



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Special Session  
March 8, 2022  
7:30 P.M.**

**City Hall - Council Chambers - 6131 Taylorsville Road**

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Roll Call**
3. **New Business**

**ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- A. A Resolution Authorizing And Directing The Clerk Of Council To Schedule A Joint Work Session Meeting With Bethel Township, Miami County For The Purposes Of Discussing Annexation.  
(first reading)
- B. A Resolution Adopting A Statement Indicating The Services The City Of Huber Heights, Ohio Will Be Providing To The Territory Proposed To Be Annexed To The City Of Huber Heights Pursuant To A Petition Filed With The Board Of Commissioners Of Miami County By Landowners (As Defined Below) And As Provided By Ohio Revised Code Section 709.023.  
(first reading)

4. **Executive Session**
5. **Adjournment**

AI-8260

**New Business     A.**

**City Council Special Meeting**

**Meeting Date:** 03/08/2022

Joint Work Session Between City/Bethel Township To Discuss Annexation

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** None     **Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None     **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing And Directing The Clerk Of Council To Schedule A Joint Work Session Meeting With Bethel Township, Miami County For The Purposes Of Discussing Annexation.  
(first reading)

**Purpose and Background**

The purpose of this legislation is to compel a work session meeting to provide an opportunity for the City and Bethel Township to express their respective thoughts and concerns on the issue of annexation in an open forum prior to the commencement of negotiations of an Annexation Agreement between the parties through their duly appointed representatives.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO SCHEDULE A JOINT WORK SESSION MEETING WITH BETHEL TOWNSHIP, MIAMI COUNTY FOR THE PURPOSES OF DISCUSSING ANNEXATION.

WHEREAS, annexation is an issue of concern and interest to both the City of Huber Heights (“City”) and Bethel Township, Miami County (the “Township”); and

WHEREAS, members of the Huber Heights City Council and the Bethel Township Board of Trustees have requested that the City and the Township meet to discuss this matter of common concern and interest; and

WHEREAS, on Monday, February 28, 2022; Miami County was served with a petition to annex 260 +/- acres from the Township to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The Clerk of Council is hereby directed to schedule a work session meeting between the City and the Township at the earliest date and time to accommodate a quorum for both the City and the Township.

Section 2. The purpose of this work session meeting is to provide an opportunity for the City and the Township to express their respective thoughts and concerns on the issue of annexation in an open forum prior to the commencement of negotiations of an Annexation Agreement between the parties through their duly appointed representatives.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8259

**New Business    B.**  
**City Manager**

**City Council Special Meeting**

**Meeting Date:** 03/08/2022

Municipal Services Request Letter - Carriage Trails - Phase II - Annexation

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 02/22/2022

**Audio-Visual Needs:** None      **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:**

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**Agenda Item Description or Legislation Title**

A Resolution Adopting A Statement Indicating The Services The City Of Huber Heights, Ohio Will Be Providing To The Territory Proposed To Be Annexed To The City Of Huber Heights Pursuant To A Petition Filed With The Board Of Commissioners Of Miami County By Landowners (As Defined Below) And As Provided By Ohio Revised Code Section 709.023.  
(first reading)

**Purpose and Background**

DEC, on behalf of the various landowners listed within the legislative recitals, is requesting the City adopt the proposed legislation. The proposed legislation is associated with provisions of the Ohio Revised Code and the adoption of such is a requirement should Council desire that the pending annexation matter advance upon its filing with Miami County.

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**Fiscal Impact**

**Source of Funds:** N/A

**Cost:** N/A

**Recurring Cost? (Yes/No):** N/A

**Funds Available in Current Budget? (Yes/No):** N/A

**Financial Implications:**

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**Attachments**

Resolution

Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF HUBER HEIGHTS, OHIO WILL BE PROVIDING TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF HUBER HEIGHTS PURSUANT TO A PETITION FILED WITH THE BOARD OF COMMISSIONERS OF MIAMI COUNTY BY LANDOWNERS (AS DEFINED BELOW) AND AS PROVIDED BY OHIO REVISED CODE SECTION 709.023.

WHEREAS, Gary L. Lavy, Successor Trustee (Parcel No. A01-012200), Gessaman Family Farm, LLC (Parcel Nos. A01-012300 and A01-044400), Raymond E. and Kriss T. Haren (Parcel No. A01-015000,) and the Estate of Charles O. Stafford AKA Charles Stafford (Parcel No. A01-016400), (collectively referred to as the “Landowners”), have filed with the Board of Commissions of Miami County, a petition to annex to the City of Huber Heights approximately 260.369 +/- acres of land as shown in the legal descriptions and map attached and incorporated as Exhibit A (the “Proposed Property”); and

WHEREAS, the Landowners’ property is contiguous to the City of Huber Heights Corporation limits as shown in Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code Section 709.023, in a special annexation procedure where land is not excluded from the township, the municipal corporation to which annexation is proposed shall adopt a resolution stating what services the municipal corporation will provide to the land petitioned to be annexed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Montgomery and Miami Counties, Ohio that:

Section 1. The City of Huber Heights states that within a reasonable amount of time anticipated to be approximately thirty (30) days after completion of the annexation of the Proposed Property to the City of Huber Heights, it will provide to the newly annexed territory the following services: police and fire protection; paramedic and ambulance services; professional engineering staff; park and recreation programming; maintenance of any and all public streets and alleyways falling within the jurisdiction and control of the City and keeping the same open, in repair, and free from nuisance; street lighting in accordance with any Citywide plan/policy for streetlights; planning and development services; fire inspections; and any and all other services provided at the discretion of the City of Huber Heights, which may be in addition to those services listed herein.

Section 2. If the Proposed Property is subject to zoning regulations adopted under either Chapter 303 or Chapter 519 of the Ohio Revised Code and once annexed becomes subject to City of Huber Heights zoning which permits uses in the annexed territory that the City determines are clearly incompatible with uses under current county or township zoning in the adjacent land remaining in the township, the City of Huber Heights shall require, in the zoning ordinance permitting the incompatible use, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

Section 3. If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the City of Huber Heights agrees to and will assume the maintenance of that street or highway or to otherwise correct the problem.

Section 4. The Clerk of Council is hereby directed to file a certified copy of this legislation with the Board of County Commissioners for Miami County, Ohio within twenty (20) days following the date that the petition was filed with the County.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in

such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the \_\_\_\_ day of \_\_\_\_\_, 2022.  
\_\_\_\_ Yeas; \_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

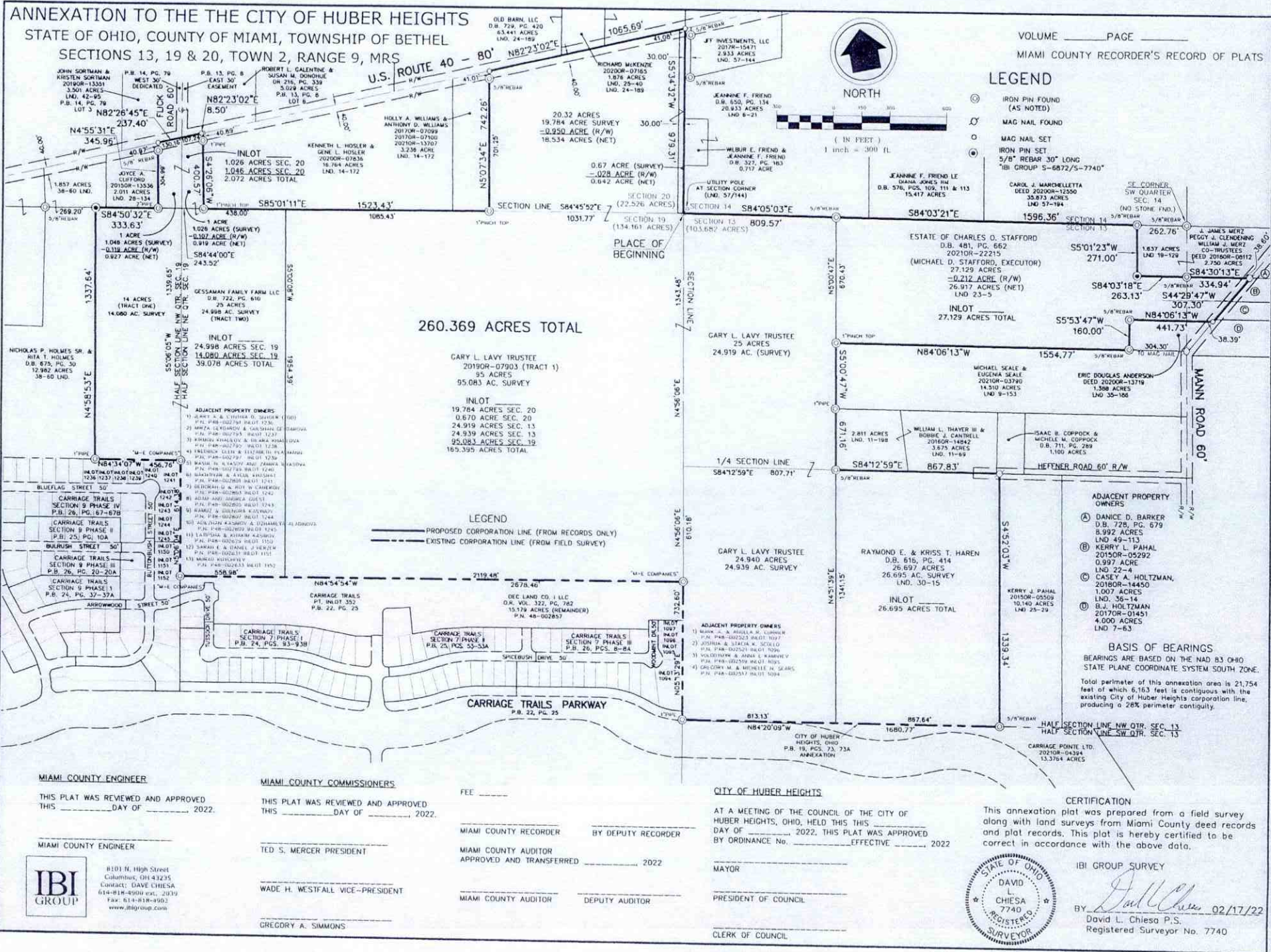
**CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. 2022-R-\_\_\_\_\_ adopted by the Council of the City of Huber Heights, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council



# EXHIBIT A





DESCRIPTION OF 260.369 ACRES  
BETHEL TOWNSHIP, MIAMI COUNTY, OHIO

Situated in the State of Ohio, County of Miami, Township of Bethel, being parts of Sections 13, 19 and 20, Township 2, Range 9, Miami Rivers Survey, being all that property described in a deed to Raymond E. & Kriss T. Haren, of record in Deed Book 616, Page 414, all of that property as described in a deed to Gary L. Lavy, Trustee, of record in Document No. 2019OR-07903 (Tract I only), all of that property as described in a deed to Gessaman Family Farm LLC, of record in Deed Book 722, Page 610 and all of that property as described in a deed to the Estate of Charles O. Stafford, of record in Deed Book 481, Page 662, and affidavit of record in Document No. 2021OR-22215 (Michael D. Stafford, Executor), all references herein being to the records of the Recorder's Office, Miami County, Ohio, and being more particularly described as follows:

Beginning at the common corner to Sections 13, 14, 19 and 20, said point being occupied by a utility pole and also being the southwesterly corner of that 20.933 acre tract as described in a deed to Jeannine F. Friend, of record in Deed Book 650, Page 134;

Thence South 84°05'03" East, along the southerly line of said 20.933 acre tract, a distance of 809.57 feet to a 5/8" rebar found at a angle point in said southerly line at the northwesterly corner of said Stafford tract;

Thence South 84°03'21" East, continuing along said southerly line and the southerly line of that 15.417 acre tract as described in a deed to Jeannine F. Friend (LE) and Diana Jones (RM), of record in Deed Book 576, Pages, 109, 111 and 113, and the southerly line of that 35.873 acre tract as described in a deed to Carol J. Marchelletta, of record in Document No. 2020OR-12550, a distance of 1596.36 feet to a 5/8" rebar found at the northwesterly corner of that 1.637 acre tract as described in a deed to J. James Merz, Peggy J. Clendening and William J. Merz, Co-trustees, of record in Document No. 2018OR-08112;

Thence South 05°01'23" West, along the westerly line of said 1.637 acre tract, a distance of 271.00 feet to an iron pin set at the southwesterly corner of said 1.637 acre tract;

Thence South 84°03'18" East, along the southerly of said 1.637 acre tract, a distance of 263.13 feet to a 5/8" rebar found at the southwesterly corner of that 2.750 acre tract as described in a deed to J. James Merz, Peggy J. Clendening and William J. Merz, Co-trustees, of record in Document No. 2018OR-08112;

Thence South 84°30'13" East, along the southerly line of said 2.750 acre tract, a distance of 334.94 feet to a mag nail found in the centerline of Mann Road (60.00 feet in width) at the southeasterly corner of said 2.750 acre tract;

Thence South 44°29'47" West, along said centerline, a distance of 307.30 feet to a mag nail set at the northeasterly corner of that 1.388 acre tract as described in a deed to Eric Douglas Anderson, of record in Document No. 2020OR-13719;

Thence North 84°06'13" West, along the northerly line of said 1.388 acre tract, a distance of 441.73 feet to a 5/8" rebar found at the northwesterly corner of said 1.388 acre tract;

Thence South 05°53'47" West, along the westerly line of said 1.388 acre tract, a distance of 160.00 feet to a 5/8" rebar found at the southwesterly corner of said 1.388 acre tract in the northerly line of that 14.510 acre tract as described in a deed to Michael Seale and Eugenia Seale, of record in Document No. 2021OR-03790;

Thence North 84°06'13" West, along said northerly line, a distance of 1554.77 feet to a 1" pinch top pin found at the northwesterly corner of said 14.51 acre tract;



Thence South 05°00'47" West, along the westerly line of said 14.510 acre tract and the westerly line of that 2.811 acre tract as described in a deed to William L. Thayer and Bobbie J. Cantrell of record in Document No. 2016OR-14842, a distance of 671.16 feet to a 5/8" rebar found at the southwesterly corner of said 2.811 acre tract;

Thence South 84°12'59" East, along the southerly line of said 2.811 acre tract, the southerly line of that 3.675 acre tract as described in a deed to William L. Thayer and Bobbie J. Cantrell of record in Document No. 2016OR-14842 and the southerly line of that 1.100 acre tract as described in a deed to Isaac B. Coppock and Michele M. Coppock of record in Deed Book 711, Page 289, a distance of 867.83 feet to a mag nail found in the centerline of Heffner Road (60 foot right of way) at the northwesterly corner of that 10.140 acre tract as described in a deed to Kerry J. Pahal, of record in Document No. 2015OR-05509;

Thence South 04°52'03" West, along the westerly line of said 10.140 acre tract, a distance of 1339.34 feet to a 5/8" rebar found at the southwesterly corner of said 10.140 acre tract and in the northerly line of that 13.3764 acre tract as described in a deed to Carriage Pointe LTD., of record in Document No. 2021OR-04394;

Thence North 84°20'09" West, along said northerly line, a distance of 1680.77 feet to a 1" pipe found at the northwesterly corner of said 13.3764 acre tract and the southeasterly corner of "Carriage Trails Section 7, Phase III", a subdivision of record in Plat Book 26, Pages 8-8A;

Thence North 05°13'29" East, along the easterly line of said Carriage Trails Section 7, Phase III and the easterly perimeter of Inlot 352 (remainder) as shown and delineated upon the plat "Carriage Trails" a subdivision of record in Plat Book 22, Page 25, a distance of 732.60 feet to an iron pin found with plastic cap inscribed "M-E Companies";

Thence North 84°54'54" West, along the northerly perimeter of said Inlot 352, a distance of 2678.46 feet to an iron pin found with plastic cap inscribed "M-E Companies" in the easterly line of "Carriage Trails Section 9, Phase III", a subdivision of record in Plat Book 26, Pages 20-20A;

Thence North 05°06'04" East, along the easterly line of said "Carriage Trails Section 9, Phase III", and the easterly line of "Carriage Trails Section 9, Phase IV", a subdivision of record in Plat Book 26, Pages 67-67B, a distance of 614.38 feet to an iron pin found with plastic cap inscribed "M-E Companies" at the northeasterly corner of said "Carriage Trails Section 9, Phase IV";

Thence North 84°34'07" West, along the northerly line of said "Carriage Trails Section 9, Phase IV", a distance of 456.76 feet to an 1" pipe found at the southeasterly corner of that 12.982 acre tract as described in a deed to Nicholas P. Holmes Sr. and Rita T. Holmes, of record in Deed Book 675, Page 30;

Thence North 04°58'53" East, along the easterly line of said 12.982 acre tract, a distance of 1337.64 feet to an iron pin set at the northeasterly corner of said 12.982 acre tract and in the southerly line of that 1.857 acre tract as described in a deed to Nicholas P. Holmes Sr. and Rita T. Holmes, of record in Deed Book 675, Page 30;

Thence South 84°50'32" East, along the southerly line of said 1.857 acre tract and the southerly line of that 2.011 acre tract as described in a deed to Joyce A. Clifford, of record in Document No. 2015OR-13536, a distance of 333.63 feet to a 2" pipe found at the southeasterly corner of said 2.011 acre tract;



Thence North  $04^{\circ}55'31''$  East, along the easterly line of said 2.011 acre tract, passing a 5/8" rebar found in the southerly right of way line of U.S. Route 40 (80.00 feet in width) at a distance of 304.99 feet, a total distance of 345.96 feet to a mag nail set in the centerline of U.S. Route 40;

Thence North  $82^{\circ}26'45''$  East, along said centerline, a distance of 237.40 feet to a mag nail set at an angle point in said centerline;

Thence North  $82^{\circ}23'02''$  East, continuing along said centerline, a distance of 8.50 feet to a mag nail set at the northwesterly corner of that 16.764 acre tract as described in a deed to Kenneth L. Hosler and Gene L. Hosler, of record in Document No. 2020OR-07836;

Thence South  $04^{\circ}26'06''$  West, along the westerly line of said 16.764 acre tract, passing a 1" pipe found in the southerly right of way line of U.S. Route 40 at a distance of 40.89 feet, a total distance of 400.57 feet to a 1" pinch top pin found at the southwesterly corner of said 16.764 acre tract;

Thence South  $85^{\circ}01'11''$  East, along the southerly line of said 16.764 acre tract and the southerly line of that 3.236 acre tract as described in a deed to Holly A. Williams and Anthony D. Williams of record in Document No. 2017OR-07099, Document No. 2017OR-07100 and Document No. 2021OR-13707, a distance of 1523.43 feet to a 1" pinch top pin found at the southeasterly corner of said 3.236 acre tract;

Thence North  $05^{\circ}07'34''$  East, along the easterly line of said 3.236 acre tract, passing a 5/8" rebar in the southerly right of way line of U.S. Route 40 at a distance of 701.25 feet a total distance of 742.26 feet to a mag nail set in the centerline of U.S. Route 40;

Thence North  $82^{\circ}23'02''$  East, along said centerline, a distance of 1065.69 feet to a mag nail set at the northwesterly corner of that aforementioned 20.933 acre tract and in the common line to Sections 14 and 20;

Thence South  $05^{\circ}34'32''$  West, along said common line, the westerly line of said 20.933 acre tract and the westerly line of that 0.717 acre tract as described in a deed to Wilbur E. Friend and Jeannine F. Friend, of record in Deed Book 327, Page 183, a distance of 979.31 feet to the place of beginning and containing 260.369 acres of land of which 134.161 acres lies in Section 19, 22.526 acres lies in Section 20 and 103.682 acres lies in Section 13.

Bearings herein are based on the Ohio State Plane Coordinate System, North Zone, NAD 83.

Iron pins set consist of a 5/8-inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by IBI Group Survey, Columbus, Ohio, and is based on an actual field survey of the premises performed in May and November 2021.



By

David L. Chiesa

Date 01/05/22

Registered Surveyor No. 7740



List of Properties to be Annexed to the City of Huber Heights, Ohio

1. Gessaman Family Farm LLC 5464 East US 40, Tipp City, Ohio 45371
  - a. Parcel ID: A01-012300
  - b. Parcel ID: A01-044400
2. Gary L. Lavy, Trustee 5938 US 40, Tipp City, Ohio 45371
  - a. Parcel ID: A01-012200
3. Raymond E. Haren and Kriss T. Haren 6300 E. Heffner Road, Tipp City, Ohio 45371
  - a. Parcel ID: A01-015000
4. Estate of Charles O. Stafford AKA Charles Stafford (Michael D. Stafford, Executor  
11320 Carriage Hill Drive, New Carlisle, Ohio 45344)  
0 S. Mann Road, Tipp City, Ohio 45371
  - a. Parcel ID: A01-016400