

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____

Passed _____

, 20____

RESOLUTION 2010-04

The Board of Trustees of Union Township, Clermont County, Ohio met in special session at the Union Township Civic Center on January 14, 2010 with the following members present: Timothy Donnellon, Matthew Beamer, Robert McGee.

MR. BEAMER made a motion to adopt the following Resolution:

RESOLUTION AGREEING TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION RELATIVE TO THE INSTALLATION OF SIDEWALKS ON CERTAIN STATE HIGHWAYS

WHEREAS, the Board of Trustees of Union Township, Clermont County, Ohio (hereinafter referred to as the "Board") has recognized that the public interest requires the construction of sidewalks at specified locations within the public rights-of-way along State Route 125 (Beechmont Avenue/Ohio Pike) situated within Union Township, Clermont County, State of Ohio, as further identified and described in EXHIBIT A, attached hereto; and

WHEREAS, the Board has required certain public improvements to be undertaken as a condition of development plan approval by the site developer, including the installation of sidewalk and streetscape elements at the location referenced in EXHIBIT A, also known as the Woeste Development-Beechmont Toyota project site.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Union Township, Clermont County, Ohio, as follows:

- SECTION 1: That under applicable provisions of the Ohio Revised Code, the Board does hereby agree to cooperate with the Ohio Department of Transportation in said improvement (hereinafter referred to as "ODOT"), consisting of the installation of sidewalks at the specified locations identified within EXHIBIT A.
- SECTION 2: That it is recognized by ODOT that units of government embrace the policy of providing public sidewalks along certain thoroughfares within their jurisdiction. It is further recognized as the policy of ODOT not to construct sidewalks in its right-of-way except when the unit of government involved will release the State and its authorized agents from any and all damages or claims of damages from such projects and will accept and assume responsibility for the maintenance, repair, and replacement of said sidewalks at such time as either required by the Ohio Revised Code; then ODOT will permit the unit of government to install, or otherwise effect the installation of, said sidewalks.
- SECTION 3: That in return for the permission of ODOT to construct the sidewalks described in EXHIBIT A, this Board agrees to release ODOT and its employees, agents, and assignees from any damages or claims arising from the construction and use of said sidewalks, and this Board accepts and assumes the responsibility for the maintenance, repair, and replacement of said sidewalks at such time as either is required by the Ohio Revised Code.
- SECTION 4: That the Township Administrator, or his duly authorized representative, is hereby authorized to execute and submit any and all required permit application materials to the Ohio Department of Transportation relative to securing approval of the construction of sidewalks identified in EXHIBIT A, on behalf of Union Township.

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SECTION 5: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Resolution shall take effect at the earliest period allowed by law.

MR. McGEE seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:


Mr. Donnellon	<u>AYE</u>
Mr. Beamer	<u>AYE</u>
Mr. McGee	<u>AYE</u>

Resolution 2010-04 adopted January 14, 2010.

ATTEST:


Ronald Campbell, Fiscal Officer

APPROVED AS TO FORM:


Lawrence E. Barbieri
Union Township Law Director

CERTIFICATION

I, Ronald B. Campbell, Fiscal Officer of Union Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Union Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.

Ronald B. Campbell, Fiscal Officer

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RESOLUTION 2010-04
EXHIBIT A

Approximately 265 +/- feet of sidewalk to be installed on the Beechmont Toyota Site, beginning approximately 35.00' east of the Anderson Township (Hamilton Co.)/Union Township (Clermont Co.) jurisdictional boundary (access drive location) and extending eastward along State Route 125 to a terminus located at the eastern property line (Piccadilly Square Drive) – see attached rendering.

