

## AGREEMENT GRANTING RIGHT TO USE PUBLIC RIGHT OF WAY

This Agreement made between the **Board of County Commissioners of Butler County, Ohio** ("County"), the **City of Oxford, Ohio** ("City"), the **Board of Township Trustees of Oxford Township, Butler County, Ohio** ("Township"), and the **Oxford Museum Association, Inc.**, an Ohio not-for-profit corporation ("Association").

WHEREAS, County is the owner of certain right-of-way (the "ROW") located in Section 14, Town 5, Range 1, Oxford Township, Butler County, Ohio which was abandoned by the State of Ohio, Department of Transportation ("ODOT") following the relocation of S.R. 732 and reverted to County; and

WHEREAS, by its Resolution No. 13603 adopted January 18, 1955, County established a public road, now known as Corso Road, "from the south end of the covered bridge southwest approximately 0.50 mile to where it intersects the newly relocated State Route 732; this being a dead-end road, serving the people who live on it and people interested in looking at the old covered bridge;" and

WHEREAS, by said Resolution No. 13603, County assigned Corso Road to the Township Road system and notified the Township to maintain said road; and

WHEREAS, the covered bridge referred to in said Resolution No. 13603 is hereinafter referred to as the "Black Covered Bridge;" and

WHEREAS, certain improvements are maintained within the boundaries of Corso Road as established in County's Resolution No. 13603, including:

1. A paved roadway for vehicular traffic (the "Roadway");
2. A paved parking area (the "Parking Area"); and
3. A paved path (the "Path") from the parking area to the south end of the Black Covered Bridge;

and

WHEREAS, Township currently maintains the public infrastructure improvements within Corso Road;" and

WHEREAS, vehicular traffic is permitted only on the Roadway and the Parking Area, but no vehicular traffic is permitted on the Path; and

WHEREAS, by Agreement executed in June, 1976, County granted to the Association the right to possess and to use the Black Covered Bridge and the Parking Area, and the Association agreed to restore, preserve, and maintain the covered bridge as a historical landmark making it available to the public for its enjoyment; and

WHEREAS, by written commitment signed by its president on January 27, 1994, the Association agreed to continue its commitment made in 1976 and to extend its responsibilities to include the maintenance of a bike path to be associated with the Black Covered Bridge, and to coordinate the local obligation for fund matching; and

WHEREAS, the Association has restored, preserved, and maintained the Black Covered Bridge and has constructed and maintained the Path with the consent of the County and the Township; and

WHEREAS, City has obtained a grant from the Ohio Department of Natural Resources ("ODNR") for the construction of a bike and pedestrian path (the "Oxford Area Trail"); and

WHEREAS, City desires that a segment of the Oxford Area Trail would use existing public infrastructure consisting of the Roadway, the Parking Area, and the Black Covered Bridge; and

WHEREAS, the City desires to use a portion of the ROW between the north end of the Black Covered Bridge and S.R. 732 for the construction and maintenance of approximately 350' of the proposed Oxford Area Trail; and

WHEREAS, pursuant to R.C. § 307.09, County may grant rights to City to use any county real property for public purposes; and

WHEREAS, County has concluded that construction of the Oxford Area Trail will provide public benefits to residents of Butler County; and

WHEREAS, the County, City, Township, and Association mutually desire to establish conditions for the City's use of the ROW and public infrastructure for purposes of the Oxford Area Trail within the area shown on the attached Exhibit A.

NOW, THEREFORE, in consideration of the mutual promises and consideration contained in this Agreement, the parties hereby agree as follows:

1. Subject to R. C. §§ 4511.50, 4511.55, and all other Ohio laws regulating the use of public roads by pedestrians and bicycle operators, City may advertise and publish that the public may use the paved portion of the Roadway and the Parking Area in connection with the Oxford Area Trail.
2. With the approval of the County Engineer in accordance with the Ohio Manual of Uniform Traffic Control Devices, City may install and maintain signage for the Oxford Area Trail along Corso Road.
3. As long as Corso Road is designated by County as a township road, Township will maintain the Roadway and the Parking Area in accordance with Ohio standards applicable to the maintenance of public roads.
4. In connection with the Oxford Area Trail, City may use and may advertise and publish that the public may use the Black Covered Bridge and the Path.

City shall cooperate and coordinate with the Association in regards to the use, repair, and maintenance of the Black Covered Bridge and the Path. Subject to approval by the Association and the County Engineer, City may place and maintain appropriate signage concerning the Oxford Area Trail along the Path.

5. City shall be responsible for and defend the County, the Township, and the Association, and their respective officers, boards, officials, employees, and agents, against any and all claims for bodily injury or property damage arising from or connected with the use of the Oxford Area Trail as described in this Agreement that result from an act or omission of the City, its employees and agents. The City shall name the County, Township and the Association and their respective officers, boards, officials, employees and agents as additional insured on the City's insurance policy, to cover claims for bodily injury or property damage arising from or connected with the use of the Oxford Area Trail as described in this Agreement. In connection with any claims relating to the use of Oxford

Area Trail, the City's insurance shall be primary and any insurance maintained by the County, the Township, or the Association shall be secondary.

- Nothing contained in this Agreement shall in any way limit the rights of the County or the Township to vacate, abandon, or place on non-maintained status all or any portion of Corso Road or the right of way which reverted to the County upon its abandonment by ODOT, provided that the County or Township provide such public notice of such action as may be required by Ohio law. The County and Township agree that before any portion of the ROW described in Exhibit A is vacated or abandoned that they shall first offer to the City the right to assume control and to the extent allowed by law ownership of the area comprising the Oxford Area Trail, including the adjacent parking area.

IN WITNESS WHEREOF, the Board of County Commissioners of Butler County has adopted its Resolution No. \_\_\_\_\_ on \_\_\_\_\_ approving and authorizing the execution of this Agreement; the City of Oxford, Ohio has authorized the execution of this Agreement by its City Manager; the Board of Township Trustees of Oxford Township, Butler County, Ohio has adopted its Resolution No. 28-17 on 2/13/2017 approving and authorizing the execution of this Agreement; and the Oxford Museum Association, Inc. has authorized the execution of this Agreement by its president.

BOARD OF COUNTY COMMISSIONERS  
OF BUTLER COUNTY, OHIO

CITY OF OXFORD, OHIO

By \_\_\_\_\_  
Cindy Carpenter, Commissioner

By *Douglas K. Elliott*  
City Manager

By \_\_\_\_\_  
T.C. Rogers, Commissioner

By \_\_\_\_\_  
Donald L. Dixon, Commissioner

Approved as to Form Only:

Approved as to Form Only:

\_\_\_\_\_  
Assistant Prosecuting Attorney      Date

\_\_\_\_\_  
Law Director      Date

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

OXFORD MUSEUM ASSOCIATION, INC.

By *Ray R. Dahn* 2/13/2017  
Trustee

By *Robert Carmean*  
President

By *John K...*  
Trustee

By *Naeva DeW...*  
Trustee

BEARING BASIS:  
STATE PLANE MAD. 83 GPS OBSERVATIONS

BUTLER COUNTY RIGHT OF WAY  
(NOT PART OF CORSO ROAD)

BOARD OF PARK COMMISSIONERS OF  
METROPARKS OF BUTLER COUNTY, OHIO  
BK. 8554 PG. 1034  
H356-014-000-035

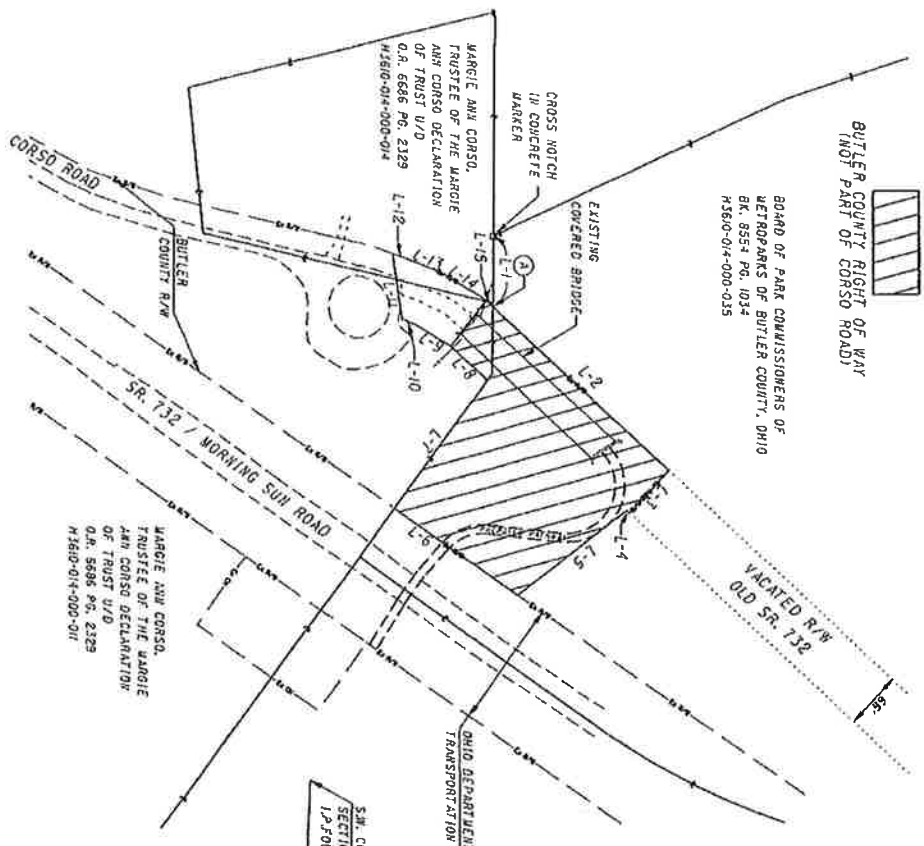
# EXHIBIT A

## SECTION 14, TOWN 5, RANGE 1 OXFORD TOWNSHIP BUTLER COUNTY, OHIO

VOLUME 5B, PAGE 115  
BUTLER COUNTY ENGINEERS  
RECORD OF LAND SURVEYS

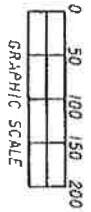
**REFERENCE DOCUMENTS:**

- ROAD RECORD BOOK A PAGE 245
- BUT-732-972 CONSTRUCTION DWG.
- DEED BOOK 8554 PAGE 1034
- DEED BOOK 6686 PAGE 2329
- DEED BOOK 899 PAGE 15
- DEED BOOK 306 PAGE 325
- DEED BOOK 620 PAGE 79
- DEED BOOK 146 PAGE 43
- 0001 VOLUME 36 PAGE 682
- EASEMENT BOOK 102 PAGE 299
- EASEMENT BOOK 549 PAGE 297
- SURVEY PLAT J. PAUL ALBERT 1970
- SURVEY PLAT VOLUME 43 PAGE 80
- SURVEY PLAT VOLUME 55 PAGE 2
- SURVEY PLAT VOLUME 34 PAGE 185
- JOURNAL OF DIRECTOR OF HIGHWAYS
- VOLUME 36 PAGE 682



**LEGEND**

LINE	BEARING	DISTANCE
L-1	S89°20'35"E	80.27'
L-2	N43°08'20"E	275.88'
L-3	S46°51'40"E	66.00'
L-4	S43°08'20"W	4.39'
L-5	S37°42'46"E	157.09'
L-6	S35°08'36"W	174.30'
L-7	N53°31'17"W	180.59'
L-8	S43°08'20"W	56.84'
L-9	S31°25'22"W	48.90'
L-10	S21°53'18"W	75.57'
L-11	S81°39'29"W	75.54'
L-12	N19°38'48"E	18.69'
L-13	N21°53'18"E	40.43'
L-14	N31°25'22"E	61.17'
L-15	N43°08'20"E	10.96'



*Patrick E. Reihson*  
P. E. REIHSON  
SURVEYOR REG. #8566  
DATE 2/1/17

BUTLER COUNTY ENGINEERS OFFICE  
1921 FAIRBROVE AVE  
HAMILTON OHIO 45011

FOR  
BUTLER COUNTY COMMISSIONERS

EXHIBIT A

01/04/2017 SCALE 1"=100' 1/1

**Resolution #28-17**

**A Resolution authorizing the Oxford Township Trustees to enter into an agreement with the City of Oxford, establishing conditions for the city's use of certain Right-of-Way (ROW) access on Corso Road for the purpose of a bike and pedestrian path.**

Whereas, the City of Oxford has obtained a grant from the Ohio Department of Natural Resources for the construction of a bike and pedestrian path (the Oxford Area Trail).

Whereas, by Resolution No. 13603 adopted January 18, 1955, the County established a public road, now known as Corso Road, "from the south end of the covered bridge southwest approximately 0.50 mile to where it intersects the newly relocated State Route 732; this being a dead-end road, serving the people who live on it and people interested in looking at the old covered bridge," and


Whereas, by said Resolution No. 13603, the County assigned Corso Road to the Oxford Township Road system and notified the Township to maintain said road; and

Whereas, the City of Oxford desires a section of the Oxford Area Trail project would use existing public infrastructure consisting of the Roadway (Corso Road), the Parking Area, and the old covered bridge (Black Covered Bridge).


Whereas, the Oxford Township Trustees recognize that the bike and pedestrian path (Oxford Area Trail) will provide public benefits to the constituents of the Township.

Therefore, be it resolved that the Oxford Township Trustees grant Right-of-Way access to the City of Oxford for the bike and pedestrian path (Oxford Area Trail).

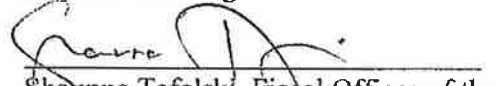
Approved February 13, 2017

  
John Kinne

  
Norma Pennock

  
Gary Salmon

Resolution #28-17 was authorized by the Board of Oxford Township Trustees at the February 13, 2017 meeting.

  
Shauna Tafelski, Fiscal Officer of the  
Board of Oxford Township Trustees  
Butler County, Ohio

**RESOLUTION NO. 5041**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO, THE BOARD OF TOWNSHIP TRUSTEES OF OXFORD TOWNSHIP, BUTLER COUNTY, OHIO, AND THE OXFORD MUSEUM ASSOCIATION, INC. ESTABLISHING CONDITIONS FOR THE CITY'S USE OF CERTAIN RIGHT-OF-WAY AND PUBLIC INFRASTRUCTURE FOR PURPOSES OF THE OXFORD AREA TRAIL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City has obtained a grant from the Ohio Department of Natural Resources (ODNR) for the construction of a bike and pedestrian path (the "Oxford Area Trail").

SECTION 2: The City desires that a segment of the Oxford Area Trail would use existing public infrastructure consisting of the Roadway (Corso Road), the Parking Area, and the Black Covered Bridge.

SECTION 3: The City desires to use a portion of the right-of-way between the north end of the Black Covered Bridge and S.R. 732 for the construction and maintenance of approximately 350' of the proposed Oxford Area Trail.

SECTION 4: The City, County, Township, and Association mutually desire to establish conditions for the City's use of certain right-of-way and public infrastructure for purposes of the Oxford Area Trail and find the same will benefit the residents of the City of Oxford, Butler County, and surrounding counties.

SECTION 5: The City Manager is hereby authorized to enter into an agreement a copy of which is attached hereto and incorporated herein as Exhibit "A" with the Board of County Commissioners of Butler County, Ohio, the Board of Township Trustees of Oxford Township, Butler County, Ohio, and the Oxford Museum Association, Inc. establishing conditions for the City's use of certain right-of-way and public infrastructure for purposes of the Oxford Area Trail.

SECTION 6: This resolution shall take effect at the earliest date allowed by law.

  
MAYOR

ADOPTED: January 17, 2017

ATTEST:  
  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)