ADOPTED
MAY 13, 2019

Board of County Commissioners
Butler County, Ohio

EXECUTIVE SUMMARY

19-05-00852

Donald L. Dixon	**T.C. Rogers**	**Cindy Carpenter**
President	Vice President	Member

Lease Transfer from Oxford Museum Association to the City of Oxford

Commissioners Clerk of the Board **Target Meeting: 5/13/19**

An Inter-Departmental Review

Summary

Approve the Lease and Assurance of Maintenance Amendment and the Right of Way Agreement Amendment for the Black Covered Bridge on Four Mile Creek Road and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of Oxford Township, Butler County, Ohio to allow for the City of Oxford to replace the Oxford Museum Association in a new Lease Agreement with the Board of County Commissioners of Butler County, Ohio and authorize the County Administrator to execute the assignment of said.

Justification

The Oxford Museum Association wishes to be released from the lease due to financial constraints.

Recommendation

The City of Oxford passed its Resolution 7060 on April 16, 2019 stating that it is agreeable to replacing the Oxford Museum Association on the lease.

Approved by:

Flora R Butler
Flora R Butler, Clerk 5/16/2019

ADOPTED
MAY 13, 2019

Board of County Commissioners
Butler County, Ohio

RESOLUTION
19-05-00852

Cindy Carpenter	**Donald L. Dixon**	**T.C. Rogers**
President	Vice President	Member

Lease Transfer from Oxford Museum Association to the City of Oxford

The Board of County Commissioners of Butler County, Ohio met in Regular Meeting on the 13th day of May, 2019 in the Commission Chambers of the Butler County Government Services Center, 315 High Street, 2nd Floor, Hamilton, Ohio 45011.

Whereas on June 9, 1976, by its Resolution No. 27929, the Board of County Commissioners leased to the Oxford Museum Association for 99 years the possession and use of the covered bridge over Four Mile Creek and the parking area to the southwest thereof, adjacent to Corso Road in Section 14 of Oxford Township, Butler County Ohio for the purpose of preservation and maintenance of the covered bridge as a historical landmark making it available to the public for its enjoyment;

Whereas the Oxford Museum Association agreed to protect the bridge and not permit it to be used for any unlawful purpose, to protect the rights of private property owners in the vicinity and to not allow the public to enter upon or trespass on the private property adjacent to the bridge;

Whereas the Oxford Museum Association now desires to be released from that lease and have the City take its place due to financial constraints;

Whereas the County is agreeable to replacing the Oxford Museum Association in the Lease Agreement and Right of Way Agreement; now, therefore, be it

Resolved that the Board of County Commissioners of Butler County, Ohio authorizes the County Administrator to execute the assignment of the Lease and Assurance of Maintenance Amendment and the Right of Way Agreement Amendment to allow for the City of Oxford to replace the Oxford Museum Association in a new Lease Agreement with the Board of County Commissioners of Butler County and releasing Oxford Museum Association

ADOPTED

MAY 13, 2019

from the Right of Way Agreement for the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of Oxford Township, Butler County, Ohio, be it further

Resolved that the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, which resulted in those formal actions, were in meetings open to the public in compliance with the law.

Commissioner Carpenter moved for the adoption of the foregoing resolution, Commissioner Rogers seconded the motion and upon call of the roll, the vote resulted as follows:

RESULT: Adopted
AYES: Donald Dixon, T.C. Rogers, Cindy Carpenter

State of Ohio, County of Butler, on this 13th day of May, 2019, the Clerk of the Board does hereby certify that 19-05-00852 is a true, exact, complete and unaltered electronic record of the Butler County Board of Commissioners.

Flora Butler

Flora Butler, Clerk of the Board

GREEMENT
Covered
Bridge)

A G R E E M E N T

This agreement made and concluded this 9th day of June, 1976, by and between the Board of County Commissioners of Butler County, Ohio and the Oxford Museum Association,

WITNESSETH:

1) The Board of County Commissioners hereby grant to the Oxford Museau Association the right, to possession and to the use of the covered bridge over Four Mile Creek and the parking area to the southwest thereof adjacent to Corso Road in Section 14 of Oxford Township, Butler County, Ohio on terms and conditions hereinafter set forth.

2) The Oxford Museum Association shall restore, preserve and maintain the bridge as a historical landmark making it available to the public for its enjoyment.

3) The Board of County Commissioners shall provide manpower and Six Thousand Four Hundred and no/100 ($6,400.00) Dollars, for materials required to restore the bridge (and only the bridge). The manpower will be furnished by the Butler County CETA office at no expense to the Oxford Museum Association. The Oxford Museum Association shall provide an itemized account to the Board of County Commissioners for all funds expended.

4) The right of the Oxford Museum Association to maintain the covered bridge open for the public shall continue for ninety-nine (99) years but may be terminated by the County Commissioners at any time the said Association fails to perform all of its obligations as set forth in this agreement.

5) The Oxford Museum Association shall protect the bridge and shall not permit it to be used for any unlawful purpose. The Oxford Museum Association shall also provide supervision to insure proper use of the bridge.

6) The Oxford Museum Association shall protect the rights of private property owners in the vicinity and shall not permit the public to enter upon or trespass on the private property adjacent to the bridge. The Oxford Museum Association shall display signs prohibiting the public from Trespassing on adjacent private property and shall construct a chain link fence along the south property line of J. Felix Fryman and Milta M. Fryman and also along the northern side of the bridge to protect private property rights.

7) The Board of County Commissioners reserve the right to use the property for any other bona fide governmental use such as, but not limited to, easements for utility lines.

8) The Oxford Museum Association accepts the liability for use of the bridge and the parking lot area.

9) If other property in the vicinity should become available to the Butler County Park Board, the Oxford Museum Association shall cooperate with the Park Board if it desires to develop a County Park in that area.

IN WITNESS WHEREOF, the parties have hereunto set their hands the year and date first above written.

Signed in the presence of:

s/ Marie Clark

s/ Diana Bradford

BUTLER COUNTY COMMISSIONERS

s/ Donald G. Schirmer

s/ Cale L. Logsdon

s/ Arthur F. Reiff

OXFORD MUSEUM ASSOCIATION

s/ Richard M. Sallmann

s/ Katherine C. Ward

s/ Marion Lee Miller

s/ Robert T. Howard

Lease and Assurance of Maintenance Amendment

This Lease and Assurance of Maintenance Amendment ("Agreement") is hereby made and entered into by and between the Board of County Commissioners of Butler County, Ohio ("Commissioners"); the Oxford Museum Association, an Ohio nonprofit corporation ("OMA"); and the City of Oxford, Ohio ("City").

WHEREAS, the Commissioners and OMA have previously entered into a Lease Agreement dated June, 1976 in which the Commissioners leased to OMA, and granted the use and possession of the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler county, Ohio. The Lease Agreement is incorporated herein by reference.

WHEREAS, on January 27, 1994, the President of the OMA, William L. King, provided the Commissioners with an Assurance of Maintenance, whereby the OMA states its commitment to the continuation of its responsibility, under the terms of the Lease Agreement, to provide maintenance to the leased property with the inclusion of a bike path on and over a portion of the leased property. The Assurance of Maintenance Agreement is incorporated herein by reference.

WHEREAS, the Commissioners and OMA desire to amend the Lease Agreement as follows.

NOW THEREFORE, for and in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The OMA is hereby released as a party to the Lease Agreement and the Assurance of Maintenance, and the City shall replace the OMA as the leasehold tenant in the Lease Agreement.

2. The OMA hereby assigns all of its rights, interest, responsibilities, and duties under the terms of the Lease Agreement to the City, which includes the remaining lease term of 57 years.

3. The OMA has no further legal or contractual obligation under the terms of the Lease Agreement or Assurance of Maintenance.

4. The City agrees to be bound by the terms, rights and responsibilities of the Lease Agreement.

5. The city agrees to honor and be bound by the assurances set forth in the Assurance of Maintenance.
6. Except as specifically amended herein, the original terms and provisions of the Lease Agreement and Assurance of Maintenance remain in full force and effect, and the Commissioners and the City hereby affirm and consent to the Lease Agreement and Assurance of Maintenance as herein amended, and agree to be bound thereby.

BOARD OF COUNTY COMMISSIONERS
OF BUTLER COUNTY, OHIO

By:_____
Cindy Carpenter, Commissioner

By:_____
T.C. Rogers, Commissioner

By:_____
Donald L. Dixon, Commissioner

OXFORD MUSEUM ASSOCIATION, INC.

By:_____
Robert Carmean, President

CITY OF OXFORD, OHIO

By: Douglas R. Elliott, Jr.
Douglas R. Elliott, Jr., City Manager

4-17-19

BOARD OF COUNTY COMMISSIONERS
OF BUTLER COUNTY, OHIO

By: Cindy Carpenter
Cindy Carpenter, Commissioner

By:
T.C. Rogers, Commissioner

By:
Donald L. Dixon, Commissioner

CITY OF OXFORD, OHIO

By:
Douglas R. Elliott, Jr., City Manager

OXFORD MUSEUM ASSOCIATION, INC.

By: Robert Carmean 4-19-19
Robert Carmean, President

Approved as to form only:
Michael T. Gmoser
Prosecuting Attorney
Butler County, Ohio
By:
Assistant Prosecuting Attorney

Right of Way Agreement Amendment

This Right of Way Agreement Amendment ("Agreement") is hereby made and entered into by and between the Board of County Commissioners of Butler County, Ohio ("Commissioners"); the Oxford Museum Association, Inc., an Ohio nonprofit corporation ("OMA"); the City of Oxford, Ohio ("City"); and the Board of Township Trustees of Oxford Township, Butler County, Ohio ("Township"), collectively referred to as "the Parties."

WHEREAS, in June, 1976, the Commissioners leased a certain portion of Corso Road a parking area, adjacent to Corso Road, located in Oxford Township, Butler County, Ohio to the OMA ("Leased Premises"); and

WHEREAS, in or about February, 2017, the Parties previously entered into an *Agreement Granting Right to Use Public Right of Way*, in which the Commissioners and the Township granted to the City the right to use a portion of the Leased Premises, including portions of Corso Road and the Black Covered Bridge, located within Butler County, Ohio, on which to construct a bike and walking path; and

WHEREAS, dated simultaneously herewith, the Commissioners are releasing the OMA from said 1976 lease agreement; and

WHEREAS, as a result of the OMA being released from the Lease Agreement, the Parties are amending the 2017 Right of Way Agreement to release the OMA as a party to said agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The OMA is hereby released as a party to the February, 2017 *Agreement Granting Right to Use Public Right of Way*. Said Agreement is incorporated herein by reference.

2. The City is replacing the OMA as the leasehold tenant in the 1976 Lease Agreement and hereby accepts the terms of the Agreement Granting Right to Use Public Right of Way in that capacity.

[SIGNATURES ON FOLLOWING PAGE]

BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO

By: Cindy Carpenter
Cindy Carpenter, Commissioner

By: T.C. Rogers
T.C. Rogers, Commissioner

By: Donald L. Dixon
Donald L. Dixon, Commissioner

CITY OF OXFORD, OHIO

By: _____
Douglas R. Elliott, Jr., City Manager

OXFORD MUSEUM ASSOCIATION, INC.

By: Robert Carmean 4/19/19
Robert Carmean, President

BOARD OF TOWNSHIP TRUSTEES OF OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

By: _____
Gary Salmon, Trustee

By: _____
John Kinne, Trustee

By: _____
Norma Pennock, Trustee

Approved as to form only:
Michael T. Gmoser
Prosecuting Attorney
Butler County, Ohio
By: Dan Ferguson
Assistant Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO

By:_____
Cindy Carpenter, Commissioner

By:_____
T.C. Rogers, Commissioner

By:_____
Donald L. Dixon, Commissioner

CITY OF OXFORD, OHIO

By: Douglas R. Elliott, Jr.
Douglas R. Elliott, Jr., City Manager
4-17-19

OXFORD MUSEUM ASSOCIATION, INC.

By:_____
Robert Carmean, President

BOARD OF TOWNSHIP TRUSTEES OF OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

By:_____
Gary Salmon, Trustee

By: John Kinne
John Kinne, Trustee

By: Norma Pennock
Norma Pennock, Trustee

RESOLUTION NO. 7060

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE LEASE AND ASSURANCE OF MAINTENANCE AMENDMENT AND THE RIGHT OF WAY AGREEMENT AMENDMENT TO ALLOW FOR THE CITY OF OXFORD TO REPLACE THE OXFORD MUSEUM ASSOCIATION IN A LEASE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY AND RELEASING OXFORD MUSEUM ASSOCIATION FROM THE RIGHT OF WAY AGREEMENT

WHEREAS, the Board of County Commissioners of Butler County and Oxford Museum Association ("OMA") have previously entered into a Lease Agreement dated June, 1976 in which the Commissioners leased to OMA, and granted the use and possession of the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler county, Ohio; and

WHEREAS, in June, 1976, the Commissioners leased a certain portion of Corso Road a parking area, adjacent to Corso Road, located in Oxford Township, Butler County, Ohio to the OMA ("Leased Premises"); and

WHEREAS, OMA now desires to be released from that lease and have the City take its place due to financial constraints; and

WHEREAS, the Black Covered Bridge will be part of the Oxford Oats Trail System; and

WHEREAS, City is agreeable to replacing OMA in the Lease Agreement and Right of Way Agreement.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The City Manager recommends Council authorize him to approve the assignment of the Lease and Assurance of Maintenance Amendment (attached and incorporated herein as Exhibit A) and the Right of Way Agreement Amendment (attached and incorporated herein as Exhibit B) to allow for the City of Oxford to replace the Oxford Museum Association in a Lease Agreement with the Board Of County Commissioners of Butler County and releasing Oxford Museum Association from the Right of Way Agreement for the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler County, Ohio.

SECTION 2: Council hereby accepts the recommendation of the City Manager and further authorizes the City Manager to take all steps necessary to execute the documents referenced herein.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: April 16, 2019

ATTEST:
MaryAnn Eaton
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)