

STATUTORY RESOLUTION NO. 30-2017

**RESOLUTION AUTHORIZING THE SALE OF STATION ROAD SCHOOL HOUSE
PROPERTY AND SETTLEMENT OF RELATED PENDING LITIGATION**

(Parcel ID: M5610023000019; 6670 Station Road, West Chester, Ohio)

WHEREAS, by means of Statutory Resolution No. 18-2017 the West Chester Township Board of Trustees previously authorized the sale of the above-referenced Station Road School House Property (the “Property”) to J. Lyn Property, LLC (the “Purchaser”).

WHEREAS, the Purchaser was required to apply to the West Chester Township Board of Zoning Appeals for conditional use approval to use the Property for a private elementary school.

WHEREAS, the West Chester Township Board of Zoning Appeals denied the request for conditional use approval by a split vote on June 14, 2017, journalized on August 9, 2017.

WHEREAS, the Purchaser pursued an administrative appeal from the decision of the West Chester Township Board of Zoning Appeals to the Butler County Court of Common Pleas, case no. CV 2017 07 1572.

WHEREAS, the agreement between the West Chester Township Board of Trustees and the Purchaser has expired since the initiation of the administrative appeal.

WHEREAS, the West Chester Township Board of Trustees is authorized by Ohio Revised Code §505.10 to sell real property.

WHEREAS, pursuant to Ohio Revised Code §505.07 the West Chester Township Board of Trustees may settle any court action by consent decree or court-approved settlement.

WHEREAS, pursuant to Ohio Revised Code §505.10(A)(6) the West Chester Township Board of Trustees may sell or otherwise transfer property upon a unanimous vote of its members to any person upon whatever terms are agreed to between the Board and that person.

WHEREAS, the West Chester Township Board of Trustees unanimously believes that it is in the best interest of the Township to transfer and convey the Property to the Purchaser and to settle the current litigation by granting the conditional use requested by the Purchaser.

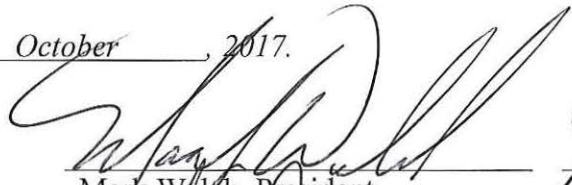
NOW THEREFORE, BE IT RESOLVED that the West Chester Township Board of Trustees does hereby resolve to:

SECTION 1. Sell the above-referenced Station Road School House property to the Purchaser pursuant to the attached Amended Offer to Purchase Property in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) and further in accordance with the terms thereof.


SECTION 2. Authorize the Township Administrator to take any and all steps necessary to transfer and convey the above-referenced Station Road School House property, including but not limited to execution of a purchase and sale agreement in substantially the same form as attached hereto, execution of a deed prepared by the Law Director conveying such Property as described herein, and any and all other actions necessary to transfer and convey such Property to the Purchaser in accordance with the terms of the attached Amended Offer to Purchase.

SECTION 3. Authorize the Township Law Director to take all steps necessary to enter into a Consent Decree with the appellant in Butler County Common Pleas case no. CV 2017 07 1572, whereby the appellant will be granted a conditional use allowing the Property to be used as a private elementary school, with the conditions recommended by Township staff at the Board of Zoning Appeals hearing related to application No. 17-11.

Adopted this 24th day of October, 2017.

 _____ Mark Welch, President	<u>Yes</u> _____ Yes/No
 _____ Lee Wong, Vice President	<u>Yes</u> _____ Yes/No

ATTEST:

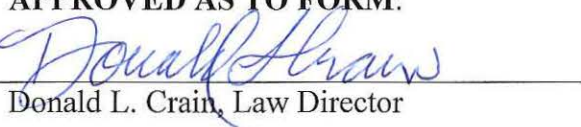


Bruce Jones, Fiscal Officer

Vacant, Trustee

Yes/No

APPROVED AS TO FORM:



Donald L. Crain, Law Director