

RESOLUTION NO. 24-2023

Resolution Authorizing the Acceptance of the Proposed Agreed Entry Resolving the West Chester Township Board of Trustee's Case Involving the Property at 7163 Dimmick Road, West Chester, Ohio 45069

WHEREAS, the Township has dealt with repeated violations of its Zoning Resolution and Property Maintenance Code at the single-family home located at 7163 Dimmick Road, West Chester, Ohio 45069 (the "Property").

WHEREAS, the Township has received multiple complaints from neighbors over the past several years regarding these violations at the Property;

WHEREAS, the Township filed a case for injunctive relief to prevent further violations under Butler County Court of Common Pleas Case Number CV 2022 05 0774 (the "Zoning Case");

WHEREAS, the Township's primary goal in the Zoning Case is to obtain and maintain compliance with the Zoning Resolution and Property Maintenance Code at the Property;

WHEREAS, the Board of Trustees has determined that it is in the best interests of the public health, safety, and welfare to enter into the Agreed Entry, attached as Exhibit A, as a resolution to the Township's claims in the Zoning Case;

NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees:

SECTION 1. That the Board of Trustees does hereby authorize the Township's legal counsel to sign the Agreed Entry in substantially the same or similar form as the attached Exhibit A, on behalf of the Township, and to sign any other documents necessary to effectuate the settlement and to sign any documents necessary to enforce this Agreed Entry in the future.

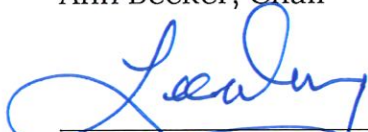
Adopted this 23rd day of May, 2023.




Ann Becker, Chair



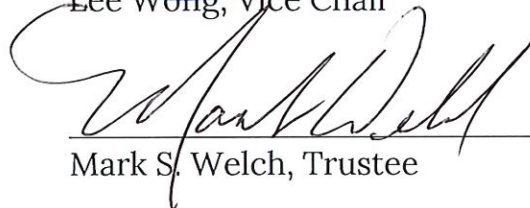
Yes/No



Lee Wong, Vice Chair



Yes/No



Mark S. Welch, Trustee



Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director

0091532.0315629 4875-5789-4477v2

EXHIBIT A

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO**

BOARD OF TRUSTEES OF WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO,	:	Case No.: CV 2022 05 0774
	:	
Plaintiff,	:	Judge: KEITH M. SPAETH
	:	
v.	:	<u>AGREED JUDGMENT ENTRY</u>
	:	
MICHAEL BERRY, et al.,	:	
	:	
Defendants.	:	

Now come Plaintiff the Board of Trustees of West Chester Township (the “Township”) and Defendants Michael Berry and Marja Kuhl (collectively the “Defendants”) and agree to the following relief as a complete and final resolution of the Complaint, as against Defendants.

1. The Township and Defendants voluntarily submit to the Court’s jurisdiction.
2. The Township and Defendants, having had the opportunity to consult with legal counsel, knowingly and voluntarily agree to the following as their or its free act.
3. Defendants own and reside in the single-family home and property located at 7163 Dimmick Road, West Chester, Ohio 45069, Butler County Auditor’s Parcel No. M5620-115-000-009 (the “Property”).
4. Defendants are permanently enjoined from storing junk materials, discarded furniture, appliances, or other miscellaneous debris on the exterior of the Property for more than ten days.
5. Defendants are permanently enjoined from storing recreational vehicles within five (5) feet of any side property line, or twenty-five (25) of the rear property line at the Property.
6. Defendants are permanently enjoined from storing more than two recreational vehicles at the Property.

7. Defendants are permanently enjoined from having more than two accessory structures, including, but not limited to, tents, sheds, or temporary enclosures, on the Property, and Defendants are permanently enjoined from locating any accessory structures within ten (10) feet of any property line at the Property.
8. Defendants shall not expand the size, area, or width of the current gravel driveway at the Property.
9. Defendants are permanently enjoined from using the Property for the exterior storage of junk or rubbish, as defined in Section 9.61 of the West Chester Township Zoning Resolution and Section 202 of the West Chester Township Property Maintenance Code.
10. Defendants shall have ninety (90) days to remove the existing tent from the Property upon a written request submitted to the Township, requesting additional time to remove the tent and the reasons for needing additional time.
11. As of May 8, 2023, the Property is compliant with the West Chester Township Zoning Resolution and Property Maintenance Code.
12. The Court retains jurisdiction to enforce the terms of this Agreed Judgment Entry. Failure to comply with this Agreed Judgment Entry is punishable by contempt of court.
13. This is a final, appealable Order. The Clerk is directed to issue notice hereof pursuant to Rule 58 of the Ohio Rules of Civil Procedure.

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IT IS SO ORDERED.

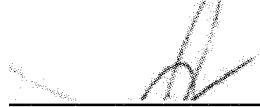


Judge Keith M. Spaeth

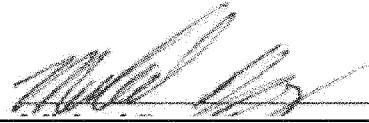
Agreed:



Jonathan E. Roach (0092498)
Counsel for West Chester Township Board
of Trustees



Marja Kuhl



Michael Berry

/s/ Matthew E. Miller-Novak (per email
authorization)

Matthew E. Miller-Novak (0091402)
Counsel for Defendants