

**STATUTORY RESOLUTION NO. 13 - 2013**

\*\*\*\*\*

**RESOLUTION AUTHORIZING THE USE OF AND RIPARIAN RESTORATION  
ON THE WILDERMUTH PROPERTY AND APPROVING THE WILDERMUTH  
PROPERTY AND MAINTENANCE AGREEMENT BETWEEN THE WEST CHESTER  
TOWNSHIP BOARD OF TRUSTEES AND THE BOARD OF COUNTY  
COMMISSIONERS OF BUTLER COUNTY ACTING THROUGH THE BUTLER  
COUNTY WATER AND SEWER DEPARTMENT**

**WHEREAS**, the West Chester Township Board of Trustees, (hereinafter referred to as the Township) own what is commonly known as the Wildermuth property (hereinafter referred to as the Property); Property is identified on Exhibit A; and,

**WHEREAS**, the Board of County Commissioners of Butler County, acting through its Water and Sewer Department (hereinafter referred to as the County) desires to obtain access to and use of a portion of the Property (hereinafter referred to as the Project Area) for the construction of a stream restoration and stabilization project to improve water quality and stream habitat in the East Fork Mill Creek (the "Project"); Project and Project Area are identified on Exhibit B; and,

**WHEREAS**, the current use and maintenance of such Property is owned and under the jurisdiction of the Township, and subject to its power and authority, Township is willing to grant to the County the use of the Property, contained to the Project Area, for implementation of the Project and to grant the County continuing access to the Project Area for purposes of construction and maintenance of improvements to the Project Area in furtherance of the Project; and,

**NOW THEREFORE, BE IT RESOLVED** in consideration of the mutual covenants herein contained, and in the circumstances set forth above and other good and valuable consideration, the West Chester Township Board of Trustees hereby agree to:


**SECTION 1.** Approve the Use of and Riparian Restoration on the Wildermuth Property and Maintenance Agreement ("Agreement") between the West Chester Township Board of Trustees and the Butler County Board of Commissioners acting through the Butler County Water and Sewer Department.

**SECTION 2.** Authorize the use of and access to the Wildermuth property, owned and under the jurisdiction of West Chester Township, granting the County a license to construct and maintain the improvements within the Project Area, consistent with the terms and conditions outlined in the Agreement.

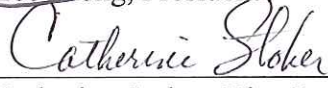
**SECTION 3.** Authorize the Township Administrator to make non-substantive changes to the Agreement with Law Director approval and to execute all necessary and required documents to effectuate execution and implementation of this resolution and the Agreement.

**SECTION 4.** Authorize the Township Administrator, if necessary, with Law Director approval to draft, authorize, and execute an access easement between the West Chester Township Board of Trustees and the Butler County Board of Commissioners and present to the Board of Trustees for subsequent approval for recording purposes.

Adopted this 13th day of August, 2013.

  
\_\_\_\_\_  
Lee Wong, President

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

  
\_\_\_\_\_  
Catherine Stoker, Vice President

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

absent  
\_\_\_\_\_  
George Lang, Trustee

—  
\_\_\_\_\_  
Yes / No

**ATTEST:**

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

**APPROVED AS TO FORM:**

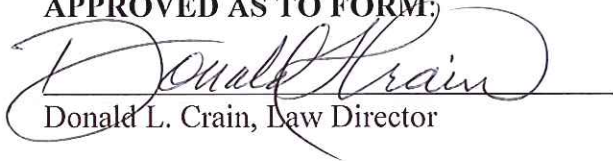
  
\_\_\_\_\_  
Donald L. Crain, Law Director

EXHIBIT A  
(~~29.853~~ acres, Butler County, OH)

Situated in Section 32, Town 3, Range 2, West Chester Township, Butler County, Ohio and being all of a 29.053 acre parcel as conveyed to Neyer Land Holdings I, LLC, as recorded in Official Record 7925, Page 1439, of the Butler County Recorder's Office containing 29.053 acres of land being further described as follows:

Begin at the northeast corner of said section 32; thence, with said section line, South 03° 34' 05" West, 1564.66 feet to an existing 5/8" iron pin on the southeast corner of Walter W. Windisch, Jr. as recorded in Official Record 1761, Page 590 said pin being the true point of beginning;

thence from the true point of beginning thus found, departing said Windisch continuing with said section line, South 03° 25' 50" West, 1789.42 feet to a set 5/8" iron pin on the Northeast corner of Board of Butler County Commissioners, as recorded in Official Record 1295, Page 367;

thence departing said section line, with said Board of Butler County Commissioners, North 82° 09' 34" West, 909.50 feet to a set 5/8" iron pin;

thence departing said Board of Butler County Commissioners, with a new division line, North 16° 03' 22" East, 141.73 feet to an existing 5/8" iron pin on the southeast corner of Windisch Development Company, LLC as recorded in Official Record 6945, Page 1168;

thence departing said new division line, continuing with said Windisch, North 16° 03' 22" East, 1331.83 feet to an existing 5/8" iron pin on the southeast corner of Kanter Investments #3, LTD, as recorded in Official Record 6238, Page 828;

thence with said Kanter, North 19° 03' 35" East, 324.95 feet to an existing 5/8" iron pin on the southerly line of said Walter Windisch, Jr.;

thence departing said Kanter, with said Windisch, South 82° 57' 32" East, 498.17 feet to the true point of beginning containing ~~29.053~~ acres of land, subject to all easements and rights-of-way of record.

The above description was prepared from a survey prepared by Bayer Becker, Jeffrey O. Lambert, Registered Surveyor #7568 in the State of Ohio, July 12, 2007.

The Plat of which is recorded in Volume 51, Page 64, of the Butler County Engineer's Records.

Together with all easements of record benefiting the Property, including without limitation, the ingress, egress, utility, and drainage easements granted for the benefit of the Property in the Declaration and Easement Agreement, dated October 31, 2002 and recorded November 15, 2002 in Official Record Book 6945, Page 1176 of the Butler County, Ohio records.

EXHIBIT B  
Upper Mill Creek Riparian Restoration -  
Wildermuth Site Plan

