

RESOLUTION 25-02

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING ANNUAL STREET LIGHTING CHARGES UPON LOTS LOCATED WITHIN ARLINGTON WOODS II SECTION ONE SUBDIVISION IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville City Council (the "Council") has heretofore studied the need to construct street lighting improvements (the "Improvements") to service presently unserved areas in the City of Brookville that are in the process of current or planned development; and

WHEREAS, the proposed Arlington Woods II Section One Subdivision project will be designed to serve the residences to be constructed and located throughout the project area; and

WHEREAS, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans and the detailed plans and specifications required to proceed with the Improvements; and

WHEREAS, this Council has received a duly subscribed and regularly presented request/petition pursuant to Ohio Revised Code Section 727.06 requesting said improvements and including in said request/petition that the annual lighting charge cost of the street lighting improvement be assessed in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

WHEREAS, Council is electing to assess the entire annual lighting charge cost of the street lighting improvement in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: This Council hereby declares it necessary for the preservation and promotion of public health and welfare, for the reasons set forth in the preambles hereof, to enter into an agreement with AES/Miami Valley Lighting LLC for full-service lighting and to assess the accumulated annual charge estimated to be \$1064.16 against the lots of Arlington Woods II Section One.

person designated by the Clerk of Council, upon the owners of the lots or parcels of lands to be assessed for the Improvements, by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent.

SECTION X: That the owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated assessment filed under Ohio Revised Code Section 727.12, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice of the creation by the City of an Assessment Equalization Board pursuant to the Ohio Revised Code Section 727.16.

SECTION XI: An owner who fails to file an objection shall be deemed to have waived any objection.

SECTION XII: A copy of this Resolution shall be filed with the Montgomery County Auditor.

SECTION XIII: This Council hereby finds and determines that all formal actions relative to adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which result in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION XIV: This Resolution shall take effect upon passage as provided in Section 4.07(A)(2) of the Charter of the City of Brookville.

PASSED this 1st day of April, 2025.

ATTEST:


KIMBERLY DUNCAN, CLERK
CHARLES LETNER, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 25-02, passed by the Council of the City of Brookville, Ohio, on the 1st day of April 2025.



KIMBERLY DUNCAN, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 25-02 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 2nd day of April 2025, to the 1st day of May 2025, both days inclusive.



KIMBERLY DUNCAN, Clerk



Miami Valley Lighting LLC

Miami Valley Lighting
1065 Woodman Drive
Dayton, OH 45432
937.475.8627
robyn.livesay@aes.com

Street Light Proposal

Date: 2/12/2025

Proposal Expiration: 3/14/2025

Customer Name: City of Brookville

Attention: Jack Kuntz

Developer Name: Arcon Builders

Contact Name: Tim Shellabarger (937) 692-6330

Project Location:

ARLINGTON WOODS PH 2

Proposal No.: 65653

Prepared By: Robyn Livesay

Qty	Description	Price	Total
6	Install and provide full service to Tier I LED Acorn Fixtures	\$688	\$4,128
6	Install and SELL TO THE CITY 12' Direct Bury Poles	\$2,260	\$13,560
Installation Charge (Paid by the Developer)			\$17,688

Developer Underground Options and Proposal Authorization

The Developer agrees to the locations, quantity and installation charges. MVLt will give the Developer the option to install the underground system (conduit, pull boxes and wire) or MVLt will complete the entire project.

Sign below next to the underground option of choice and total installation charge responsibility.		MVLt to Install Underground (Paid by the Developer)	\$30,008
Option 1	MVLt will install street light wire and conduit. Fixture, Pole and Meter Installation Charges TOTAL INSTALLATION CHARGES	\$30,008 \$17,688 \$47,696	
Option 2	Developer will install street light wire, conduit and pull boxes to MVLt specifications. Fixture and Pole Installation Charges TOTAL INSTALLATION CHARGES	\$0 \$17,688 \$17,688	

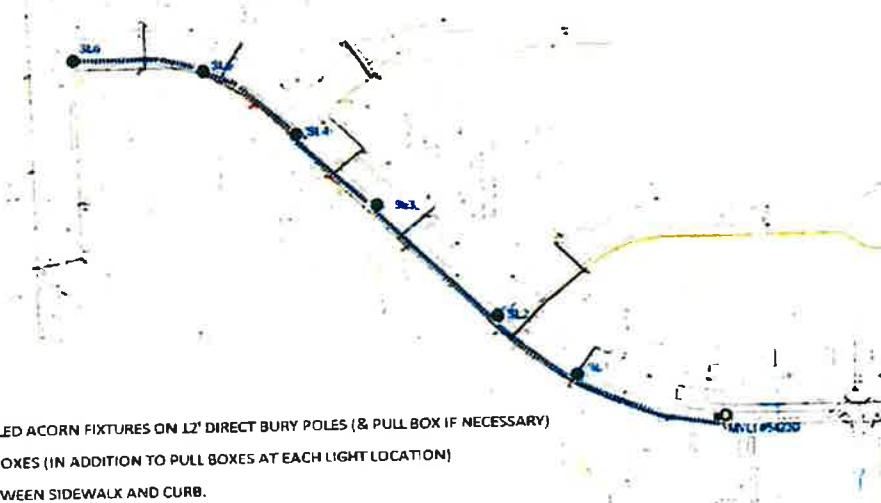
Signature: _____
(Developer Authorized Signature)

Date: _____

Signature: _____
(Developer Authorized Signature)

Date: _____

Street Light Poles/Fixtures
estimated installation time is
24-28 weeks from the date
MVLt receives the signed
proposal, pending material
deliveries.



City Proposal Authorization

The City agrees to the locations, quantity and full service lighting charges for this project.

Signature:

(City Authorized Signature)

Date:

6 Tier I LED Acorn

Monthly Full-Service Lighting Charge	Total Monthly Charge	Total Annual Charge
\$14.78	\$88.68	\$1,064.16
Total Annual Lighting Charge (Paid by the City on Street Light Bill)		\$1,064.16

*Return Signed Proposal to Robyn Livesay (robyn.livesay@aes.com)

**LIGHTING ASSESSMENT PETITION
ARLINGTON WOODS II SECTION ONE SUBDIVISION
CITY OF BROOKVILLE, OHIO**

TO: THE CITY COUNCIL OF THE CITY OF BROOKVILLE, OHIO

1. We, the undersigned owners of seventy-five (75%) percent or more of the parcels that abut the street or streets on which lighting improvements are being requested, do hereby petition the City Council for the following public improvement:

Installation and maintenance of streetlights for the purpose of making our community more desirable, with such streetlights to be supplied power through a contract that will be funded with monies from the assessment:

Description: Please describe, as thoroughly as possible, the street or streets to be included in the assessment area. This should be accomplished by referring to cross streets, subdivision names, and specific address boundaries, so that an accurate accounting of the affected parcels or lots can be attained.

The streets included with this project are Meadow Glen Avenue.

Number of Affected Parcels: The current number of affected parcels is 2 parcels, County Auditor Parcel No. C05 00314 0065 (8.5190 acres) and County Auditor Parcel No. C05 00314 0057 (15.433 acres). Arlington Woods II Section One Subdivision consists of 26 lots on 10.366 acres subdivided from the above referenced parcels C05 00314 0065 and C05 00314 0057. A copy of the legal description for the parcels is attached as Exhibit A and the proposed Arlington Woods II Section One Subdivision is attached as Exhibit B.

2. We, the undersigned, request that the entire cost of the lighting improvements be assessed equally amongst all abutting property owners as, regardless of the size of the individual lots, each property owner will equally benefit from the safety and aesthetic enhancement provided by streetlights.

3. We, and each of us, further acknowledge and agree, in consideration of the installation and maintenance of the street light improvement, that no property, other than that which abuts the above described streets, will receive special benefits from the improvements, and request that all assessments be limited to the parcels or lots that abut the street on which the improvement will be made.

4. In consideration of the improvement, we and each of us, agree to promptly pay all special assessments as they become due and that the determination of the special assessments by the Council against lots and lands owned by each of the undersigned will be final, conclusive and binding upon each of us.

5. We and each of us, consent and request that these special assessments be levied and collected without limitation as to the value of the property assessed, and waive the following:

(a) Any and all rights, benefits, and privileges specified by Sections 723.03 and 727.06 of the Ohio Revised Code, or by any other provision, restricting these special assessments to thirty three and one-third percent (33 1/3%) of the actual improved value of the lots and lands as enhanced by the improvements to be made;

(b) Any and all resolutions, ordinances and notices required for the making of the improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated costs and the passage of the assessing ordinance, including, but not limited to, the notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24, and 727.26 of the Revised Code; and

(c) Any and all irregularities and defects in the proceedings.

6. We agree and consent to the submittal of petitions executed in duplicate counterparts all of which shall be considered as a single petition.

7. We, and each of us, further consent and request that all legislation required to be enacted to permit the improvements to commence immediately be enacted at a single Council meeting.

Collection and Submission of Signatures: In order for City Council to consider the petition, all petitioners must provide their name, address, and signature, along with the parcel number(s) or city lot numbers of their property. Each owner of a particular property must sign in order for that parcel or lot to be included in the 75% calculation.

<u>Name(s)</u>	<u>Address of Property</u>	<u>Parcel or Lot Numbers</u>
TERRA NOVA DEVELOPMENT GROUP, LLC	Meadow Glen Ave.	C05 00314 0065
		C05 00314 0057

We are petitioning for all lots within Arlington Woods II Section One Subdivision to be included within the street lighting district.

SIGNATURE:

TERRA NOVA DEVELOPMENT GROUP, LLC:

BY: _____


TIMOTHY SHELLABARGER
ITS: MANAGER

EXHIBIT "A"

TRACT ONE:

Situate in the City of Brookville, Montgomery County, State of Ohio and being within Section 33, Town 6, Range 4 East and being 8.519 acres out of 80.00 acres (aka Pt. Lot No. 1713 City of Brookville) as conveyed to Werner H. and Barbara L. Werling by deed recorded in MF 87-0239-A03 bounded and described as follows:

Commencing at a 5/8" iron pin found at the northwest corner of Lot No. 2339 which marks the northwest corner of Sterling Meadows Estates Section Seven as recorded in Plat Book 195, Page 14, said iron pin being the True Point of Beginning for the herein after described tract.

Thence with the Westerly line of said Sterling Meadows Estates Section Seven as recorded in Plat Book 195, Page 14, the following eight (8) courses:

- 1) Thence, South 00° 04' 50" West a distance of 386.81 feet to an iron pin found;
- 2) Thence, South 15° 50' 50" West a distance of 20.40 feet to an iron pin found;
- 3) Thence South 75° 49' 38" East a distance of 338.69 feet to an iron pin found;
- 4) Thence South 03° 05' 52" West a distance of 144.39 feet to an iron pin found;
- 5) Thence, South 24° 43' 50" West a distance of 45.10 feet to an iron pin found;
- 6) Thence, South 89° 54' 11" West a distance of 62.83 feet to an iron pin found;
- 7) Thence, South 35° 01' 40" West a distance of 102.78 feet to an iron pin found;
- 8) Thence, South 47° 19' 42" West a distance of 320.21 feet to an iron pin found on the northerly line of Werner H. & Barbara L. Werling's 2.191 acre lot as recorded in MF 98-0769-D12;

Thence, with said Werling's north line, South 88° 41' 56" West a distance of 38.22 feet to an iron pin found at the northwest corner thereof;

Thence, with a new division line through the said Werling's former 80 acre tract, the following six (6) courses:

- 1) Thence, North 42° 40' 18" West a distance of 114.74 feet to an iron pin set;

- 2) Thence, North 47° 19' 42" East a distance of 116.72 feet to an iron pin set;
- 3) Thence, North 42° 40' 18" West a distance of 169.91 feet to an iron pin set;
- 4) Thence, South 86° 39' 51" West a distance of 109.90 feet to an iron pin set;
- 5) Thence, North 00° 25' 40" West a distance of 608.10 feet to an iron pin set;
- 6) Thence, North 22° 41' 56" East a distance of 189.62 feet to an iron pin set on the southerly line of Sterling Meadows Estates Section Four as recorded in Plat Book 177, Page 46;

Thence, with the south line of said Sterling Meadows Estates Section Four and the south line of Sterling Meadows Estates Section Two as recorded in Plat Book 161, Page 12 the following two (2) courses:

- 1) Thence, South 67° 18' 04" East a distance of 229.13 feet to an iron pin found;
- 2) Thence, North 89° 54' 11" East a distance of 36.68 feet, returning to the True Point of Beginning, containing 8.519 acres, more or less.

Survey by Professional Associates, Inc. – M.L. Oxner, Reg. Surveyor No. 6209, September 24, 2003. Iron pins set are 5/8" dia. x 30" L with ID cap. Bearing basis correlated to the south line of Sterling Meadows Estates Section One as North 89° 54' 11" East per Plat Book 157, Page 9.

Subject to all legal highways, easements, conditions and restrictions of record.

Parcel No. C05-00314-0065 (8.519 Acres)
Property Address: Meadow Glen Avenue, Brookville, OH 45309

TRACT TWO:

Situate in the Southeast Quarter of Section 33, Town 6, Range 4 East and the City of Brookville, County of Montgomery, State of Ohio, and being part of Lot 1713 and an original tract of 80 acres as conveyed to Dennis R. and Teresa A. Denlinger, as Co-Trustees of the Dennis and Teresa Denlinger Trust dated July 14, 2020 as recorded in I.R. Deed 23-059765 of the Deed Records of Montgomery County, Ohio and being more fully bounded and described as follows:

Commencing at a railroad spike found at the Southwest corner of the Southeast Quarter of said Section 33 and in the center of W. Westbrook Road, thence with the centerline and south

line of said Section 33, North 88 deg. 41' 56" East a distance of 18.00 feet to a spike found which marks the southwest corner and True Point of Beginning for the hereinafter described tract;

Thence, with the easterly line of Dull Homestead Inc.'s 52.57 acre tract as recorded in D.M.F. 98-355C03 and the westerly line of aforesaid Denlinger's original 80 tract the following three (3) courses:

- (1) North 00 deg. 25' 40" West, passing an iron pin set at 30.00 feet, in all, a distance of 1475.50 feet to an iron pin found;
- (2) North 58 deg. 28' 42" West – 21.21 feet to an iron pin found;
- (3) North 00 deg. 25' 40" West – 128.00 feet to an iron pin found at the Southwest corner of Lot 2063 of Sterling Meadows Estates Section Four as recorded in Plat Book 177, Pg. 46;

Thence, with the southerly line of said Sterling Meadows Estates Section Four, the following two (2) courses:

- (1) North 89 deg. 34' 20" East – 130.00 feet to an iron pin found;
- (2) South 67 deg. 18' 04" East – 319.12 feet to an iron pin found, also being the Northwesterly corner of a 8.519 acre tract as conveyed to Dennis R. & Teresa A. Denlinger by deed recorded in I.R. Deed 23-059764;

Thence, with the westerly lines of said Denlinger's 8.519 acre tract, the following six (6) courses:

- (1) South 22 deg. 41' 56" West – 189.62 feet to an iron pin set;
- (2) South 00 deg. 25' 40" East – 608.10 feet to an iron pin set;
- (3) North 86 deg. 39' 51" East – 109.90 feet to an iron pin set;
- (4) South 42 deg. 40' 18" East - 169.91 feet to an iron pin set;
- (5) South 47 deg. 19' 42" West – 116.72 feet to an iron pin set;
- (6) South 42 deg. 40' 18" East – 114.74 feet to an iron pin found which marks the Northwest corner Dennis Scott Denlinger's 2.191 acre lot (Lot 2138) as recorded in I.R. Deed 24-01175;

Thence, with said Denlinger's westerly line, South 00 deg. 05' 49" East, passing an iron pin set at 385.00 feet, in all, a distance of 415.00 feet to a mag nail found in the center of said W. Westbrook Rd. and on the South line of said Section 33;

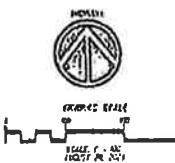
Thence, with the centerline of W. Westbrook Rd. and Section Line, South 88 deg. 41' 56" West - 543.39 feet returning to the True Point of Beginning, containing 15.433 acres, more or less, of which 0.374 acre being with the right-of-way of W. Westbrook Rd.

Survey by Professional Associates, Inc. - M.L. Oxner Reg. Surveyor No. 6209, July 18, 2024. Bearing basis correlated to the South line of Section 33 as North 88 deg. 41' 56" East per "Werling - Lot 2643" as recorded in Plat Book 230, Page 52. Deed and Plat references recorded in the Recorder's Office, Montgomery County, Ohio. Iron pin set are 5/8" dia. x 30" L with ID cap.

Prior Deed Reference: I.R. Deed 23-059765 Survey Volume 2024, Page 0211.

Parcel No. C05-00314-0057 (Part Lot 1713 - 15.433 Acres)





**ARLINGTON WOODS A SUBDIVISION
PROTECTIVE COVENANTS & RESTRICTIONS**

THE RUMINANT INSTITUTE ON FEDERATION

RECORD PLAN

ARLINGTON WOODS II SECTION ONE

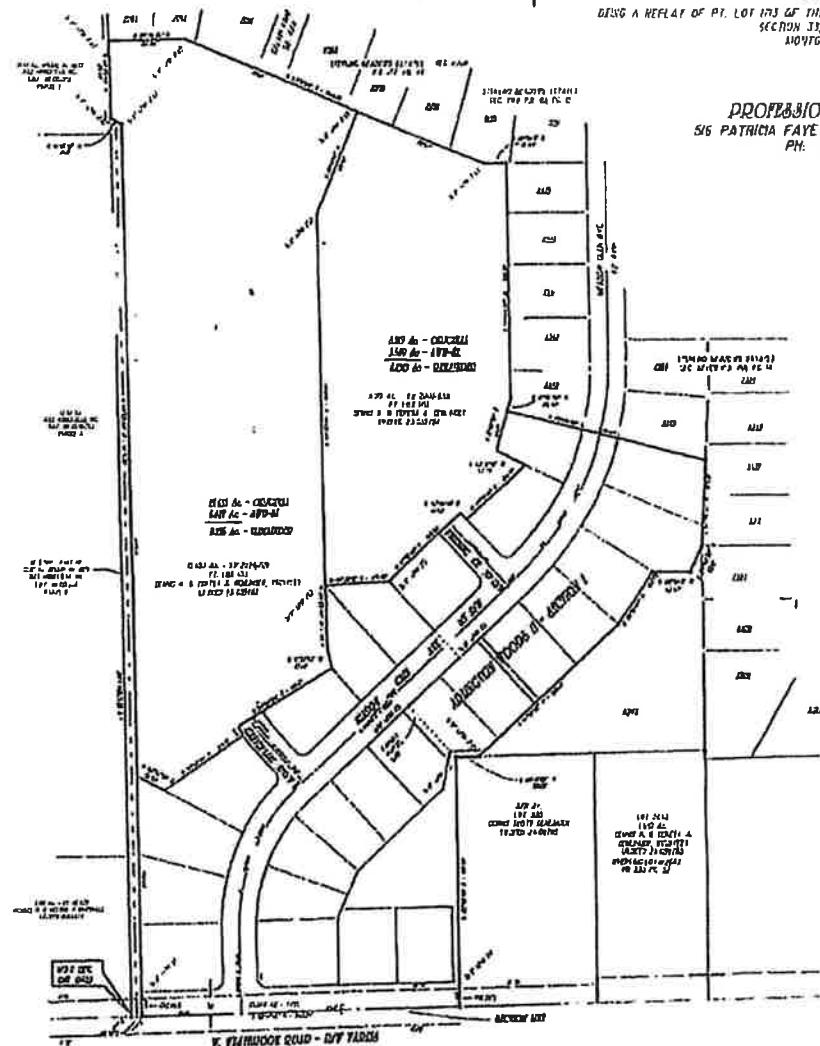
BEING A REFILE OF PT. LOT 173 OF THE CONSECUTIVE LOT NUMBER OF THE CITY OF BROOK
SECTON 33, TOWNS 6, RANGE 4 EAST
MONTGOMERY COUNTY, OREGON

1996 AC

19861 7 3

אַבְרָהָם בָּנָן
מִתְּבָנָה בָּנָן

PROFESSIONAL ASSOCIATES, INC.
516 PATRICIA FAYE CT., BROOKVILLE, OHIO
PM: 19371 234-1577 (C)



SUPERPOSED AREA