryan Kramer | 1911 Sugar Maple Pl. |
| Katherine Cyphers | [REDACTED] |
| Forrest W. Green | 42 S. West Street |
| Jacqueline Greenwood | " " " " |
| Derek & Amanda Haydon | 3383 Sugar Rd. |
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From: [Jeff Green](#)
To: [Melissa Dodd](#)
Subject: FW: Highview Terrace Walkway/Utility Easement Question
Date: Monday, October 21, 2019 10:41:47 AM

From: Gilbert, Randy [mailto:rgilbert@co.greene.oh.us]
Sent: Monday, September 30, 2019 11:20 AM
To: Jeff Green
Cc: Tincu, Jason; SED_PM
Subject: RE: Highview Terrace Walkway/Utility Easement Question

Jeff

We would have no objections to a hard surface being applied to the walking path. It would be no different for us than any street or parking lot over one of our easements.

As discussed we would only be concerned if you wanted to install structures, such as stairs and retaining walls for terraces.

Randy J. Gilbert, P.E., MPA
Assistant Director / Sanitary Engineer
Greene County Sanitary Engineering Department
667 Dayton Xenia Rd.
Xenia, Ohio 45385
937-562-7499
rgilbert@co.greene.oh.us

From: Jeff Green <J.Green@cityofbellbrook.org>
Sent: Tuesday, September 24, 2019 11:07 AM
To: Gilbert, Randy <rgilbert@co.greene.oh.us>
Subject: Highview Terrace Walkway/Utility Easement Question

Good Morning,

I hope your vacation/time off is going well. As per our discussion last week, Mr. James Cyphers (owner of lot 50) of Highview Terrace allegedly talked to you (or some folks in your office) regarding an easement that has a dual walking path/utilities easement associated with it (I have attached the approved plan for your reference). The plan is for a walking path to be constructed in the easement in the existing easement. I have also attached the request by Mr. Cyphers for a visual of the portion of easement that is being referred to. The path would have a hard surface such as chip-seal or asphalt. No structures are planned to be placed on the easement.

What I am requesting is a written (email is fine) statement advising as to whether or not a chip-seal or asphalt path can be placed on the easement. No steps or structures will be put in. If possible, could you send it my way no later than Tuesday October 8th? Please let me know if you would have any questions regarding this request or need further background information. I'm always up for lunch!

RECORD OF ORDINANCES

Ordinance No. 2016-5

May 9, 2016

City of Bellbrook

Ordinance No. 2016-5

An Ordinance Approving a Major Change to the Preliminary Plan for the Highview Terrace Subdivision.

WHEREAS, the original preliminary plan for the Highview Terrace subdivision was approved by City Council on October 10, 2005; and

WHEREAS, a revised preliminary plan for the Highview Terrace subdivision was approved by City Council on May 8, 2006; and

WHEREAS, a major change to the preliminary plan for the Highview Terrace subdivision has been recommended by the Bellbrook Planning Board following their April 12, 2016 public hearing; and

WHEREAS, the proposed major change would:

- Incorporate Section One into the preliminary plan
- Reduce the number of buildable lots from 77 to 72
- Remove River Birch Court and reconfigure the lots in the removed roadway area
- Reduce the length of Sugar Maple Place to create two estate lots
- Add a roadway bulb in front of Lot #48 on Willowbrook Drive
- Move a detention basin from Lot #52 to proposed lots #73 and #74
- Regrade an existing pond for use as a retention pond on proposed Lot #73
- Allow the lot width to depth ratio for Lots #73 and #74 to be less than the requirements of the Subdivision Regulations
- Allow the perimeter setback along Lots #63 and #64 to be 25 feet rather than 50 feet; and

WHEREAS, the Planning Board voted unanimously to recommend approval of the major change request to City Council with three conditions.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the major change to the preliminary plan for the Highview Terrace subdivision, as amended on the attached map, is hereby approved with the following three conditions:

1. To evaluate a reconfiguration of Lots #73 & #74 to support an emergency access easement;
2. To evaluate options for the cul-de-sac at Willowbrook Drive to allow for EMS ingress/egress only; and
3. That all engineering conditions shall meet the approval of IBI Group.

RECORD OF ORDINANCES

Ordinance No. 2016-5

May 9, 2016

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

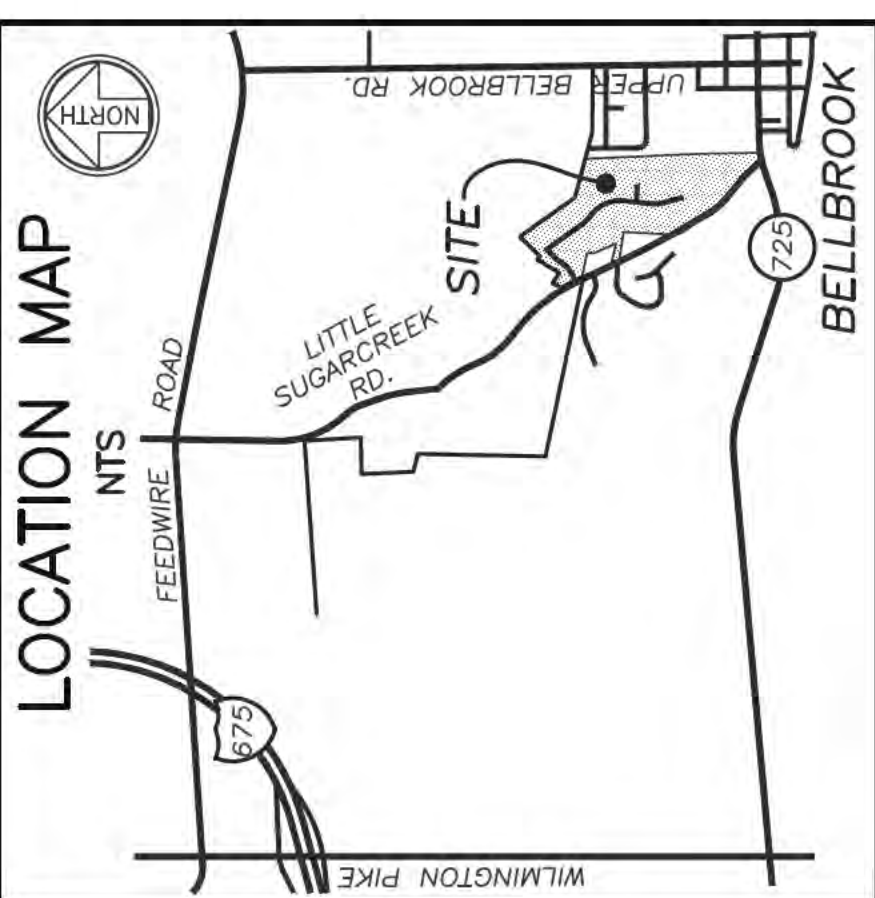
PASSED this ____ day of _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:

Patricia N. Campbell, Municipal Attorney



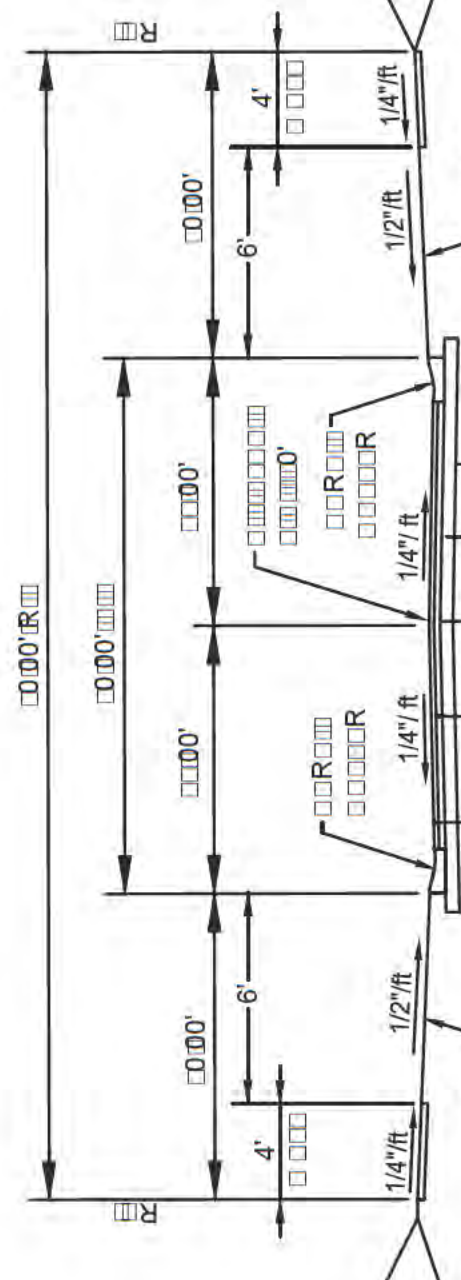
REVISED PRELIMINARY PLAN

FOR
HIGHVIEW TERRACE
LOCATED IN
SECTION 2, TOWN 2, RANGE 6 MRS
CITY OF BELLBROOK, GREENE COUNTY, OHIO
MARCH 30, 2016

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KEY NOTE LEGEND

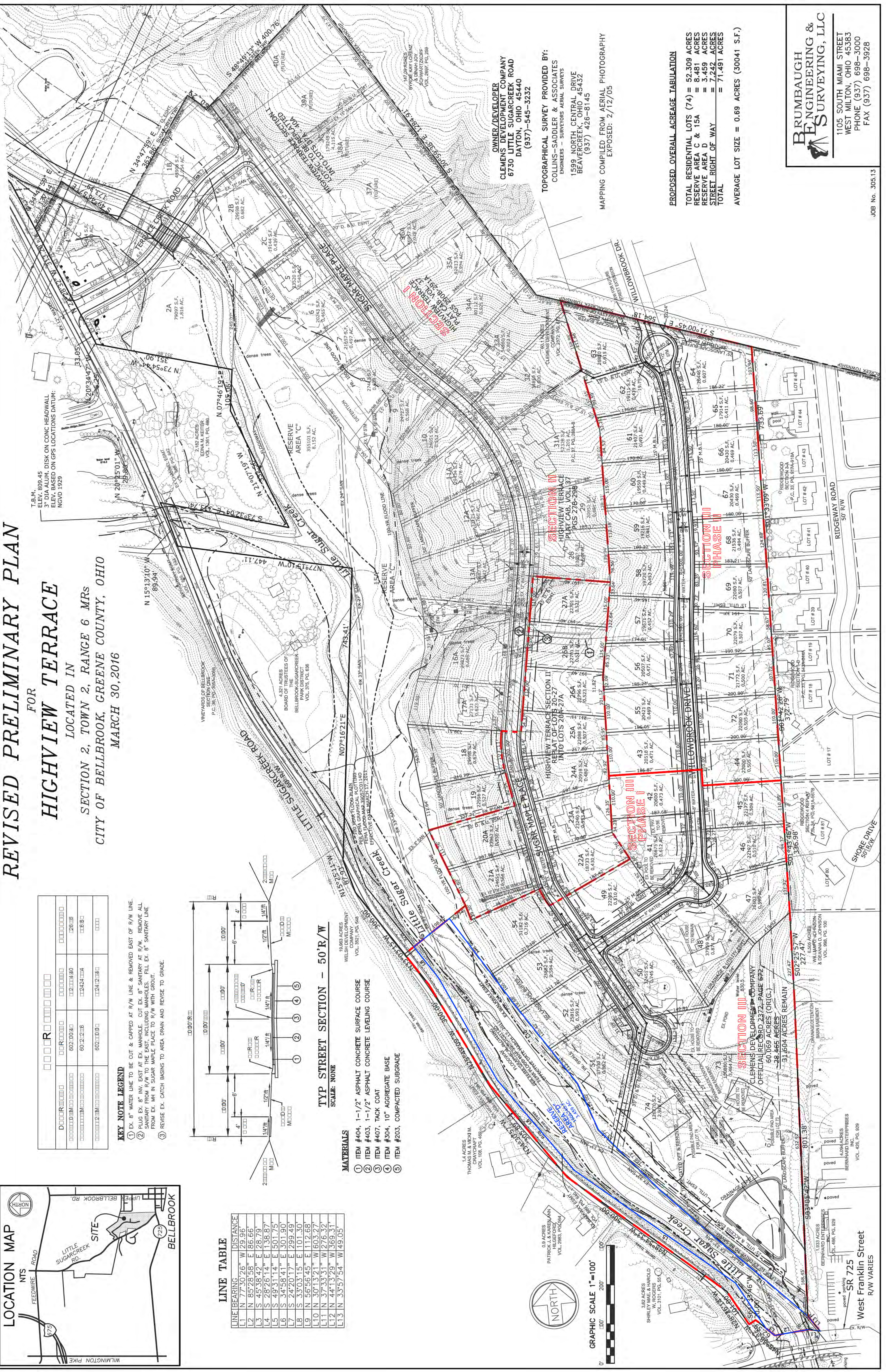
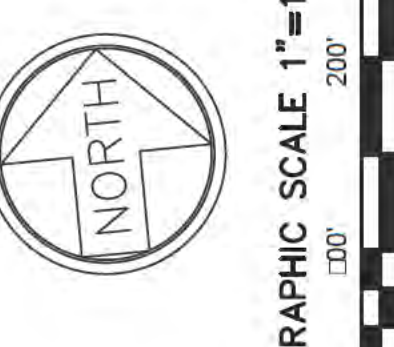
- EX. 8" WATER LINE TO BE CUT & CAPPED AT R/W LINE & REMOVED EAST OF R/W LINE.
- PLUS EX. 8" INV. EAST AT EX. MANHOLE. CUT EX. 8" SANITARY AT R/W. REMOVE ALL SANITARY FROM R/W TO THE EAST, INCLUDING MANHOLES. FILL EX. 8" SANITARY LINE FROM EX. MH IN SUGAR MAPLE PLACE TO R/W WITH GROUT.
- REVISE EX. CATCH BASINS TO AREA DRAIN AND REVISE TO GRADE.



- MATERIALS**
- ITEM #404, 1-1/2" ASPHALT CONCRETE SURFACE COURSE
 - ITEM #403, 1-1/2" ASPHALT CONCRETE LEVELING COURSE
 - ITEM #407, TACK COAT
 - ITEM #304, 10" AGGREGATE BASE
 - ITEM #203, COMPACTED SUBGRADE

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 77°30'26" W | 29.96' |
| L2 | N 85°28'58" E | 86.66' |
| L3 | S 45°38'42" E | 28.79' |
| L4 | S 28°26'14" E | 138.87' |
| L5 | S 49°31'14" E | 501.75' |
| L6 | S 34°58'41" E | 301.90' |
| L7 | S 24°20'17" E | 299.49' |
| L8 | S 35°03'15" E | 101.30' |
| L9 | N 56°56'45" E | 112.68' |
| L10 | N 30°13'21" W | 603.27' |
| L11 | N 37°33'31" W | 276.32' |
| L12 | N 44°13'29" W | 369.31' |
| L13 | N 33°57'54" W | 49.05' |



OWNER/DEVELOPER
CLEMENS DEVELOPMENT COMPANY
LITTLE SUGARCREEK ROAD
DAYTON, OHIO 45440
(937)-545-3232

TOPOGRAPHICAL SURVEY PROVIDED BY:
COLLINS-SADDLER & ASSOCIATES
ENGINEERS - SURVEYORS AERIAL SURVEYS
1599 NORTH CENTRAL DRIVE
BEAVERCREEK, OHIO 45432
(937) 426-8145
MAPPING COMPILED FROM AERIAL PHOTOGRAPHY
EXP. 2/12/05

PROPOSED OVERALL ACREAGE TABULATION

| | | |
|-----------------------------|---|---------------------|
| TOTAL RESIDENTIAL LOTS (74) | = | 52.309 ACRES |
| RESERVE AREA C & 15A | = | 8.481 ACRES |
| RESERVE AREA D | = | 3.459 ACRES |
| STREET RIGHT OF WAY | = | 7.242 ACRES |
| TOTAL | = | 71.491 ACRES |

AVERAGE LOT SIZE = 0.69 ACRES (30041 S.F.)

BRUMBAUGH ENGINEERING & SURVEYING, LLC
1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928

JOB No. 305.13

RECORD OF RESOLUTIONS

Resolution No. 2017-K

February 13, 2017

City of Bellbrook Resolution No. 2017-K

A Resolution Approving the Recording of the Highview Terrace Subdivision, Section Three, Phase One.

WHEREAS, the City of Bellbrook Planning Board, after a comprehensive review, granted approval on February 8, 2017 for the final construction plans and the record plan for Section Three, Phase One of the Highview Terrace Subdivision; and

WHEREAS, the City reviewed the record plan, bonds, letters of credit and subdivider's agreement for the project; and

WHEREAS, said bonds or letters of credit shall be held by the City until all public improvements are installed by the developer and accepted by the City; and

WHEREAS, the City of Bellbrook Subdivision Regulations stipulate that the signing of the record plan must be approved by City Council.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That Section Three, Phase One of the Highview Terrace Subdivision as shown on the final record plan is hereby approved for recording purposes.

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

Section 3. That the City Manager/Finance Director is hereby authorized to accept the bonds or letters of credit and inspection fees and to sign the City subdivider's agreement with the developer.

Section 4. That the developer shall file a copy of the record plan for recording in the office of the County Recorder following the date of final approval by the Planning Board and furnish the City with one print of the final recorded plat.

Section 5. That the approval of said plat for recording purposes does not constitute the final acceptance of the proposed streets shown thereon as public streets or the acceptance of the dedication of any other public lands.

Section 6. That this resolution shall take effect and be in force forthwith.

Robert L. Baird, Mayor

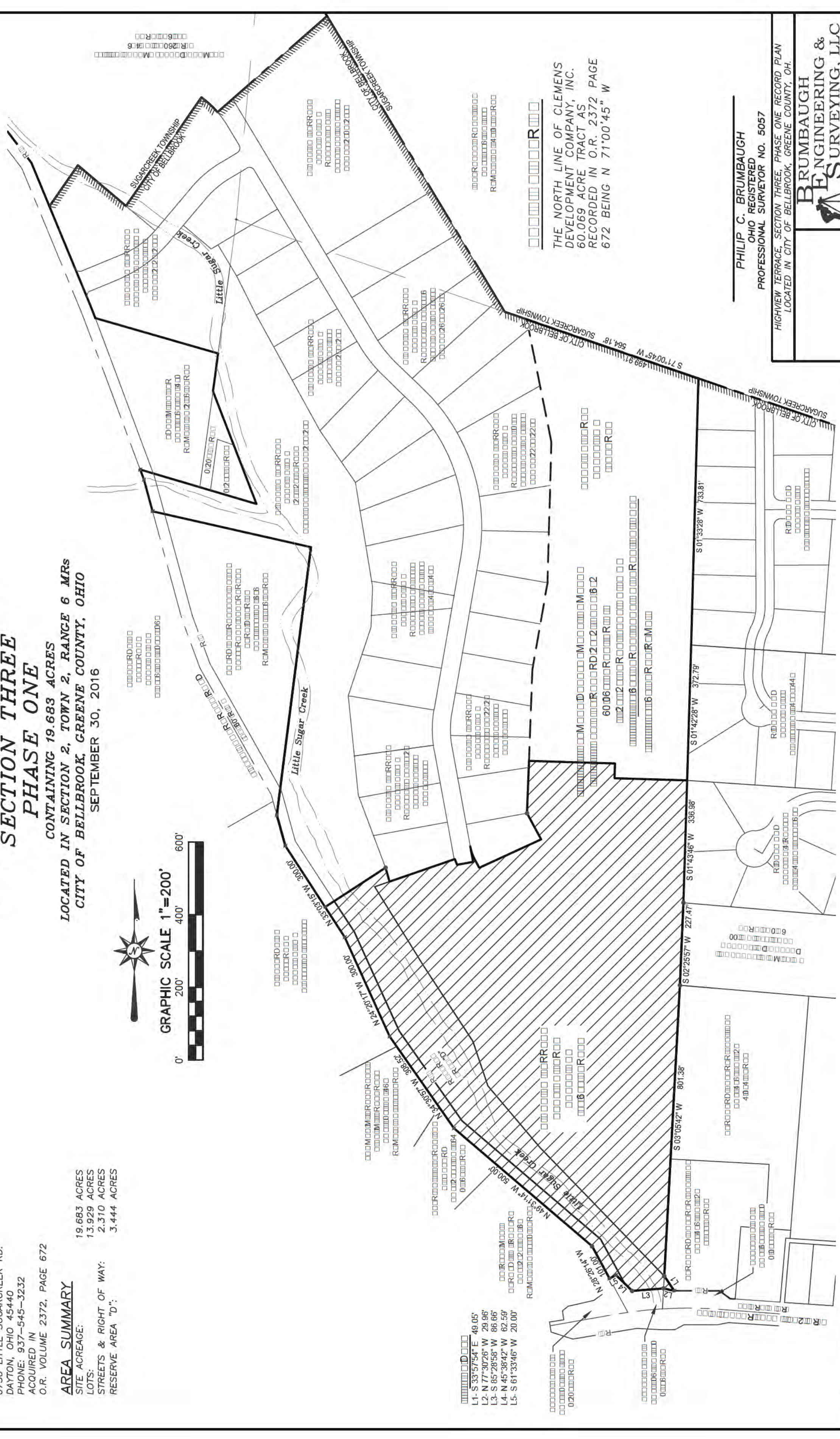
Jami L. Kinion, Clerk of Council

RECORD PLAN HIGHVIEW TERRACE SECTION THREE PHASE ONE

CONTAINING 19.683 ACRES
LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRS
CITY OF BELLBROOK, GREENE COUNTY, OHIO
SEPTEMBER 30, 2016

OWNER / DEVELOPER
CLEMENS DEVELOPMENT CO.
6730 LITTLE SUGARCREEK RD.
DAYTON, OHIO 45440
PHONE: 937-545-3232
ACQUIRED IN
O.R. VOLUME 2372, PAGE 672

AREA SUMMARY
SITE ACREAGE: 19.683 ACRES
LOTS: 13,929 ACRES
STREETS & RIGHT OF WAY: 2,310 ACRES
RESERVE AREA "D": 3,444 ACRES



- L1- S 33°57'54" E 49.05'
- L2- N 77°30'26" W 29.96'
- L3- S 85°28'58" W 86.66'
- L4- N 45°38'42" W 62.59'
- L5- S 61°33'46" W 20.00'

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

PHILIP C. BRUMBAUGH
OHIO REGISTERED
PROFESSIONAL SURVEYOR NO. 5057

HIGHVIEW TERRACE, SECTION THREE, PHASE ONE RECORD PLAN
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.



1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 698-3000
FAX: (937) 698-3928

GRAPHIC SCALE 1"=200'

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-362-2764
OHIO UTILITIES PROTECTION SERVICE

**RECORD PLAN
HIGHVIEW TERRACE
SECTION THREE
PHASE ONE
CONTAINING 19.683 ACRES
LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRS
CITY OF BELLBROOK, GREENE COUNTY, OHIO
SEPTEMBER 30, 2016**

DEDICATION
WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DEDICATE THE SANITARY SEWERS TO THE GREENE COUNTY BOARD OF COMMISSIONERS FOR 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, PUBLICLY OR PRIVATELY OWNED, 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. STREETS SHOWN ON THE PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. LOT 55 (RESERVE "D") SHALL BE DEDICATED TO THE CITY OF BELLBROOK AS OPEN SPACE.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

WITNESS _____
BY: RICHARD M. CLEMENS
PRESIDENT, CLEMENS DEVELOPMENT CO. &
OWNER, R M CLEMENS, CO.

WITNESS _____
STATE OF OHIO, S.S.:
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY CLEMENS DEVELOPMENT CO.,
BY RICHARD M. CLEMENS, ITS PRESIDENT, & AS OWNER BY R. M. CLEMENS, CO., BY
RICHARD M. CLEMENS.

NOTARY PUBLIC _____
SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:
WITNESS _____
WITNESS _____

STATE OF OHIO, S.S.:
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY MINSTER BANK
BY _____ IT'S _____
AS LIENHOLDER. _____
NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:
WITNESS _____
WITNESS _____

STATE OF OHIO, S.S.:
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY LINDSAY HOFACKER, AS OWNER.
NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:
WITNESS _____
WITNESS _____

STATE OF OHIO, S.S.:
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY LINDSAY HOFACKER, AS OWNER.
NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:
WITNESS _____
WITNESS _____

BY: _____ (PRINTED NAME)
WITNESS _____
BY: _____ (PRINTED TITLE)

STATE OF OHIO, S.S.:
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY _____ IT'S _____
AS LIENHOLDER. _____
NOTARY PUBLIC _____

BOARD OF GREENE COUNTY COMMISSIONERS:
(ACCEPTANCE FOR SANITARY SEWERS ONLY)

COMMISSIONER _____
COMMISSIONER _____
COMMISSIONER _____

WE HEREBY APPROVE AND ACCEPT THIS PLAT (FOR SANITARY SEWERS) AND
RECOMMEND THAT THE SAME BE RECORDED
THIS _____ DAY OF _____, 20____.

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 _____

CERTIFICATION
I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A
FIELD SURVEY OF JANUARY, 2016 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 REGISTERED
PROFESSIONAL SURVEYOR NO. 5057
HIGHVIEW TERRACE, SECTION THREE, PHASE ONE RECORD PLAN
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**
1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 698-3000
FAX: (937) 698-3928
PAGE 2 OF 4

DESCRIPTION
THE WITHIN PLAT IS A SUBDIVISION CONTAINING 19.683 ACRES AND BEING PART OF
CLEMENS DEVELOPMENT COMPANY LAND AS ACQUIRED THROUGH INSTRUMENT
RECORDED IN O.R. 2372, PG. 522, ALSO BEING PART OF LOT 22, AS ACQUIRED BY
R M CLEMENS, COMPANY IN OFFICIAL RECORD VOLUME 3700, PAGE 877, ALSO BEING
ALL OF A 0.735 ACRE TRACT, AS ACQUIRED BY LINDSAY HOFACKER IN OFFICIAL
RECORD VOLUME 3431, PAGE 89, ALSO BEING ALL OF A 0.693 ACRE TRACT, AS
ACQUIRED BY CLEMENS DEVELOPMENT, COMPANY IN OFFICIAL RECORD VOLUME 3031,
PAGE 541, ALSO BEING PART OF LOT 10, BELLBROOK SHOPPING PLAZA VACATED
PLAT CABINET VOLUME 31, PAGE 183B, AND THE PART OF THE RIGHT-OF-WAY OF
SUGAR MAPLE PLACE VACATED BY THIS PLAT AS RECORDED IN RECORD PLAN
HIGHVIEW TERRACE SECTION TWO, PLAT CABINET VOLUME 37, PAGES 27B-28B OF
THE OFFICIAL RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.: CLEMENS DEVELOPMENT CO., BY RICHARD M. CLEMENS, ITS
PRESIDENT, 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.

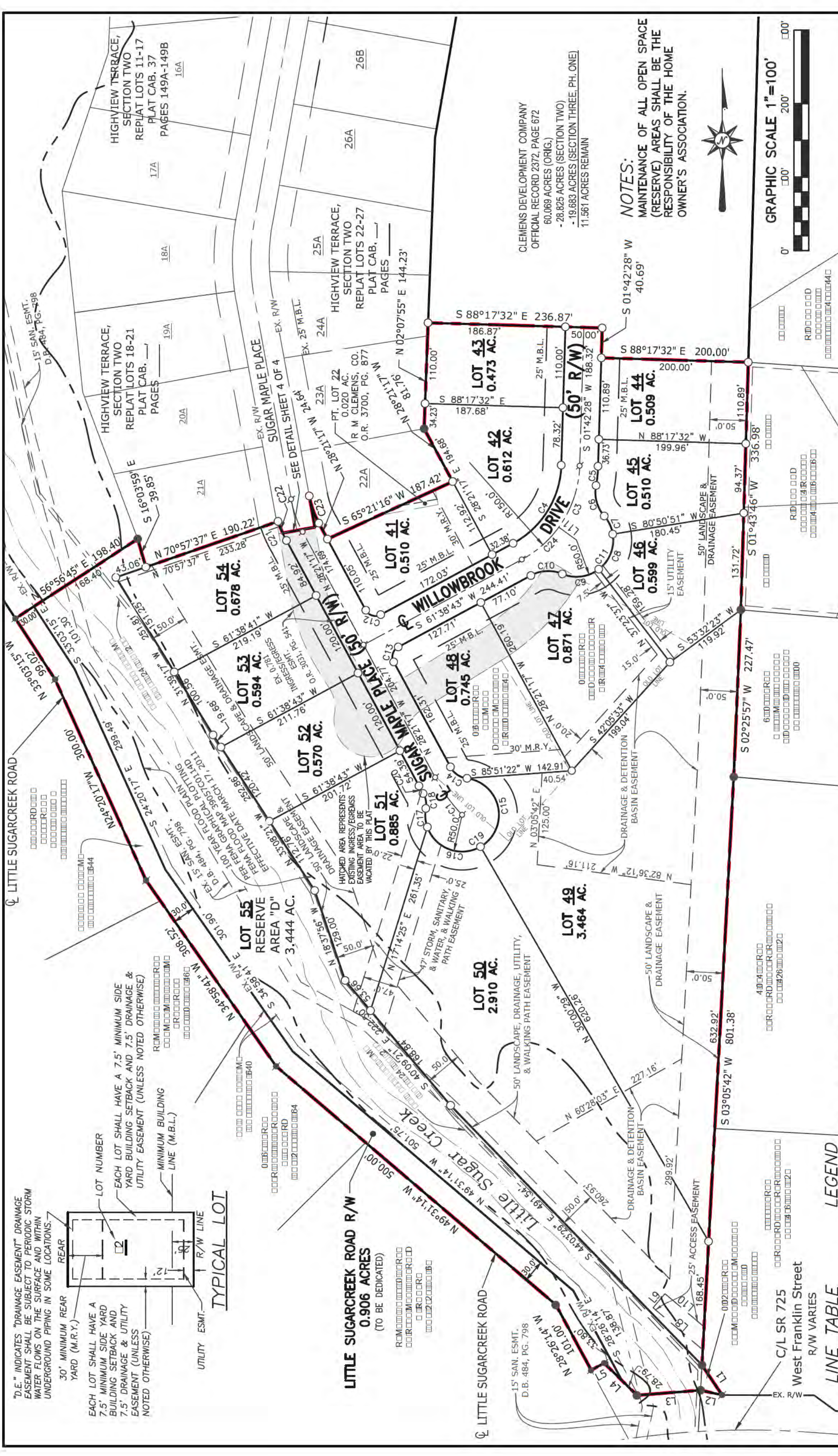
RICHARD M. CLEMENS _____
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC _____

FLOOD PLAIN NOTE
PARTS OF LOTS #50, #51, #53, AND #54 LIE WITHIN THE 100 YEAR FLOODPLAIN AS
SHOWN ON FEMA MAP PANEL 39057C00114D. DEVELOPMENT OR MODIFICATION OF ANY
LOT WITHIN THE 100 YEAR FLOODPLAIN SHALL REQUIRE COMPLIANCE WITH THE FLOOD
DAMAGE PROTECTION ORDINANCE. ANY AREA DESIGNATED FOR THE NATURAL FLOW OF
SURFACE WATER SHALL BE AT ALL TIMES BE KEPT FREE AND CLEAR FROM ANY
OBSTRUCTION TO SUCH NATURAL FLOW. IN NO CASE SHALL ANY IMPROVEMENT,
ALTERATION OR CONSTRUCTION UPON SUCH DESIGNATED AREA BE MADE WITHOUT THE
APPROVAL OF THE CITY OF BELLBROOK.

COVENANTS, CONDITIONS AND RESTRICTIONS:
THE WITHIN PLAT IS 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, PHASE ONE.

- NOTES:**
1. ALL LOTS IN THIS SUBDIVISION EXCEPT LOT 55 SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL LOTS.
 2. MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS, WALKING PATH EASEMENTS, AND LANDSCAPE EASMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
 3. 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 ARE 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.



LEGEND

- 5/8" x 30" IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"
- ⊗ MAG NAIL SET
- 5/8" IRON PIN FOUND
- ⊙ MAG NAIL FOUND

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 ARE IN GOOD CONDITION UNLESS OTHERWISE SHOWN.

LINE TABLE

| LINE BEARING | DISTANCE |
|--------------------------|----------|
| L1 S 33°57'54" E 49.05' | |
| L2 N 77°30'26" W 29.96' | |
| L3 S 85°28'58" W 186.66' | |
| L4 N 45°38'42" W 162.59' | |
| L5 S 61°33'46" W 20.00' | |
| L6 S 49°42'18" E 188.60' | |
| L7 N 40°17'42" E 25.00' | |
| L8 N 49°42'18" W 69.62' | |
| L9 N 54°04'28" W 29.71' | |

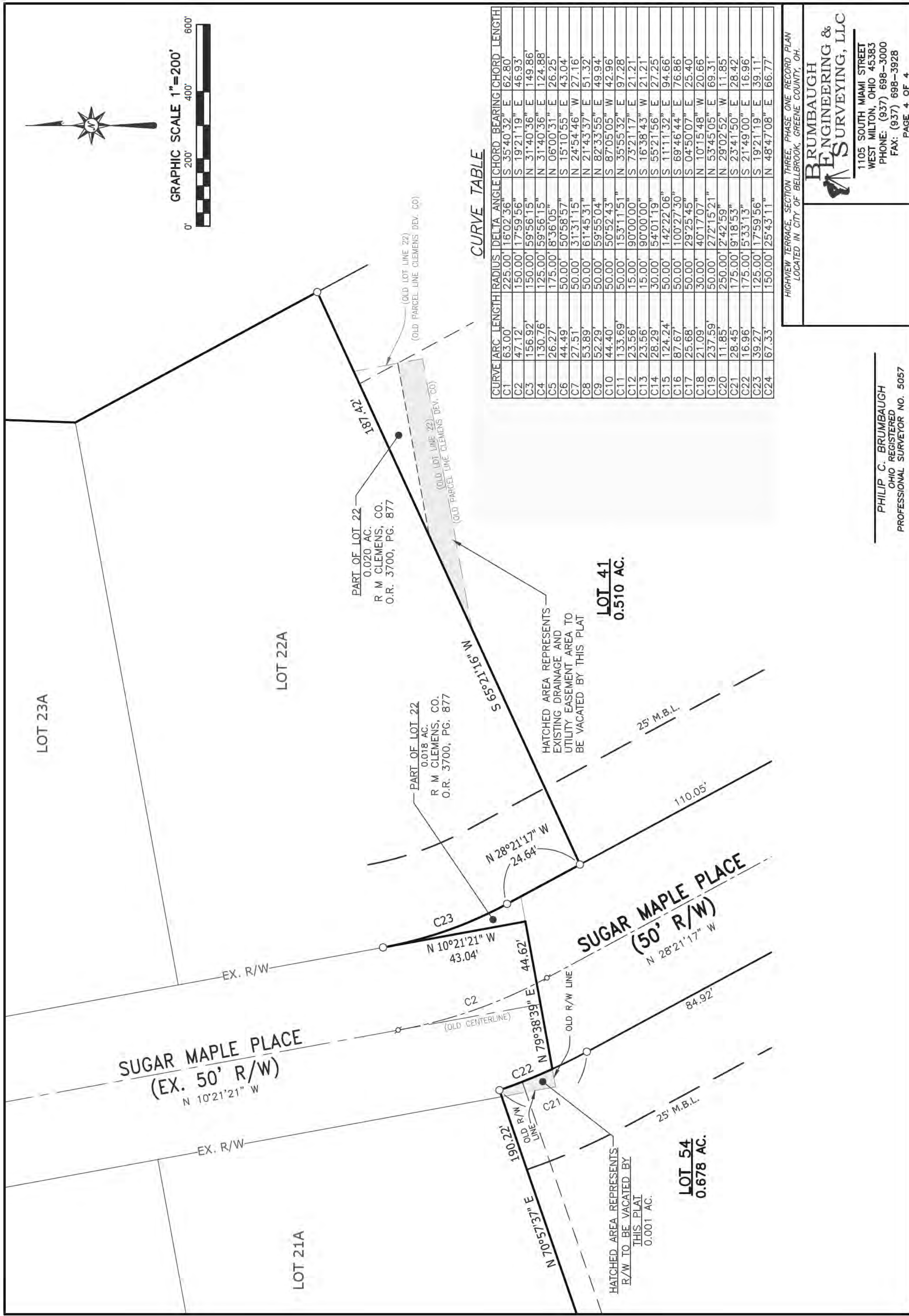
GRAPHIC SCALE 1"=100'

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PHILIP C. BRUMBAUGH
 OHIO REGISTERED
 PROFESSIONAL SURVEYOR NO. 5057

Highview Terrace, Section Three, Phase One Record Plan
 LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.

Notes:
 MAINTENANCE OF ALL OPEN SPACE (RESERVE) AREAS SHALL BE THE RESPONSIBILITY OF THE HOME OWNER'S ASSOCIATION.



CURVE TABLE

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1 | 63.00' | 225.00' | 16°02'36" | S 35°40'32" E | 62.80' |
| C2 | 47.12' | 150.00' | 17°59'56" | S 19°21'19" E | 46.93' |
| C3 | 156.92' | 150.00' | 59°56'15" | N 31°40'36" E | 149.86' |
| C4 | 130.76' | 125.00' | 59°56'15" | N 31°40'36" E | 124.88' |
| C5 | 26.27' | 175.00' | 18°36'05" | N 06°00'31" E | 26.25' |
| C6 | 44.49' | 50.00' | 50°58'57" | S 15°10'55" E | 43.04' |
| C7 | 27.51' | 50.00' | 31°31'15" | N 24°54'46" W | 27.16' |
| C8 | 53.89' | 50.00' | 61°45'31" | N 21°43'37" E | 51.32' |
| C9 | 52.29' | 50.00' | 59°55'04" | N 82°33'55" E | 49.94' |
| C10 | 44.40' | 50.00' | 50°52'43" | S 87°05'05" W | 42.96' |
| C11 | 133.69' | 50.00' | 153°11'51" | N 35°55'32" E | 97.28' |
| C12 | 23.56' | 15.00' | 90°00'00" | S 73°21'17" E | 21.21' |
| C13 | 23.56' | 15.00' | 90°00'00" | S 16°38'43" W | 21.21' |
| C14 | 28.29' | 30.00' | 54°01'19" | S 55°21'56" E | 27.25' |
| C15 | 124.24' | 50.00' | 142°22'06" | S 11°11'32" E | 94.66' |
| C16 | 87.67' | 50.00' | 100°27'30" | S 69°46'44" E | 76.86' |
| C17 | 25.68' | 50.00' | 29°25'45" | S 04°50'07" E | 25.40' |
| C18 | 21.09' | 30.00' | 40°17'07" | N 10°15'48" W | 20.66' |
| C19 | 237.59' | 50.00' | 272°15'21" | N 53°45'05" E | 169.31' |
| C20 | 11.85' | 250.00' | 2°42'59" | N 29°02'52" W | 11.85' |
| C21 | 28.45' | 175.00' | 9°18'53" | S 23°41'50" E | 28.42' |
| C22 | 16.96' | 175.00' | 5°33'13" | S 21°49'00" E | 16.96' |
| C23 | 39.27' | 125.00' | 17°59'56" | S 19°21'19" E | 39.11' |
| C24 | 67.33' | 150.00' | 25°43'11" | N 48°47'08" E | 66.77' |

HIGHWAY TERRACE, SECTION THREE, PHASE ONE RECORD PLAN
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.



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PAGE 4 OF 4

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