

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 09 – 24 - 16

AN ORDINANCE TO CONFIRM ACCEPTANCE OF SPECIFIED RIGHT OF WAY DEDICATION AT SWEET POTATO RIDGE ROAD

WHEREAS, municipal corporations generally have the special power to regulate the use of streets within their municipal boundaries and the care, supervision and control of said public streets pursuant to R.C. § 723.01; and

WHEREAS, a municipal corporation has no duty to maintain streets or alleys dedicated to public use unless the dedication of such street or alleys is accepted and confirmed by the legislative authority of such municipal corporation pursuant to R.C. § 723.03; and

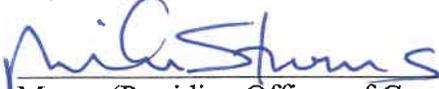
WHEREAS, the Office of the Montgomery County Engineer has advised the Dedication Plat Record Plan is suitable for acceptance.

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

1. That the City accepts the dedication of the specified right of way at Sweet Potato Ridge Road as detailed in the attached plat map (**Exhibit A**) as dedicated for the public use.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on September 5, 2024 and September 19, 2024.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON SEPTEMBER 19, 2024.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Eaton Register Herald

Date of publication

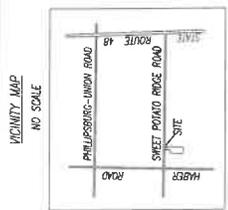
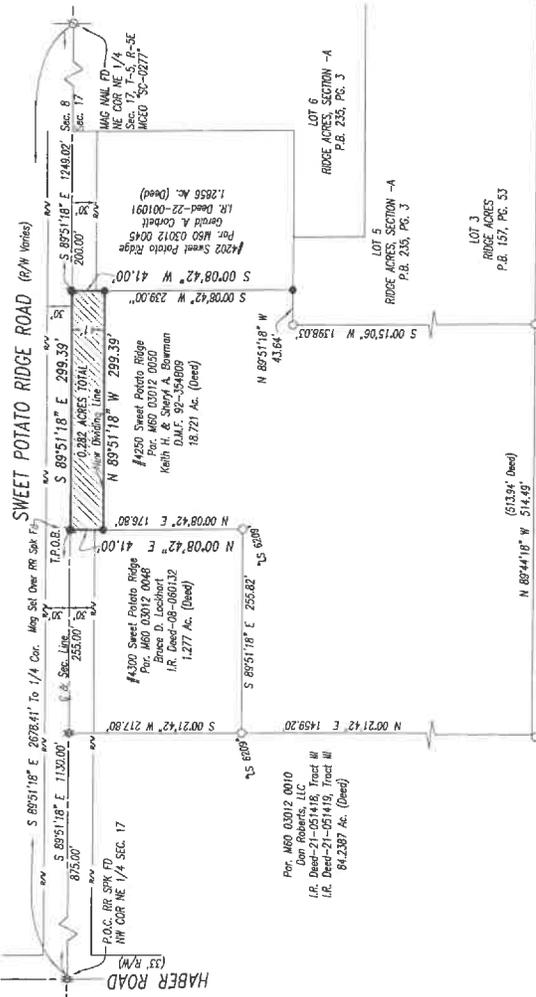
September 25, 2024

Barbara J. ...

CLERK

Ref: R.C. Section 711.09 and 723.02

RIGHT-OF-WAY DEDICATION PLAT
 N.W. 1/4 SECTION 17, TOWN 5, RANGE 5E
 CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO
 0.282 ACRES TOTAL



APPROVED FOR DESCRIPTION
 MONTGOMERY COUNTY, ENGINEER DATE
 CHECKED BY:
 2024-_____
 PLAT NUMBER

DESCRIPTION:
 THE WITHIN PLAT IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWN 5, RANGE 5E, EAST CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO BEING PART OF THE 18.721 ACRE TRACT OF LAND COMMERCE TO KEITH H. BOWMAN A BOWMAN BY DEED RECORDED ON DEED #F 92-354809 (PARCEL ID M60 03012 0048).

THE AREA OF THIS SUBDIVISION IS COMPRISED OF 0.282 ACRES IN DEDICATED ROAD RIGHT-OF-WAY.

CERTIFICATION:
 I HEREBY CERTIFY THAT THE BOUNDARY SURVEY OF THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO LAWS AND REGULATIONS AND CONFORMS TO OHIO REVISION CODE CHAPTER 711. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.



LUIS G. RIANCHO AND ASSOCIATES, INC.
 140 WEST WENGER ROAD
 ENCLWOOD, OHIO 45022-2727
 (937) 839-1588

LUIS G. RIANCHO REGISTERED SURVEYOR
 STATE OF OHIO #5287

DATE: _____

DEDICATION:
 WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LEASEHOLDERS OF THE LAND HEREIN PLATED, DO HEREBY VOLUNTARILY CONSENT TO AND JOIN IN THE EXECUTION OF SAID PLAT AND DO HEREBY RESERVE THE EASEMENTS AND DEDICATE THE ROAD RIGHT-OF-WAY ON SAID PLAT TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN WITHIN THE PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF STORM WATER DRAINAGE, WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES, AND FOR THE EXPRESS PRIVILEGES OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR PROVIDING ACCESS TO AND EGRESS FROM THE PREMISES FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

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

KEITH H. BOWMAN
 SHERYL A. BOWMAN

STATE OF OHIO, COUNTY OF _____ DAY OF _____ SS:
 BE IT REMEMBERED, THAT ON THIS _____ DAY OF _____ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME KEITH H. BOWMAN AND SHERYL A. BOWMAN WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY AND BENEFICIAL ACT, AND BEING FULLY ADVISED OF THE CONTENTS AND IMPORTANCE, TO THE BEST OF THEIR KNOWLEDGE, INTERESTED IN THIS DEDICATION, ENTIRE AS OWNERS OR LEASEHOLDERS, TAKE UNITED IN ITS EXECUTION.

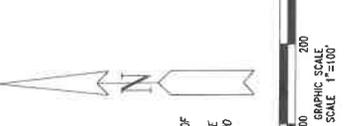
IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR STATE OF OHIO _____
 MY COMMISSION EXPIRES _____

CLIENT: KEITH & SHERYL BOWMAN
 DATE OF SURVEY: JUNE 2022

PREPARED BY:
LGR
 LUIS G. RIANCHO & ASSOCIATES, INC.
 SURVEYING
 140 WEST WENGER ROAD
 ENCLWOOD, OHIO 45022-2727

APR. 2024 PLOT DATE 04-23-2024
 DRAWING NAME 210759RP



BASES OF BEARINGS: S 89°51'18" E FOR THE NORTH LINE OF SECTION 17 AND CENTERLINE OF SWEET POTATO RIDGE ROAD FROM GPS OBSERVATIONS UTILIZING G00T GASS RTN, STATE PLANE COORDINATE SYSTEM, NAD83(2011), OHIO SOUTH ZONE, (COORD12).

FERTILE DOCUMENTS:
 DEEDS: D.M.F. 92-354609

PLATS:
 RIDGE ACRES, SECTION -A, P.B. 235, P.C. 3
 RIDGE ACRES, P.B. 157, P.C. 53

SURVEYS:
 AS SHOWN

OCCUPATION STATEMENT:
 OCCUPATION GENERALLY FITS SURVEYED LINES EXCEPT AS SHOWN HEREON.

NOTES:
 1.) THE SUPERIMPOSED AREA OF THE LANDS OF THE DEDICATORS OF THIS PLAT IS DRAWN HEREIN.
 2.) DISTANCE IN PARENTHESES () INDICATES EXISTING DEED OR PLAT CALL DISTANCE.
 3.) THIS PLAT AND THE SURVEY ON WHICH IT IS BASED PREPARED WITHOUT BENEFIT OF A CURRENT TITLE SEARCH REPORT OR COMMITMENT.

APPROVALS:
 ACCEPTED AND APPROVED THIS _____ DAY OF _____ 2024 BY
 CITY OF CLAYTON, OHIO COUNCIL

CITY MANAGER _____ DATE _____

ACCEPTED AND APPROVED THIS _____ DAY OF _____ 2024 BY
 MONTGOMERY COUNTY ENVIRONMENTAL SERVICES.

MONTGOMERY COUNTY SANITARY ENGINEER _____ DATE _____

CURRENT ZONING: "R20" - RESIDENTIAL SINGLE UNIT DISTRICT

| MONUMENTATION LEGEND | |
|----------------------|----------------------|
| SYMBOL | DESCRIPTION |
| ○ | IRON PIN FOUND |
| □ | IRON PIPE FOUND |
| ⊗ | R.R. SPIKE FOUND |
| ⊙ | STONE FOUND |
| ⊕ | MAG OR PK NAIL FOUND |
| ⊖ | MAG OR PK FOUND |
| ⊗ | IRON PIPE & CAP SET |
| ⊙ | R.R. SPIKE SET |
| ⊕ | MAG SET |
| ⊖ | MONUMENT SET |
| ⊗ | 3/4" IP SET W/2" CAP |
| ⊙ | IP & CAP SET |

NOTE: ALL FOUND IRON PINS ARE AS SET.
 IN GOOD CONDITION UNLESS NOTED.
 IN POOR CONDITION UNLESS NOTED.
 IN GOOD CONDITION UNLESS NOTED.
 NOTE: ALL SET IRON PINS ARE AS REBAR WITH A PLASTIC CAP STAMPED LGR & ASSOC ENCLWOOD OH. UNLESS NOTED.