RESOLUTION

****

Resolution Number 2008-00__
BUTLER COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT

A resolution approving and authorizing the Director to release easement and accept donation of easement in relation to Union Center Interchange Project and enter into related agreement

WHEREAS, the Butler County Transportation Improvement District (the "BCTID") is authorized by ORC Chapter 5540 (1) to finance, construct, maintain, repair, and operate street, highway, and other transportation projects (including, but not limited to, air and rail projects) and (2) to construct, reconstruct, improve, alter, and repair roads, highways, public places, buildings, and other infrastructure; and

WHEREAS, the Projects undertaken by the BCTID pursuant to ORC Chapter 5540 are essential and will contribute to the improvement of the prosperity, health, safety, and welfare of the people of the County and of the State and are essential governmental functions; and the exercise by the BCTID of the authority granted by ORC Chapter 5540 is necessary for the prosperity, health, safety, and welfare of the County and the State and their people and is consistent with and will promote industry, commerce, distribution, and research activity in the County and the State; and

WHEREAS, the BCTID, pursuant to ORC § 5540.03, is authorized to take such actions and enter into agreements necessary or incidental to performance of its functions and the execution of its powers to effect its purposes and transportation projects and is further specifically authorized by ORC § 5540.03(A)(10) to receive and accept aid or contributions from any source or person of property or other things of value to be held or used and applied for purposes so made; and

WHEREAS, the BCTID has assisted and coordinated with the local project funding sponsors, including West Chester Township (the "Township") and Butler County, Ohio (the "County"), and coordinating with the Ohio Department of Transportation ("ODOT"), in developing the following designated project: the Union Center Interchange Project (the "Project"); and

WHEREAS, the BCTID in the course of developing and implementing the Project previously obtained an easement for roadway purposes in relation to certain property in the vicinity of the Project that is in excess of what is currently required in relation to the Project, to wit: [Insert description of Easement] (the "Excess Easement"); and

WHEREAS, the BCTID now intends, in cooperation with Township, the County and [Insert the Property owner/Developer's Name], to enter into an agreement with [Insert the Property owner/Developer's Name] whereby the BCTID will release the Excess Easement and in exchange the BCTID will be granted the following easement, to wit: [Insert description of Excess Easement] (the "Slope Easement") for roadway purposes, slope and drainage and the further development of certain capital improvements in the vicinity of the Project (the "Agreement"); and

WHEREAS, this BCTID Board of Trustees believes it is advantageous and to the benefit of the BCTID and the citizens of the Township and the County that the BCTID and enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, that this BCTID Board of Trustees hereby approves abandonment of the Excess Easement and acceptance of the Slope Easement and further authorizes the Director of the BCTID, in consultation with BCTID legal counsel and the Butler County Engineer's Office, to enter into and

execute the Agreement on behalf of the BCTID, essentially in the form on file with the BCTID, with only such changes not materially adverse to the BCTID and as approved by the BCTID legal counsel. The execution and delivery of the Intergovernmental Agreement by the BCTID Director shall be conclusive evidence that any changes are not materially adverse to the BCTID.

It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Adopted the _____ day of _____, 2008.

_____
Presiding Trustee, Butler County Transportation Improvement District

Attest: _____
Secretary / Treasurer

Motion to pass resolution _____ Second by _____