

**STATUTORY RESOLUTION NO. 11 - 2019**

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**RESOLUTION AGREEING TO COOPERATE WITH THE  
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO MEET THE PUBLIC INTEREST DEMAND FOR  
THE CONSTRUCTION OF A SIDEWALK WITHIN THE RIGHT OF WAY ON PART OF S.R. 747 WITHIN  
WEST CHESTER TOWNSHIP**

**WHEREAS**, the public interest demands the construction of a sidewalk within the right of way on part of U.S. 42 situated in the Township of West Chester, County of Butler, State of Ohio, and described as follows: installation of approximately 1,800 linear feet of pedestrian sidewalk within the right of way of S.R. 747; extending along Parcels # #M5610008000001, 037, 36, and M5610009000011; and,

**WHEREAS**, although the Ohio Department of Transportation issues permits for sidewalks within its rights-of-way only to political jurisdictions, the West Chester Township Board of Trustees intends to delegate its responsibility to install, construct, maintain, and repair or replace when necessary to the property owner and its heirs, assigns, etc.; and,

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

**SECTION 1.** Under the provision of the Ohio Revised Code, cooperate with the Ohio Department of Transportation, hereinafter referred to as the STATE, in said improvement in the following ways and extent:

It is recognized by the Ohio Department of Transportation that units of government embrace the policy of providing public sidewalks along some thoroughfares in their domain. It is further recognized as the policy of the Ohio Department of Transportation not to construct sidewalks in its right of way except when the unit of government involved will release the State and its authorized agents from any damages or claims of damages from this project and will accept and assume the responsibility for the maintenance, repair and replacement of said sidewalks at such time as either is required by law; then the Ohio Department of Transportation will permit the Township Trustees to install said sidewalk.

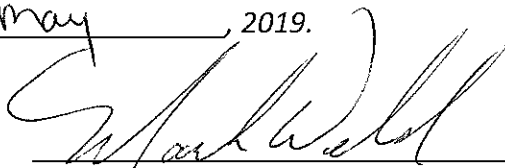
**SECTION 2.** Release the Ohio Department of Transportation and its employees and agents from any damages and claims arising out of the construction and use of this sidewalk, in return for permission of the Ohio Department of Transportation to construct said sidewalk. Furthermore, the Board of Trustees accept and assume the responsibility for the maintenance, repair and replacement of said sidewalk at such time as either is required by law. Nothing in this Resolution shall prevent the Township Trustees from permitting the adjoining property owner to construct and maintain said sidewalk in accordance with the requirements of the Ohio Revised Code, and to release and indemnify the Township and the Ohio Department of Transportation, and their respective employees and agents, from any damages and claims for damages arising out of the construction and use of the sidewalk.

**SECTION 3.** Require the property owner of Parcels # Parcels # #M5610008000001, 037, 36, and M5610009000011, Northpoint Development, LLC., to install and construct concrete sidewalk along the entire collective portion of its parcels in accordance with the requirements of the Ohio Revised Code; the conditions of the West Chester Township Rink Farm Project Development Agreement; the State's construction specifications; and require the property owner, its heirs, assigns, etc. to maintain and repair or replace when necessary said sidewalk in its entirety or sections whichever required.

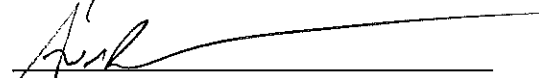
**SECTION 4.** Require the property owner, its heirs, assigns, etc., to release and indemnify West Chester Township and the State and their respective officers, employees, and agents from any and all damages and claims for damages arising out of the construction, use, maintenance, and repair or replacement of the sidewalk.

**SECTION 3.** Authorize and direct the Township Administrator to take such action as may be necessary to carry out these Resolutions.

Adopted this 7 day of May, 2019.

  
\_\_\_\_\_  
Mark Welch, President

YES  
Yes / No


  
\_\_\_\_\_  
Ann Becker, Vice President

yes  
Yes / No

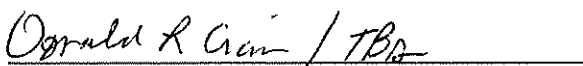
Absent  
\_\_\_\_\_  
Lee Wong, Trustee

\_\_\_\_\_  
Yes / No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Township Fiscal Officer

**APPROVED AS TO FORM:**

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