

RESOLUTION NO. 11-90

BUTLER

County, Ohio

Be It Resolved by the Township Trustees of UNION Township,

that

WHEREAS, an application for a conditional use permit for the operation of a Medical Waste Incineration Facility was filed on January 29, 1988, with the Butler County Board of Zoning Appeals by Charles Cooley on behalf of Health Management, Inc.; and

WHEREAS, said application indicates that the location of the property is on Charter Park Drive, in Section 26, Town 3, Range 2, Union Township, Butler County, Ohio; and

WHEREAS, the application lists only a street on which the property is located without indicating a lot number and therefore fails to accurately describe the parcel for which the conditional use permit was being sought; and

WHEREAS, said application indicates that the owner of said real estate is Larry Schumacher; and

WHEREAS, the legal notice, published in the Hamilton Journal News on February 6, 1988, for the public hearing to be held on February 16, 1988, indicated that the owner of the property involved in the application was Larry Schumacher; and

WHEREAS, the legal title holder of record, as evidenced by a deed recorded in Vol. 1523, Page 139, of the Deed Records of the Butler County Recorder, was Schumacher Dugan Construction, Inc., an Ohio corporation; and

WHEREAS, Schumacher Dugan Construction, Inc. was also the record title owner of 4 of the 5 properties adjoining the subject parcel (to wit: Lots 6, 7, 8 and 9 of the Schumacher Commerce Park); and

WHEREAS, only adjoining property owners received actual notice of the filing of the application; and

WHEREAS, the application for the conditional use permit was incomplete and inaccurate, and public notice of the filing of the application, and of the public hearing thereon, was illusory; and

WHEREAS, the voters of Union Township have now adopted a Township Zoning Resolution and it is the responsibility of the Township Trustees, and their employees, to administer the terms of the Union Township Zoning Resolution, including supervision of conditional use permits in Union Township.

NOW, THEREFORE, be it resolved that the Union Township Trustees request that John F. Holcomb, Prosecutor of Butler County, render an opinion as to whether the conditional use permit granted by the Butler County Board of Zoning Appeals, on February 16, 1988, to Health Management, Inc., for the operation of a Medical Waste Incineration Facility, was validly issued in accordance with the Butler County Zoning Resolution and the laws of the state of Ohio, and whether that permit is presently valid.

BE IT FURTHER RESOLVED, that the Prosecuting Attorney be requested to advise as to the legal options available to the Township Trustees, and the Township Zoning Administrator, in the event that he determines that said conditional use permit is invalid.

Adopted the 12th day of MARCH 19 90

Attest:

Patricia Williams

Township Clerk.

Cal Weyant

Gayle Coates

Township Trustees