



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, APRIL 10, 2023; 6:00 P.M.

Community & Economic Development Committee

(Schilling [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding O-16-2023, Rezone 1271 Brukner Dr., M-2 to PD-1, Approve General Plan of Troy Storage Inns of America Planned Development-Industrial.
2. Provide a recommendation to Council regarding the recommendation from the Troy Planning Commission for the Final Plat Approval of Halifax Estates Subdivision Section 6 and the Dedication of Right-of-Way.

Finance Committee

(Severt [Chm.], Phillips, Rozell)

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to enter into an agreement with the Miami Valley Communications Council (MVCC) to include Troy in the current quotes being obtained by MVCC on behalf of political subdivisions for the aggregation of an electric supply for the Opt-Out Electric Aggregation Program. Consideration of emergency legislation requested as MVCC's bidding process in commencing. It is noted that Troy would not actually connect to a contract with the selected company until later in the year when the contract with the current electric aggregation contractor expires.

Other Committees/Items may be added.

4-7-2023

cc: Mayor
Mr. Titterington
Mr. Kerber
Mr. Frigge, Departments, Media

**COMMUNITY &
ECONOMIC DEVELOPMENT
COMMITTEE**

ORDINANCE No. O-16-2023

Dayton Legal Blank, Inc.

AN ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-101788, IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT - INDUSTRIAL (PD-I) AND APPROVING THE GENERAL PLAN OF THE TROY STORAGE INNS OF AMERICAN PLANNED DEVELOPMENT - INDUSTRIAL

WHEREAS, a request for a zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Parcel No. D08-101788, located at 1271 Brukner Drive in the City of Troy, Ohio; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval of the zoning change and the General Plan of the Troy Storage Inns of America Planned Development - Industrial; and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel No. D08-101788, located at 1271 Brukner Drive in the City of Troy, Ohio, be changed from M-2, Light Industrial District, to a Planned Development - Industrial (PD-I).

SECTION II: That the General Plan of the Troy Storage Inns of America Planned Development - Industrial is approved.

SECTION III: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

MEMORANDUM

TO: Mr. Lutz, President, Troy City Council

FROM: Sue Knight, for the Troy Planning Commission

DATE: March 10, 2023

SUBJECT: **REPORT OF THE PLANNING COMMISSION ON THE REZONING AND GENERAL PLAN OF THE PLANNED DEVELOPMENT – INDUSTRIAL: TROY STORAGE INNS OF AMERICA PLANNED DEVELOPMENT; 5.25 ACRE PARCEL AT 1271 BRUKNER DRIVE, KNOWN AS PARCEL NO. DO8-101788. THE PROPOSED CHANGE IS FROM THE ZONING CLASSIFICATION OF M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – INDUSTRIAL (PD-I). THE GENERAL PLAN APPROVAL IS THE FIRST STEP OF THE PLANNED DEVELOPMENT PROCESS.**

On February 22, 2023, the Troy Planning Commission considered the rezoning of a 5.25 acre parcel, Parcel No. DO8-101788, at 1271 Brukner Drive. This parcel is located south of Archer Drive. The proposed change is from the zoning classification of M-2, Light Industrial District, to a Planned Development – Industrial (PD-I). The rezoning is part of the General Plan approval, which is the first step of the Planned Development process.

The owner/applicant is T&D Smith. The application is to add five Self-Storage Buildings to the current seven Self-Storage Buildings on the site. The Planning Commission determined not to hold a public hearing on this rezoning application.

It is noted that this application was received by the City prior to Troy City Council establishing a moratorium on new applications for Self-Storage facilities.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel DO8-101788, located at 1271 Brukner Drive, be rezoned from M-2, Light Industrial District, to a Planned Development – Industrial (PD-I), and recommends approval of the General Plan, based on the findings of staff that:

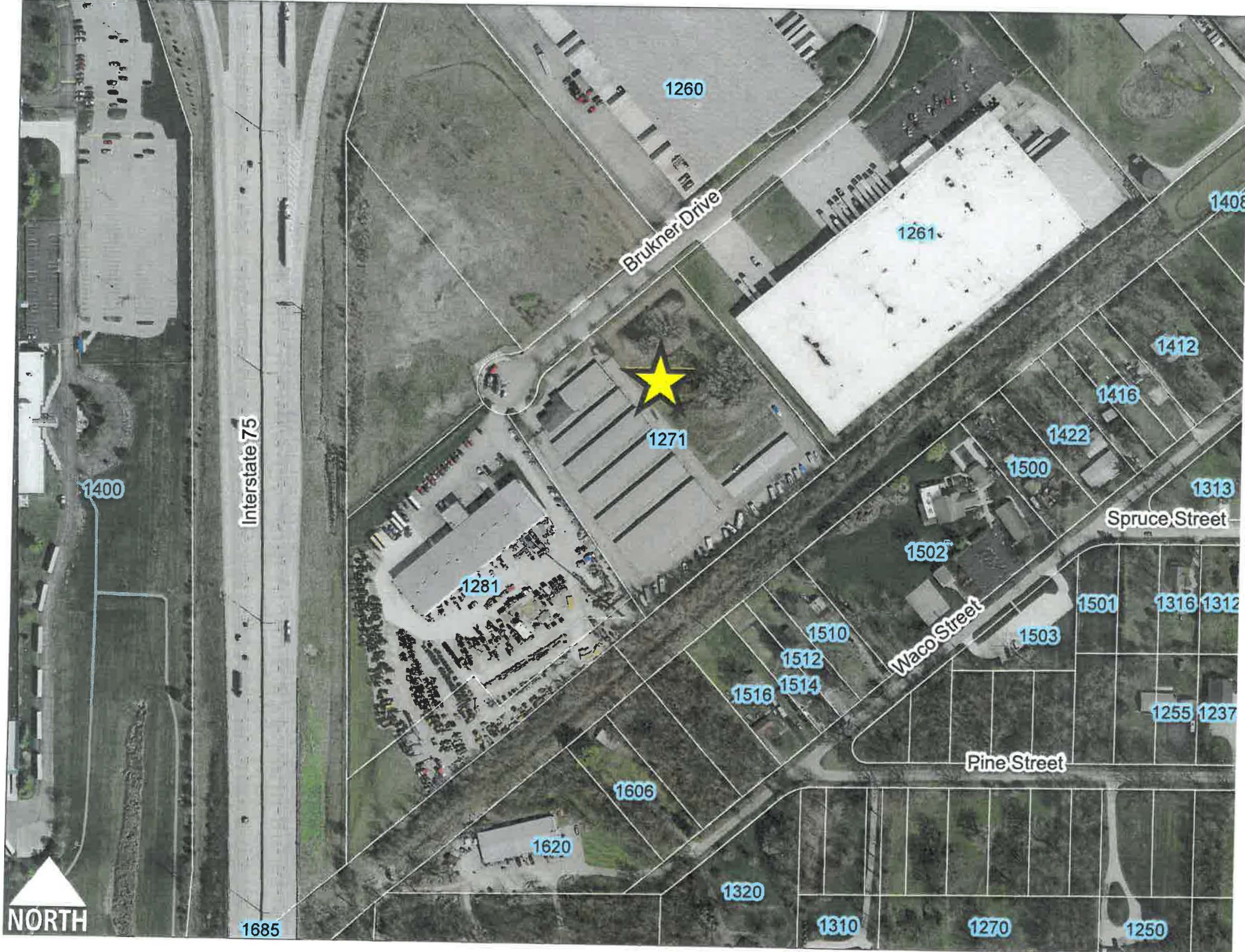
- The Planned Development request complies with the Comprehensive Plan future land use for this area
- The Planned Development complies with the General Plan requirements of the City of Troy Zoning Code Section 1145.16

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council on the proposed rezoning has been set for the April 3, 2023, meeting of Council.

encl.





NORTH

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: February 22, 2023

SUBJECT: Planned Development Request – 1271 Brukner Drive – General Plan

DISCUSSION:

The applicant requests a zoning amendment for a Planned Development at 1271 Brukner Drive which consists of about 5.25 acres and is located on Brukner Drive south of Archer Drive. The proposed development consists of multiple principal building (storage buildings) on the single lot which led to this Planned Development request. The property is located in the M-2 Light Industrial District.

City Council recently approved a moratorium on new applications for Self-Storage as Ordinance 2-2023. This application was submitted prior to the enactment of the moratorium.

PROPOSAL:

Layout: The Proposed layout includes five (5) additional buildings totaling 28,800 square feet that are being proposed for storage units. Seven (7) storage buildings are currently on the site. The applicant is proposing a 12,896 Square Feet outdoor storage area that is less than the 10% maximum per the underlying district. The Preliminary Plan currently calls for a total of four (4) phases with buildings numbered eight (8) and nine (9) to be built first. All existing gravel storage areas are going to be improved with asphalt. Please see exhibit A for the proposed layout.

Landscaping: Sixteen (16) Pyramidal Arborvitae's and four (4) dark green Arborvitae's are being provided on the north lot line to screen the storage from the public right-of-way. An existing aluminum wrought iron decorative fence will remain on the north lot line behind the proposed landscaping. A buffer strip is not required on the adjacent lot lines as the M-2 Light Industrial District surrounds the site to the east and west.

Parking: The proposed development will not provide additional parking as the request currently meets the Zoning Code requirements of one (1) space for every two (2) employees when the shift maximum is present on site.

Traffic: The City Engineer has reviewed the preliminary plan and the site maneuverability is sufficient.

Utilities: This development will be served by existing City water and sewer lines. Stormwater calculations will be provided and reviewed prior to requesting the Final Development Plan.

Open Space: The proposed development currently does not meet the 10% open space requirement set forth by the Zoning Code.

Signage: No additional signage is being proposed with this request.

Comprehensive Plan Compliance: The Troy Comprehensive Plan indicates this area to be as existing industrial and commercial uses. The proposed uses of the property will follow the Comprehensive Plan. Please see Exhibit B Comprehensive Plan Future Land Use Map Figure 14-5.

GENERAL PLANS STANDARDS:

Section 1145.16 of the Zoning Code requires that Planning Commission review the proposed General Plan and may recommend the General Plan to City Council if it determines that the plan satisfies, at a minimum, all of the following criteria:

- (1) The General Plan should follow to the maximum extent practicable the Comprehensive Plan for the City, taking into account current facts and circumstances; **The Troy Comprehensive Plan indicates the proposed area as existing industrial and commercial uses and this request is in compliance with the comprehensive plan.**
- (2) An exemption to conventional zoning is justified because the Comprehensive Plan for the City can be more faithfully and reliably implemented by the use of PD zoning; **The exemption to conventional zoning is justified. The City of Troy Zoning Code does not permit more than one principal building on a property. This property will have six (6) principals storage buildings.**
- (3) The General Plan is compatible with the location, topographic and other characteristics of the site and will bear a beneficial relationship with surrounding land uses in terms of noise, smoke, dust, debris, or other nuisances; **The Plan is compatible with these characteristics as additional landscaping has been provided to screen the storage buildings from the public right-of-way.**
- (4) The General Plan is carefully designed to support surrounding streets, utilities and other public improvements; **The General Plan supports surrounding streets and utilities. Stormwater calculations will be provided as apart of the Final Development Plan.**
- (5) The General Plan represents an efficient and economic use of the land in view of the community's need for a balance of land uses; **The property at 1271 Brukner Drive is currently used for a self-storage facility. This proposal, is to allow an additional five (5) buildings. While the proposed development is industrial, this provides a low intensity industrial use for the surrounding properties with minimal truck traffic.**
- (6) All public streets, utilities and services necessary to carry out the General Plan are available to the site, or will be extended or improved by the developer and/or City in time to permit the development to be properly served; **The property currently has existing water, sanitary, and storm water controls in place.**
- (7) Exception from conventional zoning is warranted by design goals or other criteria and/or the need to provide a variety of development opportunities within the community; **An exemption is warranted from regular zoning. The PD is exceeding Zoning Code requirements with additional landscaping.**
- (8) The design of the development protects natural assets such as streams, wood lots, steep terrain, and other critical environments in the City; **Not applicable in this request.**

- (9) Taken as a whole the development of the proposed PD will have a positive effect on the health, safety, and general welfare of the City; **The proposed PD will create a positive effect on the community with the additional storage locations.**
- (10) The General Plan appears capable of being implemented by a Final Development Plan which meets all requirements of this Section. **The General Plan is capable of implementation by a Final Development Plan.**

ZONING CODE:

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.

The rezoning would be consistent with the following sections of the Zoning Code:

- 1131.02 (g) "To provide for creatively designed single-use and mixed-use Planned Developments, and to preserve their character and vitality through ongoing regulatory supervision."
- 1131.02 (v) "To provide for thorough, efficient and lawful Code administration."

(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

No changes in the area have created this rezoning request.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The proposed use of the property is compatible with the other uses in the immediate vicinity. Industrial uses surround this location to the north, east, and west.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

The proposed PD is currently being served by City water and sewer. No additional public services are being requested for this development.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, that make a substantial part of such vacant land unavailable for development.

The property is surrounded by available vacant M-2 Light industrial land located on the north side of Brukner Drive. No special circumstances exist that would make the vacant land unavailable for development.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

The proposed amendment would not correct an error in the application of this Zoning Code.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compatibility of the proposed zoning matching the zoning of surrounding properties, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

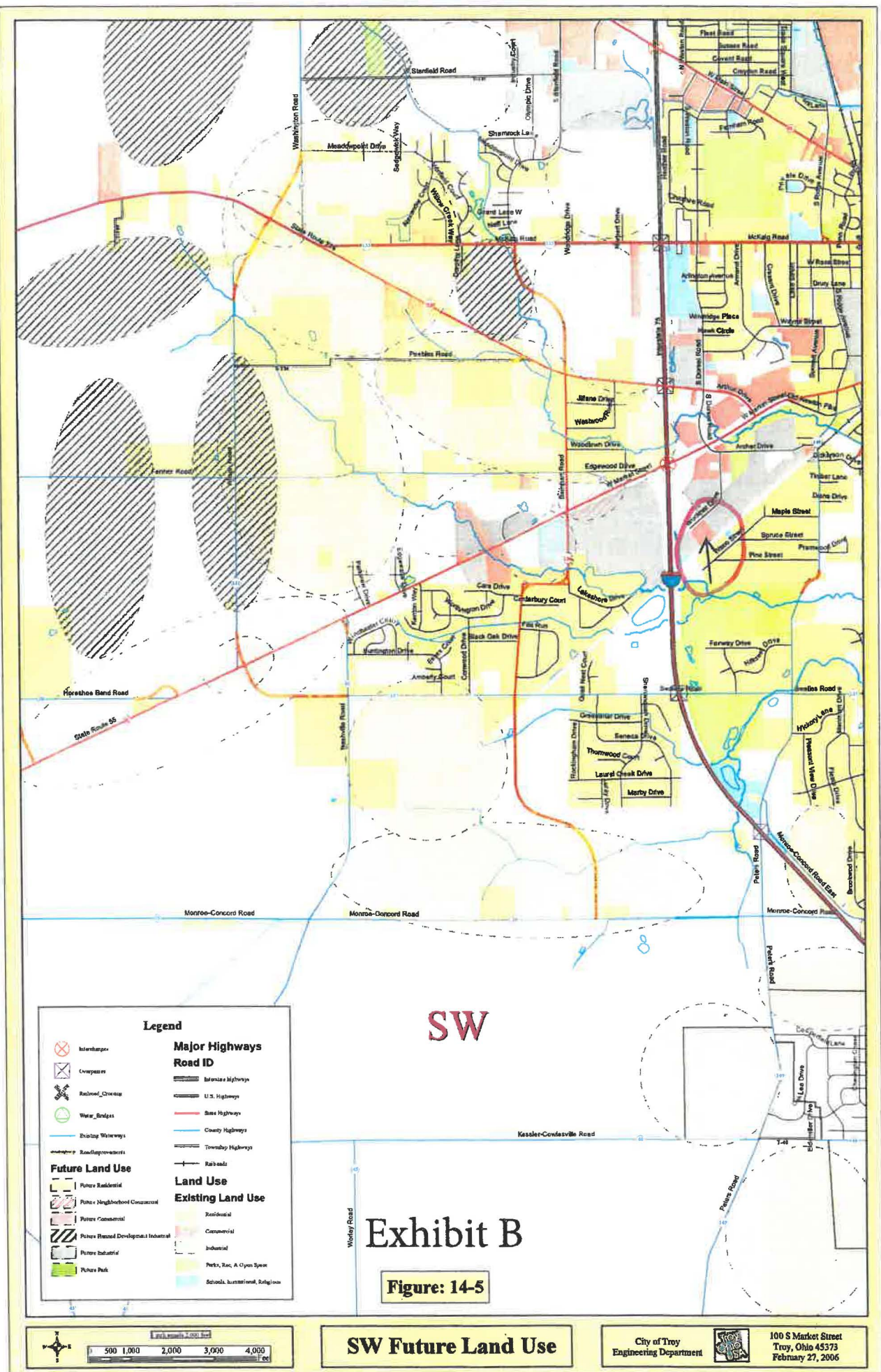
RECOMMENDATION:

It is recommended that Planning Commission make a positive recommendation to City Council regarding this Planned Development application with the condition that the replat is recorded as provided. This conditional approval is based upon the following:

- The PD request complies with comprehensive plan future land use, and;
- The PD complies with the General Plan requirements of Zoning Code 1145.16.

[illegible]

of 1000 ft is not 24° for 35° it is a constant value. See *accompanying*





APPLICATION FOR A PLANNED DEVELOPMENT

An application for a Planned Development located at 1271 Brukner Drive
(Street Address)
being lot number(s) 7813 PD
(Parcel Identification Number) (Proposed Zoning Classification)

OWNER

Name T&D Smith Company (1/2 interest)
Address same
City same
State same
Zip Code same
Phone No. same
Fax No. same
Email same

APPLICANT

Name T&D Smith Company
Address 8300 Yankee Street
City Centerville
State Ohio
Zip Code 45458
Phone No. 937-434-8410
Fax No. 937-434-9010
Email tom.smith@storageinns.com

The applicant is the Managing Member of the property, which is subject to this application.
(State the interest of the applicant)

I hereby depose and say that the above statements and the statements contained in all the exhibits prepared by me and transmitted herewith are true.

[Signature]
(Applicant Signature)

Subscribed and sworn to before me this 9 day of January, 2023

My Commission Expires 5/17/2027
(Month/Date/Year)



DAWN LYMAN
Notary Public
State of Ohio
My Comm. Expires
May 17, 2027

[Signature]
(Notary Public)



Dawn Lyman
Notary

Exhibit A

Nature of Applicant Interest:

Land subject to the PUD proposal is all of the lands owned by the applicant.

Subject parcel deeds attached.

Exhibit B

Legal Description of Land:

Subject parcel deeds attached. Legal descriptions are contained within the deeds.

204651

GENERAL WARRANTY DEED

THOMAS E. SMITH and DEBORAH L. SMITH, husband and wife, Grantor, of Montgomery County, Ohio, for valuable consideration paid, grant, with general warranty covenants, to THE T. AND D. SMITH COMPANY, LTD., an Ohio limited liability company, Grantee, whose tax mailing address is 6400 Bigger Road, Dayton, Ohio 45459, an undivided one-half interest in the following described real estate:

Situate in the State of Ohio, County of Miami, City of Troy and being a part of Inlot 7813, in said City, more particularly described as follows: Beginning at an iron pin which marks the Northeast corner of Inlot 7813, as shown on Miami County Recorder's Record of Plats Book 16, Page 114; thence South 42° 33' 30" East, with the East line of Inlot 7813, a total distance of 500.00 feet to an iron pin; thence South 47° 26' 30" West, 484.76 feet to an iron pin; thence North 37° 21' 40" West, 487.59 feet to an iron pin on the South line of Brukner Drive; thence Northeasterly, with a curve to the left, having a radius of 60.0 feet, a total arc distance of 87.61 feet to an iron pin, the long chord of this arc bears North 47° 51' 47" East, a distance of 80.03 feet; thence Northeasterly, with a curve to the right, having a radius of 60.0 feet, a total arc distance of 43.36 feet to an iron pin, the long chord of this arc bears North 26° 44' 15" East, and is 42.43 feet in length; thence North 47° 26' 30" East, with the South line of Brukner Drive, a total distance of 320.88 feet to the place of beginning.

The above described part of Inlot 7813 contains a total of 5.253 acres, same being subject to all legal easements and restrictions of record.

Description prepared by Richard W. Klockner, Professional Surveyor #4370, in accordance with a survey filed in the Miami County Engineer's Record of Lot Surveys Volume 21, Page 57.

The above described real estate is conveyed subject to all restrictions, reservations, limitations, conditions, covenants, easements, rights of way, and legal highways of record pertaining to the same and now in force and effect.

Prior Instrument Reference: Deed Record Book 665, Page 771.

This conveyance is subject to, and the warranty provisions hereof except, and any and all real estate taxes and assessments due and payable on and after the date of delivery of this deed which Grantees herein assume and agree to pay as part consideration hereof.

BOOK 672 PAGE 655

RECEIVED
SEP 10 1996
MIAMI COUNTY
DEED RECORDS

Total Fee		\$
ORC 31954	\$	
ORC 32202	\$	
Example	\$	
SEP 10 1996		
In accordance with ORC 218.022		
By <i>[Signature]</i> CHIEF CLERK, Miami County Auditor		

BAVER AND
BOOKWALTER CO., L.P.A.
ATTORNEYS-AT-LAW
202 EAST CENTRAL AVE.
MIAMISBURG, OHIO 45342
(513) 866-2485

IN WITNESS WHEREOF, witness their hands this 31st day of August, 1996.

Signed and acknowledged
in the presence of:

Susan M. Higginbotham
WITNESS

Thomas E. Smith
Thomas E. Smith

Susan M. Higginbotham
Print Name

Victoria L. Twinstra
WITNESS

Deborah L. Smith
Deborah L. Smith

Victoria L. Twinstra
Print Name

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

The foregoing instrument was acknowledged before me this 31st day of August, 1996, by Thomas E. Smith and Deborah L. Smith.

Deborah S. Burton
Notary Public

DEBORAH S. BURTON, Notary Public,
in and for the State of Ohio
My Commission Expires Feb. 6, 1999



BAVER AND
BOOKWALTER CO., L.P.A.
ATTORNEYS-AT-LAW
202 EAST CENTRAL AVE.
MIAMI, FL 33136
5131 866-2485

This Instrument Prepared By: Thomas E. Bookwalter
Attorney at Law

194397

95-94962A

GENERAL WARRANTY DEED

THOMAS E. SMITH AND DEBORAH L. SMITH, HUSBAND AND WIFE, of Montgomery County, Ohio for valuable consideration paid, grants with general warranty covenants, to

THE SIEBENTHALER COMPANY, AN OHIO CORPORATION, whose tax-mailing address is 3001 Catalpa Drive, Dayton, Ohio 45405

AND BEING AN UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING REAL PROPERTY:

Situate in the City of Troy, County of Miami and State of Ohio, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Subject to all restrictions and easements of record affecting said premises, which are now in force.

Excepting the June, 1996, installment of taxes and assessments, and all taxes and assessments thereafter, which the grantee herein assumes and agrees to pay as part of the consideration hereof.

Also excepting a mortgage recorded in Mortgage Book 909, Page 195, filed December 4, 1995, in the amount of \$1,337,192.00, as made by Thomas E. Smith and Deborah L. Smith, Husband and Wife, -to- National City Bank, Dayton.

Prior instrument reference: Deed Book 665, Page 771 of the Deed Records of Miami County, Ohio. Witness their hands this 15th day of March, 1996.

Signed and acknowledged
in the presence of:

George Buchanan
Witness GEORGE BUCHANAN

Matthew G. Williamson
Witness MATTHEW G. WILLIAMSON

Thomas E. Smith
THOMAS E. SMITH

Deborah L. Smith
DEBORAH L. SMITH

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 15th day of March, 1996, before me the subscriber, a Notary Public in and for said County, personally came, THOMAS E. SMITH AND DEBORAH L. SMITH, HUSBAND AND WIFE, the Grantors in the foregoing Deed, and acknowledge the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



NOTARY PUBLIC
MATTHEW G. WILLIAMSON
Notary Public, State of Ohio
My Commission Expires October 2, 1997
Prepared by: KILGER & MITCHELL, ATTORNEYS AT LAW
Riverplace, Suite 310
Dayton, Ohio 45405
(513) 223-4465

TRANSFERRED instrument prepared by KILGER & MITCHELL, ATTORNEYS AT LAW
In compliance with ORC 319.202
CHRIS A. PEEPLES, Miami County Auditor
By *Chris A. Peeples*
MAR 19 1996
Total Fee \$ 1337.20
ORC 319.54 \$ 668.60
ORC 322.02 \$ 668.60
Exempt ☐

BOOK 668 PAGE 395

BOOK 668 PAGE 396
EXHIBIT "A"

Situate in the City of Troy, County of Miami and State of Ohio, and being a part of Inlot Numbered 7813 in said City, more particularly described as follows:

Beginning at an iron pin which marks the northeast corner of Inlot 7813, as shown on Miami County Engineer's Record of Plats Book 16, Page 114; thence South 42 degrees 33 minutes 30 seconds East, with the east line of Inlot 7813, a total distance of 500.00 feet to an iron pin; thence South 47 degrees 26 minutes 30 seconds West, 484.76 feet to an iron pin; thence North 37 degrees 21 minutes 40 seconds West, 487.59 feet to an iron pin on the south line of Brukner Drive; thence northeasterly, with a curve to the left having a radius of 60.0 feet, a total arc distance of 87.61 feet to an iron pin, the long chord of this arc bears North 47 degrees 51 minutes 47 seconds East, a distance of 80.03 feet; thence northeasterly, with a curve to the right having a radius of 60.0 feet, a total arc distance of 43.36 feet to an iron pin, the long chord of this arc bears North 26 degrees 44 minutes 15 seconds East, and is 42.43 feet in length; thence North 47 degrees 26 minutes 30 seconds East, with the south line of Brukner Drive, a total distance of 320.88 feet to the place of beginning.

The above described part of Inlot 7813 contains a total of 5.253 acres, more or less, subject to all legal highways.

The above is a new description prepared November 6, 1995 by Richard W. Klockner, Professional Surveyor #4370, in accordance with a survey filed in the Miami County Engineer's Record of Lot Surveys Volume 21, Page 57.



Exhibit C

Principal Uses:

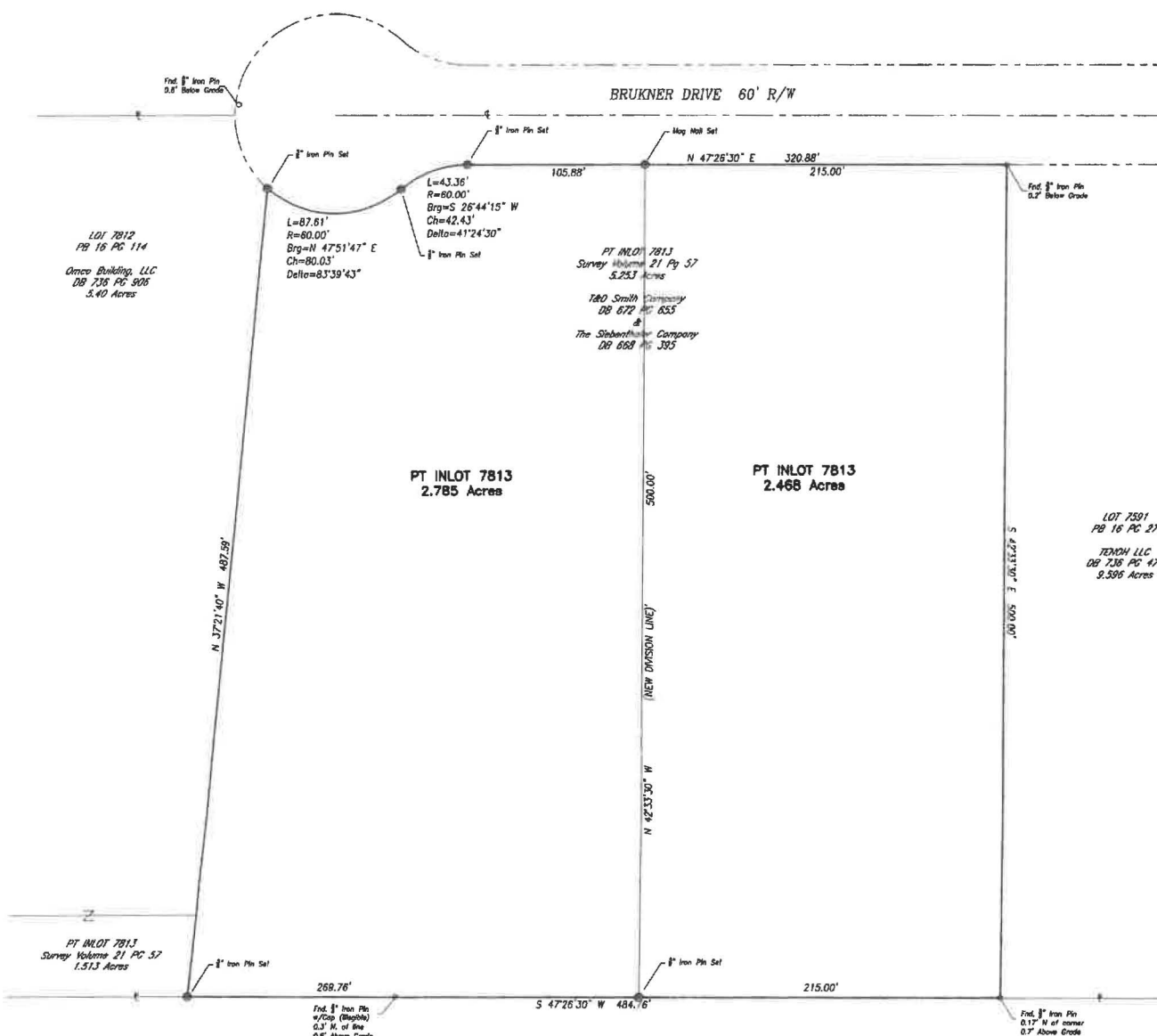
Principal Use: Buildings for Public Storage. – “Self-Storage”

The subject site is currently improved with seven (7) buildings which are utilized for “Self-Storage”. One of the buildings contains the office for the business. The request to rezone the parcel will allow 5 more “Self-Storage” buildings to be constructed.

Exhibit D-1

Property Dimensions:

Current Plat of Survey Attached. It is the intent of the owners to consolidate PT LOTs 7813 to create one 5.253 acre parcel and reclassify the entire property from M-2 to PD.



LEGEND
● Set 3/8" Iron Pin w/Tag
○ Set 1/2" Iron Pin w/Tag
○ Set 1/4" Iron Pin
○ Existing Iron Pin w/Tag
X Existing or Set Over Mark
--- Right-of-Way Line (R/W)
--- Centerline (CL)

CERTIFICATIONS:

- 1) There is physical occupation along the existing Northern, Eastern and Southern property lines as shown hereon
- 2) All monuments found or set in good condition unless otherwise noted
- 3) Bearings based on the Southern Right-of-Way line of Brukner Drive as shown on the Record of Inlets 7701, 7702 & 7703 in Troy, Ohio as recorded in Plat Book 18 Page 114 in the Miami County Recorder's Office Record of Plats N 47°26'30" E
- 4) Source documents used:
Plat Volume 16, Page 27 of the M.C.R.P.R.
Plat Volume 16, Page 87 of the M.C.R.P.R.
Plat Volume 16, Page 114 of the M.C.R.P.R.
Survey Volume 21, Page 57 of the M.C.E. Record of Lot Surveys
Existing Deeds and references as shown

Being a Division of PT LOT 7813 (5.253 Acres) in Archer Industrial Park, City of Troy, Ohio

I hereby certify that this plat of survey is based on a true and correct field survey performed under my direct supervision.

Dennis T. Dinkelacker 7/21/2014
Dennis T. Dinkelacker, P.S. Date
Ohio Registration Number 7736



Approval:

July 20, 2014 THIS LOT SPLIT WAS REVIEWED AND APPROVED.

Deborah Swann 7-30-14
Deborah Swann Date
City Engineer

100' ABANDONED FORMER NEW YORK CENTRAL / CONRAIL RAILROAD RIGHT-OF-WAY

LEGAL DESCRIPTION
2.785 Acre Tract

Situated in the State of Ohio, Miami County, City of Troy and being part of Inlot 7813, in said city and being more particularly described as follows:

Commencing at a found 5/8" iron pin at the Northeastern corner of Inlot 7813, as shown on Miami County Recorder's Record of Plats in Plat Volume 16, Page 114 of the Miami County, Ohio, Records; said corner also lying in the existing Southern right-of-way line of Brukner Drive; thence with said Northern and Southern lines, South 47 degrees 26 minutes 30 seconds West a distance of 215.00 feet to a set Magnetic Nail and being **The Real Point of Beginning** for the lands herein described; thence leaving said Northern and Southern lines with a new division line severing Part of Inlot 7813, South 42 degrees 33 minutes 30 seconds East a distance of 500.00 feet to a set iron pin with cap, D.T. Dinkelacker #7736 in the Southern line of Inlot 7813; thence with said Southern line, South 47 degrees 26 minutes 30 seconds West a distance of 269.76 feet to a set iron pin with cap D.T. Dinkelacker #7736; thence leaving said Southern line, North 37 degrees 21 minutes 40 seconds West a distance of 487.59 feet to a set iron pin with cap, D.T. Dinkelacker #7736 in the existing Southern right-of-way line of Brukner Drive; thence with said Southern right-of-way line the following three courses and distances:

Thence with the arc of a curve to the left, having a radius of 60.00 feet, Delta of 83 degrees 39 minutes 43 seconds, an arc length of 87.61 feet, the chord of said arc bears North 47 degrees 51 minutes 47 seconds East a distance of 80.03 feet to a point of reverse curvature (PRC);

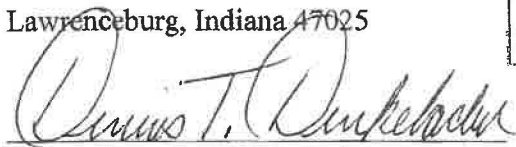
Thence with the arc of a curve to the right, having a radius of 60.00 feet, Delta of 41 degrees 24 minutes 30 seconds, an arc length of 43.36 feet, the chord of said arc bears North 26 degrees 44 minutes 15 seconds East a distance of 42.43 feet to a set iron pin with cap, D.T. Dinkelacker #7736;

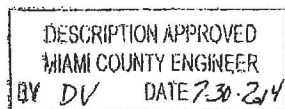
Thence North 47 degrees 26 minutes 30 seconds East a distance of 105.88 feet to the **Point of Beginning**.

This tract contains 2.785 acres, more or less, and being subject to all legal highways and any and all easements of record. The above description describes a tract of land from the lands owned by The T. and D. Smith Company, LTD., as recorded in Deed Book 672, Page 655 and The Siebenthaler Company, as recorded in Deed Book 668, Page 395 of the Miami County, Ohio, Records.

The above description is based on a survey made under the direct supervision of Dennis T. Dinkelacker, Ohio Registration No. 7736, in July, 2014. The bearings are based on Survey Volume 21, Page 57 of the Miami County Engineer's Record of Lot Surveys. Survey filed in Miami County Engineer's Record of Land Surveys Volume 55 Page 193.

Land Consultants
314 Front Street
Lawrenceburg, Indiana 47025


Dennis T. Dinkelacker



7/21/2014
Date



LEGAL DESCRIPTION
2.468 Acre Tract

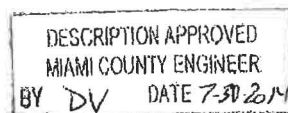
Situated in the State of Ohio, Miami County, City of Troy and being part of Inlot 7813, in said city and being more particularly described as follows:

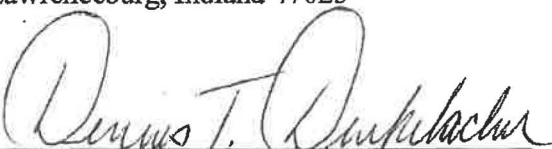
Beginning at a found 5/8" iron pin at the Northeastern corner of Inlot 7813, as shown on Miami County Recorder's Record of Plats in Plat Volume 16, Page 114 of the Miami County, Ohio, Records; said corner also lying in the existing Southern right-of-way line of Brukner Drive; thence leaving said Southern line with the Eastern line of Inlot 7813, South 42 degrees 33 minutes 30 seconds West a distance of 500.00 to the Southeastern corner of Inlot 7813, said corner being referenced by a found 5/8" iron pin lying 0.17 feet North of said corner; thence with the Southern line of Inlot 7813, South 47 degrees 26 minutes 30 seconds West a distance of 215.00 feet to a set iron pin with cap D.T. Dinkelacker, #7736; thence leaving said Southern line with a new division line severing Part of Inlot 7813, North 42 degrees 33 minutes 30 seconds East a distance of 500.00 feet to a set Magnetic Nail in the Northern line of Inlot 7813 and also being in the existing Southern right-of-way line of Brukner Drive; thence with said Northern and Southern lines, North 47 degrees 26 minutes 30 seconds East a distance of 215.00 feet to the **Point of Beginning**.

This tract contains 2.468 acres, more or less, and being subject to all legal highways and any and all easements of record. The above description describes a tract of land from the lands owned by The T. and D. Smith Company, LTD., as recorded in Deed Book 672, Page 655 and The Siebenthaler Company, as recorded in Deed Book 668, Page 395 of the Miami County, Ohio, Records.

The above description is based on a survey made under the direct supervision of Dennis T. Dinkelacker, Ohio Registration No. 7736, in July, 2014. The bearings are based on Survey Volume 21, Page 57 of the Miami County Engineer's Record of Lot Surveys. Survey filed in Miami County Engineer's Record of Land Surveys Volume 55 Page 193.

Land Consultants
314 Front Street
Lawrenceburg, Indiana 47025




Dennis T. Dinkelacker

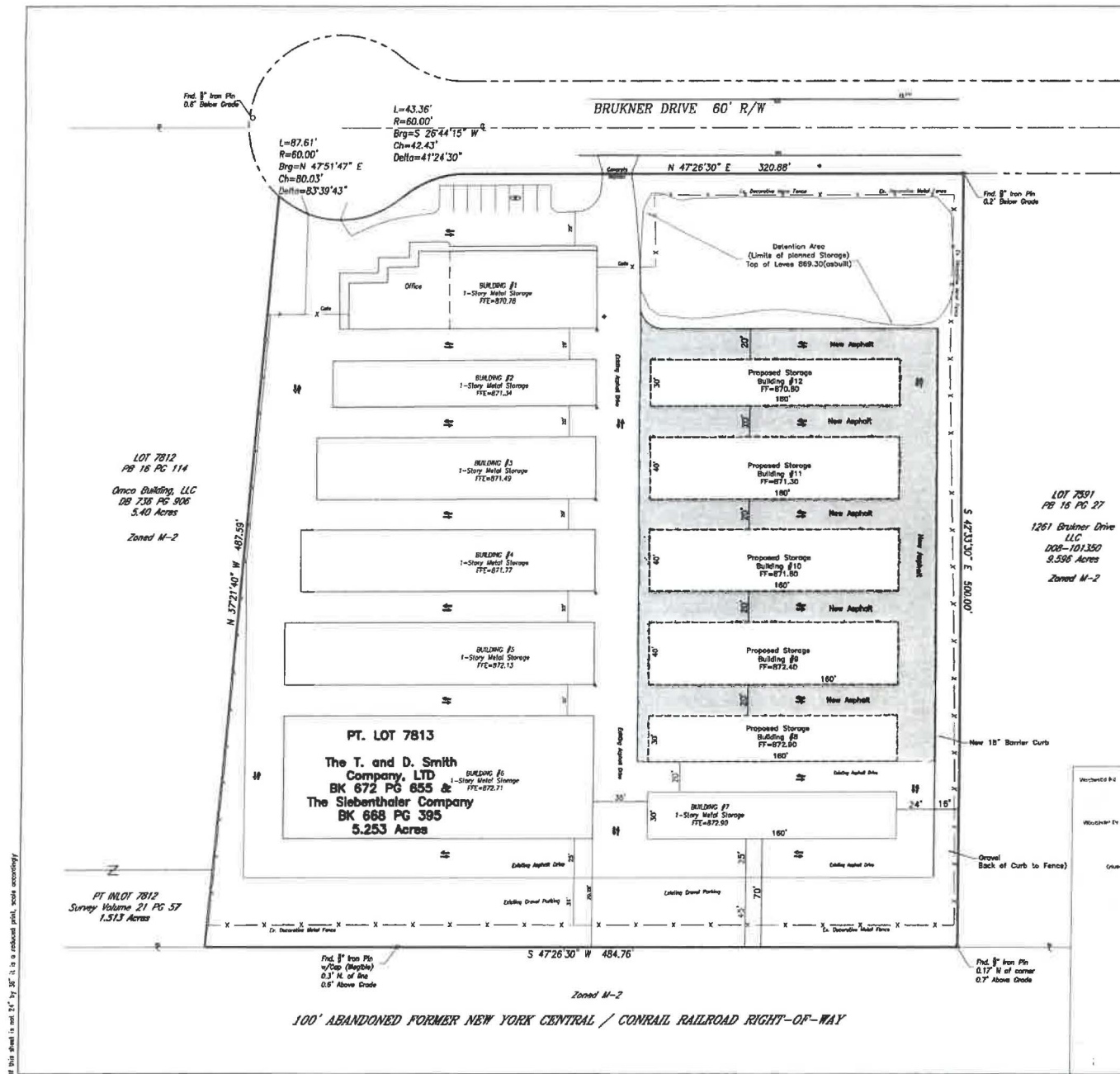

Date



Exhibit D-2

Location/ Arrangement of Buildings & Structures:

Proposed Site plan is attached.



PLANS PREPARED BY:

 **LAND
CONSULTANTS**
SBE Certified
community companies and services

THE ENGINEERING GROUP
THE SURVEY COMPANY
LAND DEVELOPMENT CONSULTING
COMMUNITY AND ECONOMIC PLANNING

314 FRONT STREET
LAWRENCEBURG, IN 47025
(812) 537-2145
FAX (812) 537-4901
(888) 537-2145

555 CARR STREET
SUITE 400
CINCINNATI, OH 45203
(513) 381-1020
FAX (513) 381-1070

WWW.LANDCONSUL.COM

IN ASSOCIATION WITH:

**Kara
Burkhardt
Meineke**

5335 Far Hills Avenue
Suite 305
Dayton, OH 45429
Phone: (937) 438-6930
Fax: (937) 417-6755
KBR/K9999SBCCGLOBAL.NET

PROPERTY INFORMATION:

PT LDT 7813
T&D SMITH COMPANY (½ interest) &
SIEBENTHALER COMPANY (½ interest)
BK 668 PG 395 & BK 672 PG 655
PID=D08-101788
Containing 5.2353 Acres

ZONING INFORMATION:

Current Zoning: M-2
Light Industrial
Storage facility is a permitted use.

BUILDING SETBACKS:

Front = 25'
Side = 10'
Rear = 25'

Maximum Building Lot Coverage is 50%.
Maximum Building Height is 40'.

Existing Buildings	56,000 sf
Proposed Buildings	28,800 sf
Total	84,800 sf

LOT COVERAGE:

37% Buildings	84,800 sf
(Existing 56,000 sf)	
(Proposed 28,800 sf)	
20% Asphalt/Concrete	45,500 sf
43% Green Space	97,750 sf
100% Total	228,050 sf or 5.2353 AC

EXISTING FEATURES LEGEND:

 Storm Manhole
 Sewer
 Sewer
 Ballast
 Fire Hydrant

All monuments flush with grade, unless otherwise noted.
 Existing from Pin w/GoD, unless otherwise noted.
 Number of Parking Spaces
 Existing Fence

ABBREVIATIONS:

F.F.	Finished Floor
CL	Centerline
PL	Property Line

PLEASE PREPARED FOR:
Ashford Construction
&
Development Company
8300 Yankee Street
Centerville, Ohio 45458

PROJECT NAME:

**TROY
STORAGE INNS
OF AMERICA**

**1271 Brukner Drive
City of Troy
Miami County, Ohio**

SHEET TITLE:
**DEVELOPMENT
PLAN**

LG PROJ. NO. R1499402V	BASE FILE NAME 009-22.dwg
KTM PROJ. NO. 004-22	TAR NAME DPPUDJ
DATE 1/03/23	DRAWING NO
SCALE	C-1.0

Exhibit D-3

Intensity of Land Use:

Proposed Site plan is attached.

The entire 5.2353 acres will be dedicated to "Self-storage". All buildings will be approximately 8'6.5" in height.

Existing Building 1 - Office 2,550 sf. storage 4,750 sf.

Existing Building 2 - storage 5,100 sf.

Existing Building 3 - storage 7,200 sf.

Existing Building 4 - storage 7,600 sf.

Existing Building 5 – storage 8,000 sf.

Existing Building 6 - storage 16,000 sf.

Existing Building 7 - storage 4,800 sf.

Proposed Building 8 – storage 4,800 sf.

Proposed Building 9 - storage 6,400 sf.

Proposed Building 10 - storage 6,400 sf.

Proposed Building 11 - storage 6,400 sf.

Proposed Building 12 - storage 4,800 sf.

There will be a total of 12 buildings that will occupy 84,800 sq. ft. or 37% of the site.

Exhibit D-4

Sketches describing proposed buildings:

Architectural Plans from Building 7 Construction is attached as an example of what is proposed for buildings 8-12.

PROJECT:

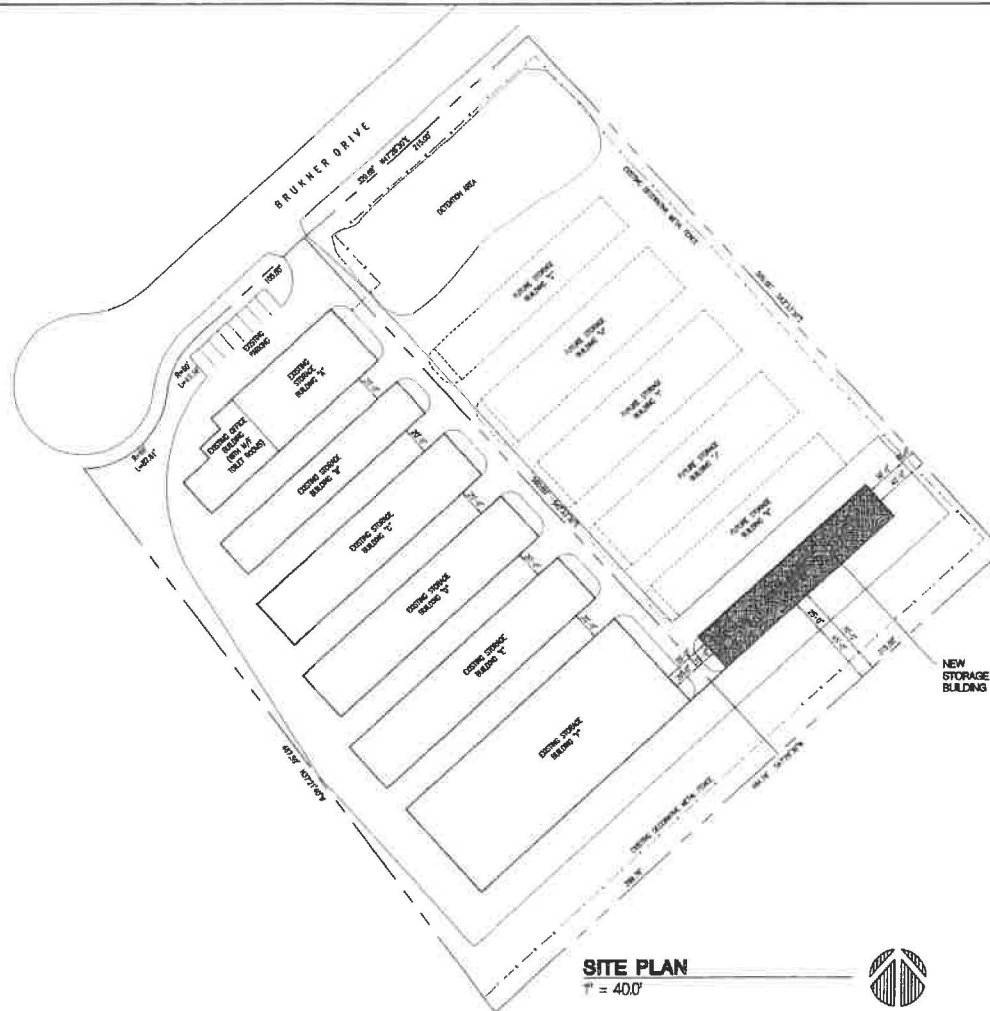
STORAGE BUILDING FOR TROY STORAGE INNS OF AMERICA

1271 BRUKNER DRIVE
TROY, OHIO 45373

OWNER:

ASHFORD CONSTRUCTION & DEVELOPMENT CO.

8300 YANKEE STREET
CENTERVILLE, OHIO 45458



SITE PLAN
1" = 40'



SYMBOL LEGEND

+	TEST BORING PENETRATION	10	NEW ROOM NUMBER	7	NOTE
O	PERCOLATION TEST HOLE	11	DOOR NUMBER	REVISION	
---	CENTER LINE	12	DETAIL LETTER	HANDICAPPED	
---	PROPERTY LINE	13	DRAWING CROSS REFERENCE NUMBER	AFT	ABOVE FINISH FLOOR
---	MATCH LINE	14		CB	CATCH BASIN
---	CONTRACT LIMITS	15		NG	NOT IN CONTRACT
---	EXISTING CONTOUR	16		NTS	NOT TO SCALE
---	NEW CONTOUR	17		OFCI	OWNER FURNISHED CONTRACTOR INSTALLED
---	EXISTING ELEVATION	18		OFI	OWNER FURNISHED AND INSTALLED
---	NEW ELEVATION	19		TC	TOP OF CONCRETE
---	COLUMN CENTER LINE	20		TD	TOP OF DRAIN
---	STEEL LINE	21		UND	UNLESS NOTED OTHERWISE
		22		VF	VERIFY IN FIELD

CODE NOTES

DESC.	DESCRIPTION	DESC.	DESCRIPTION
111.2	USE AND OCCUPANCY CLASSIFICATION: STORAGE GROUP S-1.	1100A.1.1	OCCUPANT LOAD: 4,000 S.F./500 S.F. = 10 OCCUPANTS.
1100A.1	ALLOWABLE BUILDING HEIGHT & AREA (GROUPS S-1, TYPE II-B CONSTRUCTION): 2 STORY, 10,500 S.F. ALLOWED (1 STORY, 4,000 S.F. PROPOSED).	1100A.2	NECESSARILY UNARMED UNOCCUPIED SITE AND BUILDING.
1101	TYPE II-B CONSTRUCTION: NO FIRE RESISTANCE REQUIREMENTS FOR BUILDING ELEMENTS.	1101.1	STRUCTURAL DESIGN LOADS & OTHER DATA SHOWN ON SHEET A-2.
1102	EXTENSION WALL: FIRE RESISTANCE DISTANCE GREATER THAN 10 FT, SO NO FIRE RESISTANCE BEING REQUIRED.	2101.1.1	TOILET FACILITIES PROVIDED WITHIN 500 FT. TRAVEL DISTANCE.
1103.1.1	AUTOMATIC FIRE SPRINKLER SYSTEM (GROUP S-1): BUILDING AREA UNDER 12,000 S.F., SO NO SPRINKLER SYSTEM REQUIRED.		

DIRECTORY

OWNER:	ASHFORD CONSTRUCTION & DEVELOPMENT COMPANY 8300 YANKEE STREET CENTERVILLE, OH 45458	JOHN SMITH PH. (614) 434-8410 CELL. (614) 414-0285
CONTRACTOR:	ASHFORD CONSTRUCTION & DEVELOPMENT COMPANY 8300 YANKEE STREET CENTERVILLE, OH 45458	JOHN SMITH PH. (614) 434-8410 CELL. (614) 414-0285
ARCHITECT:	ROLL & ASSOCIATES, INC. 2175 RIVINGTON BUILDING DAYTON, OHIO 45424	JOHN ROLL PH. (614) 299-6243 FAX. (614) 299-7254 EMAIL. jroll@roll.com

DRAWING INDEX

ARCHITECTURAL
A-1 TITLE SHEET, SITE PLAN
A-2 PLANS, ELEVATIONS, SECTIONS
PLUMBING
(NO PLUMBING WORK PROVIDED)
MECHANICAL
(NO MECHANICAL WORK PROVIDED)
ELECTRICAL
(STORAGE UNIT LIGHTING PER SEPARATE PERMIT)

DATE

REVISION

7-24-11 BUILDING PERMIT

ROLL & ASSOCIATES, INC.

ARCHITECTS & PLANNERS

10858

2175 RIVINGTON BUILDING

DAYTON, OHIO 45424

PHONE (614) 299-6243

FAX (614) 299-7254

Ashford Construction and Development Co.

8300 Yankee St. Centerville, OH 45458

PROJECT NO.

56386

PROJECT TITLE

TROY STORAGE BUILDING

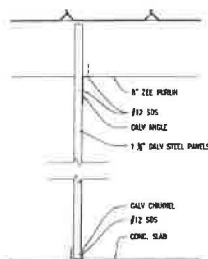
SHEET NO.

A-1

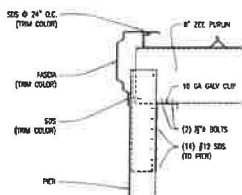
059 1211/ALCE 7-00

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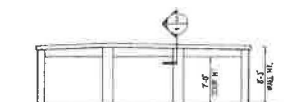
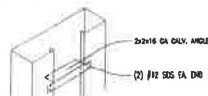
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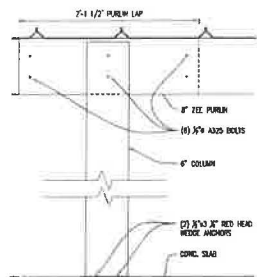
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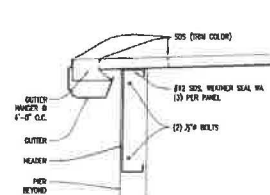
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$$1/B'' = 1 - 0^{12}$$


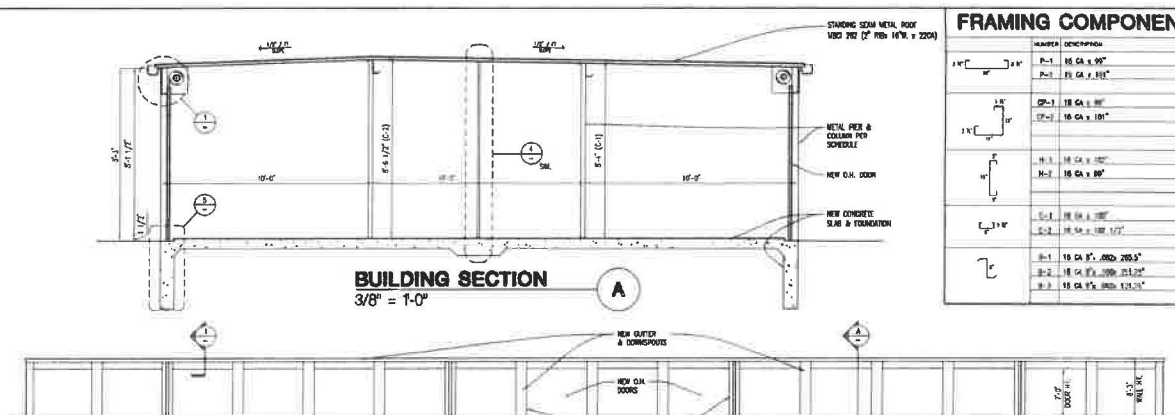
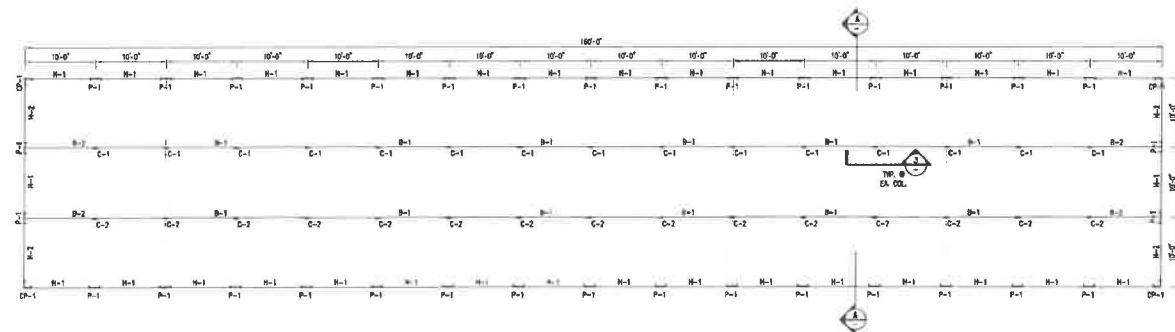
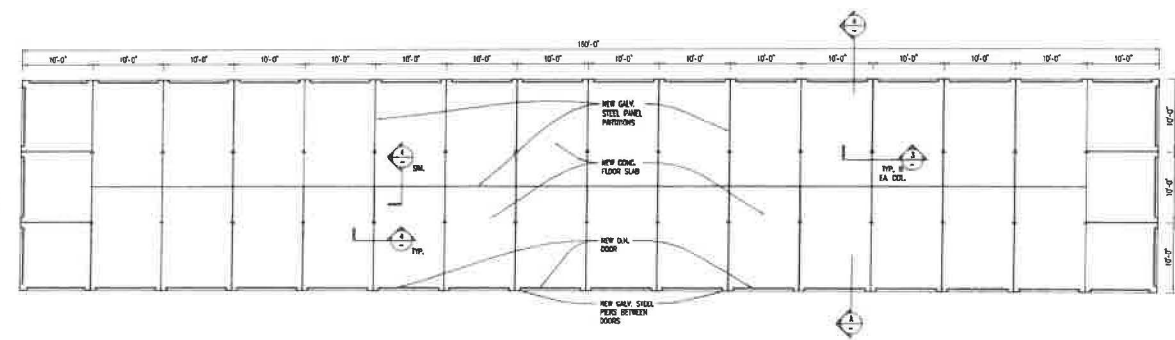
NTS



3



1


$$1/8'' = 1-0$$

$$1/\delta^u = 1 - \delta^u$$

$$1/8^u = 1 - \sigma^u$$

	MAKRO	MEZOMAKRO
	$M=1$ $16 \text{ Ca} \times 90^\circ$ $N=1$ $16 \text{ Ca} \times 180^\circ$	
	$M=1$ $16 \text{ Ca} \times 90^\circ$ $N=1$ $16 \text{ Ca} \times 180^\circ$	
	$M=1$ $16 \text{ Ca} \times 180^\circ$ $N=2$ $16 \text{ Ca} \times 90^\circ$	
	$M=1$ $16 \text{ Ca} \times 180^\circ$ $N=2$ $16 \text{ Ca} \times 90^\circ$	
	$M=1$ $16 \text{ Ca} \times 90^\circ$ $N=2$ $16 \text{ Ca} \times 180^\circ$	
	$M=1$ $16 \text{ Ca} \times 90^\circ$ $N=2$ $16 \text{ Ca} \times 180^\circ$	

7-24-14 BUILDING PERMIT

STATE OF OHIO
JOHN
M
ROLL
10638



ROLL & ASSOCIATES, INC.
ARCHITECTS & PLANNERS
3176 KETTERING BOULEVARD DAYTON, OHIO 45439
PHONE (937) 299-4243 FAX (937) 299-1254



**Ashford Construction
and Development Co.**
8300 Yankee St. Centerville, OH 45458

PROJECT #2
55206

PROJECT 1941

**TROY STORAGE
BUILDING**

END TITLE
FLOOR
PLAN,
ELEVATIONS

A-2

Exhibit D-5

Description of maintenance of open space or recreational facilities:

Care and Maintenance of the facilities including but not limited to buildings, grounds, and other improvements will be the sole responsibility of the owners of the parcel whom also own and operate the storage facilities. There are no articles of incorporation or by-laws necessary or proposed.

Exhibit D-6

Description of Covenants, Grants, Easements or other Restrictions:

The owners will not create covenants, grants of easements or other restrictions on the land, buildings, or structures. There are currently no new public utilities requested or anticipated.

Exhibit D-7

Modifications of Regulations:

We are requesting modification to the restriction set forth in section 1149.04 Principal Buildings per Lot of the zoning code which limits the number of principal structures on a lot to one (1).

Request is for permission to build multiple structures on a single lot.

Exhibit E

All surrounding land within 250' of the subject parcel is zoned M-2 "light Industrial".

1271 Brukner Drive



Troy Storage Inns of America
1271 Brukner Drive



CED

TROY PLANNING COMMISSION



REPORT OF THE TROY PLANNING COMMISSION

TO: Mr. Lutz, President of Council

FROM: Troy Planning Commission

DATE: April 5, 2023

SUBJECT: RECOMMENDATION THE TROY PLANNING COMMISSION - FINAL PLAT APPROVAL, HALIFAX ESTATES SUBDIVISION SECTION 6 AND DEDICATION OF RIGHT-OF-WAY

At the January 11, 2023 meeting of the Troy Planning Commission, the Final Plat of Halifax Estates Subdivision Section 6 was submitted for review and recommendation. This plat was submitted by Halifax Land Company, LLC by Frank D. Harlow. The subdivision is located east of Piqua-Troy Road and north of Troy-Urbana Road. The Final Plat is in general conformance with the amended Preliminary Plan approved by the Planning Commission. Other details reviewed are:

- Section 6 consists of 11.164 acres;
- There will be seven building lots on 9.969 acres;
- Includes dedication of 1.195 acres of right-of-way (Lacewood Court and to the center line of DeWeese Road);
- The zoning is R-1, Single-Family Residence District, with a minimum lot size of 40,000 square feet, with actual lot sizes ranging from 55,626 square feet to 78,364 square feet; and
- Fees-in-lieu of dedicated green space have been accepted for this development and are being collected with each new housing permit;

By unanimous vote the Troy Planning Commission recommends to the Troy City Council that the final plat of Halifax Estates Subdivision Section 6 be approved, including the dedication of right-of-way; with the condition that the plat not be transmitted to Council until there is an escrow agreement filed by the developer and approved by staff. As that condition has now been met, this recommendation is forwarded herewith for consideration of Troy City Council.

Attached is the information reviewed by the Commission.

Encl.

MEMORANDUM

TO: City of Troy Planning Commission Members
FROM: Austin Eidemiller, Planning & Zoning Manager
DATE: January 11, 2023
SUBJECT: Halifax – Section 6 Final Plat & Right-of-Way Dedication

DISCUSSION:

In 2014, approval was granted for the Preliminary Plan for Halifax Estates. The applicant now requests the Planning Commission to review the Final Plat for Section 6. Attached to this report is a copy of the Final Plat for section 6 of the Halifax Subdivision.

PROPOSAL:

The applicant is seeking approval for the Final Plat of Halifax Estates Section 6. The details are as follows:

Development Area:

Section Six encompasses a total of 11.164 acres with 7 building lots.

Zoning:

The zoning of Section 6 is R-1 Single-Family Residential requires a minimum lot size of 40,000 square feet. The proposals indicate 7 buildable lots ranging from 1.277 acres (55,626 square feet) to 1.799 acres (78,364.44 square feet).

Right-of-way:

The development of this section will dedicate 1.195 acres of public street Right-of-Way. The names of the roads in Section 6 are Lacewood Court and Dewese Road.

Parkland:

Fees-in-lieu-of have been accepted by the Planning Commission and Park Board for this development and are being collected with each new housing permit.

RECOMMENDATION:

Staff recommends that Planning Commission provide a positive recommendation to City Council to accept the proposed Final Plat and dedication of Right-of-Way with the condition that the escrow agreement is completed prior to going to City Council. Section 6 is in general accordance with the approved preliminary plan.

DEDICATION

THE UNDERSIGNED, BEING THE OWNERS OF 11.164 ACRES OF LAND, BEING INLOT NUMBER _____ THROUGH INLOT NUMBER _____ IN THE CITY OF TROY, MIAMI COUNTY, OHIO, DO HEREBY ASSENT TO AND ADOPT THE ACCOMPANYING PLAT OF SUBDIVISION TO BE KNOWN AS HALIFAX ESTATES, SECTION 6, AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER, IN ACCORDANCE WITH THE LAWS IN SUCH CASES MADE AND PROVIDED, THE STREETS AND ROADWAYS AS SHOWN ON SAID PLAT, AND DECLARE THE SAME TO BE FREE AND UNENUMBERED.

UTILITY EASEMENT

UTILITY EASEMENTS ARE PROVIDED FOR OTHER PUBLIC USES AS DESIGNATED AND SHALL BE USED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF ELECTRIC, GAS, WATER, SEWERS, STORM WATER DRAINS, OPEN CHANNELS, CABLE TELEVISION, TELEPHONE AND FOR ANY PUBLIC OR QUASI-PUBLIC UTILITY OR FUNCTION, CONDUCTED, MAINTAINED OR PERFORMED BY ORDINARY METHODS BENEATH OR ABOVE THE SURFACE OF THE GROUND, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS LOTS TO AND FROM SAID EASEMENTS. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE THE CLEARANCE OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR THE ABILITY TO MAINTAIN THE FACILITY; OR (4) CREATE A HAZARD.

DRAINAGE NOTES

THE CITY OF TROY DOES NOT ACCEPT ANY DRAINAGE EASEMENTS SHOWN ON THIS PLAT. THE CITY OF TROY IS NOT OBLIGATED TO MAINTAIN OR REPAIR ANY CHANNELS OR INSTALLATIONS IN SAID EASEMENTS. THE OWNER OF THE LOT SHALL MAINTAIN THE EASEMENT AREA OF EACH LOT AND ALL IMPROVEMENTS IN IT CONTINUOUSLY. MAINTENANCE OF ALL IMPROVEMENTS WITHIN THE DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HALIFAX ESTATES HOME OWNERS ASSOCIATION AS PROVIDED FOR IN THE DECLARATION AND IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY ON FILE WITH THE CITY ENGINEER. WITHIN THE EASEMENT AREA, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD, OR CHANGE THE DIRECTION OF THE WATER FLOW.

THE CITY OF TROY SHALL HAVE THE PERMANENT AND IRREVOCABLE RIGHT AND AUTHORITY TO INSPECT SUCH INTERIOR STREETS, ACCESS EASEMENTS, WATERWAYS, COMMON SPACES AND IMPROVEMENTS THEREON AS ARE DEVELOPED IN THIS SUBDIVISION.

THE CITY OF TROY SHALL HAVE THE RIGHT, BUT NOT THE RESPONSIBILITY, TO ENTER UPON ANY LOT IN THE SUBDIVISION TO INSPECT AND MONITOR ANY STORM WATER DETENTION BASIN AREA OR DRAINAGE FACILITIES CONSTRUCTED IN THE SUBDIVISION. IN THE EVENT THAT THE FACILITIES ARE NOT PROPERLY CONSTRUCTED OR MAINTAINED, UPON THE FAILURE OF THE DEVELOPER, LOT OWNER, OR THE ASSOCIATION TO TAKE CORRECTIVE ACTION AFTER BEING DULY NOTIFIED IN WRITING BY THE CITY, THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION TO TAKE WHATEVER ACTION IS NECESSARY TO CORRECT ANY IMPROPER CONSTRUCTION OR TO MAINTAIN STORM WATER DETENTION BASINS AREAS AND DRAINAGE FACILITIES. PROVIDED, HOWEVER, THAT THE DEVELOPER, LOT OWNER, AND/OR ASSOCIATION SHALL FIRST HAVE A REASONABLE PERIOD OF TIME, TAKING INTO ACCOUNT THE URGENCY OF THE MATTER, TO TAKE CORRECTIVE ACTION. ANY COST INCURRED BY THE CITY OF TROY FOR SUCH MAINTENANCE MAY BE ASSESSED TO THE ASSOCIATION OR, IF THERE IS NO ASSOCIATION, OR THE ASSOCIATION HAS CEASED TO EXIST, AGAINST INDIVIDUAL LOT OWNER. THESE RESTRICTIONS SHALL RUN WITH THE LAND, AND SHALL BIND THE OWNERS, SUCCESSORS, AND ASSIGNS UNLESS AND UNTIL A MODIFICATION IS AGREED TO AND APPROVED BY THE COUNCIL OF THE CITY OF TROY.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

HALIFAX LAND COMPANY, LLC
FRANK D. MARLOW JR.
MANAGING MEMBER

LIEN HOLDER:

DAN HETMEYER
MINSTER BANK

COUNTY OF MIAMI, STATE OF OHIO

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME THE OWNER, HALIFAX LAND CO., LLC., BY ITS MANAGING MEMBER, FRANK D. MARLOW JR. AND PERSONALLY CAME THE LIEN HOLDER, MINSTER BANK BY DAN HETMEYER, AND EACH ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR MIAMI COUNTY, OHIO
MY COMMISSION EXPIRES _____

COUNTY OF MIAMI, STATE OF OHIO

FRANK D. MARLOW JR., MANAGING MEMBER, HALIFAX LAND CO., LLC., BEING DULY SWORN THIS _____ DAY OF _____, 20____, SAY THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION HAVE UNITED IN ITS EXECUTION.

FRANK D. MARLOW JR., MANAGING MEMBER
HALIFAX LAND COMPANY, LLC.

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

NOTARY PUBLIC IN AND FOR MIAMI COUNTY, OHIO
MY COMMISSION EXPIRES _____

HALIFAX ESTATES, SECTION 6

LOCATED IN

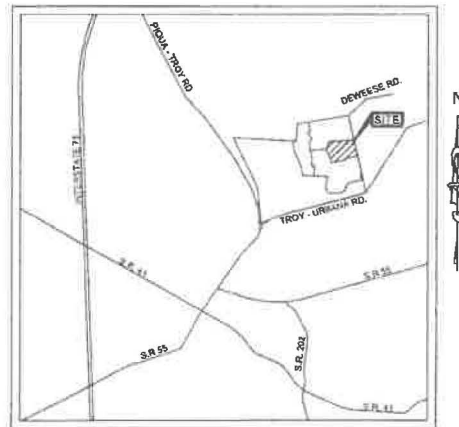
SECTION 7, TOWN 1, RANGE 11 M.Rs

PART OF INLOT 9891

CITY OF TROY, MIAMI COUNTY, OHIO

11.164 ACRES

JANUARY 4, 2022



VICINITY MAP
-NTS-

DESCRIPTION

BEING A SUBDIVISION CONTAINING A TOTAL OF 11.164 ACRES OF LAND WHICH LIES WITHIN PART OF INLOT 9891 ACQUIRED BY HALIFAX LAND COMPANY, LLC BY 201408-11772 AND 201508-11323, ALL DEEDS OF THE OFFICIAL RECORDS OF MIAMI COUNTY, OHIO.

HOME OWNERS ASSOCIATION RESTRICTIONS

ALL OF THE LOTS IN THE SUBDIVISION ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF THE HALIFAX ESTATES HOME OWNERS ASSOCIATION AS RECORDED IN 201508-07618 OF THE MIAMI COUNTY, OHIO RECORDER'S OFFICE. RESTRICTIONS CREATED IN THIS DECLARATION ARE INTENDED FOR THE BENEFIT OF AND ARE BINDING IN ALL LOTS IN THE SUBDIVISION.

GENERAL NOTES

- 1.) LACEWOOD COURT TO BE EXTENDED IN THE FUTURE
- 2.) WE, THE CITY COUNCIL FOR THE CITY OF TROY, MIAMI COUNTY, OHIO DO HEREBY APPROVE AND ACCEPT THE DEDICATION OF LAND FOR THE STREETS AS SHOWN ON THIS PLAT OF HALIFAX ESTATES, SECTION 6, THIS _____ DAY OF _____, 2023.
- 3.) THE DEDICATION OF LAND FOR THE STREET AS SHOWN ON THIS PLAT WAS REVIEWED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF TROY ON THE _____ DAY OF _____, 2023.

ACREAGE BREAKDOWN

AREA IN LOTS	0.989 ACRES
AREA IN STREETS & R/W	<u>±1.185 ACRES</u> (0.415 ACRES DEWEES, 0.729 ACRES LACEWOOD CT.)
TOTAL	11.164 ACRES

CALL: 811

OHIO
Utilities Protection
SERVICE

Click, Call or Tap Before You Dig
2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-362-2764

DEVELOPER
HALIFAX LAND COMPANY, LLC
701 NORTH MARKET STREET
TROY, OHIO 45373

VOLUME _____ PAGE _____
MIAMI COUNTY RECORDER'S RECORD OF PLATS

JESSICA A. LOPEZ, MIAMI COUNTY RECORDER

DEPUTY

FEE _____

TRANSFERRED ON THE _____ DAY OF _____, 20____.

MATTHEW W. GEARHART
AUDITOR, MIAMI COUNTY, OHIO

BY: DEPUTY AUDITOR

APPROVALS

WE, THE CITY COUNCIL FOR THE CITY OF TROY, MIAMI COUNTY, OHIO, DO HEREBY APPROVE AND ACCEPT THE DEDICATION OF LAND FOR THE STREETS AS SHOWN ON THIS PLAT OF HALIFAX ESTATES SECTION 6, ON THE _____ DAY OF _____, 20____.

THIS PLAT WAS REVIEWED AND APPROVED BY ORDINANCE No. _____

MAYOR

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF TROY, OHIO, HELD THE _____ DAY OF _____, 20____, THIS PLAT WAS REVIEWED AND APPROVED.

CHAIRPERSON

SECRETARY

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733.37 STANDARDS FOR SURVEYS AND ALSO CONFORMS TO THE OHIO REVISED CODE CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK PERFORMED THROUGH MAY, 2022. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. BORN PINS TO BE SET AT ALL LOT CORNERS ARE 5/8" X 30" REBAR.

JOHN J. BRUMBAUGH
OHIO REGISTERED
PROFESSIONAL SURVEYOR #8218

PREPARED BY
BRUMBAUGH
ENGINEERING &
SURVEYING, LLC

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
(937) 698-3000

BES JOB No. 595.22

PAGE 1 OF 2

LOCATED IN
SECTION 7, TOWN 1, RANGE 11 M.Rs
PART OF INLOT 9891
CITY OF TROY, MIAMI COUNTY, OHIO
11.164 ACRES
JANUARY 4, 2022

NOTES:

THERE IS A 5' UTILITY EASEMENT ALONG EACH LOT'S SIDE LOT LINE,
UNLESS OTHERWISE NOTED.

OTHER EASEMENTS ARE SHOWN HEREDON

WHERE RECORD PLAN DENOTES A STORM SEWER & DRAINAGE EASEMENT ONLY, THE EASEMENT SHALL NOT BE USED AS A UTILITY EASEMENT.

NO CONSTRUCTION IS PERMITTED WITHIN ANY DRAINAGE EASEMENT.

NO DRIVEWAYS SHALL BE PERMITTED ONTO DEWEESE ROAD.

SETBACKS:

FRONT YARDS: 30 FT., UNLESS OTHERWISE NOTED.
REAR YARDS: 50 FT., UNLESS OTHERWISE NOTED.
SIDE YARDS: 50 FT. TOTAL, UNLESS OTHERWISE
NOTED, MIN: 25 FT
SETBACKS ARE TYPICAL UNLESS OTHERWISE NOTED.

REFERENCES

LAND SURVEY VOL 58, PAGE 25
LAND SURVEY VOL 58, PAGE 155
LAND SURVEY VOL 57, PAGE 120
LAND SURVEY VOL 24, PAGE 138

PLAT BOOK 27, PAGE 23 - 23A
PLAT BOOK 28, PAGE 25 - 28A

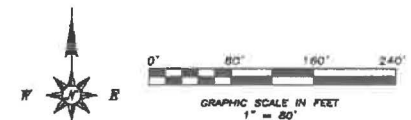
LEGEND

○ 30" X 5/8" OD IRON PIN (SET) WITH
YELLOW PLASTIC CAP STAMPED
"BRUNBAUGH EAS"

☐ MAG NAIL SET

● 5/8" IRON PEN FOUND WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S" UNLESS OTHERWISE NOTED

MAG NAIL FOUND



THE BASIS OF BEARING IS THE OHIO STATE PLANE
COORDINATE SYSTEM, OHIO SOUTH ZONE, NAD83 (CORS).

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733.37 STANDARDS FOR SURVEYS AND ALSO CONFORMS TO THE OHIO REVISED CODE CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK PERFORMED THROUGH MAY, 2022. ALL MEASUREMENTS ARE CORRECT AND ADJUSTMENTS ARE TO SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. IRON PINS TO BE SET AT ALL LOT CORNERS ARE 5/8" x 30" REBAR.

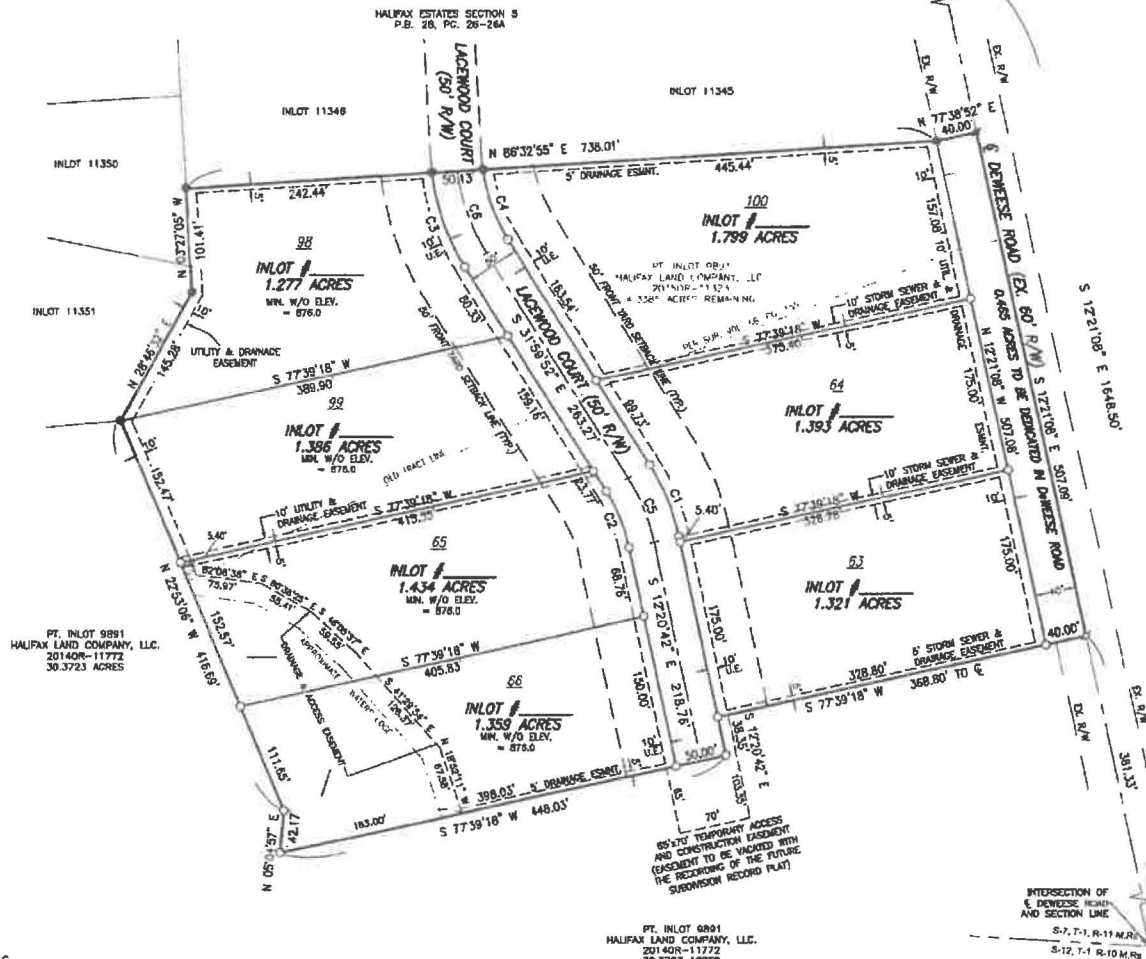
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PAGE 2 OF 2

BES JOB No. 595.22

PAGE 2 OF 2



DEVELOPER
HALIFAX LAND COMPANY, LLC.
701 NORTH MARKET STREET
TROY, OHIO 45373

CALL: 811



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CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	77.18	225.00	19°39'09"	N 22°10'17" E	76.80
C2	80.03	175.00	19°39'09"	S 22°10'17" W	59.73
C3	98.04	225.00	24°52'52"	S 19°30'56" E	97.26
C4	73.12	175.00	23°56'21"	N 20°01'41" W	72.59
C5	68.60	200.00	19°39'09"	S 22°10'17" E	68.26
C6	85.58	200.00	24°30'52"	S 19°44'23" E	84.93

FINANCE COMMITTEE



MEMORANDUM

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: April 5, 2023

SUBJECT: AGREEMENT WITH MIAMI VALLEY COMMUNICATIONS COUNCIL FOR ACQUISITION AND AGGREGATION OF ELECTRIC SUPPLY

RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to enter into an agreement with the Miami Valley Communications Council to receive quotes for the City for the acquisition and aggregation of electric supply to continue an opt-out program for customers (households and small commercial businesses) located within the corporate limits.

BACKGROUND

In 2011, the citizens of Troy approved a plan to create a governmental opt-out electric aggregation program for customers (households and small commercial businesses) located within the corporate limits. Since that time, a consultant has performed the bidding process for the City to receive quotes for the aggregation of electric supply. Council recently approved a 12-month extension with Energy Harbor, the current electric supply aggregator.

On behalf of a number of municipal corporations, townships and counties, the Miami Valley Communications Council (MVCC) is in the process of obtaining quotes for the next agreement for electric supply aggregation. The intent is that Troy would connect to the contract of the selected electric supply aggregator upon expiration of the Energy Harbor agreement. However, as MVCC is starting the bidding process now, MVCC has asked for authorization to include Troy in the bidding process even though Troy would join the contract with the selected company later. Further, as MVCC's bidding process is starting, consideration of emergency legislation is requested to assure MVCC of the authority to include Troy.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council to consider authorizing the Director of Public Service and Safety to enter into an agreement with the Miami Valley Communications Council for Troy to be included in the current bidding of the Miami Valley Communications for the selection of an electric supply aggregator. Consideration of emergency legislation is requested.