

RECORD OF RESOLUTIONS

Resolution No. 2017-DD

October 23, 2017

City of Bellbrook

Resolution No. 2017-DD

A Resolution Approving the Replat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision Section I.

WHEREAS, the Ohio Revised Code requires a re-plat for changes of lot lines or easements in a platted subdivision, and

WHEREAS, the City of Bellbrook's consulting engineer and the Bellbrook Planning Board have recommended approval of a replat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision, Section I; and

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

Now, Therefore, the City of Bellbrook Hereby Resolves That:

Section 1. The replat of Lots #1B into Lots #1D and #1E, Highview Terrace Subdivision, Section I is hereby approved for recording purposes.

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

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

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

DEDICATION

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

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: OWNER LOTS 4A & 1B: CLEMENS DEVELOPMENT CO., INC.

WITNESS BY: RICHARD M. CLEMENS PRESIDENT, CLEMENS DEVELOPMENT CO., INC.

WITNESS _____

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS DAY OF 201, BY CLEMENS DEVELOPMENT CO., INC. BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER.

NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: LIENHOLDER: FIFTH THIRD BANK (WESTERN OHIO)

WITNESS _____

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

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS DAY OF 201, BY FIFTH THIRD BANK (WESTERN OHIO)

BY AS LIENHOLDER: ITS

NOTARY PUBLIC _____

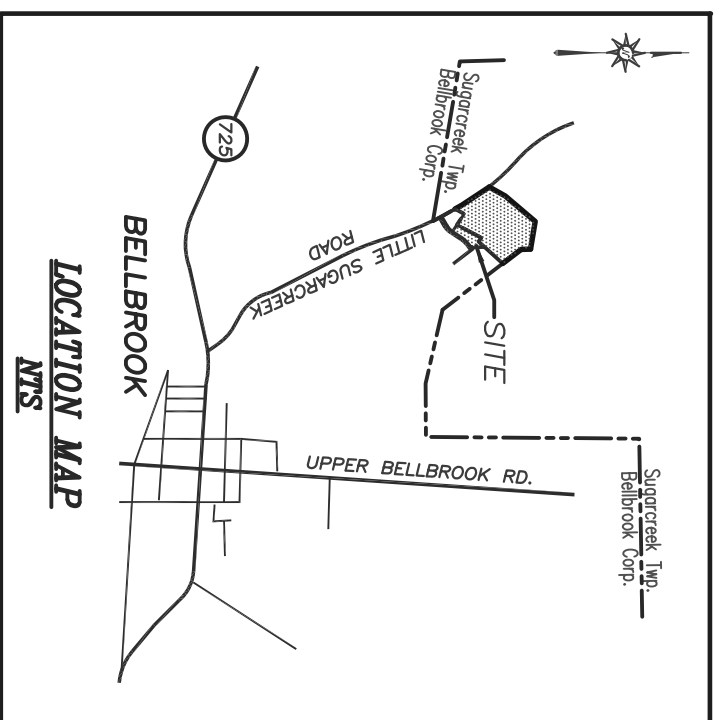
THE LOTS OF THE WITHIN RE-PLAT ARE GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, ASSESSMENTS, ARTICLES OF INCORPORATION AND BY-LAWS OF THE "HIGHVIEW TERRACE SUBDIVISION HOMEOWNERS ASSOCIATION", ALL OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION ONE, O.R. VOL. 2782, PGS. 450-483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

COVENANTS, CONDITIONS AND RESTRICTIONS:

HIGHVIEW TERRACE SECTION ONE & TWO RE-PLAT OF LOTS 1B INTO LOTS 1D, & 1E

LOTS 4A INTO LOTS 4B, & 4C

LOCATED IN CITY OF BELLBROOK SECTION 2, TOWN 2, RANGE 6 M.R.S. GREENE COUNTY, OHIO 2.263 ACRES HIGHVIEW TERRACE SECTION ONE LOCATED IN SUGARCREEK TOWNSHIP SECTION 2, TOWN 2, RANGE 6 M.R.S. GREENE COUNTY, OHIO 14.459 ACRES FOR CLEMENS DEVELOPMENT COMPANY, INC. OCTOBER 11, 2017



DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 2,263 ACRES AND BEING ALL OF CLEMENS DEVELOPMENT CO., INC. (LOT 1B) AS RECORDED IN HIGHVIEW TERRACE SECTION ONE AND TWO RE-PLAT, PLAT CABINET VOL. 37, PGS. 212B-213B, AS ACQUIRED THROUGH INSTRUMENTS RECORDED IN O.R. 2844, PG. 315, O.R. 2748, PG. 159, O.R. 2601, PG. 416, & O.R. 2372, PG. 672 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 14,459 ACRES AND BEING ALL CLEMENS DEVELOPMENT CO., INC. (LOT 4A) AS RECORDED IN RECORD PLAN HIGHVIEW TERRACE SECTION ONE, PLAT CABINET VOL. 37, PGS. 40A-41A, AS ACQUIRED THROUGH INSTRUMENTS RECORDED IN O.R. 2844, PG. 315, O.R. 2748, PG. 159, O.R. 2601, PG. 416, & O.R. 2372, PG. 672 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

STATE OF OHIO, S.S.: CLEMENS DEVELOPMENT CO., INC. 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 201.

NOTARY PUBLIC _____

APPROVAL: THE PLAT APPROVED BY THE REGIONAL PLANNING AND COORDINATING COMMISSIONS OF GREENE COUNTY THIS DAY OF 201.

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 201.

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 201, TRANSFERRED THIS DAY OF 201.

GREENE COUNTY AUDITOR

GREENE COUNTY RECORDER:

FILE NO. PLAT CABINET VOL. PAGES RECEIVED FOR RECORD THIS DAY OF

RECORDED THIS AT 201, M.

GREENE COUNTY RECORDER

CERTIFICATION

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A FIELD SURVEY OF JUNE, 2007 PERFORMED UNDER THE DIRECT SUPERVISION OF PHILIP C. BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE & MATERIAL SHOWN HEREON EXIST AS LOCATED OR WILL BE SET AS INDICATED. ALL DIMENSIONAL DETAILS ARE BELIEVED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

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

DEVELOPER CLEMENS DEVELOPMENT CO. P.O. BOX 266 BELLBROOK, OH 45305 PHONE: 937-848-4515

BRUMBAUGH ENGINEERING & SURVEYING, LLC
1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
SHEET 1 OF 3

NEW LOT NUMBERS BY PRIOR SECTIONS

| NEW LOT NUMBER & SECTION | PREVIOUS LOT NUMBER & SECTION |
|--------------------------|--|
| LOT 4B | PART LOT 4A OF HIGHVIEW TERRACE SECTION ONE P.C. VOL. 37, PG'S 40A-41A. |
| LOT 4C | PART LOT 4A OF HIGHVIEW TERRACE SECTION ONE P.C. VOL. 37, PG'S 40A-41A. |
| LOT 1D | PART LOT 1B OF HIGHVIEW TERRACE SECTION ONE & TWO REPLAT P.C. VOL. 37, PG'S 212B-212B. |
| LOT 1E | PART LOT 1B OF HIGHVIEW TERRACE SECTION ONE & TWO REPLAT P.C. VOL. 37, PG'S 212B-212B. |

NOTE:
TERRACE CREEK ROAD & PART OF SUGAR MAPLE PLACE WAS DEDICATED IN HIGHVIEW TERRACE SECTION ONE AS RECORDED IN HIGHVIEW TERRACE SECTION ONE P.C. VOL. 36, PG'S 388A-390A.

HIGHVIEW TERRACE
SECTION ONE & TWO
RE-PLAT OF
LOTS 1B INTO LOTS 1D, & 1E

LOCATED IN
CITY OF BELLBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'S.
GREENE COUNTY, OHIO
2.268 ACRES

HIGHVIEW TERRACE
SECTION ONE
LOTS 4A INTO LOTS 4B, & 4C

LOCATED IN
SUGARCREEK TOWNSHIP
SECTION 2, TOWN 2, RANGE 6 M.R.'S.
GREENE COUNTY, OHIO
14.469 ACRES

FOR
CLEMENS DEVELOPMENT COMPANY, INC.
OCTOBER 11, 2017

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE | TANGENT |
|-------|---------|------------|--------------|---------------|-------------|---------|
| C3 | 15.00' | 23.56' | 21.21' | S 14°00'22" W | 90°00'00" | 15.00' |
| C4 | 325.00' | 106.57' | 106.10' | S 49°36'42" W | 18°47'19" | 53.77' |
| C5 | 275.00' | 48.89' | 48.82' | N 36°05'12" W | 10°11'08" | 24.51' |
| C6 | 275.00' | 51.48' | 51.41' | N 59°06'18" W | 10°43'35" | 25.82' |
| C7 | 275.00' | 111.78' | 111.01' | N 52°49'26" W | 23°17'19" | 56.67' |
| C8 | 275.00' | 109.18' | 108.47' | S 42°22'04" E | 22°44'52" | 55.32' |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 30°59'38" E | 60.00' |
| L2 | S 59°00'22" W | 13.43' |
| L3 | S 59°00'22" W | 52.96' |
| L4 | S 40°13'03" W | 155.07' |

- NOTES:
- ADDITIONAL EASEMENTS AND FLOOD PLAIN INFORMATION SHOWN ON SHT. 3 OF 3.
 - DRAINAGE EASEMENTS SHALL BE SUBJECT TO PERIODIC STORM WATER FLOWS ON THE SURFACE AND WITHIN UNDERGROUND PIPING IN SOME LOCATIONS.
 - NO BUILDING OR OTHER STRUCTURES SHALL BE LOCATED IN "DRAINAGE EASEMENT".
 - MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION, EXCEPT FOR SURFACE EROSION, WHICH SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER. MAINTENANCE SHALL BECOME THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
 - ANY LOT TRANSFERRED WILL HAVE A MINIMUM WIDTH AND AREA SUBSTANTIALLY THE SAME AS THOSE SHOWN ON THE PLAT AND THAT ONLY ONE PRINCIPAL BUILDING WILL BE PERMITTED ON ANY SUCH LOT.

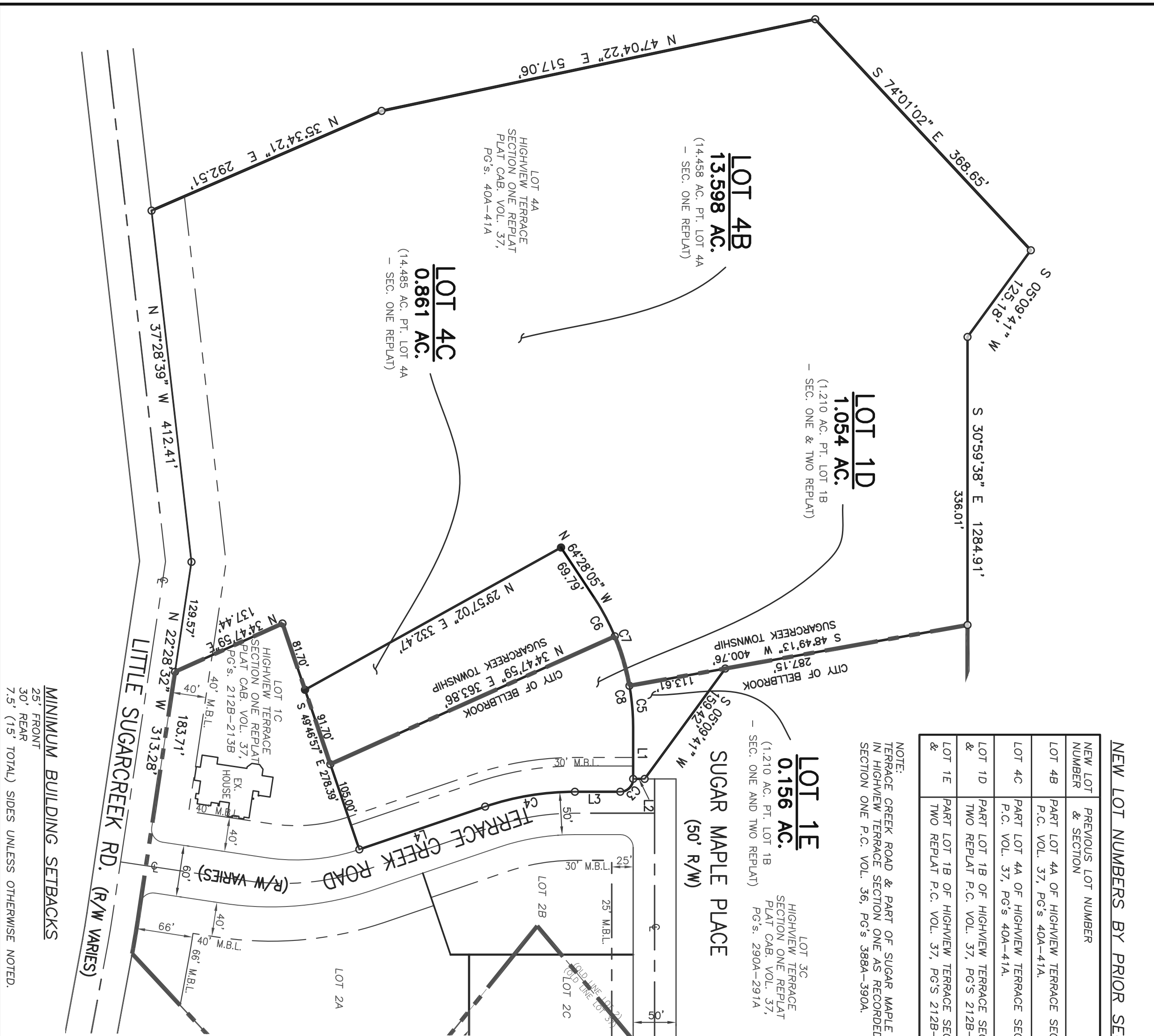
PERTINENT DOCUMENTS:
-IN ADDITION TO THE REFERENCES SHOWN ON FACE OF THIS PLAT THE FOLLOWING DOCUMENTS WERE USED: ANNEXATION PLAT TO THE CITY OF BELLBROOK PLAT BK 37, PG. 44A
-OCCUPATION IN GENERAL FITS THE SURVEYED LINES.
-ALL MONUMENTATION FOUND OR SET IS IN GOOD CONDITION UNLESS OTHERWISE SHOWN.



- LEGEND
- 5/8" IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"
 - ⚡ MAG NAIL SET
 - 5/8" IRON PIN FOUND
- ALL MONUMENTS FOUND ARE IN GOOD CONDITION UNLESS OTHERWISE NOTED.

BRUMBAUGH
ENGINEERING &
SURVEYING, LLC

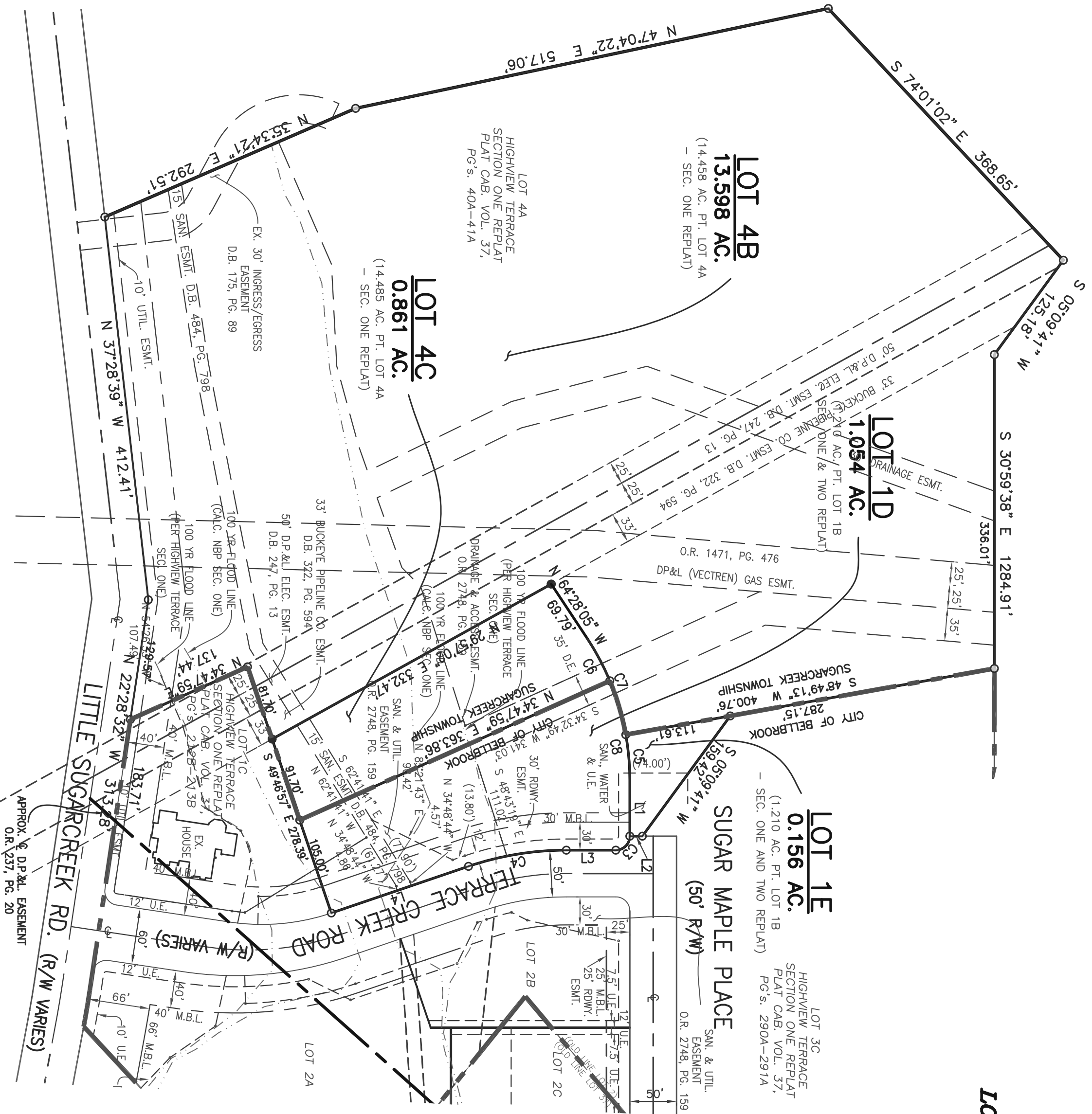
1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
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MINIMUM BUILDING SETBACKS
25' FRONT
30' REAR
7.5' (15' TOTAL) SIDES UNLESS OTHERWISE NOTED.

- LEGEND**
- 5/8" IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"
 - MAG NAIL SET
 - 5/8" IRON PIN FOUND

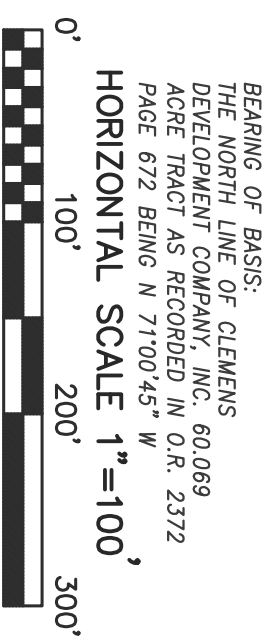
ALL MONUMENTS FOUND ARE IN GOOD CONDITION UNLESS OTHERWISE NOTED.



**HIGHVIEW TERRACE
SECTION ONE & TWO
RE-PLAT OF
LOTS 1B INTO LOTS 1D, & 1E**

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SECTION 2, TOWN 2, RANGE 6 M.R.S.
GREENE COUNTY, OHIO
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FOR
CLEMENS DEVELOPMENT COMPANY, INC.
OCTOBER 11, 2017



**OPERATION AND MAINTENANCE AGREEMENT FOR
LITTLE SUGAR CREEK STREAM BED**

THE LITTLE SUGAR CREEK STREAM BED ELEVATION SHALL BE MAINTAINED AS DESCRIBED IN THE MAINTENANCE AGREEMENT AS RECORDED IN O.R. 2782, PAGE 443

FLOOD PLAN NOTES:

1. PART OF LOTS 1B, 1C, & 4B OF THIS PLAT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL NO. 390193 0070B.
2. DEVELOPMENT OR MODIFICATION OF ANY LOT WITHIN THE 100 YEAR FLOOD PLAIN SHALL REQUIRE COMPLIANCE WITH THE CITY OF BELLBROOK FLOOD DAMAGE PREVENTION ORDINANCE.
3. ANY AREA DESIGNATED FOR THE NATURAL FLOW OF SURFACE WATER SHALL BE AT ALL TIMES 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.

HOMEOWNER'S ASSOCIATION DOCUMENTS

THE LOTS OF THE WITHIN SUBDIVISION ARE GOVERNED BY THE HOMEOWNERS ASSOCIATION DOCUMENTS FOR HIGHVIEW TERRACE, SECTION ONE AS RECORDED IN O.R. 2782, PAGE 450, & O.R. 2795, PAGE 619 IN THE DEED RECORDS OF GREENE COUNTY, OHIO. EASEMENTS SHOWN ARE OF RECORD PROVIDED BY OWNER.

TITLE COMMITMENT DOCUMENTS

TITLE EVIDENCE IS FREE AND CLEAR OF ANY EASEMENTS OTHER THAN SHOWN HEREON BASED ON COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT No.: 1496510-N-E
EFFECTIVE DATE: NOVEMBER 20, 2008 AT 7:30 A.M.

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

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