

RESOLUTION NO. 41-2023

Resolution authorizing the Acceptance of the Proposed Agreed Entry Resolving the West Chester Township Board of Trustee’s Case Involving the Properties at 6963 Tylersville Road, 6975 Tylersville Road, and 7821 Second Street

WHEREAS, the Township has dealt with repeated violations of its Zoning Resolution and Property Maintenance Code at the properties located at 6963 Tylersville Road, West Chester, Ohio 45069; 6975 Tylersville Road, West Chester, Ohio 45069; and 7821 Second Street, West Chester, Ohio 45069 (collectively the “Properties”).

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

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 0222 (the “Zoning Case”);

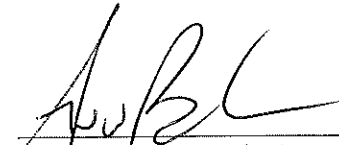
WHEREAS, the Township’s primary goal in the Zoning Case is to obtain and maintain compliance with the Zoning Resolution and Property Maintenance Code at the Property;

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.

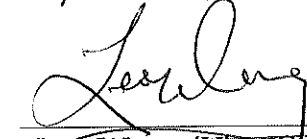
Adopted this 24th day of October, 2023.



Ann Becker, Chair

Yes

Yes/No

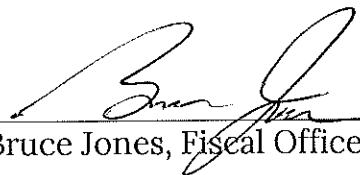


Lee Wong, Vice Chair

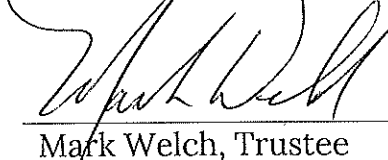
Yes

Yes/No

ATTEST:



Bruce Jones, Fiscal Officer



Mark Welch, Trustee

Yes

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 OF	:	Case No. CV 2023 02 0222
WEST CHESTER TOWNSHIP,	:	
BUTLER COUNTY, OHIO,	:	
	:	JUDGE DANIEL E. HAUGHEY
Plaintiff,	:	
	:	
v.	:	AGREED JUDGMENT ENTRY
	:	
CANDELARIA LOPEZ NORIEGA, et al.,	:	
	:	
Defendants.	:	

Upon agreement of Plaintiff the Board of Trustees of West Chester Township (the “Township”) and Defendants Candelaria Lopez Noriega (“Noriega”) and Daisy Escobedo (“Escobedo” and collectively with Noriega, the “Defendants”), and for good cause shown, the Court **HEREBY ORDERS, ADJUDGES, AND DECREES** as follows:

1. The Township and Defendants voluntarily submit to the Court’s jurisdiction in the above-captioned case.
2. Defendants have had the opportunity to obtain counsel in this matter and enter this Agreed Judgment Entry knowingly and willingly. Defendants have had the opportunity to review the terms of this Agreed Judgment Entry to their satisfaction.
3. Noriega is the listed owner of the properties at 6963 Tylersville Road, West Chester, Ohio 45069, Butler County Auditor’s Parcel No. M5640-129-000-011 (“6963 Tylersville”) and 6975 Tylersville Road, West Chester, Ohio 45069, Butler County Auditor’s Parcel No. M5640-129-000-012 (“6975 Tylersville”). Escobedo is the listed owner of the property at 7821 Second Street, West Chester, Ohio 45069, Butler County Auditor’s Parcel No. M5640-129-000-013 (“7821 Second Street”).

6963 Tylersville, 6975 Tylersville, and 7821 Second Street are collectively referred to as the “Properties”.

4. The Properties are zoned single-family residential, R-2, under the Township’s Zoning Resolution and are located in a district reserved for single-family homes and related compatible uses.
5. Under the Township’s Zoning Resolution, the Properties cannot be used as an outdoor storage yard, and miscellaneous junk, debris, unlicensed trailers, and junk or inoperable vehicles cannot remain exposed at the Property.
6. Under the Township’s Zoning Resolution, vehicles cannot be parked in the grass, lawn, or any other unpaved area on the Properties for more than 24 hours in any seven-day period.
7. Since 2019, the Township has received multiple complaints from residents regarding the improper use of the Properties as an outdoor storage yard, the improper parking of vehicles in the grass, and the accumulation of junk, debris, unlicensed trailers, and junk or inoperable vehicles thereon.
8. Defendants shall keep the exteriors of the Properties clear of miscellaneous junk, debris, unlicensed trailers, and junk or inoperable vehicles.
9. Defendants shall not store construction materials, bricks, stones, or any other items on the exteriors of the Properties.
10. Defendants shall not allow vehicles to be parked on the grass, lawn, or any other unpaved surface at the Properties.
11. Defendants are enjoined from maintaining any violation of the Township Zoning Resolution or Property Maintenance Code at the Properties.

12. Noriega shall pay a \$500.00 fine to the Township immediately upon the filing of this Agreed Judgment Entry.
13. Escobedo shall pay a \$500.00 fine to the Township immediately upon the filing of this Agreed Judgment Entry.
14. This Agreed Judgment Entry shall operate as a final order and this case is hereby closed, subject to the procedures and relief set forth herein.
15. The Butler County Court of Common Pleas shall retain jurisdiction to enforce the terms of this Agreed Judgment Entry.
16. 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.

Entered this 2nd day of November 2023.



Honorable Daniel E. Haughey
Butler County Court of Common Pleas

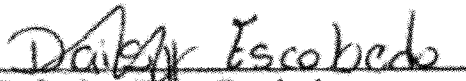
Agreed:



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*Attorney for Plaintiff West Chester
Township Board of Trustees*



Defendant Candelaria Lopez Noriega



Defendant Daisy Escobedo