

**RESOLUTION NO. 49-2003**

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**A RESOLUTION DECLARING REAL PROPERTY  
SURPLUS TO THE PARK AND RECREATIONAL NEEDS  
OF THE WEST CHESTER TOWNSHIP BOARD OF TRUSTEES AND  
APPROVING THE AUCTION AND SALE OF THE  
14.286 ACRE LAWRENCE ROAD PROPERTY**

**WHEREAS**, in 1981, the Carey family donated and conveyed to the Union Township Board of Trustees approximately 14.3 acres (“Lawrence Road Property”) for use as a public park or for public recreation purposes; and,

**WHEREAS**, over the past twenty years, the Board of Trustees has desired to utilize the subject property to fulfill and support the park and recreational needs of the citizens of West Chester while respecting the wishes of the Carey Family; and,

**WHEREAS**, because of location and restricted access, the Board of Trustees has not been successful in their efforts to use the property compatible with the family’s wishes and consistent with West Chester’s park system vision plan – where each park serves the entire community rather than a surrounding neighborhood; and,

**WHEREAS**, the Carey Family has agreed to waive any restrictions placed on the subject property and to allow the Township to sell the property so that proceeds may be applied to improvements for planned Township parks; and,

**WHEREAS**, the Board of Trustees commends the Carey Family for their altruism and determines that West Chester Township’s parks’ needs would better be served if the Lawrence Road Property is auctioned and sold to the highest bidder and the proceeds applied to other park improvements.

**NOW THEREFORE BE IT RESOLVED**, that the West Chester Township Board of Trustees does hereby agree to:

**Section 1:** Declare the 14.286 acre Lawrence Road Property surplus to the park and recreational needs of the citizens of West Chester Township, Butler County, Ohio; and

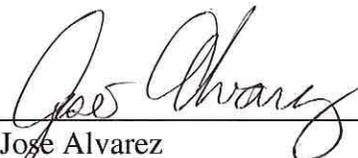
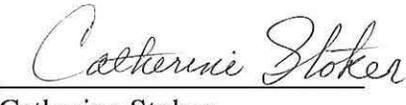
**Section 2:** Approve the sale of the Lawrence Road Property, pursuant to the Ohio Revised Code, Section 505.10, either (A) in the event the Board of Trustees is able to agree by unanimous vote and by Resolution on whatever terms and conditions as may be agreed upon by the Board of Trustees and a potential purchaser or (B) under the following restrictions:

- 1) The subject property shall be sold by live auction, with reserve, subject to the other terms and conditions of this resolution;
- 2) The process and procedures of the live auction shall occur at the time and place determined by the Township Administrator, which shall be as set forth in the advertisements required pursuant to Ohio Revised Code Section 505.10;

- 3) The minimum acceptable price for Lawrence Road Property shall be Two Hundred Thousand Dollars (\$200,000) payable in cash as described below:
- 4) The successful bidder shall pay not less than ten percent (10%) of the sale price in cash immediately following the auction;
- 5) The balance of the sale price shall be paid in cash at the time of the delivery of the deed for Lawrence Road Property by West Chester Township, which shall occur not later than fifteen (15) days from the date of the auction; and
- 6) West Chester Township reserves the right to withdraw the Lawrence Road Property from the auction at any time prior to the awarding of the successful bidder by the auctioneer designated by the Township Administrator.

**Section 3:** Authorize and direct the Township Administrator to take such action as may be necessary to carry out these Resolutions, including, without limitation, to execute and deliver such documents and instruments the Township Administrator considers necessary or appropriate, including a deed conveying the Lawrence Road Property to the successful bidder.

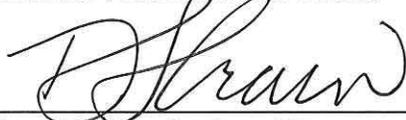
Adopted the 13th day of January, 2004

 _____ Jose Alvarez	<u>yes</u> Yes/No
 _____ George Lang	<u>yes</u> Yes/No
 _____ Catherine Stoker	<u>yes</u> Yes/No

**ATTEST:**

  
\_\_\_\_\_  
Patricia Williams, Township Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Donald L. Crain, Law Director



