

RESOLUTION NO. 3-99

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

WHEREAS, the real property described in Exhibit A attached hereto, a 1.730 acre tract, was conveyed to the Butler County Commissioners in fee simple for the purpose of constructing a public road thereupon; and

WHEREAS, due to improvements to the roadway network in Union Township, the proposed location of said public road has been realigned to provide a more efficient transportation system; and

WHEREAS, the Butler County Board of Commissioners, by Resolution # 99-2-220 and pursuant to Ohio Revised Code (O.R.C.) 307.10(B), has concluded that the County no longer has a need to be vested with fee simple title to the said 1.730 acre tract, and has conveyed the 1.730 acre tract to the Union Township Board of Trustees; and

WHEREAS, it has been proposed that Union Township exchange the said 1.730 acre tract for a 1.912 acre tract owned by Richard L. and Patty F. Alderson, and described in Exhibit B attached hereto, to allow for the construction of the realigned road and for its subsequent dedication and acceptance by the public; and

WHEREAS, pursuant to Section 505.104 of the Ohio Revised Code, a Board of Township Trustees without bidding or advertising may exchange real property belonging to the Township for real property belonging to others if all of the following apply:

1. The acquired property's current market value is equal to or greater than that of the real property the Township gives up and the County Auditor so certifies (see attached certification).
2. The acquired property is improved to the Township's specifications.
3. The acquired property is to be used by the Township for a public purpose that is the same as or similar to that for which the real property the Township gives up in the exchange was used; and

WHEREAS, according to an appraisal report conducted by a certified appraiser, evaluating the market value of the subject properties and a legal opinion by a real estate attorney, copies of which are attached hereto, the land exchange meets the three (3) standards outlined above.

THEREFORE BE IT RESOLVED, that the Union Township Board of Trustees does hereby determine that the land exchange complies with required mandates of O.R.C., Section 505.104 and does hereby approve the land exchange.

BE IT FURTHER RESOLVED, that the Township administrator is hereby authorized to execute and deliver any deed, instrument or other documentation or instrument necessary to consummate the exchange of the 1.730 acre tract for the 1.912 acre tract, as contemplated herein.

Adopted the 9th day of February, 19 99

Geo. T. Chazy

Thomas J. Hayden

Catherine Stoker
Township Trustees

Attest: Patricia Williams
Township Clerk



KLEINGERS & ASSOCIATES

Engineers and Surveyors

January 6, 1999

LEGAL DESCRIPTION 1.7304 ACRES

Situated in Section 28, Town 3, Range 2, B.T.M., Union Township, Butler County, Ohio, being part of a 550.943 acre tract as conveyed to TFAC, Inc. as Exhibit A-6 by deed filed in the office of the Butler County Ohio Recorder in Deed Book 1436 at page 97, etc., and being more particularly described as follows:

Beginning at a set P.K. nail in the centerline of Beckett Road at the southernmost corner of the subdivision entitled, "Beckett Ridge Section 35 Phase R-X-4", the record plan of which is filed in the office of said recorder in Plat Envelope 1743 at Pages A, B, C and D; thence from said beginning running with the meridian of same,

- 1) Leaving said centerline with a southeasterly line of said subdivision, through said 550.943 acre tract, by new division lines, N33°35'22"E, 50.00'; thence,
- 2) Leaving said southeasterly line, continuing through said tract, parallel with and distant 50.00', as measured at right angles, northerly from the existing centerline of said Beckett Road, S56°24'38"E, 271.04'; thence,
- 3) Along the arc of a tangent curve to the right, having a radius 520.00', (crossing the existing centerline of said Beckett Road at an arc length of 229.90') a total arc length of 299.50', the chord of which bears, S39°54'38"E, distant 295.38'; thence,
- 4) Along the arc of a tangent curve to the right, having a radius 390.00', an arc length of 173.10', the chord of which bears, S10°41'43"E, distant 171.68'; thence,
- 5) Tangent to said curve, S02°01'11"W, 61.11' to the south line of said Section 28, being the centerline of Rialto Road; thence,
- 6) With said section line and said centerline, N87°58'49"W, 100.00'; thence,
- 7) Leaving said section line and said centerline, parallel with and distant 100.00', as measured at right angles, westerly from the 5th course herein described, N02°01'11"E, 61.11'; thence,
- 8) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' westerly from the 4th course herein described, having a radius 290.00', an arc length of 128.71', the chord of which bears, N10°41'43"W, distant 127.66'; thence,
- 9) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' southwesterly from the 3rd course herein described, having a radius 420.00', an arc length of 241.90', the chord of which bears, N39°54'38"W, distant 238.57'; thence,
- 10) Tangent to said curve, being parallel with and distant 100.00', as measured at right angles, southwesterly from the 2nd course herein described, and parallel with the existing centerline of said Beckett Road, N56°24'38"W, 271.04'; thence,
- 11) N 33°35'22"E, 50.00' to the place of beginning, containing 1.7304 acres of land, more or less.

Subject to all easements of record.

Prior Deed: Deed Book 1436, Page 97, etc., Exhibit A-6

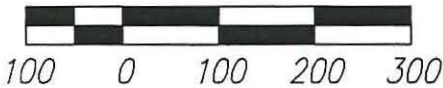
A plat of survey is recorded in Volume 21, Page 9 of the Butler County Engineer's Plat Records.

| CURVE | RADIUS | LENGTH | CHORD | BEAR. | DELTA |
|-------|---------|---------|---------|-------------|-----------|
| C1 | 612.96' | 416.02' | 408.08' | S17°31'15"E | 38°53'00" |
| C2 | 572.96' | 620.31' | 590.46' | N28°53'42"W | 62°01'50" |
| C3 | 532.96' | 579.52' | 551.39' | N28°59'02"W | 62°18'07" |
| C4 | 290.00' | 128.71' | 127.66' | N10°41'43"W | 25°25'48" |
| C5 | 420.00' | 241.90' | 238.57' | N39°54'38"W | 32°59'58" |
| C6 | 520.00' | 299.50' | 295.38' | S39°54'38"E | 32°59'58" |
| C7 | 390.00' | 173.10' | 171.68' | S10°41'43"E | 25°25'49" |

* DENOTES: NON-TANGENT CURVE

BEARING TABLE

| | | |
|----|-------------|---------|
| L1 | S36°26'58"E | 62.18' |
| L2 | S02°01'15"W | 30.00' |
| L3 | N02°01'11"E | 61.11' |
| L4 | N33°35'22"E | 100.00' |
| L5 | S02°01'11"W | 61.11' |
| L6 | N87°58'49"W | 100.00' |



LEGEND:

- △ RAIL ROAD SPIKE FOUND (UNLESS NOTED OTHERWISE)
- 1/2" IRON PIN FOUND
- 5/8" IRON PIN SET

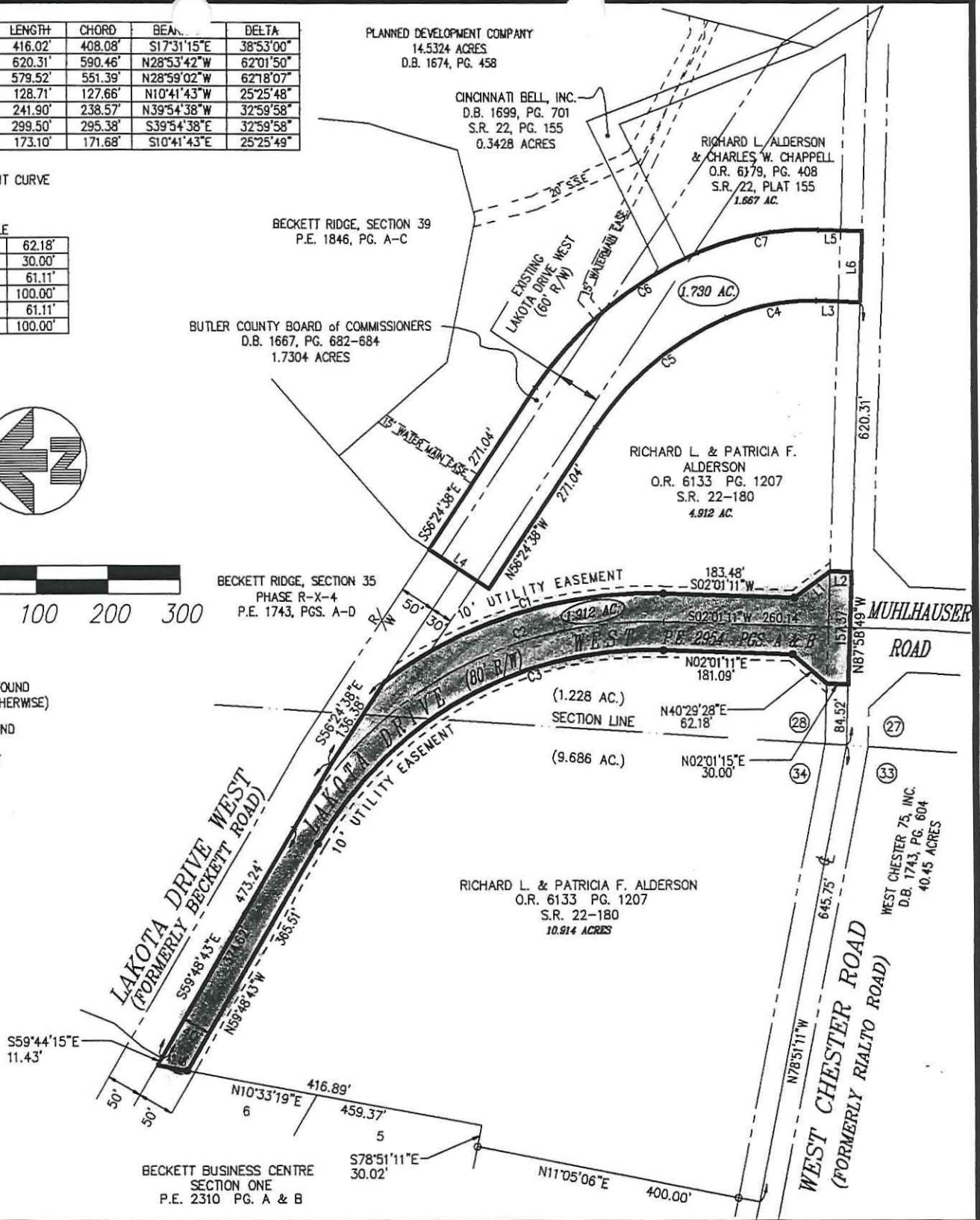


EXHIBIT "A"

LAKOTA DRIVE WEST EXTENSION
 SECTIONS 28 & 34, TOWN 3, RANGE 2
 UNION TOWNSHIP
 BUTLER COUNTY, OHIO

SCALE: 1"=200'
 DATE: 1/05/98
 DRAWN: DSE
 CHECKED:
 JOB No. 98288VD

KLEINGERS & ASSOCIATES
 Engineers and Surveyors
 6305 Centre Park Drive West Chester, Oh. 45069
 (513) 779-7851 Fax: (513) 779-7852



KLEINGERS & ASSOCIATES

Engineers and Surveyors

January 6, 1999

LEGAL DESCRIPTION 1.912 ACRES

Situated in Sections 28 & 34, Town 3, Range 2, Union Township, Butler County, Ohio and being part of a 16.491 acre tract conveyed to Richard L. and Patricia F. Alderson in Official Record 6133, Page 1207 and being more particularly described as follows:

Beginning at a point in the centerline of West Chester Road and the south line of Section 28, said point being located $S87^{\circ}58'49''E$ a distance of 84.52 feet from the southwest corner of Section 28;

Thence leaving said centerline and south section line, along new division lines in said 16.491 acre tract the following five courses:

- 1) $N02^{\circ}01'15''E$ a distance of 30.00 feet to the northerly right-of-way line of said West Chester Road;
- 2) $N40^{\circ}29'28''E$ a distance of 62.18 feet;
- 3) $N02^{\circ}01'11''E$ a distance of 181.09 feet to a point of curvature;
- 4) Along a nontangent curve to the left a distance of 579.52 feet, said curve having a radius of 532.96 feet and a chord bearing $N28^{\circ}59'02''W$ a distance of 551.39 feet;
- 5) $N59^{\circ}48'43''W$ a distance of 365.51 feet to the west line of said 16.491 acre tract;

Thence along said west line, $N10^{\circ}33'19''E$ a distance of 42.48 feet to the centerline of Lakota Drive West;

Thence along said centerline of Lakota Drive West, $S59^{\circ}44'15''E$ a distance of 11.43 feet;

Thence continuing along said centerline, $S59^{\circ}48'43''E$ a distance of 473.24 feet;

Thence continuing along said centerline, $S56^{\circ}24'38''E$ a distance of 136.38 feet;

Thence leaving said centerline, along new division lines in said 16.491 acre tract the following four courses:

- 1) Along a nontangent curve to the right a distance of 416.02 feet, said curve having a radius of 612.96 feet and a chord bearing $S17^{\circ}31'15''E$ a distance of 408.08 feet;
- 2) $S02^{\circ}01'11''W$ a distance of 183.48 feet;
- 3) $S36^{\circ}26'58''E$ a distance of 62.18 feet to the northerly right-of-way line of West Chester Road;
- 4) $S02^{\circ}01'15''W$ a distance of 30.00 feet to the centerline of West Chester Road;

Thence along said centerline of West Chester Road, $N87^{\circ}58'49''W$ a distance of 157.37 feet to the Point of Beginning, containing 1.912 acres more or less and being subject to easements, restrictions, and rights-of-way of record.

Deed Reference: O.R. 6133 Page 1207

Bearing Reference: Bearings are based on Survey Volume 22, Page 180.

The above description based on a field survey by Kleingers & Associates, Engineers and Surveyors, under the direction of David L. Cox, Ohio Professional Surveyor No. 7101. Said survey is recorded in Volume _____, Page _____ of the Butler County Engineers Record of Land Surveys.

98288ld.doc



**BUTLER COUNTY
AUDITOR**

February 5, 1999

Union Township Board of Trustees
9113 Cincinnati Dayton Road
West Chester, OH 45069
Attn: Dave R. Gully, Township Administrator

Re: Proposed exchange of Township property located between West Chester Road and Lakota Drive West, in Sections 28 & 34, Town 3, Range 2, Union Township, Butler County, Ohio, known as "Lakota Drive West Extension"

Dear Trustees,

Based upon (a) a letter addressed to me dated February 2, 1999 from Dave R. Gully, Township Administrator, Union Township, Butler County, Ohio, and (b) an appraisal report prepared by Thomas J. Reuter, A.S.A., dated January 22, 1999, and (c) a plat prepared by Kleingers & Associates, Engineers and Surveyors dated January 5, 1998 (JOB No. 98288VD), I certify that the market value of the property being received by the township, identified as containing 1.912 acres located between West Chester Road and Lakota Drive West, is equal to or greater than the market value of the property being transferred, identified as containing 1.703 acres in Deed Book 1667, Pages 682 through 684 of the Butler County Recorder's office, as of January 22, 1999.

Sincerely,

Kay Rogers, CPA, CGFM
Butler County Auditor

MANLEY, BURKE, LIPTON & COOK

A LEGAL PROFESSIONAL ASSOCIATION

ROBERT E. MANLEY
TIMOTHY M. BURKE
ANDREW S. LIPTON
DAVID M. COOK
GARY E. POWELL
ROBERT H. MITCHELL
BERNICE L. WALKER
MATTHEW W. FELLERHOFF
DANIEL R. BEERCK
RHONDA S. FREY
JOHNATHAN M. HOLIFIELD
TODD B. NAYLOR

225 WEST COURT STREET
CINCINNATI 45202-1055
TELEPHONE: (513) 721-5525
(800) 708-0798
TELECOPIER: (513) 721-4268
E-MAIL: mblc@earthlink.net

COUNSEL
WILLIAM A. McCLAIN
RICHARD C. MELFI
GEORGE F. FABE
GEORGE F. MOELLER

January 26, 1999

Hon. Township Trustees
Union Township
Butler County, Ohio
9113 Cincinnati-Dayton Road
West Chester, Ohio 45069-3947

Re: Lakota Drive West Matter

Hon. Trustees:

This letter serves to advise you as to the procedures which must be followed in order to pursue an exchange of real property in compliance with Section 505.104 Ohio Revised Code.

In order to provide for the construction and eventual dedication and public acceptance of relocated Lakota Drive West, the County Commissioners will deed fee simple title to a 1.730-acre tract to the Township via a quit claim deed; the conveyance will be subject to the continuing public use of the existing Lakota Drive West (formerly Beckett Road) and certain waterline easements.

It has been proposed that, upon taking title to the 1.720 acre tract, the Township will exchange that tract for a 1.912-acre tract owned by Richard L. and Patricia F. Alderson. This will allow for the construction of relocated Lakota Drive West upon the 1.912-acre tract and, upon completion of construction, permit the Township to dedicate the new roadway to the County. After this dedication has been accepted, the County will then vacate its easement and use of current Lakota Drive West.

Hon. Township Trustees
Union Township
January 26, 1998
Page 2

Section 505.104 allows a Township to exchange and transfer land without bidding or advertising. However, there must be compliance with the following three requirements:

- The current market value of the land which the Township receives must be equal to or greater than that which it will give up.
- The improvement to be constructed on the land received will be done according to Township specifications.
- The land which the Township receives will be used for the same purpose of that which it gave up.

I can report that the proposed exchange with Mr. and Mrs. Alderson meets each of these three requirements:

- A. Value. The Township retained Mr. Thomas J. Reuter, ASA, an independent fee appraiser, to inspect the 1.720-acre and the 1.912-acre tracts, research the market and advise as to their comparative values. Mr. Reuter issued a letter dated January 22, 1999, and reports that the 1.912-acre tract has a value of \$153,000, while the 1.720-acre tract is worth \$138,500. Thus, the market value of the land which the Township will receive is \$14,500 greater than the value of the land which it will give up. A copy of Mr. Reuter's letter is attached.
- B. Construction Specifications. The construction of relocated Lakota Drive West will occur as part of the development of the adjacent property. The plan permitting process will mandate that the roadway meet Township specifications (e.g., County and Ohio Department of Transportation specifications for a public road). The second mandate will thus be met.
- C. Use. The land which will be given up was donated to, and accepted by, the County for the purpose of constructing a public road, namely, relocated Lakota Drive West. The land which the Township acquires will be used to construct a public road, namely, relocated Lakota Drive West. Indeed, the new alignment will be much better than that originally proposed. The third requirement is met.

Hon. Township Trustees
Union Township
January 26, 1998
Page 3

Because all three requirements have been met, you may adopt an appropriate resolution approving this transaction. After the deed for the 1.720-acre tract from the County to the Township has been received and properly transferred and recorded, the tract will be conveyed to the Aldersons who will, in turn, convey the 1.912-acre tract to the Township. Mr. Alderson has provided the necessary plats and descriptions and I will prepare the deeds and other closing documents.

Please let me know if I can answer any questions which you may have concerning this transaction.

Very truly yours,



Richard C. Melfi

Attachments

cc: Mr. David Gulley
Ms. Judi Carter
Gary E. Powell, Esq.

REUTER & ASSOCIATES

real estate appraisers & consultants

4538 West 8th Street, Cincinnati, Ohio 45238
(513) 921-1900

THOMAS J. REUTER A.S.A.
WILLIAM F. STAUTBERG CA-R
SCOTT A. REUTER

January 22, 1999

Richard C. Melfi, Esq.
Manley, Burke, Lipton & Cook
225 W. Court Street
Cincinnati, Ohio 45202

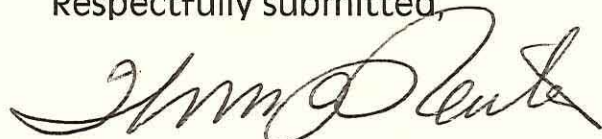
Re: Lakota Drive West Extension

Dear Mr. Melfi:

Per your request, I have made an investigation and appraisal of the above real estate. I have also studied the engineering plat and survey provided by Union Township, relative to the relocation of Lakota Drive West, to connect with the northern terminus of Mulhauser Road, as non-improved.

I have also researched the market for recent sales of similar properties in the same area. The purpose of this research was to arrive at a Fair Market Value for the land areas involved in this Lakota Drive West extension. My opinions and conclusions are contained in the accompanying report.

Respectfully submitted,



Thomas J. Reuter, A.S.A.

CERTIFICATION

I certify that to the best of my knowledge and belief:

- 1) The statements of fact contained in this report are true and correct, subject to the accuracy of the legal descriptions.
- 2) The reported analyses, opinions, and conclusions are limited only by the limiting conditions attached, and are my personal unbiased professional analyses, opinions and conclusions.
- 3) I have no present or contemplated future interest in the subject property being appraised, and have no personal interest or bias with respect to the parties involved.
- 4) My compensation is not contingent upon the value reported, or the attainment of a stipulated result.
- 5) My analyses, opinions and conclusions were developed in conformity with the requirements of the Code of Professional Ethics, and the Standards of Professional Practice of the American Society of Appraisers.
- 6) The appraiser performing and signing this report is Board Certified by the State of Ohio.
- 7) As of the date of this report, Thomas J. Reuter, the appraiser who prepared the report, has contemplated the requirements for continuing education required by the State of Ohio Appraisal Board and has completed the educational requirements for reaccreditation of the American Society of Appraisers.



THOMAS J. REUTER, A.S.A.

Ohio General Certified Appraiser, #382872

SUMMARY APPRAISAL REPORT

This is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(B) of the Uniform Standards of Professional Appraisal Practice. Only limited summary discussions of the data, reasoning and analysis that were used in the appraisal process are included in this report. All materials, field notes, additional photographs, zoning charts, plats, additional comparables, courthouse research and other data is retained in the appraiser's file. The depth of discussion in this report is specific to the needs of the client, and for the intended uses stated herein. The appraiser is not responsible for unauthorized use of this report.

Appraiser

Thomas J. Reuter, A.S.A.
Ohio Certified General Appraiser #382872

Purpose of the Appraisal

The purpose of this appraisal is to estimate the Fair Market Value of two separate land parcels involved in a proposed exchange of properties, and to determine whether or not the Fair Market values of the property which the Township will receive is equal to or greater than the parcel the Township will give up.

Market Value

Market value is defined to mean the most probable price which a property should bring in a competitive and open market, under the conditions requisite to a fair sale:

- 1) The buyer and seller are both either well informed or well advised, and are each acting in their own best interests.
- 2) The price is not affected by undue stimulus.
- 3) There is a consummation of a sale as of a specified date and the passing of title from seller to buyer.
- 4) A reasonable amount of time is allowed for exposure in the open market.

- 5) Payment is made in cash, or financed through conventional means typical for a property type in this locale.
- 6) The sale price represents the normal consideration for the property sold, unaffected by special or creative financing or other sale concessions.

ASSUMPTIONS AND LIMITED CONDITIONS

1. No responsibility is assumed for accuracy of information furnished by or from others, the client or public records.
2. That both the legal description (and acreage content reflected) furnished the appraiser is accurate.
3. That the title to the property is marketable, free and clear of all liens.
4. The fee simple estate in the property contains the sum of all fractional or partial interests which may exist.
5. That the property is appraised as if owned in fee simple title without encumbrances, unless otherwise mentioned in this report.
6. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. This appraiser has made no survey of the property.
7. That the appraiser is not responsible for the accuracy of the opinions furnished by others and contained in this report, nor is he responsible for the reliability of the government data utilized herein.
8. That the compensation for the appraisal services is dependent only upon delivery of this report and not contingent upon values estimated.
9. That this report contains nothing of legal character and the appraiser assumes no responsibility for matters of a legal nature.
10. Testimony or attending court is not required by reason of this appraisal. Any testimony necessary, and fee for same, must be arranged with the appraiser in advance.

11. No part of this report may be reproduced without the permission of the appraiser.
12. The appraiser made this report based on the assumption that the property is not, or will be, in violation of the National Environmental Policy Act, State Environmental or Clean Air Act, or any similar government regulations of laws pertaining to the environment.
13. In this appraisal assignment, the appraiser assumes that there is no existence of any hazardous substances and/or detrimental environmental conditions which may have a negative effect on the safety and value of the subject. It has further been assumed that there are no hidden or unapparent conditions of the property, subsoil or structure, is NOT a qualified environmental inspector, nor is he qualified to determine such substances.

ZONING

The current zoning for both parcels is M-2, which permits commercial and industrial usage as restricted by Union Township Zoning resolution: Article 25 (attached).

DESCRIPTION OF PROPERTY APPRAISED

The two separate parcels are described by legal descriptions attached, and contain:

- 1.912 acres - Parcel to be received (Parcel A)
- 1.7304 acres - Parcel being given up (Parcel B)

These parcels are also shown on the attached plat marked Exhibit "A," dated 1-5-98.

MARKET DATA APPROACH

The market was researched for recent sales of similar properties in this area. The following three sales were selected as being the most comparable. The details of these comparable sales are attached.

- Sale #2 - 66.600 per acre
- Sale #3 - 102.000 per acre
- Sale #4 - 79.285 per acre

In weighing the various adjustments for size, frontage, overall utility and use, it is my opinion that a Fair Market Value of \$80,000 per acre be assigned to both of the subject parcels.

THEREFORE

Parcel "A"
1.912 acres x \$80,000 = call \$153,000

Parcel "B"
1.7304 acres x \$80,000 = call \$138,500

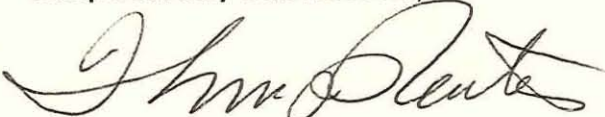
CONCLUSION

The Fair Market Value of the land parcels were calculated at \$80,000 per acre.

THUS

The value of the parcel being conveyed to the Township is greater than the parcel being conveyed to Alderson by \$14,500.

Respectfully submitted,



Thomas J. Reuter, A.S.A.

ATTACHED

- Photos
- Comparable Sales
- Engineering Plat
- Legal Descriptions
- Zoning Resolution



VIEW OF SUBJECT AREA LOOKING EAST



VIEW OF 1.7304 ACRE TRACT, LOOKING SOUTH



VIEWS OF 1.912 ACRE TRACT, LOOKING NORTH

THOMAS J. REUTER - Appraiser

Present Use Com'l Land Highest & Best Use Com'l Land Sale Date 12/15/97
Buyer Kenneth Kramp & Alice Lavery Seller Chas Chappell
Location E.S. Union Center Blvd, also fronts on Lakota Drive West
Conv. Fee _____ I.R.S. _____ Vol. _____ Page _____ A.P.N. M5610-033-000-058
Price \$150,000. Ver. By Public Records To Reuter Taxes: Land
Bldg. No _____ Total _____ Prop. Size 2.25 Ac Area _____ Zoning Com'l
Paved St. X Gas X Water X Sewer X Septic _____ Topography Level
Finance Cash Indicated Circumstance of Sale Normal
Enumerate Known Easements _____
Remarks:

2.25 Acres

Indicates: \$66,600 Per Acre

Property Plat--Not to Scale

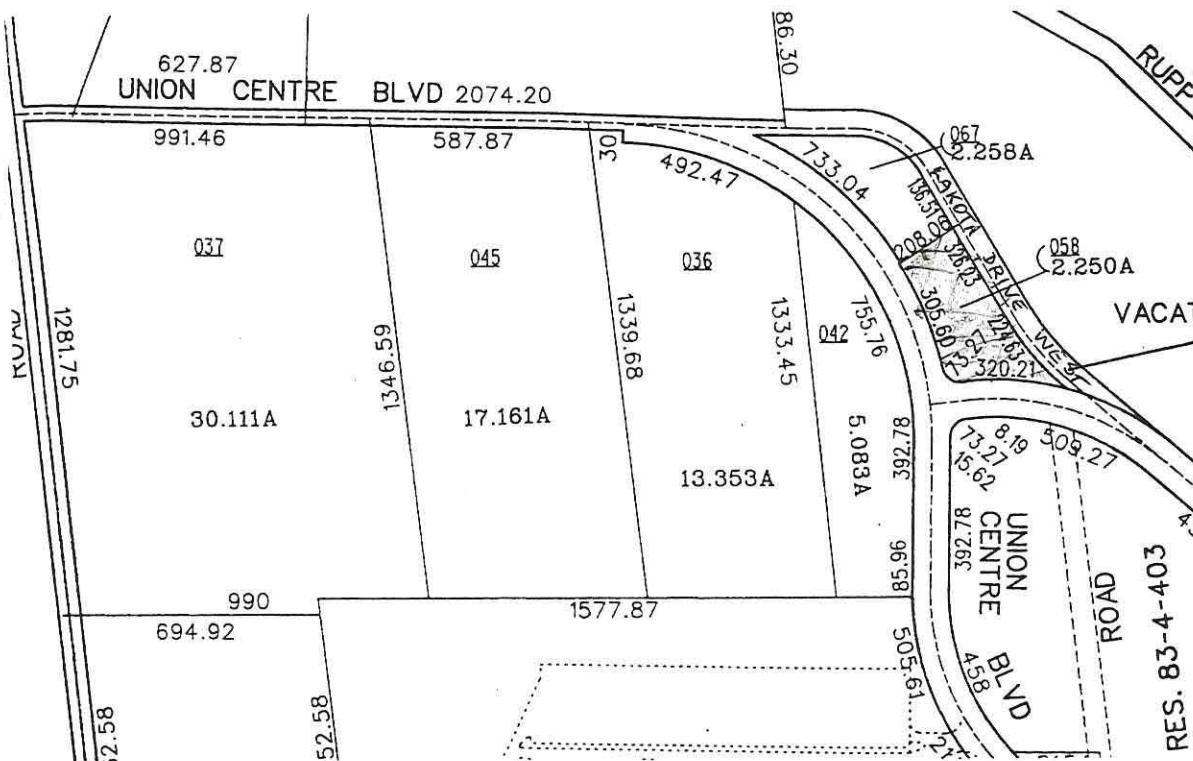


Photo by Reuter
Date: _____
View From: _____
Sale # 2

THOMAS J. REUTER - Appraiser

Present Use Com'1 Highest & Best Use Com'1 Sale Date 7-10-98

Buyer REM Office Products Seller Michael Tafuri

Location 8887 Eagleridge Ct, corner of Lakota West Drive Butler County Ohio

Conv. Fee _____ I.R.S. _____ Vol. _____ Page _____ A.P.N. M5620-326-000-013

Price \$114,000. Ver. By Public Records To Reuter Taxes: Land

Bldg. under Total _____ Prop. Size 1.11 Acres Area _____ Zoning Com'1
conot.

Paved St. X Gas X Water X Sewer X Septic _____ Topography Level

Finance Cash Indicated Circumstance of Sale Normal

Enumerate Known Easements

Remarks:

1.11 Acres

Indicates \$102,000. Per Acre

Property Plat--Not to Scale

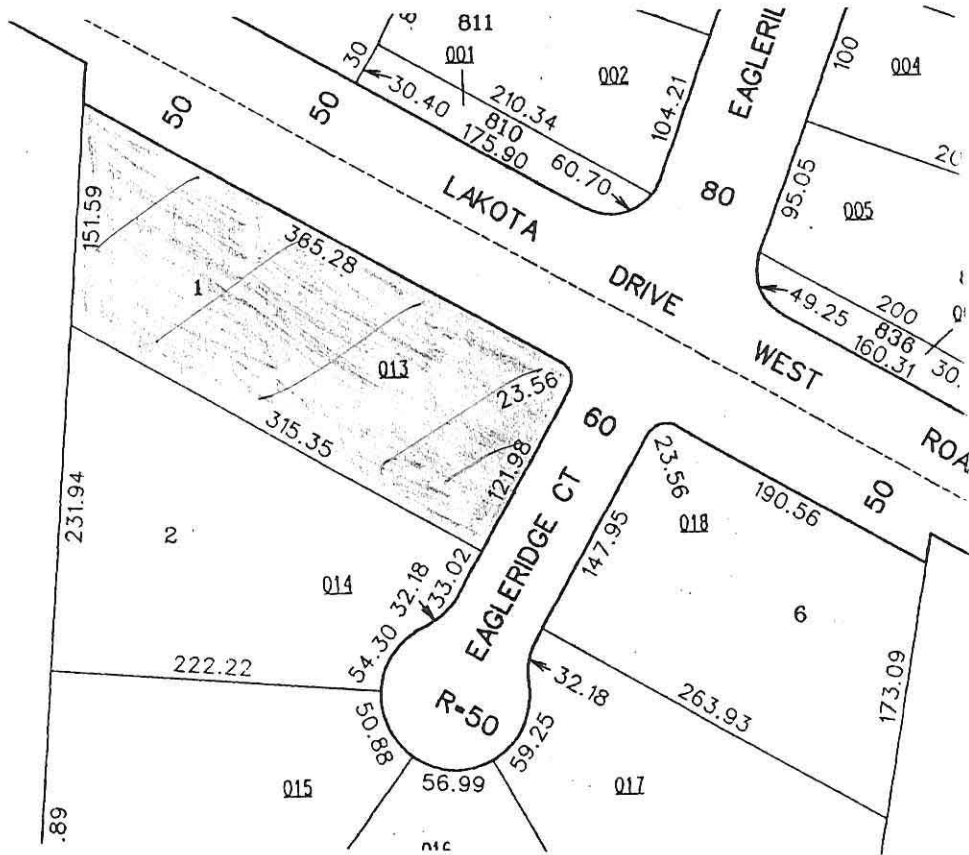


Photo by Reuter

Date: _____

View From: _____

Sale # 3

THOMAS J. REUTER - Appraiser

Present Use Com'l Land Highest & Best Use Com'l Land Sale Date 10-3-97
Buyer B.C.D. & E. Properties Seller R. Alderson
Location N.S. WestChester Road, East of Union Centre Blvd, Butler County Ohio
Conv. Fee _____ I.R.S. _____ Vol. _____ Page _____ A.P.N. M5610-033-000-057
Price \$360,000. Ver. By Public Records To Reuter Taxes: Land
Bldg. None Total _____ Prop. Size 4.54 Acres Area _____ Zoning Com'l
Paved St. X Gas X Water _____ X Sewer X Septic _____ Topography Level
Finance Cash Indicated Circumstance of Sale Normal
Enumerate Known Easements _____
Remarks:

4.547 Acres

Indicates: \$79,285 Per Acre

Property Plat--Not to Scale

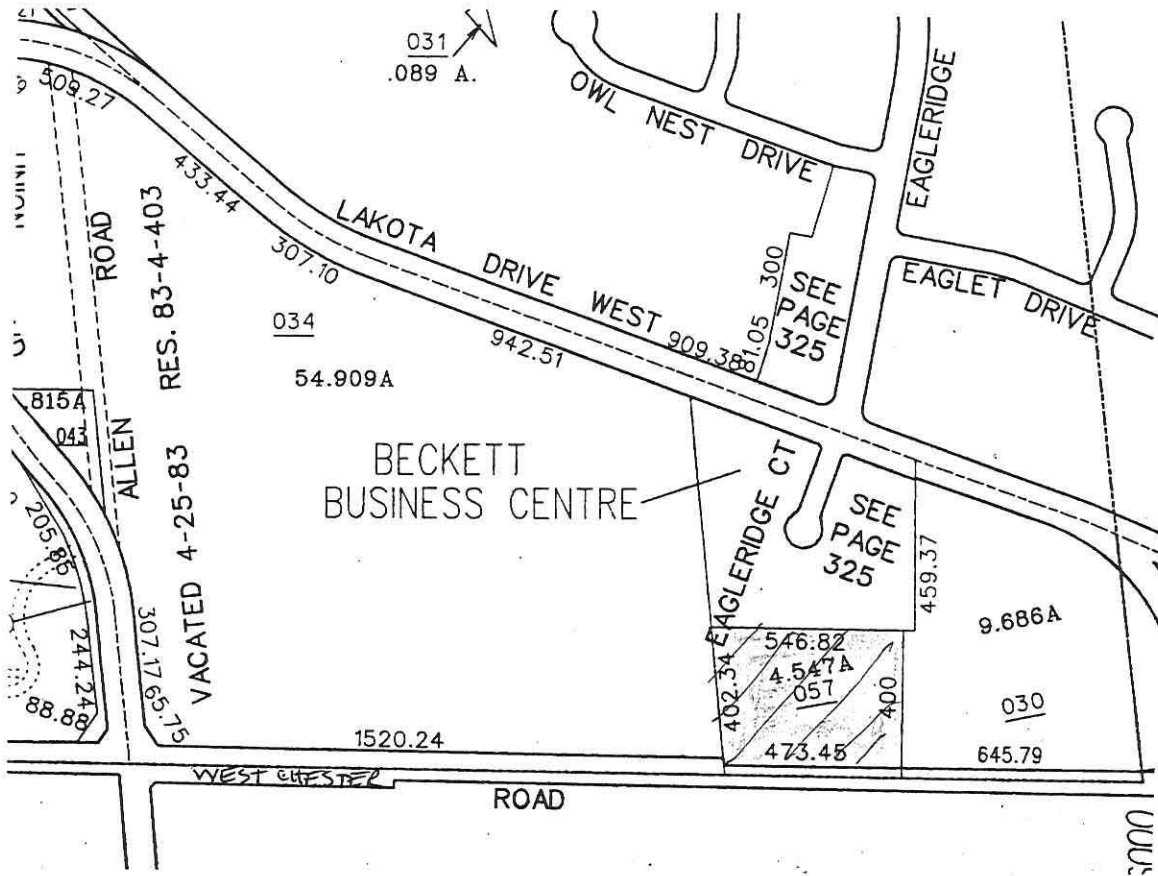


Photo by Reuter

Date: _____

View From: _____

Sale # 4

| CURVE | RADIUS | LENGTH | CHORD | BEARING | DELTA |
|-------|---------|---------|---------|-------------|-----------|
| * C1 | 612.96' | 416.02' | 408.08' | S17°31'15"E | 38°53'00" |
| * C2 | 572.96' | 620.31' | 590.46' | N28°53'42"W | 62°01'50" |
| * C3 | 532.96' | 579.52' | 551.39' | N28°59'02"W | 62°18'07" |
| * C4 | 290.00' | 128.71' | 127.66' | N10°41'43"W | 25°25'48" |
| * C5 | 420.00' | 241.90' | 238.57' | N39°54'38"W | 32°59'58" |
| * C6 | 520.00' | 299.50' | 295.38' | S39°54'38"E | 32°59'58" |
| * C7 | 390.00' | 173.10' | 171.68' | S10°41'43"E | 25°25'49" |

* DENOTES NON-TANGENT CURVE

BEARING TABLE

| | | |
|----|-------------|---------|
| L1 | S36°26'58"E | 62.18' |
| L2 | S02°01'15"W | 30.00' |
| L3 | N02°01'11"E | 61.11' |
| L4 | N33°35'22"E | 100.00' |
| L5 | S02°01'11"W | 61.11' |
| L6 | N87°58'49"W | 100.00' |



100 0 100 200 300

LEGEND:

- △ RAIL ROAD SPIKE FOUND (UNLESS NOTED OTHERWISE)
- 1/2" IRON PIN FOUND
- 5/8" IRON PIN SET

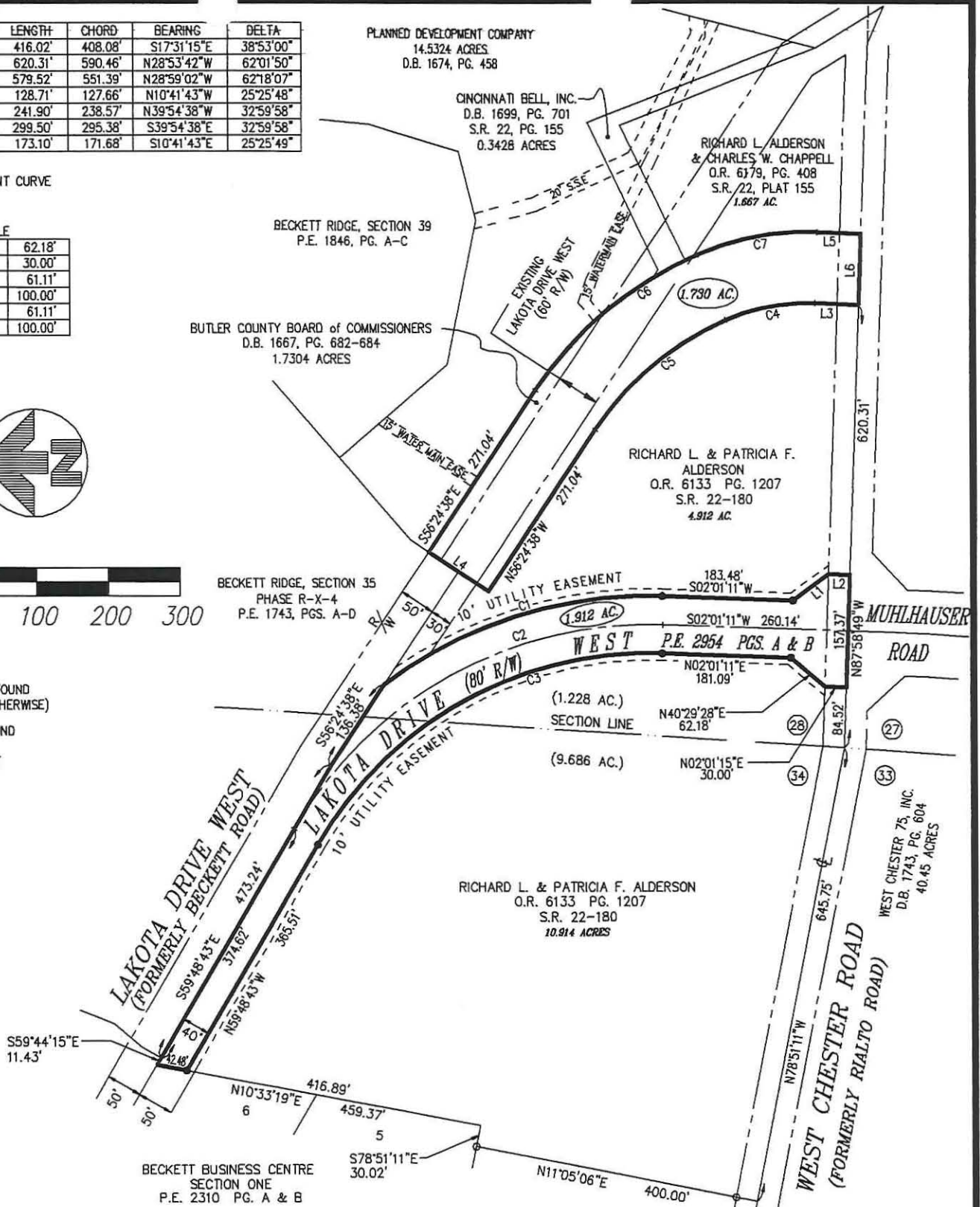
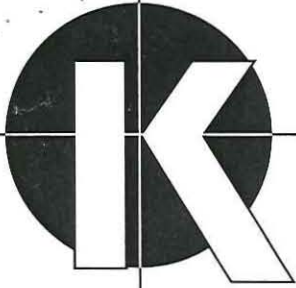


EXHIBIT "A"

LAKOTA DRIVE WEST EXTENSION
SECTIONS 28 & 34, TOWN 3, RANGE 2
UNION TOWNSHIP
BUTLER COUNTY, OHIO

SCALE: 1"=200'
 DATE: 1/05/98
 DRAWN: DSE
 CHECKED:
 JOB No. 98288VD

KLEINGERS & ASSOCIATES
 Engineers and Surveyors
 6305 Centre Park Drive West Chester, Oh. 45069
 (513) 779-7851 Fax: (513) 779-7852



**KLEINGERS
& ASSOCIATES**
Engineers and Surveyors

January 6, 1999

**LEGAL DESCRIPTION
1.912 ACRES**

Situated in Sections 28 & 34, Town 3, Range 2, Union Township, Butler County, Ohio and being part of a 16.491 acre tract conveyed to Richard L. and Patricia F. Alderson in Official Record 6133, Page 1207 and being more particularly described as follows:

Beginning at a point in the centerline of West Chester Road and the south line of Section 28, said point being located $S87^{\circ}58'49''E$ a distance of 84.52 feet from the southwest corner of Section 28;

Thence leaving said centerline and south section line, along new division lines in said 16.491 acre tract the following five courses:

- 1) $N02^{\circ}01'15''E$ a distance of 30.00 feet to the northerly right-of-way line of said West Chester Road;
- 2) $N40^{\circ}29'28''E$ a distance of 62.18 feet;
- 3) $N02^{\circ}01'11''E$ a distance of 181.09 feet to a point of curvature;
- 4) Along a nontangent curve to the left a distance of 579.52 feet, said curve having a radius of 532.96 feet and a chord bearing $N28^{\circ}59'02''W$ a distance of 551.39 feet;
- 5) $N59^{\circ}48'43''W$ a distance of 365.51 feet to the west line of said 16.491 acre tract;

Thence along said west line, $N10^{\circ}33'19''E$ a distance of 42.48 feet to the centerline of Lakota Drive West;

Thence along said centerline of Lakota Drive West, $S59^{\circ}48'43''E$ a distance of 473.24 feet;

Thence continuing along said centerline, $S56^{\circ}24'38''E$ a distance of 136.38 feet;

Thence leaving said centerline, along new division lines in said 16.491 acre tract the following four courses:

- 1) Along a nontangent curve to the right a distance of 416.02 feet, said curve having a radius of 612.96 feet and a chord bearing $S17^{\circ}31'15''E$ a distance of 408.08 feet;
- 2) $S02^{\circ}01'11''W$ a distance of 183.48 feet;
- 3) $S36^{\circ}26'58''E$ a distance of 62.18 feet to the northerly right-of-way line of West Chester Road;
- 4) $S02^{\circ}01'15''W$ a distance of 30.00 feet to the centerline of West Chester Road;

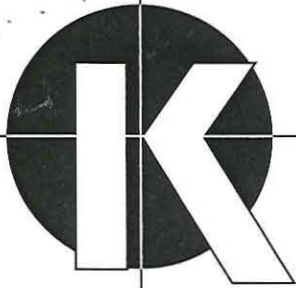
Thence along said centerline of West Chester Road, $N87^{\circ}58'49''W$ a distance of 157.37 feet to the Point of Beginning, containing 1.912 acres more or less and being subject to easements, restrictions, and rights-of-way of record.

Deed Reference: O.R. 6133 Page 1207

Bearing Reference: Bearings are based on Survey Volume 22, Page 180.

The above description based on a field survey by Kleingers & Associates, Engineers and Surveyors, under the direction of David L. Cox, Ohio Professional Surveyor No. 7101. Said survey is recorded in Volume _____, Page _____ of the Butler County Engineers Record of Land Surveys.

98288ld.doc



KLEINGERS & ASSOCIATES

Engineers and Surveyors

January 6, 1999

LEGAL DESCRIPTION 1.7304 ACRES

Situated in Section 28, Town 3, Range 2, B.T.M., Union Township, Butler County, Ohio, being part of a 550.943 acre tract as conveyed to TFAC, Inc. as Exhibit A-6 by deed filed in the office of the Butler County Ohio Recorder in Deed Book 1436 at page 97, etc., and being more particularly described as follows:

Beginning at a set P.K. nail in the centerline of Beckett Road at the southernmost corner of the subdivision entitled, "Beckett Ridge Section 35 Phase R-X-4", the record plan of which is filed in the office of said recorder in Plat Envelope 1743 at Pages A, B, C and D; thence from said beginning running with the meridian of same,

- 1) Leaving said centerline with a southeasterly line of said subdivision, through said 550.943 acre tract, by new division lines, N33°35'22"E, 50.00'; thence,
- 2) Leaving said southeasterly line, continuing through said tract, parallel with and distant 50.00', as measured at right angles, northerly from the existing centerline of said Beckett Road, S56°24'38"E, 271.04'; thence,
- 3) Along the arc of a tangent curve to the right, having a radius 520.00', (crossing the existing centerline of said Beckett Road at an arc length of 229.90') a total arc length of 299.50', the chord of which bears, S39°54'38"E, distant 295.38'; thence,
- 4) Along the arc of a tangent curve to the right, having a radius 390.00', an arc length of 173.10', the chord of which bears, S10°41'43"E, distant 171.68'; thence,
- 5) Tangent to said curve, S02°01'11"W, 61.11' to the south line of said Section 28, being the centerline of Rialto Road; thence,
- 6) With said section line and said centerline, N87°58'49"W, 100.00'; thence,
- 7) Leaving said section line and said centerline, parallel with and distant 100.00', as measured at right angles, westerly from the 5th course herein described, N02°01'11"E, 61.11'; thence,
- 8) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' westerly from the 4th course herein described, having a radius 290.00', an arc length of 128.71', the chord of which bears, N10°41'43"W, distant 127.66'; thence,
- 9) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' southwestly from the 3rd course herein described, having a radius 420.00', an arc length of 241.90', the chord of which bears, N39°54'38"W, distant 238.57'; thence,
- 10) Tangent to said curve, being parallel with and distant 100.00', as measured at right angles, southwestly from the 2nd course herein described, and parallel with the existing centerline of said Beckett Road, N56°24'38"W, 271.04'; thence,
- 11) N 33°35'22"E, 50.00' to the place of beginning, containing 1.7304 acres of land, more or less.

Subject to all easements of record.

Prior Deed: Deed Book 1436, Page 97, etc., Exhibit A-6

A plat of survey is recorded in Volume 21, Page 9 of the Butler County Engineer's Plat Records.

ARTICLE 25
M-2 GENERAL INDUSTRIAL DISTRICT

- 25.01 **PURPOSE.** The M-2 General Industrial District promotes and protects certain land areas for general industrial development, manufacturing, processing and related operations.
- 25.02 **PRINCIPAL PERMITTED USES.** The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.
- 25.021 Any use permitted and as regulated, including development standards, by the principal permitted use as regulated in the M-1 Light Industrial District.
- 25.022 Manufacturing, recycling when conducted in an enclosed building, or other similar industrial actions of unfinished parts or materials provided said use is located at least three hundred (300) feet from any R-District or recorded residential subdivision, and further provided that the specific principal activity of such use does not require conditional use approval pursuant to Subsection 25.03 of this Article. Uses permitted by this Subsection which are located in an M-2 District which existed prior to the creation of an adjacent R-District or recorded residential subdivision shall not be required to be located three hundred (300) feet away from such R-District or recorded residential subdivision.
- 25.03 **CONDITIONAL USES.** The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.053.
- 25.031 Automobile wrecking yards and junk yards, provided that the site contain not less than ten (10) acres and be completely enclosed by a solid fence. Such fence shall be free of any type of advertising, and not less than eight (8) feet in height. Stacking of automobiles shall not be permitted unless they are completely screened from surrounding roadways or properties.
- 25.032 Animal slaughtering, stock yards, or similar activities involving the processing or storage of livestock.
- 25.033 Any use, excluding automobile service stations, which conducts as its principal activity, the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704.
- 25.034 Any use which involves incineration, processing, reduction, storage of garbage, debris, infectious or medical waste, dead animals, or other types of refuse.
- 25.035 Wireless and Cellular Telecommunication Tower or Facility.
- 25.04 **ACCESSORY USES.** Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.15 and all other requirements of this Article or other applicable requirements of the Resolution.
- 25.05 **PROHIBITED USES.** Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.051 to be of the same general character of the above-permitted uses.

25.06 **DEVELOPMENT STANDARDS.** In addition to the General Provisions, as set forth in Article 10, and the General Provisions for Industrial Districts, as set forth in Article 23, the following standards for arrangement and development of land and buildings are required in the M-2 General Industrial District.

25.061 **HEIGHT REGULATIONS.** No structure shall exceed fifty (50) feet in height, except as provided in Article 10, Subsection 10.23.

25.062 **AREA, FRONTAGE AND YARD REQUIREMENTS.** The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where a M-2 District is located within a Road Corridor Overlay District, the area requirements of the Road Corridor Overlay District shall apply.

| Lot Areas | Frontage | Front Yard Depth | Each Side Yard | Rear Yard Depth | Lot Coverage |
|----------------|----------|------------------|----------------|-----------------|--------------|
| 10,000 sq. ft. | None | 25 ft. | 5 ft. | 40 ft. | 85 % |





BUTLER COUNTY
AUDITOR



February 5, 1999

Union Township Board of Trustees
9113 Cincinnati Dayton Road
West Chester, OH 45069
Attn: Dave R. Gully, Township Administrator

Re: Proposed exchange of Township property located between West Chester Road and Lakota Drive West, in Sections 28 & 34, Town 3, Range 2, Union Township, Butler County, Ohio, known as "Lakota Drive West Extension"

Dear Trustees,

Based upon (a) a letter addressed to me dated February 2, 1999 from Dave R. Gully, Township Administrator, Union Township, Butler County, Ohio, and (b) an appraisal report prepared by Thomas J. Reuter, A.S.A., dated January 22, 1999, and (c) a plat prepared by Kleingers & Associates, Engineers and Surveyors dated January 5, 1998 (JOB No. 98288VD), I certify that the market value of the property being received by the township, identified as containing 1.912 acres located between West Chester Road and Lakota Drive West, is equal to or greater than the market value of the property being transferred, identified as containing 1.703 acres in Deed Book 1667, Pages 682 through 684 of the Butler County Recorder's office, as of January 22, 1999.

Sincerely,

Kay Rogers, CPA, CGFM
Butler County Auditor

DEED
(Section 5302.11 R.C.)

The Board of Township Trustees of Union Township, Butler County, Ohio, pursuant to Section 505.104 R.C. and as authorized by Resolution 3-99 passed and effective on February 9, 1999, does hereby grant unto Richard L. Alderson and Patricia F. Alderson, Husband and Wife, whose tax mailing address is 8222 LeSourdsville - West Chester Road, West Chester, Ohio 45069, certain real property situate in Union Township, Butler County, Ohio comprised of 1.730 acres which is more particularly described in the Exhibit "A" attached hereto.

Subject to all easements, conditions, restrictions and encumbrances of record.

Prior Deed Reference: O.R. 6320, Pg. 1103, Butler County, Ohio.

Signed this _____ day of February, 1999 by Dave R. Gully, Township Administrator on behalf of the Board or Township Trustees of Union Township, Butler County, Ohio.

Signed and acknowledged
in the presence of:

9900012951
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 02-17-1999 At 11:34:50 am.
DEED 18.00
OR Book 6328 Page 1107 - 1109

Paula Wyrick
Signature, Witness #1

PAULA WYRICK
Printed name, Witness #1

Patricia L. Rantz
Signature, Witness #2

PATRICIA L. RANTZ
Printed name, Witness #2

Board of Township Trustees
of Union Township,
Butler County, Ohio

by: Dave R. Gully
Dave R. Gully
Township Administrator

State of Ohio:

: ss

County of Butler :

Before me appeared Dave R. Gully, Township Administrator, on behalf of the Board of Township Trustees of Union Township, Butler County, Ohio who acknowledged his execution of the foregoing on this 16th day of February, 1999.

Norma H. Biermann

Notary Public

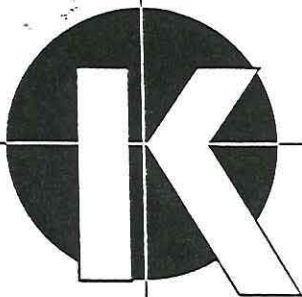
My Commission Expires 11/15/99

This Instrument Prepared by:

Richard C. Melfi, Esq.
Manley, Burke, Lipton & Cook
225 West Court Street
Cincinnati, Ohio 45202
Telephone: (513) 721-5525

NORMA H. BIERMANN
Notary Public, State of Ohio
My Commission Expires Nov. 15, 1999

n:\clients\alderson\50652.RCM-rjb



KLEINGERS & ASSOCIATES

Engineers and Surveyors

EXHIBIT "A"

January 6, 1999

LEGAL DESCRIPTION 1.7304 ACRES

Situated in Section 28, Town 3, Range 2, B.T.M., Union Township, Butler County, Ohio, being part of a 550.943 acre tract as conveyed to TFAC, Inc. as Exhibit A-6 by deed filed in the office of the Butler County Ohio Recorder in Deed Book 1436 at page 97, etc., and being more particularly described as follows:

Beginning at a set P.K. nail in the centerline of Beckett Road at the southernmost corner of the subdivision entitled, "Beckett Ridge Section 35 Phase R-X-4", the record plan of which is filed in the office of said recorder in Plat Envelope 1743 at Pages A, B, C and D; thence from said beginning running with the meridian of same,

- 1) Leaving said centerline with a southeasterly line of said subdivision, through said 550.943 acre tract, by new division lines, N33°35'22"E, 50.00'; thence,
- 2) Leaving said southeasterly line, continuing through said tract, parallel with and distant 50.00', as measured at right angles, northerly from the existing centerline of said Beckett Road, S56°24'38"E, 271.04'; thence,
- 3) Along the arc of a tangent curve to the right, having a radius 520.00', (crossing the existing centerline of said Beckett Road at an arc length of 229.90') a total arc length of 299.50', the chord of which bears, S39°54'38"E, distant 295.38'; thence,
- 4) Along the arc of a tangent curve to the right, having a radius 390.00', an arc length of 173.10', the chord of which bears, S10°41'43"E, distant 171.68'; thence,
- 5) Tangent to said curve, S02°01'11"W, 61.11' to the south line of said Section 28, being the centerline of Rialto Road; thence,
- 6) With said section line and said centerline, N87°58'49"W, 100.00'; thence,
- 7) Leaving said section line and said centerline, parallel with and distant 100.00', as measured at right angles, westerly from the 5th course herein described, N02°01'11"E, 61.11'; thence,
- 8) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' westerly from the 4th course herein described, having a radius 290.00', an arc length of 128.71', the chord of which bears, N10°41'43"W, distant 127.66'; thence,
- 9) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' southwesterly from the 3rd course herein described, having a radius 420.00', an arc length of 241.90', the chord of which bears, N39°54'38"W, distant 238.57'; thence,
- 10) Tangent to said curve, being parallel with and distant 100.00', as measured at right angles, southwesterly from the 2nd course herein described, and parallel with the existing centerline of said Beckett Road, N56°24'38"W, 271.04'; thence,
- 11) N 33°35'22"E, 50.00' to the place of beginning, containing 1.7304 acres of land, more or less.

Subject to all easements of record.

Prior Deed: Deed Book 1436, Page 97, etc., Exhibit A-6

A plat of survey is recorded in Volume 21, Page 9 of the Butler County Engineer's Plat Records.

DEED
(Section 5302.11 R.C.)

Richard L. Alderson and Patricia F. Alderson, Husband and Wife, of Butler County, Ohio, for valuable consideration paid, do hereby grant to the Board of Township Trustees of Union Township, Butler County, Ohio, whose tax mailing address is 9113 Cincinnati-Dayton Road, West Chester, OH 45069-3947 certain real property situate in Union Township, Butler County, Ohio comprised of 1.912 acres which is more particularly described in the Exhibit "A" attached hereto and incorporated herein by reference.

Subject to all easements, conditions, restrictions and encumbrances of record.

Prior Deed Reference: O.R. 6133, Pg. 1207, Butler County, Ohio.


Signed this 16th day of February, 1999 by Richard L. Alderson and Patricia F.

Alderson, Husband and Wife.

Signed and Acknowledged
in our presence:

→ 9900014872
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 02-24-1999 At 11:01:14 am.
DEED 18.00
OR Book 6330 Page 2310 - 2312


Signature, Witness #1


Richard L. Alderson, Husband

RICHARD C. MELFI
Printed name, Witness #1

Paula Skyrick
Signature, Witness #2

Patricia F. Alderson
Patricia F. Alderson, Wife

PAULA WYRICK
Printed name, Witness #2

State of Ohio :
County of Butler : ss

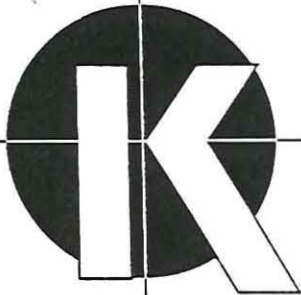
Before me appeared Richard L. Alderson and Patricia F. Alderson, Husband and
Wife, who acknowledged their execution of the foregoing deed on this 16th day of
February, 1999.

Norma H. Biermann
Notary Public
My Commission Expires 11/15/99

This Instrument Prepared by:

Richard C. Melfi, Esq.
Manley, Burke, Lipton & Cook
225 West Court Street
Cincinnati, Ohio 45202
Telephone: (513) 721-5525

NORMA H. BIERMANN
Notary Public, State of Ohio
My Commission Expires Nov. 15, 1999



**KLEINGERS
& ASSOCIATES**
Engineers and Surveyors

January 6, 1999

**LEGAL DESCRIPTION
1.912 ACRES**

Situated in Sections 28 & 34, Town 3, Range 2, Union Township, Butler County, Ohio and being part of a 16.491 acre tract conveyed to Richard L. and Patricia F. Alderson in Official Record 6133, Page 1207 and being more particularly described as follows:

Beginning at a point in the centerline of West Chester Road and the south line of Section 28, said point being located S87°58'49"E a distance of 84.52 feet from the southwest corner of Section 28;

Thence leaving said centerline and south section line, along new division lines in said 16.491 acre tract the following five courses:

- 1) N02°01'15"E a distance of 30.00 feet to the northerly right-of-way line of said West Chester Road;
- 2) N40°29'28"E a distance of 62.18 feet;
- 3) N02°01'11"E a distance of 181.09 feet to a point of curvature;
- 4) Along a nontangent curve to the left a distance of 579.52 feet, said curve having a radius of 532.96 feet and a chord bearing N28°59'02"W a distance of 551.39 feet;
- 5) N59°48'43"W a distance of 365.51 feet to the west line of said 16.491 acre tract;

Thence along said west line, N10°33'19"E a distance of 42.48 feet to the centerline of Lakota Drive West;

Thence along said centerline of Lakota Drive West, S59°44'15"E a distance of 11.43 feet;

Thence continuing along said centerline, S59°48'43"E a distance of 473.24 feet;

Thence continuing along said centerline, S56°24'38"E a distance of 136.38 feet;

Thence leaving said centerline, along new division lines in said 16.491 acre tract the following four courses:

- 1) Along a nontangent curve to the right a distance of 416.02 feet, said curve having a radius of 612.96 feet and a chord bearing S17°31'15"E a distance of 408.08 feet;
- 2) S02°01'11"W a distance of 183.48 feet;
- 3) S36°26'58"E a distance of 62.18 feet to the northerly right-of-way line of West Chester Road;
- 4) S02°01'15"W a distance of 30.00 feet to the centerline of West Chester Road;

Thence along said centerline of West Chester Road, N87°58'49"W a distance of 157.37 feet to the Point of Beginning, containing 1.912 acres more or less and being subject to easements, restrictions, and rights-of-way of record.

Deed Reference: O.R. 6133 Page 1207

Bearing Reference: Bearings are based on Survey Volume 22, Page 180.

The above description based on a field survey by Kleingers & Associates, Engineers and Surveyors, under the direction of David L. Cox, Ohio Professional Surveyor No. 7101. Said survey is recorded in Volume 36, Page 97 of the Butler County Engineers Record of Land Surveys.

98288ld.doc

| CURVE | RADIUS | LENGTH | CHORD | BEARING | DELTA |
|-------|---------|---------|---------|-------------|-----------|
| * C1 | 612.96' | 416.02' | 408.08' | S17°31'15"E | 38°53'00" |
| * C2 | 572.96' | 620.31' | 590.46' | N28°53'42"W | 62°01'50" |
| * C3 | 532.96' | 579.52' | 551.39' | N28°59'02"W | 62°18'07" |
| C4 | 290.00' | 128.71' | 127.66' | N10°41'43"W | 25°25'48" |
| C5 | 420.00' | 241.90' | 238.57' | N39°54'38"W | 32°59'58" |
| C6 | 520.00' | 299.50' | 295.38' | S39°54'38"E | 32°59'58" |
| C7 | 390.00' | 173.10' | 171.68' | S10°41'43"E | 25°25'49" |

* DENOTES: NON-TANGENT CURVE

BEARING TABLE

| | | |
|----|-------------|---------|
| L1 | S36°26'58"E | 62.18' |
| L2 | S02°01'15"W | 30.00' |
| L3 | N02°01'11"E | 61.11' |
| L4 | N33°35'22"E | 100.00' |
| L5 | S02°01'11"W | 61.11' |
| L6 | N87°58'49"W | 100.00' |



100 0 100 200 300

LEGEND:

- ▲ RAIL ROAD SPIKE FOUND (UNLESS NOTED OTHERWISE)
- 1/2" IRON PIN FOUND
- 5/8" IRON PIN SET

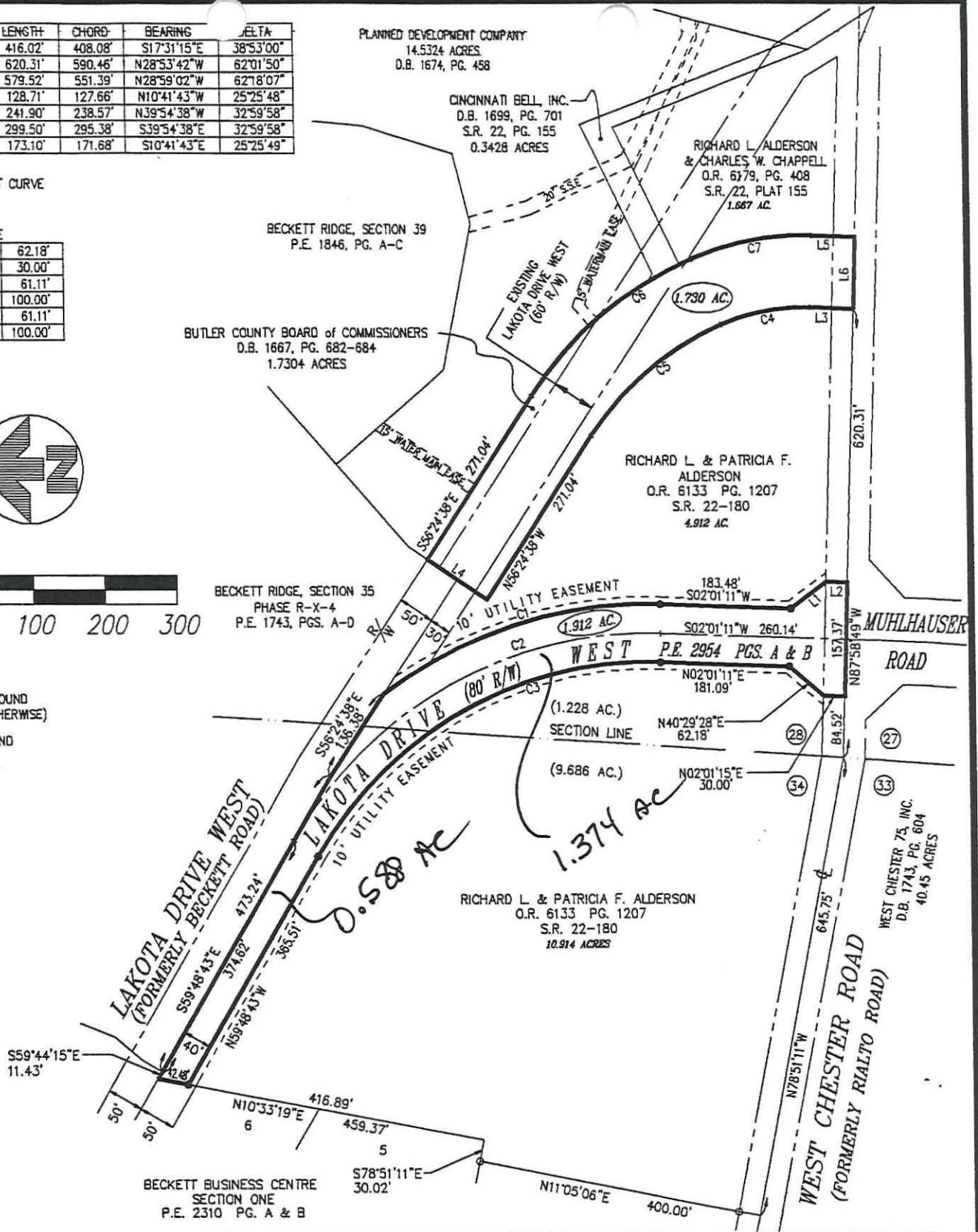
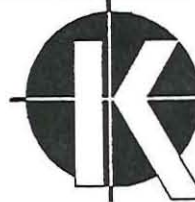


EXHIBIT "A"

LAKOTA DRIVE WEST EXTENSION
 SECTIONS 28 & 34, TOWN 3, RANGE 2
 UNION TOWNSHIP
 BUTLER COUNTY, OHIO

SCALE: 1"=200'
 DATE: 1/05/98
 DRAWN: DSE
 CHECKED:
 JOB No. 98288VD



KLEINGERS & ASSOCIATES
 Engineers and Surveyors
 6305 Centre Park Drive West Chester, Oh. 45069
 (513) 779-7851 Fax: (513) 779-7852

INDUCEMENT TO CLOSE

Richard L. Alderson and Patricia F. Alderson, Husband and Wife, (the "Aldersons"), as an inducement to the Board of Township Trustees of Union Township, Butler County, Ohio (the "Township") to close on a certain exchange of real property undertaken pursuant to Section 505.104 R.C., and authorized by Resolution 3-99 passed and effective on February 9, 1999, a copy of what Resolution is attached hereto, hereby make the following representations to the said Board:

1. On or before the date of the issuance by the Township of a Final Inspection Certificate for improvements to the Alderson's abutting properties, or December 31, 1999, whichever date is sooner, the Aldersons or their successors and assigns, shall construct, or cause to be constructed, upon the 1.912 acre tract to be deeded to the Township in exchange for the 1.730 acre tract which the Township will deed to the Aldersons, a road which shall be open to the public without charge, which said road shall be known as Lakota Drive West.


2. The construction referenced in Paragraph 2 above, shall be done at ~~the~~ ^{no P.A.} ~~Aldersons' sole~~ ^{to the Township P.A. RPA 2/16/99} cost and expense, in accordance with plans and specifications approved by the Township and/or Butler County official(s) having jurisdiction over such construction.

3. Upon completion of the said construction, the Aldersons shall furnish at their sole cost and expense on appropriate dedication plat and legal description which shall be used by the Township to dedicate the said road and its right-of-way to the Board of County Commissioners of Butler County, Ohio.

4. The Aldersons shall pay the transfer and recording costs of the deeds of the 1.730 acre real property from the County to the Trustees and from the Trustees to the Aldersons and the transfer and recording costs of the deed of the 1.912 acre real property from the Aldersons to the Township.

Signed this 10th day of February, 1999 by Richard L. Alderson and Patricia F. Alderson, Husband and Wife.



Richard L. Alderson


Patricia F. Alderson

ACKNOWLEDGEMENT AND RIGHT OF ENTRY

DAVE R. GULLY, Township Administrator, on behalf of the Township, hereby acknowledges receipt of this Inducement to Close and does hereby grant to the Aldersons, their successors and assigns, employees, agents, contractors, subcontractors and invitees, the right to enter upon and have possession of the above-referenced 1.912 acre tract for the purpose of constructing thereupon Lakota Drive West.

Signed this 10th day of February, 1999 by Dave R. Gully, Township Administrator.


Dave R. Gully
Township Administrator