

RESOLUTION NO. 26 - 2005

RESOLUTION AUTHORIZING THE EXCHANGE OF 4.741 ACRES OF REAL PROPERTY OWNED BY THE WEST CHESTER TOWNSHIP TRUSTEES LOCATED IN BECKETT PARK FOR 4.741 ACRES OF REAL PROPERTY LOCATED ADJACENT TO BECKETT PARK OWNED BY BECKETT RIDGE GOLF CLUB, L.L.C. AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE LAND EXCHANGE AND ACQUISITION OF EASEMENT RIGHTS; AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING

WHEREAS, West Chester Township (“Township”) is authorized pursuant to Ohio Revised Code § 505.104 to exchange real property owned by the Township for other real property owned by other parties provided that the current market value of the property to be received by the Township exceeds the current market value of the property to be traded away and such values are certified by the Butler County Auditor, the property to be received is improved to Township’s specifications, and the public use of the property to be received will be similar as to the public use of the property traded away; and,

WHEREAS, the Township has obtained appraisals of the 4.741 acre tract now owned by the Township (the “Township Property”) and the 4.741 acre tract now owned by Beckett Ridge Golf Club, L.L.C. (“Beckett Ridge) (the “Property”), those appraisals indicate that the current market value of the Beckett Property is greater than the current market value of the Township Property, and the Butler County Auditor has reviewed the same and provided its certification as to the values of the properties; and,

WHEREAS, the Township Trustees have determined that the Beckett Property is improved to the requirements of the Township; and,

WHEREAS, the Beckett Property, once conveyed to the Township will be used for public park purposes in a similar manner as the Township Property has been used for public park purposes; and,

WHEREAS, the Township Property is subject to certain restrictive covenants in favor of the United States of America limiting the use of the Township Property for park purposes and it will be necessary to obtain a release of these restrictions and place those same released restrictions on the Beckett Property once it is conveyed to the Township; and,

WHEREAS, the Township, in consideration of agreeing to the land exchange desires to acquire certain easement rights from Beckett Ridge Golf Club, L.L.C. for use of a certain fresh water well and the location for a community monument.

NOW THEREFORE, BE IT RESOLVED that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. The West Chester Township Board of Trustees hereby finds that the conditions required by Ohio Revised Code § 505.104 have been satisfied and therefore the exchange of the Township Property for the Beckett Property is hereby approved.


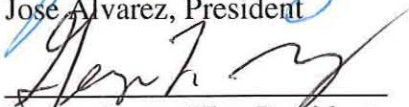
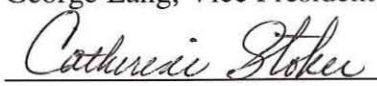
SECTION 2. That West Chester Township Administrator is hereby authorized to execute all documents necessary to complete the execution of the land exchange between the Township and Beckett Ridge Golf Club, L.L.C., including the execution of a Land Exchange Agreement, deeds, closing statements, affidavits and all other documents required to effectuate this resolution.

SECTION 3. The West Chester Township Board of Trustees hereby ratifies any legal act of the Township Administrator taken prior to the adoption of this Resolution to complete the land exchange contemplated herein.


SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and health, and for the particular reason that this Resolution is necessary to allow the immediate modification of a driving range located on the Beckett Property to help prevent golf balls from entering parkland owned by West Chester Township and protect the public from this hazard.

This resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.

Adopted this 26th day of July, 2005.


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|  _____ Jose Alvarez, President | <u>Yes</u> Yes / No |
|  _____ George Lang, Vice President | <u>YES</u> Yes / No |
|  _____ Catherine Stoker, Trustee | <u>YES</u> Yes / No |

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

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|--|----------------------------|
| _____ | First Reading |
| Date | |
| <u>July 26, 2005</u> | Emergency Reading |
| _____ | |
| Date | |
| _____ | Second Reading |
| Date | |
| <u>August 1, 2005 Journal News</u> | First Publication |
| _____ | (After Approval) |
| Date and Newspaper | |
| <u>August 4, Pulse Journal</u> | |
| _____ | |
| <u>August 8, 2005 Journal News</u> | Second Publication |
| _____ | (After Approval) |
| Date and Newspaper | |
| <u>August 11, 2005 Pulse Journal</u> | |
| _____ | |
| <u><i>Patricia Williams</i>, 8/13/06</u> | Certificate of Publication |
| Clerk Signature & Date | |