

**RESOLUTION NO. 01-99**

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**BE IT RESOLVED** by the Township Trustees of Union Township, Butler County, Ohio that:

**WHEREAS**, by advertisement, a public hearing to revise the Wetherington Residential Planned Unit Development District was held on December 15, 1998, on the application of Wetherington Associates Limited Partnership (11-98), requesting a major change to the PUD District, to reclassify the streets from public to private, for the following described property:

Property to be re-designated by the proposed change Situated in Sections 18 and 24, Town 3, Range 2, Union Township, Butler County, Ohio and being all of the area recorded for roadway purposes and being further described as follows:

Being the area as recorded in Wetherington, Section One, as recorded in Plat Envelope 2055, Pages A, B, and C and being known as Wetherington Drive and Legendary Lane, save and except the below described property:

Being at a point found by measuring from a set concrete monument on the southerly property line of lot 1 of said section one, thence with the property line of lot 1, South  $02^{\circ}23'21''$  West, 50.92 feet to a point on the easterly right-of-way of Wetherington Drive, thence departing said property line and along said right-of-way on a curve to the right having a radius of 428.00 feet, an arc length of 53.22 feet, (Chord = South  $21^{\circ}23'22''$  East, 53.19 feet) to the point of beginning;

thence from the point of beginning thus found, and continuing along said right-of-way on a curve to the right having a radius of 428.00 feet, an arc length of 186.99 feet, (Chord = South  $05^{\circ}18'40''$  East, 185.50 feet)  
thence on a curve to the left, having a radius of 15.00 feet, an arc length of 22.21 feet, (Chord = South  $35^{\circ}13'11''$  East, 20.24 feet);  
thence departing said right-of-way, South  $12^{\circ}21'30''$  West, 20.00 feet;  
thence North  $77^{\circ}38'30''$  West, 98.01 feet  
thence North  $77^{\circ}39'02''$  West, 26.71 feet to a point on the westerly right-of-way of Wetherington Drive;  
thence along said right-of-way on a curve to the left, having a radius of 15.00 feet, an arc length of 24.87 feet, (Chord = North  $54^{\circ}51'13''$  East, 22.12 feet);  
thence continuing along said right-of-way North  $07^{\circ}21'29''$  East, 7.87 feet;  
thence on a curve to the left, having a radius of 332.00 feet, an arc length of 145.93 feet, (Chord = North  $05^{\circ}14'04''$  West, 144.76 feet);  
thence departing said right-of-way, North  $72^{\circ}10'23''$  East, 96.00 feet to the point of beginning; save and except lot 20 as recorded in said Section One.

And being the area as recorded in Wetherington, Section Two, as recorded in Plat Envelope 2071, Pages A, B, C and D and being known as Wetherington Drive, Country Club Lane, Clubhouse Court and Charter Cup Lane;

And being the area as recorded in Wetherington, Section Three as recorded in Plat Envelope 2072, Pages A, B and C and being known as Charter Cup Lane;

And being the area as recorded in Wetherington, section Four, as recorded in Plat envelope 2073, Pages A, B and C and being known as Legendary Lane;

And being the area as recorded in Wetherington, Section five, Block "A", as recorded in Plat Envelope 2218, Pages A, B, C, D, E and F and being known as Wetherington Drive and Eagles Wing Drive, save and except the below described property:

Begin at a point found at the most southwesterly corner of said Section Five, Block "A", said point also being on the centerline of Cincinnati-Dayton road, said point being the point of beginning;

thence from the point of beginning and continuing along the boundary of said section and centerline, North  $31^{\circ}41'46''$  East, 694.65 feet;  
thence departing said boundary and centerline South  $58^{\circ}18'14''$  East, 50.00 feet to an existing concrete monument on the easterly right-of-way of Cincinnati-Dayton Road;  
thence along said right-of-way South  $31^{\circ}41'46''$  west, 702.86 feet to an existing concrete monument;  
thence departing said right-of-way North  $48^{\circ}58'39''$  West, 50.67 feet to the point of beginning;

And being the area as recorded in Wetherington, Section Five, Block "B", as recorded in Plat Envelope 2219, Pages A, B and C and being known as Wetherington Drive, St. Ives Place and Avenel Court;

And, being the area as recorded in Wetherington, Section Six as recorded in Plat Envelope 2221, Pages A, B and C and being known as St. Ives Place;

And being the area as recorded in Wetherington, Section Seven as recorded in Plat Envelope 2344, Pages A, B and C and being known as Wiloughby Court and St. Ives Place;

And being the area as recorded in Wetherington, Section Eight as recorded in Plat Envelope 2361, Pages A, B, C and D and being known as Wetherington Drive;

And being the area as recorded in Wetherington, Section Ten as recorded in Plat Envelope 2533, Pages A, B, and C and being known as Wetherington Drive;

And being the area as recorded in Wetherington, Section Twelve as recorded in Plat Envelope 2597, Pages A, B and C and being known as Harbor Town Drive;

And being the area as recorded in Wetherington, Section Thirteen as recorded in Plat Envelope 2598, Pages A, B and C and being known as Great Waters Lane;

And all roadways as yet un-constructed within the residential area of the development.

The above is a complete, proper, and legal description of the property.

**WHEREAS**, all those present for the hearing who wished to be heard voiced their opinions with respect thereto; and

**WHEREAS**, the Union Township Zoning Commission recommended approval with a stipulation (Resolution 98-33) of the major change to the PUD request, reclassifying the streets from public to private; and

**WHEREAS**, said application was reviewed by the Board of Township Trustees and determined to be consistent with the Union Township Land Use Plan; and

**WHEREAS**, the Union Township Board of Trustees recognizes that in order for privatization to be effective the major change request must be approved and the Butler County Commissioners must activate the applicable streets from a public street to private street status. The Union Township Board of Trustees recognizes that privatization is not effective until Butler County activates that change.

**THEREFORE BE IT RESOLVED**, that by unanimous vote necessary to modify the decision of the Union Township Zoning Commission, the Board of Trustees does hereby approve the major change to the PUD request, for the aforesaid application, effective upon the opening of the Butler Regional Highway at the Cincinnati-Dayton Road and Interstate 75 interchanges with the following conditions:

- 1) The streets within the Wetherington PUD development shall be the sole responsibility of the appropriate homeowners' Association. No public funds shall be appropriated to maintain said streets.

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- 2) The conditions of the subject streets shall be maintained in a manner that will accommodate emergency vehicles at all times.
- 3) The location, design, construction, and operation of the access control mechanisms shall be at the approval of the Union Township staff and the Butler County Engineer's Office. Any public road improvements necessary to accommodate the proposed access control mechanisms shall be at the cost to the applicant and/or applicable homeowners' association.
- 4) The streets within the Wetherington PUD shall be accessible and usable at all times by emergency vehicles.

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Adopted the 12th day of January, 1999

*Joe Albany* Yes

*Thomas J. Hazden* Yes

*Catherine Hoke* Yes  
Township Trustees

Attest: *Patricia Williams*  
Township Clerk