



AGENDA - TROY PLANNING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 27, 2023, 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS

1. Roll Call
2. Minutes - Sep. 13, 2023
3. Dedication of right-of-way along 801 Dye Mill Road, Conagra Plat; dedication of 0.769 acres of right-of-way of IL 6209 and part of IL 6210.
Applicant - ChoiceOne Engineering
-Commission to provide a recommendation to Council
4. Rezoning Application, Swank Annexation, 2980 W. Fenner Road, IL 11560, IL 11561 and IL 11562, from City Administered County Zoning of A-1, Domestic Agriculture, to the City Zoning of R-4, Single-Family Residential District (minimum lot size of 9,000 square feet).
Owner/Applicant - Monte Swank
-Commission to determine whether or not to hold a public hearing
-Commission to make a recommendation to Council
5. Adjourn

Next Meeting -- October 11, 2023

Note to Commission members:

If you will not be attending, please email or call Sue.

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, September 13, 2023, at 3:30 p.m. with Chairman James McGarry presiding. ATTENDING: Members – Ehrlich, Westmeyer, Oda, Wolke, McGarry, Emerick and Titterington; Development Staff – Eidemiller, Long and Bruner; Development Director – Tim Davis

APPROVAL OF MINUTES: Upon motion of Mayor Oda, seconded by Mr. Westmeyer, the minutes of the August 9, 2023 meeting were approved by unanimous voice vote.

HISTORIC DISTRICT APPLICATION. CERTIFICATE OF APPROPRIATENESS. 22 E. FRANKLIN STREET. NEW BUILDING SIGN ABOVE MAIN ENTRY DOOR FACING E. FRANKLIN STREET; OWNER – HISTORIC TROY LLC; APPLICANT -SCOTT STRAYER. Staff reported: property is zoned B-3 Central Business District; structure was built as a church in 1835 with a Gothic Revival style architecture; character defining features include Gothic-arched blind windows on facades; Gothic-arched central door; Victorian Shingled porch; double doors; side windows; bracketed cornices; recessed side bays with stained glass tracery windows; parapet on the façade; the building is not listed on the National Register; applicant is proposing installation of a new building sign above the main entry door facing E. Franklin Street; the lettering above the doorway will read "The 1833" measuring 24 inches by 60 inches and will be routed lettering; sign will be black with white lettering as shown below:



Design Manual. The Design Manual section 5.4 states "wall signs should be three dimensional, with letters carved by a router, or; letters should be individually pin-mounted or incorporated into a sign panel." The proposed signage meets section 5.4 of the Design Manual.

Staff recommends approval based on the findings that the signage complies with section 5.4 of the design Manual and the City of Troy Sign Code.

A motion was made by Mr. Wolke, seconded by Mr. Emerick, that the Troy Planning Commission approves the certificate of appropriateness for the sign application for 22 E. Franklin Street as submitted, including the exact material and colors stated within the application, and based on the findings of staff that the signage complies with section 5.4 of the design Manual and the City of Troy Sign Code. **MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE**

HISTORIC DISTRICT APPLICATION - CERTIFICATE OF APPROPRIATENESS. 9-11 W. MAIN STREET. NEW SIGNAGE ABOVE THE EAST STOREFRONT; OWNER – BUSTED BRICK REALTY GROUP; APPLICANT - THE MAYFLOWER BY A.M. SCOTT DISTILLERY. Staff reported: property is zoned B-3 Central Business District; the Commission approved the installation of west storefront sign on 5-10-2023; the OHI form lists this property as a two-story brick commercial building with Neo Classical Revival elements built in 1859 by George Ziegenfelder; important exterior features listed on the OHI form include: a façade featuring four second floor bays with 12/12 windows within a round arched recess that have wrought iron balconies and keystone designs atop the arch; the property is listed on the National Register of Historic Places; this entryway faces West Main Street; lettering above the doorway will read "The Mayflower." measuring 122 inches by 6.75 inches and will be stand-off acrylic bronze; applicant is also proposing a 2.16 square feet vinyl window sign on the east storefront entry door; and this signage will also match the west storefront.

Design Manual. The Design Manual section 5.4 states "wall signs should be three dimensional, with letters carved by a router, or; letters should be individually pin-mounted or incorporated into a sign panel." The proposed signage meets section 5.4 of the Design Manual.

Staff recommends approval of the sign application based on the findings of:

- The signage complies with section 5.4 of the Design Manual.
- The signage matches the previously approved signs on the west storefront.

A motion was made by Mrs. Ehrlich, seconded by Mayor Oda, that the Troy Planning Commission approves the certificate of appropriateness for the sign application for 9 – 11 W. Main Street as submitted, including the exact material and colors stated within the application, and based on the findings of staff that:

- The signage complies with section 5.4 of the Design Manual.
- The signage matches the previously approved signs on the west storefront.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

HISTORIC DISTRICT APPLICATION - CERTIFICATE OF APPROPRIATENESS. 207 E. MAIN STREET. REPLACEMENT OF WINDOWS; OWNER / APPLICANT – SHELDON SHOBE. Staff reported: the property is zoned B-3 Central Business District; the Ohio Historic Inventory (OHI) form identifies this as a two-story brick building built in 1843 with contributing features of stone lintels and sills and veranda on the west side; some windows appear to have been altered or replaced since the completion of the OHI form; all proposed windows to be replaced are in some state of disrepair; application is for replacement of 24 windows with RBS Choice Collection Windows' replacement windows will be 1/1, white vinyl, double hung windows which will be similar to what is currently installed; applicant indicated that the window openings will be maintained at their current size and any remaining wood will be wrapped in aluminum and painted white to match; and the stone lintels and sills will remain in their current state, as they are contributing features on the OHI form.

Design Manual. The Design Manual Section 2.8 of the design manual states that replacement windows should avoid enlarging or downsizing the window openings. Section 2.8 further states that replacement windows should match the appearance of the historic originals in number of panels, dimensions of sash members, and profile of sash members and muntins. Windows should simulate the operating characteristics of the originals.

Staff recommends approval of the proposed alterations based on the findings that:

- The contributing features as referenced on the OHI form are being maintained;
- The proposed alterations meet the guidelines of the Design Manual.

A motion was made by Mr. Titterington, seconded by Mayor Oda, that the Troy Planning Commission approves the certificate of appropriateness for the replacement of windows at 207 E. Main Street as submitted, based on the exact windows material and color stated within the application, and based on the findings of staff that:

- The contributing features as referenced on the OHI form are being maintained;
- The proposed alterations meet the guidelines of the Design Manual.

MOTION ADOPTED, UNANIMOUS ROLL CALL VOTE

There being no further business, the meeting adjourned at 3:37 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Emerick, and approved by unanimous voice vote.

Respectfully submitted,

Chairman

Secretary

TO: CITY OF TROY PLANNING COMMISSION

FROM: Jillian Rhoades, PE, City Engineer

DATE: SEPTEMBER 14, 2023

SUBJECT: Dedication of right-of-way along 801 Dye Mill Road

Attached is a copy of a plat for the dedication of right-of-way along the property of 801 Dye Mill Road. The right-of-way to be dedicated is 0.769 acres of Inlot 6209 and Part Inlot 6210. The replat is considered a minor subdivision and does not require Planning Commission approval. City Council is required to review and make a determination regarding the acceptance and dedication of the right-of-way presented on this plat. This replat is for three parcels along Dye Mill Road totaling 32.297 acres with all existing easements will remain as previously accepted and dedicated.

The recent expansions of the ConAgra Foods facility which encompasses these three properties led to the required replat and request for additional right-of-way. The replat has been reviewed by the City Engineer and staff is requesting that Planning Commission make a positive recommendation to the City Council to dedicate 0.769 acres of Inlot 6209 and Part Inlot 6210 as right-of-way.



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

FEE \$ _____

_____ BY _____

MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR

APPROVED AND TRANSFERRED _____, 20____.

_____ BY _____

MIAMI COUNTY AUDITOR BY DEPUTY AUDITOR

• **L.P.S.** 5/8" X 30" REBAR
W/CAP SET
 ○ **L.P.F.** IRON PIN FOUND
 ● **M.N.S.** MAG NAIL SET
 ● **P.F.** IRON PIPE FOUND
 ⊗ CONCRETE MONUMENT FOUND
 ▨ EXISTING CORP. LIMITS

www.CHOICEONEENGINEERING.com

1 OF 2

CONAGRA PLAT

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

INLOT 6209
PT. INLOT 6210
INLOT

TROY
CITY

MIAMI, OHIO
COUNTY

CITY OF TROY COUNCIL

AT A MEETING OF THE COUNCIL OF THE CITY OF TROY, OHIO, HELD
THIS _____ DAY OF _____, 20____, THIS PLAT WAS
APPROVED BY ORDINANCE NO. 0-_____,~20____, EFFECTIVE _____, 20____

MAYOR

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

CITY OF TROY ENGINEER

THIS PLAT WAS INSPECTED AND APPROVED BY
US THIS _____ DAY OF _____, 20____.

JILLIAN A. RHOADES, P.E.

CITY OF TROY PLANNING COMMISSION

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

CHAIRMAN

SECRETARY

PLAT AUTHORIZATION AND DEDICATION

CONAGRA FOODS PACKAGED FOODS, LLC, THE OWNERS OF THE LAND INCLUDED
WITHIN THIS PLAT HAVE CAUSED THE AREA LOCATED IN THE CITY OF TROY,
OHIO ENCOMPASSED BY THIS PLAT, TO BE SURVEYED, PLATTED, AND KNOWN AS
CONAGRA PLAT. FURTHERMORE, CONAGRA FOODS PACKAGED FOODS, LLC,
DEDICATES THE STREETS AS SHOWN ON THIS PLAT TO THE PUBLIC USE
FOREVER.

AUTHORIZED SIGNATURE

TITLE

STATE OF OHIO
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____, DAY
OF _____, 20____, BY _____, ON BEHALF
OF CONAGRA FOODS PACKAGED FOODS, LLC.

NOTARY PUBLIC

ALLEN J. BERTKE, P.S. #8629

DATE



PREPARED BY:

ChoiceOne
Engineering

SHIRLEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DATE:
06-22-2023

DRAWN BY:
RMF

JOB NUMBER:
MIATRO2134

SHEET NUMBER
2 OF 2

MEMORANDUM

TO: City of Troy Planning Commission Members

FROM: Austin Eidemiller, Planning & Zoning Manager

DATE: September 27, 2023

SUBJECT: Swank Annexation – Rezoning Request

BACKGROUND:

A request by owner, Monte Swank, for the planning commission to consider the rezoning of 2980 W. Fenner Road, Inlot 11560 (20.017 Acres), Inlot 11561 (28.787 Acres), and Inlot 11562 (9.994 Acres). The properties are located on Fenner Road north of the Edgewater Subdivision. The properties are currently zoned City Administered County Zoning due to annexation (O-12-2023).

The land is currently used as agriculture and located north of the Edgewater Subdivision. The surrounding zoning districts include: R-4 Single Family to the south, County zoning of A-1 Domestic Agriculture to the east, and County Zoning of A-2 and A-1 to the north. Please see exhibit A Zoning Map.

DISCUSSION:

The Zoning Code describes the proposed R-4 zoning district as “designed to accommodate single-family dwellings on lots with areas of at least nine thousand (9,000) square feet per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-4 District as medium to high density.” The Comprehensive Plan’s Future Land Use Map (Figure 14-5) displays this property as future residential.

A copy of Figure 14-5 has been attached to this report as exhibit B.

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 proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(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.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist to the south.

(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 is compatible and similar to the residential uses that currently exist to the south in the Kensington Subdivision and the Edgewater Subdivision.

(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.

Adequate utilities can be provided to the reference property.

(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, in any, that make a substantial part of such vacant land unavailable for development.

In the vicinity of the subject property, there is no unavailable vacant land for development with the R-4 zoning classification.

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

Not applicable in this request.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the intent of the Zoning Code and Comprehensive Plan, 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 staff's opinion that the proposed rezoning will achieve the desired development. Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from City Administered County Zoning to R-4 Single-Family Residential, based on the following:

1. The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
2. The proposed rezoning is consistent with the surrounding zoning districts; and
3. The proposed rezoning complies with the Comprehensive Plan Future Land Use.

Exhibit A - Zoning Map



9/22/2023, 4:14:05 PM

- Miami County Parcels
- City Limits
- Zones
- County Zoning (Outside Troy)
 - Agriculture: 20 Acre Min.
 - Agriculture-Residential: 5 Acre Min.
 - R-1 Single Family Residential: 40,000 SqFt.
 - R-2 Single Family Residential: 20,000 SqFt.

- R-3 Single Family Residential: 15,000 SqFt.
- R-3B Single Family Residential: 12,000 SqFt.
- R-4 Single Family Residential: 9,000 SqFt.
- R-5 Single Family Residential: 8,000 SqFt.
- R-6 Two Family Residential: 3,000 SqFt/DU
- R-7 Multiple Family Residential: 3,000 SqFt/DU
- OR-1 Office-Residential: 3,000 SqFt/DU

- OC-1 Office-Commercial District
- B-1 Local Retail District
- B-2 General Business District
- B-3 Central Business District
- B-4 Highway Service Business District
- M-1 Planned Industrial District
- M-2 Light Industrial District

- M-3 General Industrial District
- PUD Planned Unit Development
- WO Wellhead Operation District
- City Administered County Zoning
- Historic District
- wPressurizedMain_Proposed
- wPressurizedMain_Private

- wPressurizedMain_Abandoned
- wPressurizedMain
- Bypass
- Distribution Main
- Raw Water
- Sampling Station
- Transmission Main

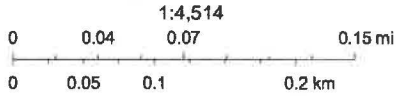
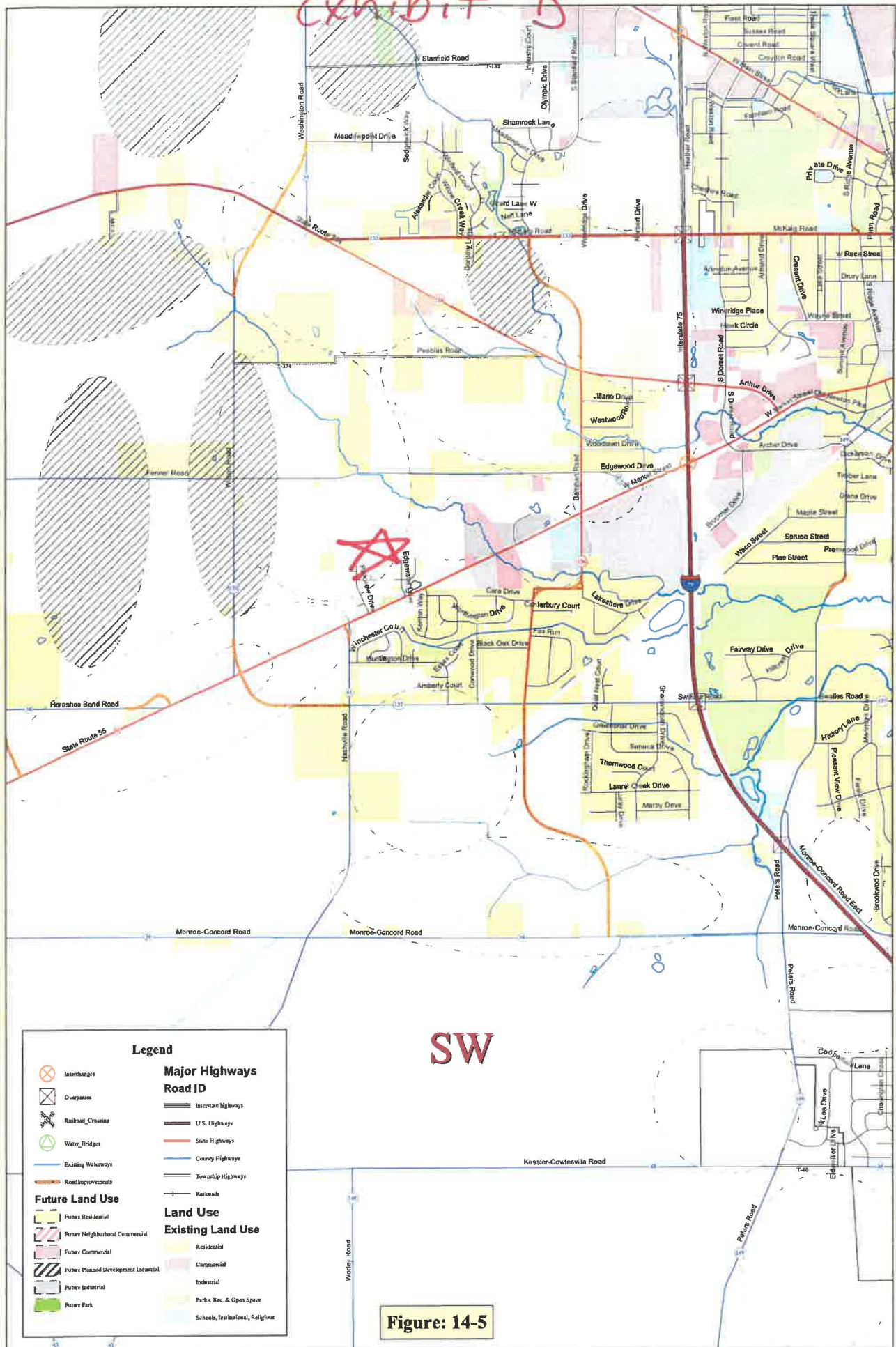


Exhibit B



SW Future Land Use

City of Troy
Engineering Department



100 S Market Street
Troy, Ohio 45373
February 27, 2006

Scheduled Planning Commission Meeting
(Held every 2nd and 4th Wednesday of the month at 3:30 p.m.)

Date Requested: _____
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed 9-8-23
Accepted by [Signature]
Filing Fee Pd. 7050
Receipt # 0357

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at 2980 W. Fenner Road, Troy, Ohio 45373

being lot number(s) D08-107396, D08-107400, Part of D08-107398 from A-2, General Agriculture to R-4
(Parcel Identification Number) (Street Address) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name Monte Swank
Address 2980 W. Fenner Road
City Troy
State Ohio
Zip Code 45373
Phone No. _____
Fax No. _____
Email _____

APPLICANT

Name Monte Swank
Address 2980 W. Fenner Road
City Troy
State Ohio
Zip Code 45373
Phone No. _____
Fax No. _____
Email _____

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

PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
 - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
 - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
 - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
 - i. Include one (1) copy of County Tax Maps
 - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$250.00 made payable to the City of Troy

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.

W. Franzen
(Applicant Signature)

Subscribed and sworn to before me this 6th day of September, 2023

My Commission Expires 9-12-2023
(Month/Date/Year)



ELISE M. FRANZEN
Notary Public
In and For the State of Ohio
My Commission Expires

Elise M. Franzen
(Notary Public)

9-12-23 (For Office Use Only - Do Not Write Below This Line)

REQUIRED DOCUMENTS:

- | | | |
|-------------------------------------|------------|--|
| ☒ | EXHIBIT A | Reasons for Zoning Reclassification |
| ☒ | EXHIBIT B | Legal Description |
| ☒ | EXHIBIT C | Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses |
| ☒ | EXHIBIT D | Site Map with Zoning & Owners within 250 feet of parcel |
| ☒ | EXHIBIT E | Property Owners List within 250 feet of parcel |
| ☒ | Labels | Two (2) Sets of Mailing Labels of Property Owners |
| ☒ | Copies | (1) Complete Sets in a reproducible format 11"x17" |
| ☒ | Map(s) | One (1) County Tax Map(s) |
| ☒ | Filing Fee | Check issued to City of Troy for \$250.00 |

Additional Documentation (List):

PLANNING COMMISSION DISPOSITION:

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

CITY COUNCIL DISPOSITION:

1st Reading: _____ 2nd: _____ 3rd: _____ PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION
Approved: _____ Denied: _____ CITY COUNCIL ACTION
Ordinance Number: _____
Effective Date: _____

Revised 10/25/11

EXHIBIT "A"

REASONS FOR SEEKING A CHANGE IN THE ZONING CLASSIFICATION

The owner seeks to change the zoning classification so that the three (3) parcels identified on the Application, being a total of 53.7794 acres, more or less, can be developed as shown on the site plan included as Exhibit "C".

**LEGAL DESCRIPTION
EXHIBIT B**

Tract 1

Situate in the County of Miami, in the State of Ohio and in the Township of Concord and bounded and described as follows:

Being a part of the Northeast Quarter of Section 36, Town 7, Range 5 East, and part of the Northwest Quarter of Section 31, Town 5, Range 6 East, in Concord Township, Miami County, Ohio, as shown by survey recorded in Volume 27, Page 173, of the Miami County Engineer's record of land surveys, being further described as follows:

Beginning at a stone at the Northwest corner of Section 31, Town 5, Range 6 East; thence South 89° 00' East with the North line of Section 31, a distance of 694.81 feet to a R.R. spike in the centerline of Fenner Road No. 37, witness an iron pin distant 37.19 feet on the line next described; thence South 36° 13' 50" East, a distance of 229.78 feet to an iron pin; thence South 52° 24' East, a distance of 183.48 feet to an iron pin; thence South 0° 06' West, a distance of 374.32 feet to an iron pin; thence South 0° 14' East, a distance of 662.06 feet to a wood corner post; thence North 89° 39' West, a distance of 973.81 feet to an iron pin in the line between Section 31 and Section 36; thence South 0° 09' 30" East with the line between Section 31 and Section 36, a distance of 115.76 feet to a wood corner post; thence North 89° 54' West, a distance of 661.81 feet to a wood corner post; thence North 0° 04' 20" West, a distance of 1319.88 feet to a R.R. spike in the North line of Section 36 and in the centerline of Fenner Road, witness an iron pin distant 30.00 feet on the line just described; thence South 89° 58' East with the North line of Section 36, a distance of 659.82 feet to a stone at the Northeast corner of Section 36, Town 7, Range 5 East; thence North 0° 20' 30" West with the line between Section 36 and Section 31, a distance of 134.97 feet to the place of beginning, containing 20.029 Acres in Section 36 and 28.752 Acres in Section 31 for a total in all of 48.781 Acres. This tract subject to any and all legal highways, easements and restrictions of record.

This survey and description prepared by Joe M. Turner, reg. surveyor no. 5728.

Prior Instrument Reference: Volume 0705, Page 455 of the Deed Records of Miami County, Ohio.

LESS AND EXCEPT:

BEING A 5.009-ACRE TRACT OF LAND OWNED BY MONTE W. SWANK AS CONVEYED IN DEED BOOK 705, PAGE 455 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 31, TOWN 5, RANGE 6, CITY OF TROY, CONCORD TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the northwest corner of the northwest quarter of Section 31 and being on the north line of the City of Troy corporation line;

thence, South $00^{\circ}04'47''$ East, 102.38 feet, along the west line of said Section 31 to an iron pin with cap set on the south right-of-way line of Fenner Road and being the principal place of beginning of the tract herein conveyed;

thence, North $73^{\circ}58'-17''$ East, 144.36 feet, along the south right-of-way line of said Fenner Road to an iron pin with cap set;

thence, South $88^{\circ}57'-53''$ East, 426.93 feet, along the south right-of-way line of said Fenner Road to an iron pin with cap set;

thence, South $00^{\circ}19'-22''$ West, 361.42 feet, along the new division line to an iron pin with cap set;

thence, North $89^{\circ}40'-38''$ West, 233.16 feet, along the new division line to an iron pin with cap set;

thence, South $55^{\circ}46'-30''$ West, 89.89 feet, along the new division line to an iron pin with cap set;

thence, South $89^{\circ}54'-03''$ West, 255.57 feet, along the new division line to an iron pin with cap set on the west line of said Section 31 and being on the east line of a 20.017-acre tract of land owned by Monte W. Swank as conveyed in Deed Book 705, Page 455;

thence, North $00^{\circ}04'-47''$ West, 378.95 feet, along the west line of said Section 31 to the principal place of beginning.

Containing 5.009 acres more or less with 0.847 acres more or less being within existing road right-of-way and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated September 5, 2023 and shown on Miami County Engineer's Record of Land Surveys Volume _____, Page _____.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-AJB PS 8629."

Tract 2

Situate in the state of Ohio, County of Miami, Township of Concord and being a part of the Northwest Quarter of Section 31, Town 5, Range 6 East, more particularly described as follows:

Beginning at a railroad spike in the centerline of Fenner Road which marks the Northeast corner of the Northwest Quarter of Section 31; thence North $89^{\circ} 01' 50''$ West, with the centerline of Fenner Road and the North line of Section 31, a total distance of 968.19 feet to a P.K. nail set over a railroad spike; thence South $0^{\circ} 20' 32''$ East, 787.18 feet to an iron pin which marks the place of beginning of the tract herein described;

thence South $0^{\circ} 20' 32''$ East, 535.00 feet to an iron pin;

thence North $89^{\circ} 31' 45''$ West, 726.84 feet to an iron pin;

thence North $0^{\circ} 15' 31''$ West, 662.13 feet to an iron pin;

thence South $89^{\circ} 02' 22''$ East partly with the South line of a tract containing 6.57 acres, a total distance of 380.00 feet to an iron pin;

thence South $2^{\circ} 33'$ West, 123.96 feet to an iron pin;

thence South $89^{\circ} 31' 45''$ East, 352.19 feet to the place of beginning.

The above described tract contains a total of 10.0074 acres which is to be transferred and combined with an adjacent 48.781 acre tract. Also granted herein is an easement for drainage purposes 20 feet in width and 50 feet in length over a portion and running along the South and East corners of an adjacent 5.4831 acre tract.

Description prepared by Richard W. Klockner, Professional Surveyor #4370, in accordance with a survey filed in the Miami County Engineer's Record of Land Surveys Volume 45, Page 144.

Prior Instrument Reference: Volume 0711, Page 92 of the Deed Records of Miami County, Ohio.