

RESOLUTION NO. 28-2023

**Statutory Resolution Authorizing the Acceptance of the Proposed Agreed Entry
Resolving the West Chester Township Board of Trustees’s Case Involving the Property at 8121
Julie Marie Drive, 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 8121 Julie Marie Drive, West Chester, Ohio 45069 (the “Property”).

WHEREAS, the Township has received multiple complaints from neighbors over the past few 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 2023 02 0257 (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;


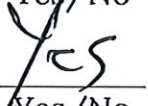
WHEREAS, the Board of Trustees has determined that it is in the best interests of the public health, safety and welfare to enter into the Agreed Entry, attached as Exhibit A, as a resolution to the Township’s claims in the Zoning Case;

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

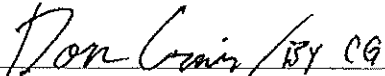
SECTION 1. That the Board of Trustees does hereby authorize the Township’s legal counsel to sign the Agreed Entry in substantially the same or similar form as the attached Exhibit A, on behalf of the Township, and to sign any other documents necessary to effectuate the settlement, and to sign any documents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

Adopted this 11th day of July, 2023

ATTEST:

 _____ Ann Becker, Chair	 _____ Lee Wong, Vice Chair	 _____ Mark Welch, Trustee	 _____ Yes/No
 _____ Bruce Jones, Fiscal Officer			 _____ Yes/No
			 _____ Yes/No

APPROVED AS TO FORM:



Donald L. Crain, Law Director

EXHIBIT A

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

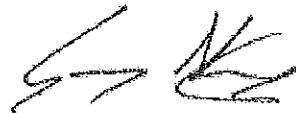
BOARD OF TRUSTEES, WEST	:	Case No. CV 2023 02 0257
CHESTER TOWNSHIP, OHIO,	:	
	:	
Plaintiff,	:	Judge: Gregory S. Stephens
	:	
-vs-	:	<u>AGREED FINAL ENTRY</u>
	:	
BRANDON HYATT, et al.	:	
	:	
Defendants.	:	
	:	

Now comes Plaintiff Board of Trustees of West Chester Township (hereinafter the “Township”), Defendants Brandon Hyatt and Emily Hyatt (“Defendants”) and agree to the following relief as a complete and final resolution of the Township’s Complaint against Defendant.

1. The Township and Defendant, having had the opportunity to consult with legal counsel, knowingly and voluntarily agree to the following as his, her, or its free act.
2. Defendant owns the real property and single-family home located at 8121 Julie Marie Drive, West Chester, Ohio 45069, Butler County Auditor’s Parcel No. M5620-162-000-032 (the “Property”).
3. The Property is zoned R-1A under the Township’s Zoning Resolution.
4. The Township has received numerous complaints from residents regarding violations of its Zoning Resolution and Property Maintenance Code at the Property.
5. Defendants are permanently enjoined from storing debris, junk, tires, discarded appliances, discarded furniture, or other rubbish on the exterior of the Property.
6. Defendants are permanently enjoined from parking vehicles in the grass at the Property, in violation of Article 11.041 of the Township’s Zoning Resolution.

7. Defendants are permanently enjoined from storing a dumpster on the Property, except when done in compliance with the Township's Zoning Resolution.
8. Defendants are permanently enjoined from parking more than one (1) commercial vehicle at the Property or otherwise violating Section 10.292 of the Township's Zoning Resolution.
9. Defendants are permanently enjoined from using the Property as an exterior storage yard or contractor storage yard.
10. Pursuant to R.C. 519.99 and Section 5.08 of the Township's Zoning Resolution, Defendants shall immediately pay a \$1,000.00 fine to the Township.
11. The Court retains jurisdiction to enforce the terms of this Agreed Final Entry.

IT IS SO ORDERED.



Judge Gregory S. Stephens

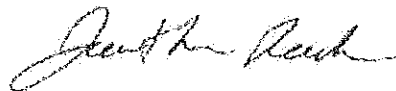
Prepared by:

/s/ Jonathan Roach

Jonathan Roach (0092498)

Attorney for the Board of Trustees of West Chester Township

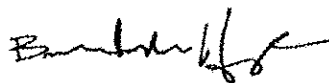
Agreed:



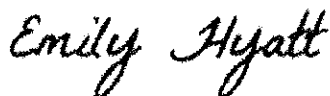
Jonathan E. Roach (0092498)
Counsel for West Chester Township



Daryle C. Tibbs (0085935)
Counsel for Defendants



Defendant Brandon Hyatt



Defendant Emily Hyatt