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**RESOLUTION NO. 32-2024**

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**Resolution authorizing the acceptance of the proposed Agreed Entry resolving the West Chester Township Board of Trustee’s case involving the property at 9808 Columbus-Cincinnati Road, West Chester, Ohio 45069**

**WHEREAS**, the Township has dealt with repeated violations of its Zoning Resolution and Property Maintenance Code at the property located at 9808 Columbus-Cincinnati Road, West Chester, Ohio 45069 (the “Property”);

**WHEREAS**, the violations at the Property included storing several broken down and inoperable vehicles on the Property, failing to maintain the exterior of the Property free from overgrown grass and weeds, and storing rubbish on the Property;

**WHEREAS**, the Township has received multiple citizen complaints regarding these issues;

**WHEREAS**, the Township filed a case for injunctive relief to prevent further violations under Butler County Court of Common Pleas Case Number CV 2024 02 0407 (the “Zoning Case”);

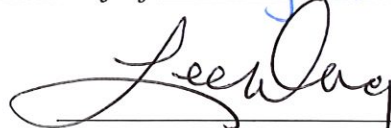
**WHEREAS**, the Township’s primary goal in the Zoning Case is to obtain and maintain compliance with the Zoning Resolution at the Property;

**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 Final Entry, attached as Exhibit A, as a resolution to the Township’s claims in the Zoning Case;

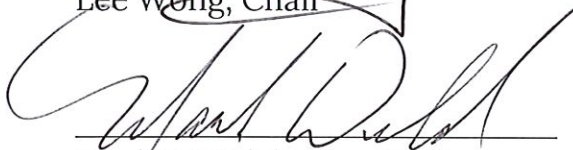
**NOW THEREFORE, BE IT RESOLVED** that on the basis of the above actions and findings, the West Chester Township Board of Trustees:

**SECTION 1.** That the Board of Trustees does hereby authorize the Township’s legal counsel to sign the Agreed Final 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 Final Entry in the future.

Adopted this 13 day of August, 2024.

  
\_\_\_\_\_  
Lee Wong, Chair

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

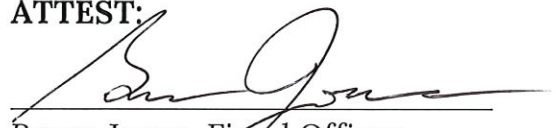
  
\_\_\_\_\_  
Mark S. Welch, Vice Chair

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

  
\_\_\_\_\_  
Ann Becker, Trustee

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Scott D. Phillips, Law Director

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

<b>BOARD OF TRUSTEES, WEST CHESTER TOWNSHIP, OHIO,</b>	:	<b>Case No. CV 2024 02 0407</b>
	:	
<b>Plaintiff,</b>	:	<b>Judge: Gregory S. Stephens</b>
	:	
<b>-vs-</b>	:	<b><u>AGREED FINAL ENTRY</u></b>
	:	
<b>K&amp;D ALEXANDER RESIDENTIAL PROPERTIES 1, LLC, et al.</b>	:	
	:	
<b>Defendants.</b>	:	

Now comes Plaintiff, the Board of Trustees of West Chester Township (hereinafter the “Township”), and Defendant K&D Alexander Residential Properties 1, LLC (“Defendant”) 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 agreed to the following as his, her, or its free act.
2. The Township and Defendant voluntarily submit to the Court’s jurisdiction.
3. Defendant is the owner and entity in control of the real property located at 9808 Columbus-Cincinnati Road, West Chester, Ohio 45241, Butler County Auditor’s Parcel No. M5620-076-000-002 (the “Property”).
4. The Property is zoned R-1A, single-family residential under the Township’s Zoning Resolution.
5. In July 2023, the Township received a complaint from a resident about several broken down and inoperable vehicles being parked at the Property. Upon inspecting the Property, the Township confirmed the allegations of the resident’s complaint.

6. At that time, Defendant was violating Articles 10.18 and 11.07 of the Township's Zoning Resolution by storing inoperable or unlicensed vehicles outside the Property for more than ten days.
7. At that time, Defendant was also violating Sections 302.4, 302.8, and 305.1 of the Township's Property Maintenance Code by failing to remove weeds and excessive plant growth on the exterior of the Property and by storing inoperable vehicles and rubbish on the property.
8. Since the filing of the Complaint in this case, Defendant has cleaned up the exterior of the Property and has addressed the other violations thereon.
9. Defendant is permanently enjoined from storing miscellaneous junk materials, inoperable or unlicensed vehicles, and/or unlicensed trailers on the exterior of the Property.
10. Defendant is permanently enjoined from parking vehicles in the grass at the Property.
11. Defendant is permanently enjoined from violating Articles 302.4, 302.8, and/or 305.1 of the Township's Property Maintenance Code. Specifically, Defendant is permanently enjoined from allowing excessive weeds or plant growth on the Property; from keeping, parking, or storing vehicles in states of major disassembly, disrepair, or in the process of being stripped or dismantled on the Property; and from allowing the accumulation of rubbish or garbage on the exterior of the Property.
12. Defendant agrees to apply for a Zoning Certificate from the Township to construct a fence, barrier, or other obstruction on the eastern border of the parking lot at the Property, on or around the boundary line between the Property and the adjacent real property located at 7378 Sunny Lane, West Chester, Ohio 45241, Butler Co. Parcel ID M5620-076-000-003, and to take all reasonable steps to complete the construction of such fence, barrier, or other

obstruction as set forth in the Zoning Certificate ultimately approved by the Township. Construction of the fence, barrier, or other obstruction shall be completed within sixty (60) days of the date of this Agreed Final Entry.

13. Defendant shall pay the court costs in this case.
14. The Court retains jurisdiction to enforce the terms of this Agreed Final Entry. Failure to comply with this Agreed Final Entry is punishable by contempt.
15. This judgment is a final appealable order and there is no just cause for delay.
16. The clerk is hereby directed to enter this judgment upon the journal. Within three (3) days of its entry upon the journal, the clerk is hereby directed to serve upon the parties notice of this judgment and its date of entry in the journal in the manner prescribed by Civ. R. Rule 5(B) and note such service in the appearance docket.

IT IS SO ORDERED.



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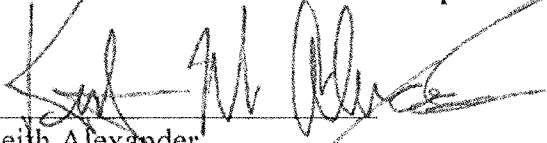
Judge Gregory S. Stephens

Agreed:

**West Chester Township Board of Trustees**

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

**K&D Alexander Residential Properties 1, LLC**

  
Keith Alexander  
*Owner of K&D Alexander Residential Properties 1, LLC*