

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 11 – 24 - 22

AN ORDINANCE TO CONFIRM ACCEPTANCE OF SPECIFIED RIGHT OF WAY DEDICATION AT WENGER VILLAGE SECTION THREE/RECORDED PLAT 240-21/INSTRUMENT NUMBER 2023-00001100 WITH MONTGOMERY COUNTY RECORDER'S OFFICE

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 Record Plan is suitable for acceptance.

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

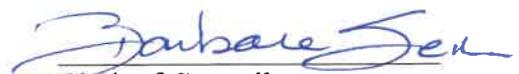
1. That the City accepts the dedication of the specified right of way at Corriander Trail, Parsley Place, Marjoram Place, and Cilantro Way as detailed in the attached plat map (**Exhibit A**) as dedicated to the public use forever.
2. That this Ordinance shall be effective as an exception to any ordinance, 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 November 21, 2024 and December 5, 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 DECEMBER 5, 2024.

AUTHENTICATION:

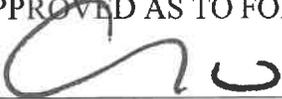


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:

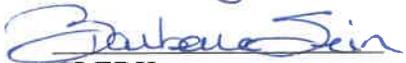


Law Director

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 Date of publication
Eaton Register Herald December 11, 2024


CLERK

Ref: R.C. Section 711.09 and 723.02

DEDICATION
WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LEASEHOLDERS OF THE LAND BEING CONSIDERED, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS PLAT TO BE OUR VOLUNTARY ACT AND DEED AND RESERVE THE EASEMENTS AS SHOWN WITHIN THE PLAT TO THE PUBLIC USE FOREVER.

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

OWNER
WENGER V2 LLC
ON ORDER FROM
LANCE OAKES
ITS MANAGER

COUNTY OF Montgomery
STATE OF OHIO

BY: LANCE OAKES
ITS MANAGER

BE IT REMEMBERED THAT ON THIS 09 DAY OF December, 2022, BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME WENGER V2 LLC, AN OHIO LIMITED LIABILITY CO., 8334 YANKEE ST., STE. 100, DAYTON, OH, 45456, BY LANCE OAKES, ITS MANAGER, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

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



GAIL M. PIERCE
NOTARY PUBLIC
STATE OF OHIO
Commission Expires
09-11-2028

DATE: 12/19
STATE OF OHIO

LANCE OAKES, SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE, INTERESTED IN THIS PLAT EITHER AS OWNERS OR AS LEASEHOLDERS, HAVE UNITED IN ITS EXECUTION.

OWNER
WENGER V2 LLC
BY: LANCE OAKES
ITS MANAGER

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



GAIL M. PIERCE
NOTARY PUBLIC
STATE OF OHIO
Commission Expires
09-11-2028

COUNTY OF Montgomery
STATE OF OHIO

OWNER
WENGER VILLAGE HOMEOWNERS ASSOCIATION, INC.
BY: DAVID LITTLE
ITS PRESIDENT

BE IT REMEMBERED THAT ON THIS 12 DAY OF December, 2022, BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME WENGER VILLAGE HOMEOWNERS ASSOCIATION, INC., BY DAVID LITTLE, ITS PRESIDENT, 6540 CENTREVILLE BUSINESS PARKWAY, CENTREVILLE, OHIO, 45424, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

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



JAMES COOK
NOTARY PUBLIC
STATE OF OHIO
Commission Expires
May 31, 2027

DATE: 12/19/22
STATE OF OHIO

DAVID LITTLE, SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE, INTERESTED IN THIS PLAT EITHER AS OWNERS OR AS LEASEHOLDERS, HAVE UNITED IN ITS EXECUTION.

WENGER VILLAGE HOMEOWNERS ASSOCIATION, INC.
BY: DAVID LITTLE
ITS PRESIDENT

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



JAMES COOK
NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES
May 31, 2027

COVENANTS, CONDITIONS AND RESTRICTIONS

THE WITHIN SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WENGER VILLAGE, WHICH IS RECORDED IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO, COMMENCING OFFICIAL RECORD LR DEED NO. 2022-034424, AND THE ARTICLES OF INCORPORATION AND CODE OF REGULATIONS FOR WENGER VILLAGE HOMEOWNERS ASSOCIATION, INC., AS INDICATED.

NO PRIVATE IMPROVEMENTS OF ANY KIND SHALL BE MADE ON ANY SAID RIGHT-OF-WAY OR EASEMENT WHICH WOULD INTERFERE WITH ACCESS TO ANY PROPOSED STREET, UTILITY OR OTHER SERVICE IMPROVEMENT, PRESENT OR FUTURE, AND THE CITY OF CLAYTON SHALL NOT BE RESPONSIBLE TO ANY PRESENT OR FUTURE OWNERS OF THE PROPERTY INDICATED ON THIS PLAT FROM ANY DAMAGE DONE ON SAID RIGHT-OF-WAY OR EASEMENTS TO SOIL, SHRUBBERY, TREES, DRIVEWAYS OR OTHER IMPROVEMENTS EITHER NATURAL OR ARTIFICIAL, BY REASON OF ENTERING FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF SAID IMPROVEMENTS.

CITY OF CLAYTON ASSUMES NO LEGAL OBLIGATIONS TO MAINTAIN OR REPAIR ANY OPEN DRAINAGE CHANNELS, DETENTION BASINS OR CASSEMENT AREA OF ANY LOT AND NO STRUCTURES, CURBENTS, PLANTING, FENCING, FILLING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD, OR DIVERT THE FLOW THROUGH SAID DRAINAGE COURSE.

**RECORD PLAN
WENGER VILLAGE
SECTION THREE**

LOCATED IN:
SECTION 29 TOWN 5, RANGE 5 EAST
CITY OF CLAYTON
MONTGOMERY COUNTY, OHIO
CONTAINING: 18.6506 AC.
DECEMBER 5, 2022

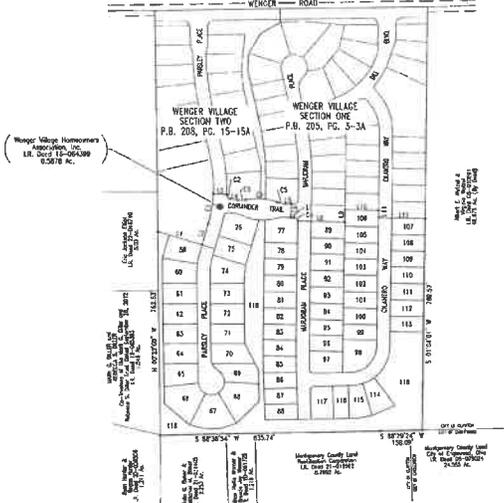
TRANSFERRED
23 JAN 10 AM 11:31
KARL L. KETH
AUDITOR

APPROVALS:
MONTGOMERY COUNTY ENVIRONMENTAL SERVICES
Richard A. P.E. 12/16/22
DATE

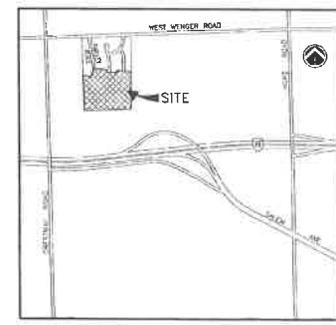
APPROVED BY THE CITY OF CLAYTON ON THIS 12 DAY
OF December, 2022.
Amanda Yarnall
CITY MANAGER

APPROVED FOR DESCRIPTION
Bill Chen 1/3/23
DATE
MONTGOMERY COUNTY ENGINEER
CHECKED BY: *AKC* 1/3/23
DATE
JOB # 22-03878E

FILE # 11-10-01
DATE RECORDED IN OFFICE OF
MONTGOMERY COUNTY, OH
RECORDS & RECORDS
1/18/23 0001100



BACK OF BEARING
EAST LINE OF WENGER VILLAGE, SECTION ONE
P.B. 205, PG. 3-3A (S 01°04'11" W)



**SUPERIMPOSED MAP
SCALE: 1"=200'**

NOTE: THIS TABLE PERTAINS TO SHEET 1 OF 1 ONLY

LINE	BEARING	DISTANCE
L1	S 72°11'31" W	174.88'
L2	N 16°45'23" E	10.91'
L3	S 00°24'20" E	50.60'
L4	S 02°19'17" E	20.47'
L5	S 88°55'59" E	71.53'
L6	S 01°04'01" E	50.60'
L7	S 00°15'57" E	11.07'
L8	S 00°25'52" E	177.89'
L9	N 01°04'11" E	45.27'
L10	S 88°55'59" E	177.69'
L11	N 01°04'11" W	35.84'
L12	S 88°55'59" E	178.00'

NOTE: THIS TABLE PERTAINS TO SHEET 1 OF 1 ONLY

CURVE	CURVE TABLE			
	RADIUS	DELTA	LENGTH	CHORD
C1	470.00'	112.3287°	110.84'	N 00°00'00" E 110.85'
C2	13.00'	88.4107°	22.43'	S 39°16'4" E 20.81'
C3	68.50'	192.1507°	36.81'	N 81°19'0" E 29.80'
C4	228.00'	303.3433°	122.21'	S 86°21'01" E 120.72'
C5	68.50'	174.8107°	22.43'	S 00°00'00" E 22.43'
C6	13.00'	88.2816°	21.07'	S 48°41'54" E 19.38'

CERTIFICATION/DESCRIPTION
THE WITHIN PLAT IS A SUBDIVISION CONTAINING 18.6506 AC, BEING 18.6506 AC. OF LAND CONVEYED TO WENGER V2 LLC BY LR DEED 22-034424, AND 0.0576 AC. OF LAND CONVEYED TO WENGER VILLAGE HOMEOWNERS ASSOCIATION, INC., BY LR DEED 16-084389, ALL IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO.

I HEREBY CERTIFY THAT THIS PLAT/SUBDIVISION WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733.37 STANDARDS FOR PLAT OF SURVEY AND ALSO CONFORMS TO THE O.A.C. CHAPTER 711 STANDARDS FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, IN CONJUNCTION WITH A FIELD SURVEY PERFORMED IN SEPTEMBER, 2021, AND A LOT SPLIT IN NOVEMBER, 2021, BY (A) LAND PROFESSIONALS.
ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC, FROM PINS TO BE SET AT ALL LOT CORNERS.

THE REINKE GROUP, INC.
BY: *S. S. Reinke*
OHIO SURVEYOR NO. 8207



SETBACK INFORMATION:

LOTS #83-#78
FRONT YARD = 25'
SIDE YARD = 7.5' MIN (TOTAL OF 15')
REAR YARD = 30'

LOTS #77-#117
FRONT YARD = 25'
SIDE YARD = 6' MIN (TOTAL OF 12')
REAR YARD = 30'

ACREAGE TABULATION:
RESIDENTIAL LOTS #59 - #117 = 12,183.32 AC.
RESERVE LOT #118 = 3,388.84 AC.
DEDICATED ROAD R/W = 3,169.84 AC.
TOTAL = 18,650.96 AC.



Exhibit A

