

RESOLUTION NO. 13 - 2014

RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CAPSTONE BOULEVARD, A CERTAIN ROAD IMPROVEMENT, COMMENCING AT CINCINNATI-DAYTON ROAD AND HIGHLAND GREENS DRIVE AND TRAVELLING WESTERLY AND SOUTHWESTERLY TO A DEVELOPABLE SITE TO PROMOTE ECONOMIC DEVELOPMENT IN WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO TAKE ALL NECESSARY ACTIONS AND EXECUTE ALL DOCUMENTS TO FACILITATE AND IMPLEMENT THIS RESOLUTION

WHEREAS, this Board of Township Trustees (the "Board") of West Chester Township, Butler County, Ohio (the "Township") has, on June 10, 2014, received a petition (the "Petition") from Butler Technology and Career Development Schools ("Butler Tech") requesting the construction of a new road and requesting special assessments be levied to pay the cost of such improvement pursuant to Ohio Revised Code Section 5571.07; and,

WHEREAS, this Board has heretofore, on June 16, 2014, gone upon the line of the proposed improvement, viewed it, walked it, and determined such improvement would be in the best interest of the public convenience and welfare.

NOW, THEREFORE, BE IT RESOLVED the West Chester Township Board of Trustees does hereby resolve, a majority of all members elected thereto concurring to:

SECTION 1. Declare necessary to improve the Township roads by constructing a new road, located at Cincinnati-Dayton Road and Highland Greens Drive (the "Improvements"), all as more fully described in the Petition, on file with the Board of Trustees, and open to the inspection of all persons interested.

SECTION 2. Determine said road, easements, or parts thereof, to be improved by the construction of the Improvements are so situated in relation to each other that in order to complete the Improvements thereof in the most practical and economical manner they should be improved at the same time, with the same kind of materials, and in the same manner; and that said road, easements, or parts thereof, shall, to the extent permitted by law, be treated as a single improvement.

SECTION 3. Determine and declare the Improvements are conducive to the public convenience and welfare of the Township and the inhabitants thereof.

SECTION 4. Authorize and direct the Township Administrator to cause the Butler County Engineer or an independent engineer to prepare plans, specifications, profiles and estimate of cost of the Improvements.

SECTION 5. Acknowledge and adopt one hundred percent of the cost of the Improvements shall be paid by special assessments pursuant to the Petition of one hundred percent of the benefitted landowners submitted and hereby accepted by this Board of Trustees attached hereto as Exhibit A and incorporated herein.

SECTION 6. Acknowledge and adopt the method of levying said special assessments shall be upon the real estate abutting upon said improvement; according to the benefits accruing to such real estate, as set forth in the Petition.

SECTION 7. Acknowledge and adopt the lots or parcels of land to be assessed for the Improvements shall include all lot(s) and land(s) described in Exhibit "B", attached hereto and made a part hereof, all of which said lot(s) and land(s) are hereby determined to be specially benefited by the Improvements.

SECTION 8. Acknowledge and adopt the cost of the Improvements to be paid for directly or indirectly, in whole or in part, by funds derived from special assessments may include but is not limited to: (a) the purchase price of real estate or any interest therein when acquired by purchase; (b) the cost of preliminary and other surveys; (c) the cost of preparing plans, specifications, profiles, and estimates; (d) the cost of printing, serving, and publishing notices, resolutions, and ordinances; (e) the cost of all special proceedings; (f) the cost of labor and material, whether furnished by contract or otherwise; (g) interest on bonds or notes issued in anticipation of the levy and collection of the special assessments; (h) the total amount of damages, resulting from the Improvements, assessed in favor of any owner of lands affected by the Improvements and interest thereon; (i) the cost incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred by reason of the Improvements; and (j) incidental costs directly connected with the Improvements.

SECTION 9. Acknowledge and adopt the assessments to be levied shall be paid in ten (10) annual or twenty (20) semi-annual installments, with interest on the deferred payments at the same rate and for the same period as the bonds to be issued in anticipation of the collection thereof. The owner of all property to be assessed has waived its option to, pay such assessment in cash within (30) days after the first publication of the notice of the assessment resolution.

SECTION 10. Acknowledge and adopt the bonds of the Township may be issued in anticipation of the collection of special assessments by installments and in an amount equal thereto and notes of the Township may be issued in anticipation of the issuance of such bonds and the levy of such assessments.

SECTION 11. Authorize and direct the Township Administrator to cause to be prepared and filed in the Township office the estimated assessments of the cost of the Improvements in accordance with the method of assessment set forth in this resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.


SECTION 12. Authorize and direct the Township Administrator upon the filing of the estimated assessments, notice of the adoption of this resolution, and the filing of the estimated assessments shall be served upon the owners of the lot(s) or parcel(s) of land to be assessed for the Improvements.

SECTION 13. Authorize the Township Administrator to take all necessary actions and execute all documents to facilitate and implement this resolution.

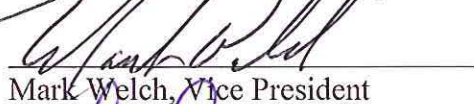
SECTION 14. Acknowledge and adopt that it is found and determined that all formal actions of this board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board; and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 15. Acknowledge and adopt this resolution shall take effect at the earliest date permitted by law.

Adopted this 8th day of July, 2014.


George Lang, President

YES
Yes / No


Mark Welch, Vice President

YES
Yes / No


Lee Wong, Trustee

YES
Yes / No

ATTEST:


Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:


Donald L. Crain, Law Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of a resolution adopted on the day 8 of July, 2014.


Fiscal Officer

EXHIBIT A PETITION

PETITION FOR SPECIAL ASSESSMENTS

TO THE BOARD OF TOWNSHIP TRUSTEES
WEST CHESTER TOWNSHIP
COUNTY OF BUTLER
STATE OF OHIO:

Pursuant to Ohio Revised Code ("ORC") Section 5571.01, the undersigned, being all of the owners of the property described on Exhibit "A" hereto, which constitutes one hundred percent of the area to be assessed for the improvements hereinafter described, do hereby respectfully petition your honorable body, the Board of Trustees (the "Board") of West Chester Township, Butler County, Ohio (the "Township"), for the improvement of township roads by construction of a new road located at Cincinnati-Dayton Road and Highland Green Drive and being 1961.47 lineal feet and that the entire cost of said improvement, including all costs of construction, legal fees, professional fees, debt service charges on any bonds and/or notes issued to finance the cost of the improvement, and cost of issuance of any notes and/or bonds, be assessed upon the lots and lands described in Exhibit A bounding and abutting upon the aforementioned improvements, as set forth in ORC §5573.07.

The construction cost of the road improvement is estimated to be between \$2.5 million and \$3.0 million. And the undersigned consents and requests that the said assessments be levied and collected over a period of ten years, without limitation as to the value of the property assessed hereunder and waives any and all rights, benefits, and privileges fixed by ORC §§5571.10 and 5573.07 et seq., or by any other section thereof restricting the amount of the assessments or the costs of the improvements to be made, and waives all benefits of ORC §§5571.10 and 5573.01 et seq. or of any other section thereof limiting assessments. The undersigned further waives any damages or claims for damages of whatsoever kind, character or description growing out of or resulting from said improvement or the making thereof, including, but not by way of limitation, all rights, benefits, and privileges which are fixed by ORC §§5571.10, 5573.06, 5573.07 and 5573.09. Notwithstanding the foregoing, in the event the undersigned determines, on or prior to September 15, 2014, that the estimated construction cost of the road improvement will exceed \$2.5 million, then the undersigned may, in its sole discretion, give notice to the Township of its intent to terminate construction of said road improvements by such date and this petition shall become null and void as to any obligation of either party hereunder; provided, however, the undersigned may extend the right to terminate by up to thirty (30) days by providing notice of such extension to the Township on or before September 15, 2014.

The undersigned acknowledges and agrees that the assessments contemplated herein do not exceed the benefit to be received by the property to be assessed as a result of the improvement herein requested. The undersigned further acknowledges and agrees, in consideration of the construction of the improvement by the Township, that no property in the Township, other than the property set forth on Exhibit A attached hereto, will receive special benefits from the improvement, and requests that the amount that would have been assessed on any other property in the Township, except for the absence of any special benefit to that other property, be assessed upon the property set forth on Exhibit A attached hereto, and that the balance of the total costs of the improvement to be assessed by the Township be assessed on the property set forth in Exhibit A attached hereto.

The undersigned waives all notices required for the making of said improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated assessments, the equalization of the estimated assessments, the increase in the cost of labor and materials over the estimated cost thereof and the passage of the assessing resolution, including, but not by way of limitation, such notices as are authorized and required by ORC §§ 5573.02 and 5573.10.

The undersigned waives the strict construction of ORC §§5571.01 et seq. and 5573.01 et seq., and the undersigned agrees that the proceedings shall be liberally construed in all respects.

The undersigned further waives its right to pay its assessments in cash and requests that the Board issue Bonds in anticipation of collections of assessments for a period not to exceed ten (10) years. The assessments will be certified to the Auditor of Butler County, Ohio upon completion of the construction of the improvements and issuance of bonds to finance the improvements.

Notwithstanding anything to the contrary herein, the obligations of the undersigned set forth herein run with the land.

The undersigned further agrees to enter into a license agreement by and between the Township and the undersigned, which provides that the undersigned will be responsible for the maintenance of landscape islands (including related irrigation and electrical improvements installed therein) located within the new road. Such agreement to be satisfactory to the Township and to be executed by both parties prior to the construction of the improvements petitioned for herein.

The undersigned agrees to donate/dedicate, free of any cost to the Township, any right-of-way necessary for the improvement, to the extent the undersigned owns or controls such right-of-way, and acknowledges and agrees that the acquisition cost of any right-of-way, which needs to be acquired from other property owners, shall be part of the cost of the improvement and shall be included in the assessment to be levied against the property set forth in Exhibit A attached hereto.

The undersigned further waives any and all irregularities and defects in the proceedings for the assessments or this petition.

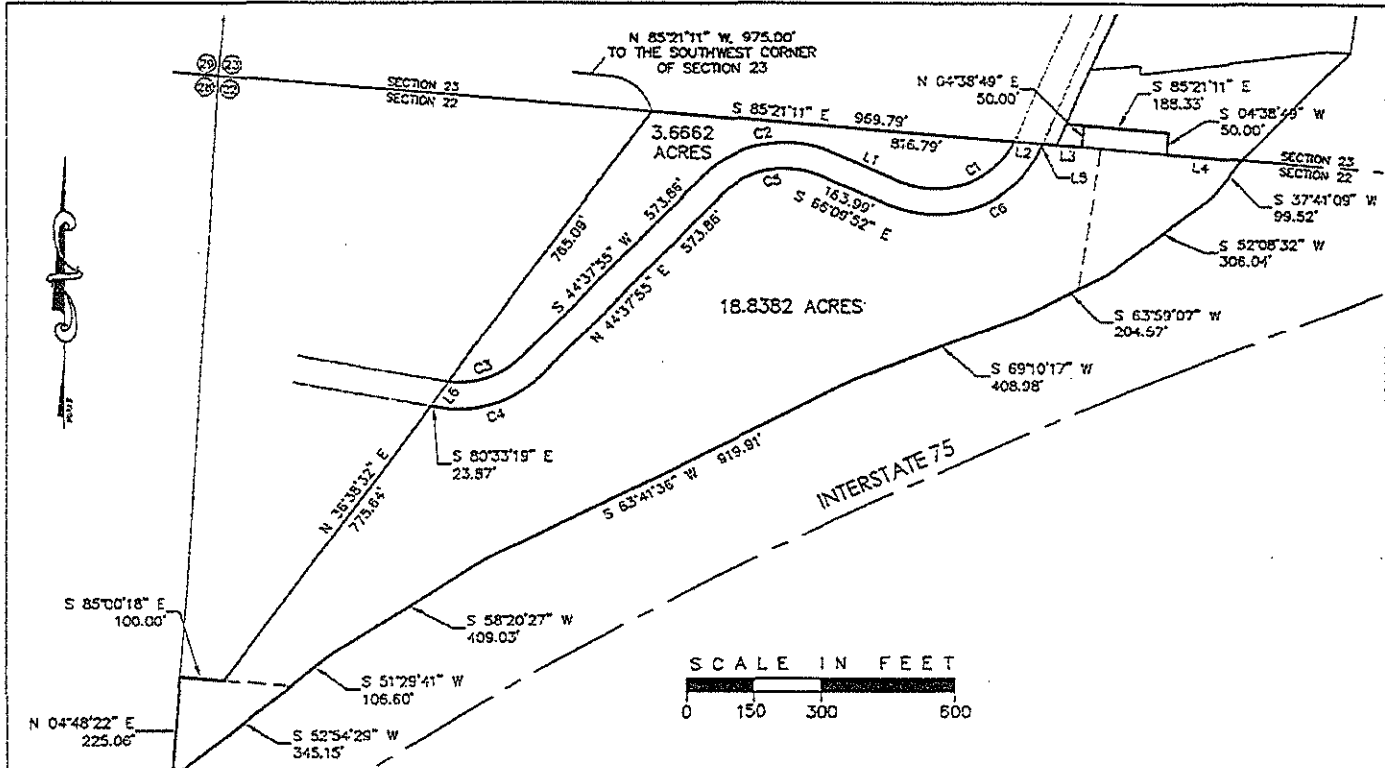
BUTLER TECHNOLOGY AND CAREER
DEVELOPMENT SCHOOLS
3603 Hamilton Middletown Road
Hamilton, Ohio 45011-2241

By: William Miller

Name: William Miller

Title: SUPERINTENDENT / CEO

Dated: June 10, 2014.



LINE TABLE		
Line #	BEARING	LENGTH
L1	N68°09'52"W	163.99'
L2	S85°21'11"E	63.82'
L3	S85°21'11"E	89.18'
L4	S85°21'11"E	167.99'
L5	N23°49'23"E	10.43'
L6	N36°38'32"E	67.60'

CURVE TABLE					
Curve #	RADIUS	LENGTH	CHD LENGTH	CHD BEARING	DELTA
C1	200.00'	303.57'	275.33'	S70°20'18"W	086°59'41"
C2	260.00'	314.04'	295.29'	S79°14'02"W	069°12'13"
C3	200.00'	184.30'	177.85'	S71°01'53"W	052°47'57"
C4	260.00'	248.73'	239.38'	N72°02'18"E	054°48'46"
C5	200.00'	241.57'	227.15'	N79°14'02"E	069°12'13"
C6	260.00'	408.46'	367.74'	N68°49'46"E	090°00'45"

EXHIBIT
ASSESSMENT AREA

SECTION 22, TOWN 3, RANGE 2
WEST CHESTER TOWNSHIP
BUTLER COUNTY, OHIO
PROJECT # 06398.02 FILE # 99383 JJK

MSP  **McGill Smith Punshon, Inc.**
3700 Park 42 Drive • Suite 1908
Cincinnati, Ohio 45241-2097
Tel 513.759.0004 • Fax 513.563.7099
Engineers • Architects • Surveyors • Planners • Landscape Architects

DESCRIPTION FOR: Butler Technology and Career Development Schools
LOCATION: Cincinnati-Dayton Road
22.5044 Acres - Assessment Area

Situate in Section 22, Town 3, Range 2, West Chester Township, Butler County, Ohio and being part of the same premises conveyed to the Butler Technology and Career Development Schools by deed recorded in O.R. 8070, Page 63, Butler County, Ohio Recorder's Office and more particularly described as follows:

Beginning at a point in the south line of the lands conveyed to Lakota Lake, LLC, by deed recorded in O.R. 8360, Page 1135, Butler County, Ohio Recorder's Office, said point also being in the north line of said Section 22 and lies South 85°21'11" East, 975.00 feet from the northwest corner of said Section 22;

Thence, continuing along said north Section line and the south line of the lands of said Lakota Lake, LLC, South 85°21'11" East, 816.79 feet to a point in the proposed northerly right-of-way line of Capstone Boulevard;

Thence, with the lines of said proposed right-of-way, the following five (5) courses and distances;

1. Along an arc deflecting to the right, having a radius of 200.00 feet, a central angle of 86°59'41", a length of 303.67 feet, the chord of said arc bears South 70°20'18" West, 275.33 feet to a point;
2. North 66°09'52" West, 163.99 feet to a point;
3. Along an arc deflecting to the left, having a radius of 260.00 feet, a central angle of 69°12'13", a length of 314.04 feet, the chord of said arc bears South 79°14'02" West, 295.29 feet to a point;
4. South 44°37'55" West, 573.86 feet to a point;
5. Along an arc deflecting to the right, having a radius of 200.00 feet, a central angle of 52°47'57", a length of 184.30 feet, the chord of said arc bears South 71°01'53" West, 177.85 feet to a point in the east line of the lands conveyed to the Robert David Lyons Living Trust by deed recorded in O.R. 8655, Page 505, Butler County, Ohio Recorder's Office;

Thence, along said east line, North 36°38'32" East, 765.09 feet to the point of beginning.

Containing 3.6662 acres of land.

Together with a second tract of land, being more particularly described as follows;

Situate in Section 22, Town 3, Range 2, West Chester Township, Butler County, Ohio and being part of the same premises conveyed to the Butler Technology and Career Development Schools by deed recorded in O.R. 8070, Page 63, Butler County, Ohio Recorder's Office and more particularly described as follows:

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513.759.0004 ■ Fax 513.563.7099 ■ www.mcgilsmithpunshon.com



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Thence, continuing along said north Section line and the south line of the lands of said Lakota Lake, LLC, South 85°21'11" East, 89.18 feet to a point;

Thence, continuing with an east line of the lands of said Lakota Lake, LLC, North 04°38'49" East, 50.00 feet to a point in the south line of the lands conveyed to Shree Prestige, Inc., by deed recorded in O.R. 1698, Page 719, Butler County, Ohio Recorder's Office;

Thence, with the lines of the lands of said Shree Prestige, Inc., the following three (3) courses and distances;

1. South 85°21'11" East, 188.33 feet to a point;
2. South 04°38'49" West, 50.00 feet to a point;
3. South 85°21'11" East, 167.96 feet to a point in the northwesterly limited access right-of-way line of Interstate 75;

Thence, along said limited access right-of-way line, the following eight (8) courses and distances;

1. South 37°41'09" West, 99.52 feet to a point;
2. South 52°08'32" West, 306.04 feet to a point;
3. South 63°59'07" West, 204.57 feet to a point;
4. South 69°10'17" West, 408.98 feet to a point;
5. South 63°41'36" West, 919.91 feet to a point;
6. South 58°20'27" West, 409.03 feet to a point;
7. South 51°29'41" West, 106.60 feet to a point;
8. South 52°54'29" West, 345.15 feet to a corner of the lands conveyed to the Robert David Lyons Living Trust by deed recorded in O.R. 8655, Page 488, Butler County, Ohio Recorder's Office;

Thence, with the east line of said lands, North 04°48'22" East, 225.06 feet to a point at the southwest corner of the lands conveyed to the Robert David Lyons Living Trust by deed recorded in O.R. 8655, Page 505, Butler County, Ohio Recorder's Office;

Thence, with the lines of said lands, South 85°00'18" East, 100.00 feet to a point and North 36°38'32" East, 775.64 feet to a point in the proposed southerly right-of-way line of Capstone Boulevard;

Thence, with the lines of said proposed southerly right-of-way, the following seven (7) courses and distances;

1. South 80°33'19" East, 23.87 feet to a point;

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2. Along an arc deflecting to the left, having a radius of 260.00 feet, a central angle of $54^{\circ}48'46''$, a length of 248.73 feet, the chord of said arc bears North $72^{\circ}02'18''$ East, 227.15 feet to a point;
3. North $44^{\circ}37'55''$ East, 573.86 feet to a point;
4. Along an arc deflecting to the right, having a radius of 200.00 feet, a central angle of $69^{\circ}12'13''$, a length of 241.57 feet, the chord of said arc bears North $79^{\circ}14'02''$ East, 227.15 feet to a point;
5. South $66^{\circ}09'52''$ East, 163.99 feet to a point;
6. Along an arc deflecting to the left, having a radius of 260.00 feet, a central angle of $90^{\circ}00'45''$, a length of 408.46 feet, the chord of said arc bears North $68^{\circ}49'46''$ East, 367.74 feet to a point;
7. North $23^{\circ}49'23''$ East, 10.43 feet to the point of beginning.

Containing 18.8382 acres of land of which 18.6220 acres lies within Section 22 and 0.2162 acres lies within Section 23.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared by McGill Smith Punshon, Inc. under the direction of Jerry L. Keller, P.S., Ohio Registration No. 7584. Bearings are based on U.S. State Plane Coordinates, Ohio South Zone 3204.

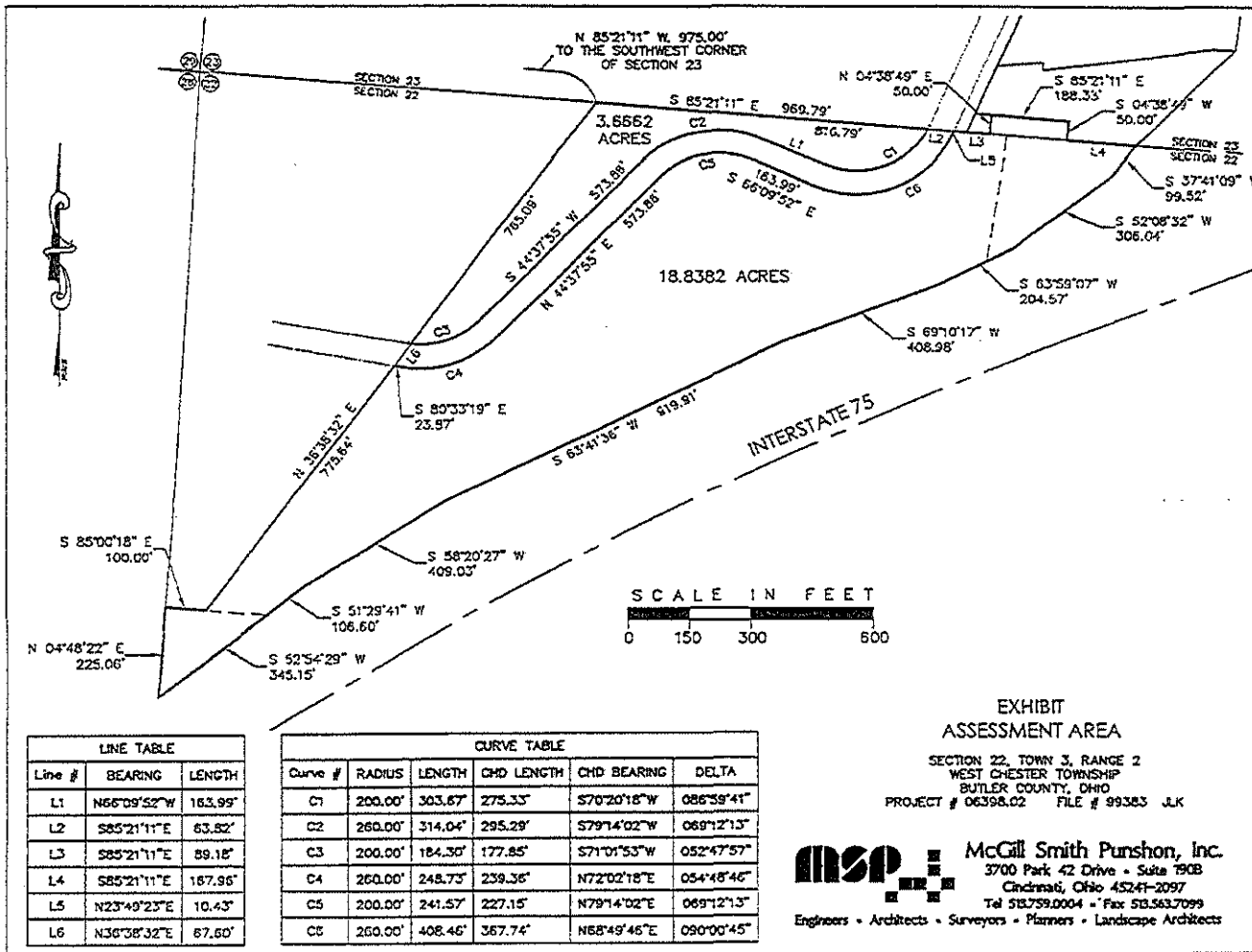
Prepared by: McGill Smith Punshon, Inc.
Date: June 3, 2014
MSP No.: 06398.02

06398023-CU-LEQ-Assessment Area

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EXHIBIT B
PROPERTY TO BE ASSESSED

DESCRIPTION FOR: Butler Technology and Career Development Schools
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Prepared by: McGill Smith Punshon, Inc.
Date: June 3, 2014
MSP No.: 06398.02

06398023-CUL-EG-Assessment Area

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