

STATUTORY RESOLUTION NO. 20 - 2013

RESOLUTION AUTHORIZING THE USE OF A PORTION OF BECKETT PARK EAST FOR ACCESS PURPOSES FROM UNION CENTRE BOULEVARD AND APPROVING AN EASEMENT, OPERATING AND MAINTENANCE AGREEMENT BETWEEN THE WEST CHESTER TOWNSHIP BOARD OF TRUSTEES AND THE LAKOTA FAMILY YMCA

WHEREAS, the West Chester Township Board of Trustees, (hereinafter referred to as the "Township") own approximately 88.7928 acres of land referred to as Beckett Park East, which is subject to covenants and restrictions placed and governed by the United States Department of the Interior through the National Park Service; and,

WHEREAS, the Lakota Family YMCA (hereinafter referred to as the "YMCA") has a contract to purchase approximately 9.886 acres of land surrounded by portions of Beckett Park East, for the development of a YMCA health/fitness center with a daycare and outdoor pool as outlined by Major Change to a PUD Case #MC 02-13 and its accompanying Preliminary Development Plan; and,

WHEREAS, the YMCA desires to locate the main access drive through Beckett Park using the existing park access drive on Union Centre Boulevard through an access easement, which is described on Exhibit A and illustrated on Exhibit B (hereinafter referred to as the "Easement"); and,

WHEREAS, the YMCA contract to purchase the aforementioned property is contingent upon receiving zoning and Easement approval for the desired use; and,

WHEREAS, on August 27, 2013, the YMCA received preliminary zoning approval for the desired use with Township Resolution No. 14-2013 approving a Major Change to the Beckett Ridge PUD; and,

WHEREAS, the current use and maintenance of Beckett Park is owned and under the jurisdiction of the Township, and subject to certain covenants and restrictions governed by the United States Department of the Interior through the National Park Service, Township is willing to grant to the YMCA with National Park Service approval, use of a portion of Beckett Park East, contained in the Easement for access and maintenance; and,

NOW THEREFORE, BE IT RESOLVED pursuant to Ohio Revised Code §505.10(A)(6) and 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:

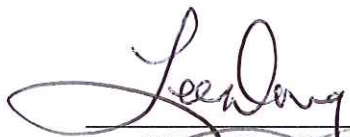
SECTION 1. Approve the Easement, Operating and Maintenance Agreement (hereinafter referred to as the "Agreement") on the Beckett Park East property between the Township and the YMCA for the above purposes.

SECTION 2. Authorize the use of and access through the Beckett Park East property, owned and under the jurisdiction of West Chester Township, granting the YMCA a license to use the existing drive and

make improvements within the Easement, 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 any and all necessary and required documents to effectuate execution and implementation of this Resolution and the Agreement, upon YMCA purchase of the adjacent referenced property and subject to National Park Service approval.

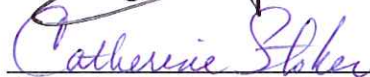
Adopted this 12th day of November, 2013.



Lee Wong, President

Yes

Yes / No



Catherine Stoker, Vice President

YES

Yes / No




George Lang, Trustee

YES


Yes / No

ATTEST:



Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Cram, Law Director

EXHIBIT A

Date: Revised October 21, 2013
Description: 50' Access Easement
West Chester YMCA
Board of Trustees of Union Township
Location: West Chester Township
Butler County, Ohio



Situated in Section 34, Town 3, Range 2, West Chester Township, Butler County, Ohio and being a 50' Access Easement over a tract conveyed to the Board of Trustees of Union Township as recorded in Official Record 6457, Pg. 78 of the Butler County Recorders Office and being further described as follows:

Begin at a point found by measuring from the intersection of Beckett Road and Union Centre Boulevard as recorded in Plat Envelope 3135, Pages A & B; thence, with the centerline of said Union Centre Boulevard, South 77° 30' 14" East, 805.24 feet to the east line extended of First Financial Bank as recorded in Official Record 8332, Page 1150; thence, departing said centerline, North 12° 29' 46" East, 333.84 feet to the True Point of Beginning;

thence, from the true point of beginning thus found, continuing with said east line of said First Financial Bank, North 12° 29' 46" East, 50.00 feet;

thence, departing said First Financial Bank, through the lands of said Board of Trustees of Union Township the following three courses: South 77° 15' 26" East, 290.11 feet;

thence, South 11° 36' 39" West, 238.81 feet;

thence, South 16° 48' 21" West, 94.07 feet to the north right of way of said Union Centre Boulevard;

thence, with said right of way, North 77° 30' 42" West, 50.14 feet;

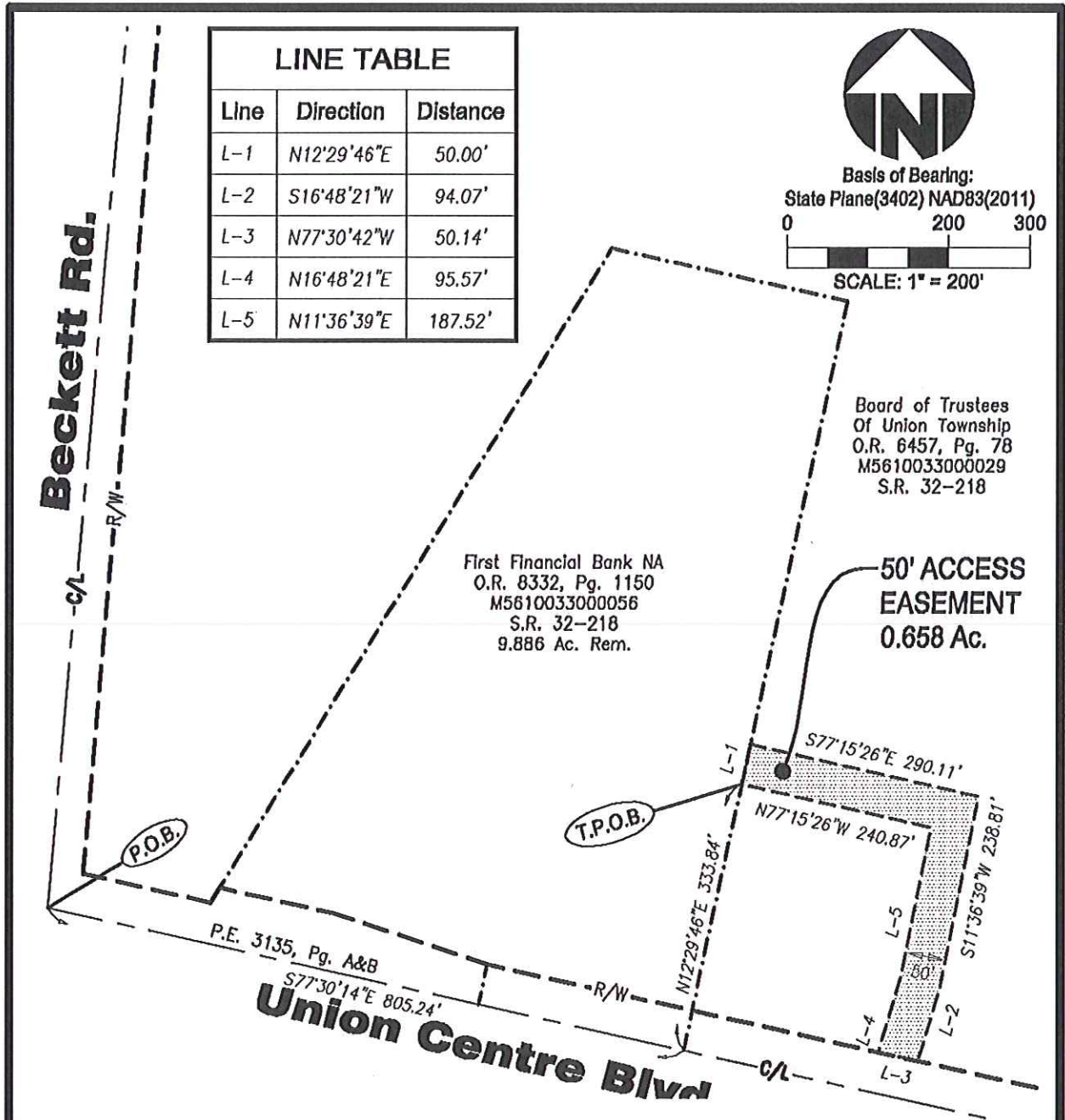
thence, departing said right of way, through the lands of said Board of Trustees of Union Township the following three courses, North 16° 48' 21" East, 95.57 feet;

thence, North 11° 36' 39" East, 187.52 feet;

thence, North 77° 15' 26" West, 240.87 feet to the True Point of Beginning containing 0.658 acres of land.

The above description was prepared from an exhibit prepared by Bayer Becker, Jeffrey O. Lambert, Registered Surveyor #7568 in the State of Ohio, revised October 21, 2013.

EXHIBIT B



Note: This exhibit was prepared from existing deeds and surveys of record. It does not represent a boundary survey.

Drawing:
12C108-000 ES
Sheet:
1 of 1
Drawn by:
j.o.l.
Checked By:
ars
Issue Date:
r10-21-13

**BOARD OF TRUSTEES OF
UNION TOWNSHIP**
M5610033000029
SECTION 34, TOWN 3, RANGE 2
WEST CHESTER TOWNSHIP
BUTLER COUNTY, OHIO
EASEMENT EXHIBIT



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