

RESOLUTION NO. 44 - 2004

RESOLUTION AUTHORIZING THE CREATION OF THE WEST CHESTER TOWN CENTRE COMMUNITY ENTERTAINMENT DISTRICT, TOWN CENTRE-CED, PURSUANT TO OHIO REVISED CODE SECTION 4301.80, APPLICANT SCHUMACHER DUGAN CONTRUCTION, INC.

WHEREAS, on June 7, 2004, a Community Entertainment District application was submitted to the West Chester Township Board of Trustee by Schumacher Dugan Construction, Inc., requesting a Community Entertainment District designation for the approximate 111.0 acre West Chester Town Center development; and,

WHEREAS, legal advertisements, required by and compliant with the Ohio Revised Code, Section 4301.80, were published on June 28, 2004 and July 5, 2004, notifying the public that the subject application is on file for review and stating the date and time of the public hearing scheduled by the Board of Trustees; and,

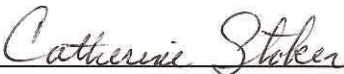
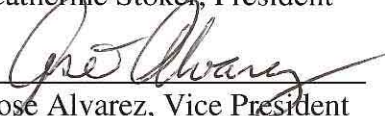
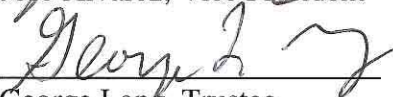
WHEREAS, Schumacher Dugan Construction, Inc. is the land developer of the West Chester Town Centre, an approximate 111.0 acre project, that proposes diverse retail and entertainment and dining establishments and provides upscale commercial opportunities to the people living and working in West Chester; and,

WHEREAS, the West Chester Board of Trustees acknowledges the role of the proposed Town Centre in the community's vision for a downtown and the community's economic vitality and overall quality of life; and,

WHEREAS, the Board of Trustees wishes to support in whatever way toward the West Chester Town Centre's success and recognizes the significance of a Community Entertainment District designation and its influence in enhancing and contributing to entertainment, retail, social, and cultural opportunities for the resident and corporate citizens of West Chester Township.

NOW THEREFORE BE IT RESOLVED, that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby approve the creation of the West Chester Town Centre-Community Entertainment District pursuant to the Ohio Revised Code for the aforesaid application with all plats, plans, applications, and other data submitted hereby incorporated in this recommended approval.

Adopted this 27th day of July, 2004.

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

ATTEST:

Patricia Williams

Patricia Williams, Township Clerk

APPROVED AS TO FORM:

Donald L. Crain

Donald L. Crain, Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the West Chester Township Clerk, this 27th day of July, 2004

Patricia Williams

Clerk

CERTIFICATE

I Hereby Certify that the foregoing is a true and correct copy of a Resolution passed by the Board of Township Trustees of West Chester Township, Butler County, Ohio, and was certified to the Ohio Department of Liquor Control.

Patricia Williams

Clerk

Dated: August 25, 2004

CERTIFICATE OF PUBLICATION

July 13, 2004

Date

First Reading

Emergency Reading

Date

July 27, 2004

Date

Second Reading

August 2, 2004 Journal News

Date and Newspaper

First Publication
(After Approval)

August 5, 2004 Pulse Journal

August 9, 2004 Journal News

Date and Newspaper

Second Publication
(After Approval)

August 12, 2004 Pulse Journal

Patricia Williams

12/18/04

Clerk Signature & Date

Certificate of Publication

**APPLICATION TO DESIGNATE AN AREA
A COMMUNITY ENTERTAINMENT DISTRICT (CED)
PURSUANT TO
OHIO REVISED CODE SECTIONS 4301.80 AND 4303.18.1 (J)1-5**

West Chester Board of Trustees
9100 Centre Point Drive
Suite 280
West Chester, Ohio 45069

FOR WEST CHESTER ADMINISTRATION USE ONLY:

CED DESIGNATION Town Centre

RECEIVED BY Audrey Reshard DATE RECEIVED June 7, 2004

CHECK NUMBER 108312 RECEIPT NUMBER 18808

NOTE: FOR CLARITY, THIS APPLICATION SHOULD BE TYPEWRITTEN. USE ADDITIONAL SHEETS IF NECESSARY

NAME OF APPLICANT Schumacher Dugan Construction, Inc.

ADDRESS 6355 CENTRE PARK DRIVE, WEST CHESTER, OHIO 45069

PHONE NO. 513-777-9800

LOCATION OF DEVELOPMENT AREA OR CORRIDOR:

SECTION(S) 33 # 27 TOWN 3 RANGE 2

NAME, ADDRESS, AND PARCEL NUMBER OF PROPERTY LOCATED IN PROPOSED CED BOUNDARIES. PLEASE LIST ADDITIONAL PROPERTIES ON AN ATTACHED SHEET

| SEE ATTACHED EXHIBIT "A" | | Parcel No. |
|------------------------------|---------------------------------|--------------------------|
| W.C. TS Inc. | M5610-032-000-001 | Parcel No. |
| W.C. TS Inc. | M5610-032-000-028 | Parcel No. |
| W.C. TS Inc. | M5610-027-000-032 | Parcel No. |
| W.C. TS Inc. | M5610-032-000-030 | Parcel No. |
| | M5610-032-000-099 CW | Parcel No. |
| SCHUMACHER DUGAN | M5610-032-000-031 | Parcel No. |
| SCHUMACHER DUGAN | M5610-032-000-101 | Parcel No. |
| RC UNION CENTRE Properties - | M5610-032-000-097 | Parcel No. <u>1111</u> |
| W.C. TS Inc. | M5610-417-000-005 | Parcel No. <u>LOT 25</u> |
| | | Parcel No. |

2. WRITTEN REQUIREMENTS

✓ 2.1 DESCRIPTION OF REQUEST AND REASON

On a separate sheet, please address the following questions:

- a) Explanation of the applicant's purpose in designating the proposed development or corridor area as a Community Entertainment District (CED).
- b) General description of the proposed development or corridor area requesting CED designation and explanation of the nature, types, and schedule of construction of existing or proposed establishments and uses to be located in the CED.
- c) What is the benefit that the township or community as a whole will derive from this particular request?
- d) What identified community goal, objective, vision, or plan will be achieved by the requested CED designation?

✓ 2.2 APPLICATION FEE

A non-refundable \$750.00 application fee to cover costs of the public hearing, including personnel costs, advertising and legal notices as required by law or otherwise in connection with the CED designation request. Please make checks payable to West Chester Township.

_____ 2.3 LETTERS OF APPROVAL FROM SUBJECT PROPERTY OWNERS.
SUBMITTED LETTERS SHOULD REFLECT OWNERS LISTED ON
PREVIOUS PAGE

✓ 2.4 APPLICANT'S AFFIDAVIT

Complete and submit the original and one (1) copy of the Affidavit for every property owner in the proposed area (provided in this packet).

INFORMATION SUBMITTED SHALL BE ASSUMED TO BE CORRECT AND APPLICANT AND/OR AGENT SHALL ASSUME RESPONSIBILITY FOR ANY ERRORS AND/OR INACCURACIES RESULTING IN AN IMPROPER APPLICATION.

Chris Wannenburg
Signature of person preparing this checklist

6-7-04
Date Submitted

ADMS T JUL

3. GRAPHIC REQUIREMENTS

3.1 **COMMUNITY ENTERTAINMENT DISTRICT AREA PLAT MAP**

Submit ten (10) copies of the CED area plat map, surveyed by a licensed surveyor or professional engineer, at a scale of one hundred (100) feet to the inch or larger containing the following information:

- A. Community Entertainment District designation title, date, scale, north arrow, total number of sheets and sheet number;
- B. Name and title of applicant, present owner, etc.;
- C. Boundaries of the area to be designated a CED;
- D. Existing property lines, right-of-way and utility easements for the entire CED area and each parcel involved;
- E. Use and approximate location of existing structures, pavements, sanitary and storm sewers, water bodies, sidewalks and curbs, and other physical and natural features;
- F. Highways and streets in the vicinity of the designated CED area, and ingress and egress to each parcel involved;
- G. Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan;
- H. Location of schools, parks, daycares, churches and any other community facility sites;

3.2 **REDUCED AREA PLAN**

Submit one (1) copy of the CED area plat map, reduced to an 11" x 17" sheet of paper. The information contained on the reduced version of the plan shall be the same as which is required above.



SCHUMACHER DUGAN CONSTRUCTION, INC

General Contractors and Land Development Company

West Chester Towne Centre - Community Entertainment District (CED)

The proposed West Chester Towne Centre - Community Entertainment District (CED) encompasses approximately 111 acres containing the Master Planned "Downtown" for West Chester Township within the zoned Central Business District.

The area centers around Union Centre Boulevard, generally between Allen Road and Muhlhauser Road.

This area is the Planned future Community and Business gathering place, the "Town Square" for the future generations of West Chester citizens.

As part of this mixed use Town Centre, quality restaurants and clubs are as important to the energy of the created "downtown" as are the office buildings, the retail shops and the residential components, and the public presence of a library, park, community recreational center, and the school.

These entertainment and dining establishments help extend the "downtown's vitality into the evening and nighttime hours. The creation of West Chester Towne Centre CED will allow for the proper licensing for the sale of alcoholic beverages in those establishments for which such sale is an important part of their business.

The unavailability of such proper licenses without the establishment of this CED makes the creation of the West Chester Towne Centre much less probable and its mix of uses much more limited.

We ask that the Township Trustees establish the "West Chester Towne Centre Community Entertainment District" to enable the planned "Downtown" to be the exciting, entertaining, energetic community gathering center that has been a part of the West Chester vision for the last 12 years in the 2012 Plan and the Central Business District Zoning Plan.

OWNER'S AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) SCHUMACHER DUGAN CONSTRUCTION, INC. hereby certify that we are all of the owners of the real estate which is the subject of the pending application for Community Entertainment District (CED) designation; that we hereby consent to the Board of Trustees creating a CED area and that we understand that our application will be considered and processed in accordance with the regulations as set forth by the Board of Trustees and the Ohio Liquor Commission as governed by the Ohio Revised Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval of this application. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Signature

SCHUMACHER DUGAN CONSTRUCTION, INC.
Lawrence Schumacher
Signature LAWRENCE SCHUMACHER, PRES.

LAWRENCE SCHUMACHER, PRES.
Print Name

6355 CENTRE PARK DR.
Mailing Address

WEST CHESTER, OHIO 45069
City, State, Zip

513-777-9800
Phone

Subscribed and sworn to before me this 4th of June 1999. 2004

Jennifer A. Marquet
Notary Public

JENNIFER A. MARQUET
Notary Public, State of Ohio
My Comm. Expires 10-25-2004

Person to be contacted for details, other than signatory:

CHRIS WUNNENBERG SAME 777-9800
Name Address Phone No.

2005 JUN 10



OWNER'S AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) WEST CHESTER 75, INC. hereby certify that we are all of the owners of the real estate which is the subject of the pending application for Community Entertainment District (CED) designation; that we hereby consent to the Board of Trustees creating a CED area and that we understand that our application will be considered and processed in accordance with the regulations as set forth by the Board of Trustees and the Ohio Liquor Commission as governed by the Ohio Revised Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval of this application. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Signature

West Chester 75, Inc.
Charles W. Chappell
Signature CHARLES W. CHAPPELL, PRESIDENT

CHARLES W. CHAPPELL, PRES.
Print Name

P.O. Box 278
Mailing Address

WEST CHESTER, OHIO 45071
City, State, Zip

513-777-6177
Phone

Subscribed and sworn to before me this 4th of June 1999-2004

Jennifer A. Marquet
Notary Public

JENNIFER A. MARQUET
Notary Public, State of Ohio
My Comm. Expires 10-25-2004

Person to be contacted for details, other than signatory:

CHRIS WUNNENBERG 6355 CENTRE PARK DR. WEST CHESTER, OHIO 45069
Name Address Phone No.
513-777-9800

NOV 5 2006

OWNER'S AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) RC UNION CENTRE PROPERTIES, LLC hereby certify that we are all of the owners of the real estate which is the subject of the pending application for Community Entertainment District (CED) designation; that we hereby consent to the Board of Trustees creating a CED area and that we understand that our application will be considered and processed in accordance with the regulations as set forth by the Board of Trustees and the Ohio Liquor Commission as governed by the Ohio Revised Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval of this application. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

[Signature]
Signature

Signature

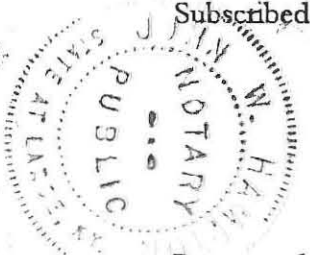
J. Posh TR MANAGER
Print Name

1999 Brownsboro Rd
Mailing Address

Louisville Ky 40206
City, State, Zip

(502) 895-4880
Phone

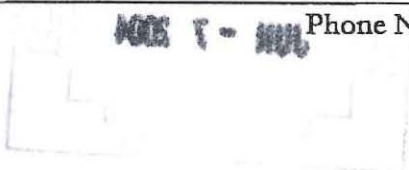
Subscribed and sworn to before me this 4th of June 2004
1999



[Signature]
Notary Public John W. Houston
My commission expires 5-3-06

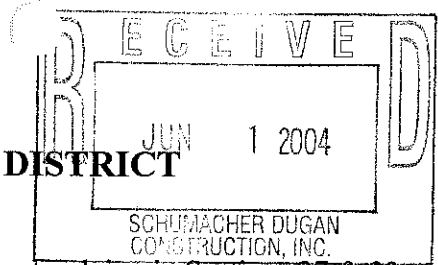
Person to be contacted for details, other than signatory:

Name Address Phone No.



UNION CENTRE ENTERTAINMENT DISTRICT

111.904 ACRES



Situate in the State of Ohio, County of Butler, Township of West Chester, lying in Sections 27 & 33, Town 3, Range 2, and being more particularly described as follows:

Commencing at an iron pin (found) in the northeast corner of Section 33 and northwest corner of Section 27 and lying in the pavement of WEST CHESTER ROAD (formerly RIALTO ROAD), said iron pin being the **TRUE POINT OF BEGINNING** for the herein described Entertainment District boundary;

thence with the north line of Section 27, S 87°20'53" E, 52.43 feet to a point in the westerly right-of-way line of MUHLHAUSER ROAD as recorded in Plat Envelope 2900, Page A;

thence along said right-of-way for the next five (5) courses:

thence S 2°39'07" W, 30.00 feet to a point;

thence S 42°20'53" E, 71.77 feet to a point;

thence S 2°39'07" W, 33.71 feet to a point;

thence along a curve to the right an arc length of 321.82 feet as defined by a radius of 614.01 feet, chord bears S 17°40'02" W, 318.15 feet to a point;

thence S 32°40'52" W, 191.16 feet to the northeast property corner of a tract of land owned by Tropical Taste Real Estate Holdings, LLC, as recorded in Official Record 6932, Page 606;

thence along said tract of land for the next five (5) courses:

thence N 57°19'08" W, 400.38 feet to a point;

thence S 32°40'52" W, 224.00 feet to a point in the future northerly right-of-way line of CENTRE POINT DRIVE;

thence along future said right-of-way, S 57°19'08" E, 99.95 feet to a point;

thence S 60°44'08" E, 234.92 feet to a point;

thence S 57°19'08" E, 65.93 feet to a point in the westerly right-of-way line of MUHLHAUSER ROAD;

thence along said right-of-way line, S 32°40'52" W, 556.90 feet to the northeast property corner of a tract of land owned by Markwood Enterprises Inc., as recorded in Official Record 6320, Page 1281;

thence along said tract of land for the next five (5) courses:

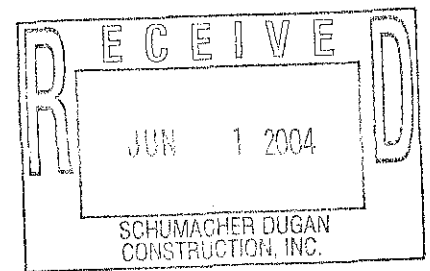
thence N 57°19'08" W, 246.85 feet to a point;

thence N 24°35'41" W, 124.14 feet to a point;

thence along a curve to the right an arc length of 10.00 feet as defined by a radius of 340.00 feet, chord bears S 65°24'19" W, 10.00 feet to a point;

thence S 24°35'41" E, 127.92 feet to a point;

thence S 21°39'40" W, 303.34 feet to a point in the northerly right-of-way line of UNION CENTRE BOULEVARD as recorded in Plat Envelope 3588, Pages A-C.



111.904 ACRES (continued from page 1)

thence departing said northerly right-of-way line, S 18°18'56" E, 181.79 feet to a point in the southerly right-of-way line of UNION CENTRE BOULEVARD and the westerly right-of-way line of MUHLHAUSER ROAD;

thence along the MUHLHAUSER ROAD right-of-way for the next two (2) courses:

thence S 14°43'08" E, 67.69 feet to a point;

thence S 32°40'52" W, 92.96 feet to a point;

thence departing said right-of-way, N 83°31'23" W, 711.95 feet to a point in the easterly right-of-way line of FLOER DRIVE as recorded in Plat Envelope 3280, Page A;

thence along said right-of-way for the next three (3) courses:

thence S 5°28'42" W, 246.33 feet to a point;

thence along a curve to the left an arc length of 125.76 feet as defined by a radius of 114.74 feet, chord bears S 25°55'13" E, 119.56 feet to a point;

thence S 57°19'08" E, 424.13 feet to a point in the westerly right-of-way line of MUHLHAUSER ROAD;

thence departing said westerly right-of-way line, S 57°20'13" E, 120.00 feet to a point in the easterly right-of-way line of MUHLHAUSER ROAD;

thence along the northerly right-of-way line of SCHULZE DRIVE as recorded in Plat Envelope 2982, Pages A and B, S 57°19'08" E, 274.00 feet to a point;

thence departing said northerly right-of-way line, S 28°05'46" W, 60.19 feet to a point in the southerly right-of-way line of SCHULZE DRIVE;

thence along said right-of-way line for the next two (2) courses:

thence along a curve to the right an arc length of 26.91 feet as defined by a radius of 36.00 feet, chord bears S 35°54'08" E, 26.29 feet to a point;

thence along a curve to the left an arc length of 8.56 feet as defined by a radius of 54.00 feet, chord bears S 19°01'40" E, 8.55 feet to a point;

thence departing said right-of-way line along the east property line of Lot 25 of the Union Centre Commerce Park, as recorded in Plat Envelope 3632, Pages A & B, S 32°40'52" W, 459.21 feet to a point in the southeast property corner of Lot 25;

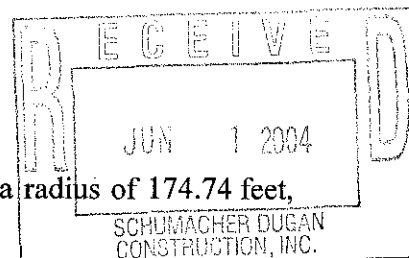
thence along the south line of Lot 25, N 77°44'14" W, 330.78 feet to a point in the easterly right-of-way line of MUHLHAUSER ROAD;

thence along said right-of-way, N 32°40'52" E, 589.51 feet to a point;

thence departing said easterly right-of-way line, N 57°20'13" W, 120.00 feet to the westerly right-of-way line of MUHLHAUSER ROAD;

thence departing said westerly right-of-way line of MUHLHAUSER ROAD along the southerly right-of-way line of FLOER DRIVE, N 57°19'08" W, 424.13 feet to a point;

111.904 ACRES (continued from page 2)



thence along a curve to the right an arc length of 89.41 feet as defined by a radius of 174.74 feet, chord bears N 42°39'37" W, 88.44 feet to a point;

thence departing said south right-of-way line S 32°40'52" W, 238.05 feet to a point in the northeast property corner of a tract of land owned by Jack Guttman, Inc., as recorded in Official Record 6057, Page 1850;

thence along the north line of said tract of land, N 77°44'14" W, 1173.75 feet to a point in the easterly right-of-way line of ALLEN ROAD;

thence along said right-of-way for the next three (3) courses:

thence N 4°18'31" E, 83.32 feet to a point;

thence along a curve to the right an arc length of 403.18 feet as defined by a radius of 616.16 feet, chord bears N 23°03'15" E, 396.02 feet to a point;

thence N 41°47'58" E, 127.06 feet to a point in the south west corner of a tract of land owned by Blue Sky Investors, Ltd., as recorded in Official Record 7123, Page 354;

thence along said tract of land for the next two (2) courses:

thence S 83°31'19" E, 458.38 feet to a point;

thence N 15°23'48" E, 99.53 feet to a point in the southerly right-of-way line of UNION CENTRE BOULEVARD as recorded in Plat Envelope 3588, Pages A-C;

thence along said right-of-way along a curve to the right an arc length of 424.41 feet as defined by a radius of 878.14 feet, chord bears N 60°47'01" W, 420.29 feet to a point;

thence departing said southerly right-of-way line along the projected easterly property line of a tract of land owned by The Huntington National Bank , as recorded in Official Record 6915, Page 2081, N 41°47'55" E, 439.78 feet to the northeast property corner of said tract of land;

thence along the north line of said tract of land, N 51°43'38" W, 180.00 feet to a point in the eastern property line of a tract of land owned by First Financial Bank, as recorded in Official Record 7143, Page 122;

thence along said tract of land for the next five (5) courses:

thence along the east property line of said tract of land, N 45°58'32" E, 6.98 feet to the northeast property corner of said tract of land;

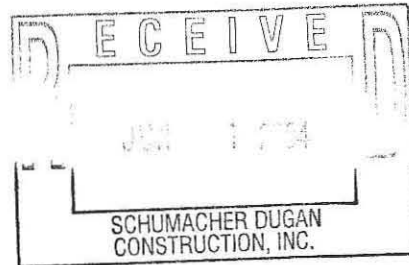
thence along a curve to the right an arc length of 163.19 feet as defined by a radius of 230.00 feet, chord bears N 17°19'04" W, 159.79 feet to a point;

thence N 3°00'31" E, 170.88 feet to a point in the future southerly right-of-way line of CENTRE POINTE DRIVE;

thence along said future right-of-way line, S 89°23'01" W, 238.44 feet to a point;

thence N 87°28'57" W, 36.23 feet to a point in the easterly right-of-way line of UNION CENTRE BOULEVARD, as recorded in Official Record 3588, Pages A-C;

thence along said right-of-way for the next three (3) courses:



111.904 ACRES (continued from page 3)

thence N 0°19'59" W, 57.49 feet to a point;

thence N 2°55'37" E, 745.75 feet to a point;

thence N 61°52'02" E, 69.99 feet to a point in the southerly right-of-way line of WEST CHESTER ROAD, as recorded in Plat Envelope 2659, Pages A-F;

thence along said right of way for the next two (2) courses;

thence S 78°13'10" E, 592.21 feet to a point;

thence N 11°46'51" E, 50.00 feet to a point in the northerly section line of Section 33;

thence along the north line of Section 33, S 78°13'10" E, 2014.02 feet to the true point of beginning, containing 111.904 acres of land, subject to the easements and restrictions of record.

The basis of bearings is per State Plane Coordinates.

Being part of the lands as follows:

| <i>Owner Information</i> | <i>Record Information</i> | <i>Auditor's Parcel Number</i> |
|------------------------------------|---------------------------------|--------------------------------|
| Schumacher Dugan Construction Inc. | Deed Book 1805, Page 709 | M5610-032-000-031 |
| Schumacher Dugan Construction Inc. | Official Record 7339, Page 316 | M5610-032-000-101 |
| West Chester 75, Inc. | Deed Book 1695, Page 678 | M5610-032-000-001 |
| West Chester 75, Inc. | Deed Book 1694, Page 616 | M5610-032-000-028 |
| West Chester 75, Inc. | Deed Book 1743, Page 604 | M5610-032-000-030 |
| West Chester 75, Inc. | Deed Book 1660, Page 492 | M5610-027-000-032 |
| RC Union Centre Properties | Official Record 7344, Page 1153 | M5610-032-000-097 |
| West Chester 75, Inc. Lot 25 | Deed Book 1620, Page 500 | M5620-417-000-005 |

This description was prepared May 28, 2004 by NEXUS ENGINEERING, under the direct supervision of Michael A. Novean, P.E., P.S., Registered Surveyor No. 8101 and a copy of the survey is hereby attached.

I hereby certify that the description of the proposed Union Centre Entertainment District, is a complete, proper and legal description thereof.

9/7/2004

Michael A. Novean, P.E., P.S.
Registered Surveyor No. 8101

Date

PROPOSED BOUNDRY FOR
 WEST CHESTER TOWN CENTRE
 COMMUNITY ENTERTAINMENT
 DISTRICT (CED)

