West Chester Township, Butler County
Planning and Zoning Department

March 24, 2005

REC'D MAR 24 2005

Request for Comments

Hillandale Communities, has submitted an application to the West Chester Planning and Zoning Department requesting an approval for a Major Change to This has been assigned case number **MC04-05 West Chester Plaza, Chesterwood Village** (according to the West Chester Township Zoning Department's filing System). The subject case is scheduled to be heard by West Chester Township's Zoning Commission on **April 18, 2005.**

Please return all comments to us by April 6, 2005.

Please submit any comments relevant to the case that may be included in the Zoning Department staffs report. Your comments can be faxed or mailed to:

Bryan Behrmann, Township Planner
West Chester Township Planning & Zoning
9577 Beckett Road
West Chester, OH 45069
Fax: (513) 874-6804

Thank you for your input.

- ☐ Tony Goller, West Chester Township Fire Department
- ☑ Eric Pottenger, Butler County Engineer's Office
- ☐ Jennifer Deaton, Butler County Soil/Water Conservation
- ☐ Constance Kepner, Butler County Environmental Services
- ☐ Jeff Agnew, Butler County Health Department
- ☐ Christine Hilbert, ODOT
- ☐ Mark Fitzgerald, West Chester Township Services Director
- ☐ Col. John Bruce, Police Chief

- APPLICANTS ENGINEER TO VERIFY ADEQUATE STORM WATER VOLUME IS AVAILABLE.

APPLICATION FOR A MAJOR CHANGE
TO A PUD DISTRICT
WEST CHESTER TOWNSHIP PLANNING & ZONING DEPARTMENT
9577 Beckett Road, Suite 100, West Chester, Ohio 45069
Telephone: (513) 777-4214

FOR WEST CHESTER TOWNSHIP PLANNING AND ZONING DEPARTMENT USE ONLY:

CASE # MCD4-05 West Chester Plaza Chesterwood Village

DATE RECEIVED: RECEIVED MAR 22 2005 WEST CHESTER PLANNING AND ZONING OFFICE

FEE RECEIPT # 595

RECEIVED BY: BB

NOTE: THIS APPLICATION MUST BE TYPEWRITTEN - USE ADDITIONAL SHEETS IF NECESSARY

NAME OF APPLICANT Hillandale Communities

ADDRESS 8073 Tylersville Road

PHONE NO. 513-777-1400 FAX NO. 513-777-4249

CITY/STATE/ZIP West Chester, OH 45069

NAME, ADDRESS & PARCEL NUMBER OF EACH PROPERTY OWNER OF RECORD WITHIN THE PROPERTY WHICH IS REQUESTED TO BE REZONED:

1. Chesterwood Cottages Real Estate, LTD II Parcel #M5610-014.000-030
2. 8073 Tylersville Road
3. West Chester, OH 45069

REQUEST RE-DESIGNATION OF AREA FROM 2 story TO 3 story

TOTAL ACRES 5.542

LOCATION OF PROPERTY TO BE REZONED:

SECTION 11 TOWN 3 RANGE 2

PARCEL (S) M5610-014.000-030

PROPERTY ADDRESS 8073 Tylersville Road, West Chester, OH 45069

(MY) (OUR) INTEREST IN THE PROPERTY TO BE RECLASSIFIED IS AS:

OWNER X AGENT _____ LESSEE _____ OPTIONEE _____

APPLICANT Hillandale Communities, 8073 Tylersville Rd, West Chester, OH 45069

Signature Gregory S. Dixon Address Phone Number 513-777-1400

OWNER (S) Chesterwood Cottages Real Estate, LTD II

8073 Tylersville Rd, West Chester, OH 45069

Signature Gregory S. Dixon Address Phone Number 513-777-1400

DESCRIPTION OF REQUEST AND REASONS FOR MAJOR CHANGE TO PUD DISTRICT
WEST CHESTER TOWNSHIP PLANNING & ZONING DEPARTMENT
9577 Beckett Road, Suite 100, West Chester, Ohio 45069
Telephone: (513) 777-4214

FOR WEST CHESTER TOWNSHIP PLANNING AND ZONING DEPARTMENT USE ONLY

CASE # MC04-05 West Chester Plaza Chesterwood Village DATE RECEIVED:

RECEIVED
MAR 22 2005
WEST CHESTER PLANNING AND ZONING OFFICE

NOTE: THIS APPLICATION SHOULD BE TYPEWRITTEN

The area of land sought to be changed contains approximately 5.542 Congregate living only acres, having frontage of approximately 490 feet located (1) along the South side of Chesterwood Blvd approximately 1/2 mile ~~feet~~ East of Cox Rd .Or (2) at the _____ corner of the intersection of _____ and _____.

THE APPLICANT SHOULD PREPARE DEFINITIVE STATEMENTS REGARDING THE FOLLOWING: (USE ADDITIONAL SHEETS IF NECESSARY)

1) What are the specific changes in the character and conditions of the area, which have occurred to make the property no longer suitable or appropriate for the existing PUD classification or to make the property appropriate for the proposed PUD district?

See Attached

2) What is the benefit that the neighborhood or community as a whole will derive from this change?

See Attached

3) Will the site be accessible from public roads, which are adequate to carry the traffic that will be imposed upon them if the change is granted, or will road improvements be required?

See Attached

4) Has this change been discussed with regard to traffic design with the Butler County Engineer's office? When? Who?

See Attached

5) Is the property currently or can it be serviced by public sewer and water and can proper drainage by provided?

See Attached

6) What is the anticipated proposed use of property and character (architectural treatment) of the development?

See Attached

RECEIVED
MAR 2 2 2005
WEST CHESTER PLANNING
AND ZONING OFFICE

1) Specific Changes in character and conditions of the area?

The proposed parcel will continue with the current continuum of care retirement community theme in both physical appearance and utilization.

2) Benefit to Community?

This proposed Congregate Living Facility provides a vital piece to a contiguous community for elderly residents to reside where they will be able to maintain a continuity of environment and relationship with others, regardless of their individual needs for assistance or how that may change with time.

3) Accessibility of Site?

This site is currently fully accessible to the community and will not require alterations or road improvements.

4) Has change been discussed with Butler County Engineering Office? When? Who?

There is no change in use of the proposed revision. The approved original density numbers have been reduced by 30 units.

5) Is property currently serviced by public sewer and can proper drainage be provided?

Yes, storm and sanitary sewers are currently in place. The approved original density numbers have been reduced by 30 units.

6) What is proposed use and character?

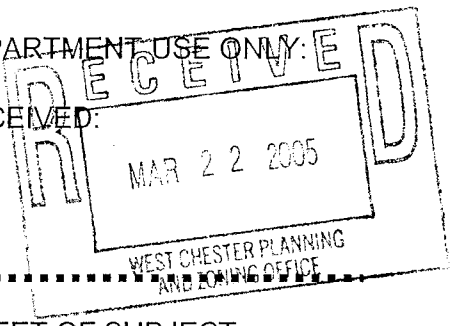
This facility is proposed to be a single & 3 story Congregate Living Facility of traditional architectural character with a central courtyard design. A combination of hip and gable shingled roof design, in conjunction with brick veneer and horizontal lap siding would be similar to the existing single story Assisted Living Facility.

ADJACENT PROPERTY OWNERS
WEST CHESTER TOWNSHIP PLANNING & ZONING DEPARTMENT
9577 Beckett Road, Suite 100, West Chester, Ohio 45069
Telephone: (513) 777-4214

FOR WEST CHESTER TOWNSHIP PLANNING AND ZONING DEPARTMENT USE ONLY:

CASE # MC04-05 West Chester Plaza Chesterwood Village

DATE RECEIVED:



LIST ALL PROPERTY OWNERS WITHIN TWO HUNDRED (200) FEET OF SUBJECT PROPERTY.

Property Owner	Address	Page	Section	Town	Range	Parcel
Please see attached list						

Property Owners Within Two Hundred (200) Feet of Subject Property.

Parcel:	Owner	Address
M5620-211-000-067 Mason, OH 45040	Gridiron Development	4455 Bethany Rd
M5620-211-000-068 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-211-000-069 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-211-000-070 Ft Mitchell, KY 41017	Drees Comparny	211 Grandview Dr
M5620-211-000-071 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-034 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-035 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-036 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-037 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-038 Mason, OH 45044	Gridiron Development	4455 Bethany Rd
M5620-212-000-039 Ft Mitchell, KY 41017	Drees Company	211 Grandview Dr
M5620-212-000-040 Ft Mitchell, KY 41017	Drees Company	211 Grandview Dr
M5620-212-000-041 Ft Mitchell, KY 41017	Drees Company	211 Grandview Dr
M5620-212-000-042 Ft Mitchell, KY 41017	Drees Company	211 Grandview Dr

AJACENT PROPERTY OWNERS
WEST CHESTER TOWNSHIP PLANNING & ZONNING DEPARTMENT

Parcel:	Owner	Address
M5620176000001	Curry, Colleen L.	7969 Pepper Pike, West Chester
M5620176000002	Thompson, John	7977 Pepper Pike, West Chester
M5620176000003	Abernathy, Charles	7987 Pepper Pike, West Chester
M5620169000030	Anthony, Thomas	8111 Chestnut Hill Lane, West Chester
M5620169000042	Dening, Lawrence	8015 Castle Rock Lane, West Chester
M5620169000028	White, Ronald	8093 Chestnut Hill Lane, West Chester
M5620169000029	Smith, Ronald	8101 Chestnut Hill Lane, West Chester
M5620169000039	Tate, Robert	8000 Castle Rock Lane, West Chester
M5620169000038	Gilson, Robert	8006 Castle Rock Lane, West Chester
M5620169000040	Dolby, Ted	8001 Castle Rock Lane, West Chester
M5620169000041	Turner, Levi	8007 Castle Rock Lane, West Chester
M5620169000001	Reinel, Steven	8108 Long Meadow Dr, West Chester
M5620169000002	Shivener, Donald	8118 Long Meadow Dr, West Chester
M5620169000022	Werling, Carol	8111 Long Meadow Dr, West Chester
M5620169000021	Rolfert, Phillip	8117 Long Meadow Dr, West Chester
M5620169000026	Norton, Peter	8108 Chestnut Hill Lane, West Chester
M5620169000027	Steigerwald, Christopher	8096 Chestnut Hill Lane, West Chester
M5610015000008	President & Trustees	Tylersville Rd, West Chester
M5610014000030	Chesterwood Cottages Real Estate II, LTD,	8073 Tylersville Rd, West Chester
M5610014000031	Gridiron Development	8010 Cox Rd, West Chester
M5610014000001	Church of Nazarene	7943 Tylersville Rd, West Chester
M5610019000032	Retail Land LTD, PRT	7880 Tylersville Rd, West Chester

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) Donald L. Dixon of Chesterwood Cottages Real Estate, LTD II hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to the Board of Trustees of West Chester Township rezoning the real estate from PUD to PUD; that we understand that our application will be considered and processed in accordance with the regulations as set forth by the West Chester Township Planning & Zoning Department and Zoning Resolution; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the major change to the PUD plan. As owner(s) of the real estate that is the subject of the pending zoning application, I hereby consent to the West Chester Township Planning and Zoning Department temporarily placing a sign advertising the zoning request on the subject property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Signature

Donald L. Dixon
Printed Name

8073 Tylersville Road
Mailing Address

West Chester, OH 45069
City and State

513-777-1400
Phone

Subscribed and sworn to before me this 22nd day of March 2005

Patricia Ann Ontko
Notary Public

PATRICIA ANN ONTKO
Notary Public, State of Ohio
My Commission Expires March 29, 2007

Person to be contacted for details, other than signatory:

Name	Address		Phone
BRENT DIXON	8073 Tylersville Rd	West Chester OH 45069	513-777-1400

Requested By: jjenkins 02/02/2005

200400095721
Filed for Record In
BUTLER COUNTY, OHIO
DANNY N CRANK
12-16-2004 At 08:48:54 am.
DEED 52.00
OR Book 7485 Page 2260 - 2264

BK: 7485 PG: 2260

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That **CHESTERWOOD COTTAGES REAL ESTATE, LTD.**, an Ohio limited liability company, of Butler County, Ohio, for valuable consideration paid, Grants, with General Warranty Covenants, to **CHESTERWOOD COTTAGES REAL ESTATE II, LTD.**, an Ohio limited liability company, whose tax mailing address is 8073 Tylersville Road, West Chester, OH 45069, the following described real estate situated in Butler, Ohio (the "Property") to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR THE LEGAL DESCRIPTION OF THE PROPERTY BEING CONVEYED BY THIS DEED.

The Property is conveyed together with and subject to all easements, conditions, restrictions, covenants and agreements of record and real estate taxes and installments of assessments, if any, not yet due and payable, which the Grantee herein assumes and agrees to pay and subject to matters which would be disclosed by an accurate survey of the Property.

The Property is also conveyed together with and subject to that certain Declaration of Reciprocal Easements dated July 6, 2004, recorded on July 22, 2004, in Official Record Book 7407, Page 1719, of the Butler County, Ohio Recorder's Office.

Prior instrument reference: Official Record Book 7407, Page 2149, Butler County, Ohio Recorder's Office

Auditor's Parcel No.: _____

EXECUTED this 13 day of NOVEMBER, 2004.

CHESTERWOOD COTTAGES REAL ESTATE, LTD., an Ohio limited liability company

BY: Dixon Family Real Estate, Ltd., an Ohio limited partnership, its Sole Member

By: _____
GREGORY S. DIXON, Manager

TRANSFERRED
DATE 12/15/04
CONVEYANCE FEE $ -0-
EXEMPT 1114
Kay Rogers, Butler Co. Auditor
This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

Requested By: ljenkins 02/02/2005

STATE OF OHIO)
)SS:
COUNTY OF BUTLER)

BK: 7485 PG: 2261

The foregoing instrument was acknowledged before me this 17 day of November, 2004, by Gregory S. Dixon, Manager of Dixon Family Real Estate, Ltd., an Ohio limited partnership, the Sole Member of **CHESTERWOOD COTTAGES REAL ESTATE, LTD.**, an Ohio limited liability company, on behalf of the company.

Notary Public: Timothy George Ontko
My commission expires: _____

This instrument prepared by:
DANIEL P. UTT, Esq.
Katz, Teller, Brant & Hild
255 East Fifth Street, Suite 2400
Cincinnati, Ohio 45202
(513) 721-4532

TIMOTHY GEORGE ONTKO
Notary Public, State of Ohio
My Commission Expires March 29, 2007

KTBH:618876.1

Requested By: ljenkins 02/02/2005

Exhibit A

bayer becker
engineers
planners
architects
surveyors
www.bayerbecker.com

700 Nilles Road
Fairfield, OH 45014
P. 513.829.2149
F. 513.829.2457
fairfield@bayerbeck

June 14, 2004

BK: 7485 PG: 2262

ML

DESCRIPTION 8.538 Acre Tract

LOCATION Chesterwood Village
West Chester, Ohio

Situated in Section 11, Town 3, Range 2, West Chester Township, Butler County, Ohio and being a 8.538 acre tract of land in part of the lands of Chesterwood Village LTD as recorded in Official Records 6320, Page 0378 of the Butler County Ohio records and being further described as follows:

Beginning at a point found by measuring from the Northwest corner of aforementioned Section 11, said point being in the centerline of Tylersville Road, along the Northerly line of said section and along said centerline, South 84°08'21" East, 724.76 feet; thence leaving said section line and said centerline, South 05°59'22" West, 58.24 feet to a point in the Southerly right-of-way line of Tylersville Road; thence along said Southerly right-of-way line, South 84°25'10" East, 1683.91 feet to a point in the Westerly line of Pepper Pike Subdivision as recorded in Plat Book 32, Page 18 of the Butler County Ohio records; thence leaving said Southerly right-of-way line, along said Westerly line, South 05°27'45" West, 980.06 feet to the true point of beginning;

thence from the point of beginning thus found, continuing along said Westerly line, South 05°27'45" West, 313.99 feet to a point in the boundary of the aforementioned lands of Chesterwood Village LTD;
thence leaving said Westerly line, along said boundary, North 83°56'21" West, 1016.16 feet;
thence North 05°27'45" East, 480.00 feet;
thence South 83°56'21" East, 496.13 feet to a point in the Westerly line of Chesterwood Boulevard (a private drive);
thence along said Westerly line, North 05°27'45" East, 809.69 feet to a point in the aforementioned Southerly right-of-way line of Tylersville Road;
thence leaving said Westerly line and said boundary, along said Southerly right-of-way line, South 84°25'10" East, 55.52 feet to a point in the Easterly line of said Chesterwood Boulevard (a private drive);
thence leaving said Southerly right-of-way line, along said Easterly line, along a curve to the left having a radius of 40.00 feet, an arc length of 18.80 feet, a chord bearing of South 18°55'37" West, a chord distance of 18.63 feet;
thence South 05°27'45" West, 22.53 feet;

700 Nilles Road 14 East Eighth Street 6900 Tylersville Road 777 Eads Pkwy, Suite C
Fairfield, OH 45014 Covington, KY 41011 Mason, OH 45040Lawrenceburg, IN 47025

Requested By: jjenkins 02/02/2005

(Continued on Page 2)

BK: 7485 PG: 2263

thence along a curve to the right having a radius of 103.00 feet, an arc length of 6.87 feet, a chord bearing of South 07°22'25" West, a chord distance of 6.87 feet;
thence South 09°17'05" West, 173.74 feet;
thence along a curve to the left having a radius of 99.00 feet, an arc length of 6.60 feet, a chord bearing of South 07°22'25" West, a chord distance of 6.60 feet;
thence South 05°27'45" West, 323.47 feet;
thence along a curve to the left having a radius of 29.00 feet, an arc length of 45.47 feet, a chord bearing of South 39°27'26" East, a chord distance of 40.95 feet to a point in the Northerly line of Chester Court (a private drive);
thence leaving said Easterly line, along said Northerly line, North 84°32'15" West, 43.92 feet to a point in the centerline of aforementioned Chesterwood Boulevard (a private drive);
thence leaving said Northerly line, along said centerline, South 05°27'45" West, 113.02 feet;
thence along a curve to the left having a radius of 75.00 feet, an arc length of 39.27 feet, a chord bearing of South 09°32'15" East, a chord distance of 38.82 feet;
thence South 24°32'15" East, 51.73 feet;
thence along a curve to the right having a radius of 50.00 feet, an arc length of 105.24 feet, a chord bearing of South 35°45'42" West, a chord distance of 86.86 feet;
thence North 83°56'21" West, 23.45 feet to a point in the centerline of Watermark Court (a private drive);
thence leaving the centerline of Chesterwood Boulevard (a private drive), along the centerline of Watermark Court (a private drive), South 05°27'45" West, 243.14 feet;
thence along a curve to the left having a radius of 50.00 feet, an arc length of 78.02 feet, a chord bearing of South 39°14'18" East, a chord distance of 70.34 feet;
thence South 83°56'21" East, 285.27 feet;
thence along a curve to the left having a radius of 50.00 feet, an arc length of 79.06 feet, a chord bearing of North 50°45'42" East, a chord distance of 71.08 feet;
thence continuing along said centerline extended, North 05°27'45" East, 115.11 feet;
thence leaving said centerline extended, South 84°32'15" East, 141.95 feet to the point of beginning containing 371,900.15 square feet or 8.538 acres of land and being subject to all easements and right-of-ways of record.

The above description was prepared from a survey dated April 26, 2004, made by Todd K. Turner, Registered Surveyor #7684 in the State of Ohio.

J:\2004\04P050\8.538 ACRE TRACT

Requested By: ljenkins 02/02/2005

The plat of which is recorded in Volume 46, Page 161, of the Butler County Engineer's Records.

Prior Instrument Reference: Deed Book 7407, Page 3141

BK: 7485 PG: 2264

J:\2004\04P058\8.538 ACRE TRACT

700 Nilles Road 14 East Eighth Street 6900 Tylersville Road 777 Bads Pkwy, Suite C
Fairfield, OH 45014 Covington, KY 41011 Mason, OH 45040Lawrenceburg, IN 47025

TRANSFERRED
D. 8-4-97
CONVEYANCE # -0-
FEE $ -0-
EXEMPT 2966 AM.
Kay Rogers, Butler Co. Auditor
This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

D.O. 134 PAGE 2136

CORPORATION DEED

RECEIVED
JUN - 7 1999
UNION TOWNSHIP ZONING OFFICE

KNOW ALL MEN BY THESE PRESENTS:

THAT CHESTERWOOD VILLAGE, INC., AN OHIO CORPORATION, the Grantor, a corporation organized and existing under the laws of the State of Ohio,

in consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION

to it paid by CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO.

whose address is: 4195 Hamilton-Mason Road, Hamilton, OH 45011

the receipt whereof is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, AND CONVEY** to the said CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO.

the following described **Real Estate:**

Located in Section 11, Township 3, Range 2 of Union Township, Butler County, Ohio, and being more and precisely described as follows:

Starting at the Northwest corner of the Northwest Quarter of Section 11, Township 3, Range 2, thence with the North line of Section 11, South 84 degrees 08' 21" East, 724.76 feet; Thence leaving the North line of Section 11, South 5 degrees 59' 22" West, 58.24 feet to a point on the south right-of-way of Tylersville Road; thence with said right-of-way South 84 degrees 25' 10" East 1219.43 feet to a point on the east side of Chesterwood Boulevard, and said point being the TRUE POINT OF BEGINNING.
thence with the South right-of-way of Tylersville Road South 84 degrees 25' 10" East, 464.48 feet to a point; thence leaving said right-of-way South 5 degrees 27' 45" West, 578.98 feet to a point; thence North 84 degrees 32' 15" West, 451.93 feet to a point on the north side of Chester Court, said point being at the start of a curve to the right; thence with said curve, a radius of 29.00 feet, arc length of 45.47 feet and a chord bearing of North 39 degrees 27' 26" West, 40.95 feet to a point on the east side of Chesterwood Boulevard; thence parallel with Chesterwood Boulevard (1 foot east of the back of curb) North 05 degrees 27' 45" East, 323.47 feet to a point at the start of a curve to the right; thence with the curve to the right, a radius of 99.00 feet, arc length of 6.60 feet and a chord bearing of North 07 degrees 22' 25" East, 6.60 feet to a point; thence North 09 degrees 17' 05" East 173.74 feet to a point at the start of a curve to the left; thence with said curve , a radius of

9700042
Filed for
BUTLER
JOYCE B
On 08-0
DEED
Vol. 61

And the said CHESTERWOOD VILLAGE, INC., grantor, for itself, its successors, hereby **Covenants** with the said CHESTERWOOD VILLAGE REALTY, LIMITED, A LIMITED LIABILITY CO., its successor and assigns , that it is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is **Clear, Free and Unincumbered; And further,** That it **does Warrant and will Defend** the same against all claims of all persons whomsoever:

IN WITNESS WHEREOF, the said CHESTERWOOD VILLAGE, INC., Grantor, has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed, by JAMES E. DIXON its President thereunto duly authorized by resolution of its Board of Directors, this 31st day of JULY, 1997.

Signed and acknowledged in presence of us:

TIM ONTKO

MAXWELL N. WEAR

CHESTERWOOD VILLAGE, INC.
AN OHIO CORPORATION

By James E. Dixon
JAMES E. DIXON, President

STATE OF OHIO, COUNTY OF BUTLER, SS.

BE IT REMEMBERED, that on this 31st day of JULY, 1997 before me, the subscriber, a Notary Public in and for said County and State, personally appeared JAMES E. DIXON, President of CHESTERWOOD VILLAGE, INC., the corporation whose name is subscribed to and which executed the foregoing instrument, and for themselves and as such officers respectively, and for and on behalf of said corporation acknowledged the signing and execution of said instrument; and acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they affixed such corporate seal to, and otherwise executed, said instrument by authority of the Board of Directors, and on behalf, of said corporation; and that the signing and execution of said instrument is their free and voluntary act and deed, their free act and deed as such officer respectively, and the free and voluntary act and deed of said corporation, for the uses and purposes in said instrument mentioned.

RECEIVED
JUN - 7 1999
UNION TOWNSHIP ZONING OFFICE

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my Notarial seal, on the day and year last aforesaid.

Notary Public

This instrument was prepared by Maxwell N. Wear, Attorney at Law, 780 Nilles Road, Fairfield, Ohio, 45014.

O.R. 6134 PAGE 2137

RECEIVED
JUN - 7 1999
UNION TOWNSHIP ZONING OFFICE

Prior Deed Reference: Deed Record 6006, Page 1775.

and all the **Estate, Title and Interest** of the said, CHESTERWOOD VILLAGE, INC., Grantor, either in Law or Equity, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging ; **To Have and to hold** the same to the only proper use of the said CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO., its successors and assigns forever,

and the said CHESTERWOOD VILLAGE, INC., grantor, for itself and its successors, hereby **Covenants** with the said CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO., its successor and assigns , that it is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is **Clear, Free and Unincumbered; And further,** That it **does Warrant and will Defend** the same against all claims of all persons whomsoever:

IN WITNESS WHEREOF, the said CHESTERWOOD VILLAGE, INC., Grantor, has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed, by
JAMES E. DIXON its President
thereunto duly authorized by resolution of its Board of Directors, this 31ST day of JULY, 1997.

Signed and acknowledged in presence of us:

TIM ONTKO

MAXWELL N. WEAR

CHESTERWOOD VILLAGE, INC.
AN OHIO CORPORATION

By James E. Dixon
JAMES E. DIXON, President

STATE OF OHIO, COUNTY OF BUTLER, SS.

BE IT REMEMBERED, that on this 31ST day of JULY, 1997 before me, the subscriber, a Notary Public in and for said County and State, personally appeared JAMES E. DIXON, President of CHESTERWOOD VILLAGE, INC., the corporation whose name is subscribed to and which executed the foregoing instrument, and for themselves and as such officers respectively, and for and on behalf of said corporation acknowledged the signing and execution of said instrument; and acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they affixed such corporate seal to, and otherwise executed, said instrument by authority of the Board of Directors, and on behalf, of said corporation; and that the signing and execution of said instrument is their free and voluntary act and deed, their free act and deed as such officer respectively, and the free and voluntary act

consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION

to it paid by CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO.

whose address is: 4195 Hamilton-Mason Road, Hamilton, OH 45011

RECEIVED
JUN - 7 1999
UNION TOWNSHIP ZONING OFFICE

the receipt whereof is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, AND CONVEY** to the said CHESTERWOOD VILLAGE REALTY LIMITED, A LIMITED LIABILITY CO.

the following described **Real Estate:**

Located in Section 11, Township 3, Range 2 of Union Township, Butler County, Ohio, and being more and precisely described as follows:

Starting at the Northwest corner of the Northwest Quarter of Section 11, Township 3, Range 2, thence with the North line of Section 11, South 84 degrees 08' 21" East, 724.76 feet; Thence leaving the North line of Section 11, South 5 degrees 59' 22" West, 58.24 feet to a point on the south right-of-way of Tylersville Road; thence with said right-of-way South 84 degrees 25' 10" East 1219.43 feet to a point on the east side of Chesterwood Boulevard, and said point being the TRUE POINT OF BEGINNING.
thence with the South right-of-way of Tylersville Road South 84 degrees 25' 10" East, 464.48 feet to a point; thence leaving said right-of-way South 5 degrees 27' 45" West, 578.98 feet to a point; thence North 84 degrees 32' 15" West, 451.93 feet to a point on the north side of Chester Court, said point being at the start of a curve to the right; thence with said curve, a radius of 29.00 feet, arc length of 45.47 feet and a chord bearing of North 39 degrees 27' 26" West, 40.95 feet to a point on the east side of Chesterwood Boulevard; thence parallel with Chesterwood Boulevard (1 foot east of the back of curb) North 05 degrees 27' 45" East, 323.47 feet to a point at the start of a curve to the right; thence with the curve to the right, a radius of 99.00 feet, arc length of 6.60 feet and a chord bearing of North 07 degrees 22' 25" East, 6.60 feet to a point; thence North 09 degrees 17' 05" East 173.74 feet to a point at the start of a curve to the left; thence with said curve , a radius of 103.00 feet, arc length of 6.87 feet and a chord bearing of North 7 degrees 22' 25" East 6.87 feet to a point; thence North 5 degrees 27' 45" East 22.53 feet to a point at the start of a curve to right; thence with said curve, a radius of 40 feet, arc length of 18.80 feet and a chord bearing of North 18 degrees 55' 37" East 9.58 feet to the TRUE POINT OF BEGINNING.

(CONVEYANCE CONTINUED ON PAGE 3)

Containing 6.355 acres of land, more or less, and being subject to the rights-of-way of Tylersville Road and any easements or restrictions of record.

9700042889
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 08-04-1997 At 03:08 pm.
DEED
22.00
Vol. 6134 Pg. 2136 - 2139

APPROVED BY CB 8-4-97
BUTLER COUNTY PLANNING COMMISSION
FOR THE PURPOSES OF CONVEYANCE OF
TITLE, DOES NOT CONSTITUTE A ZONING
CERTIFICATE OR BUILDING PERMIT.
NO PLAT REQUIRED

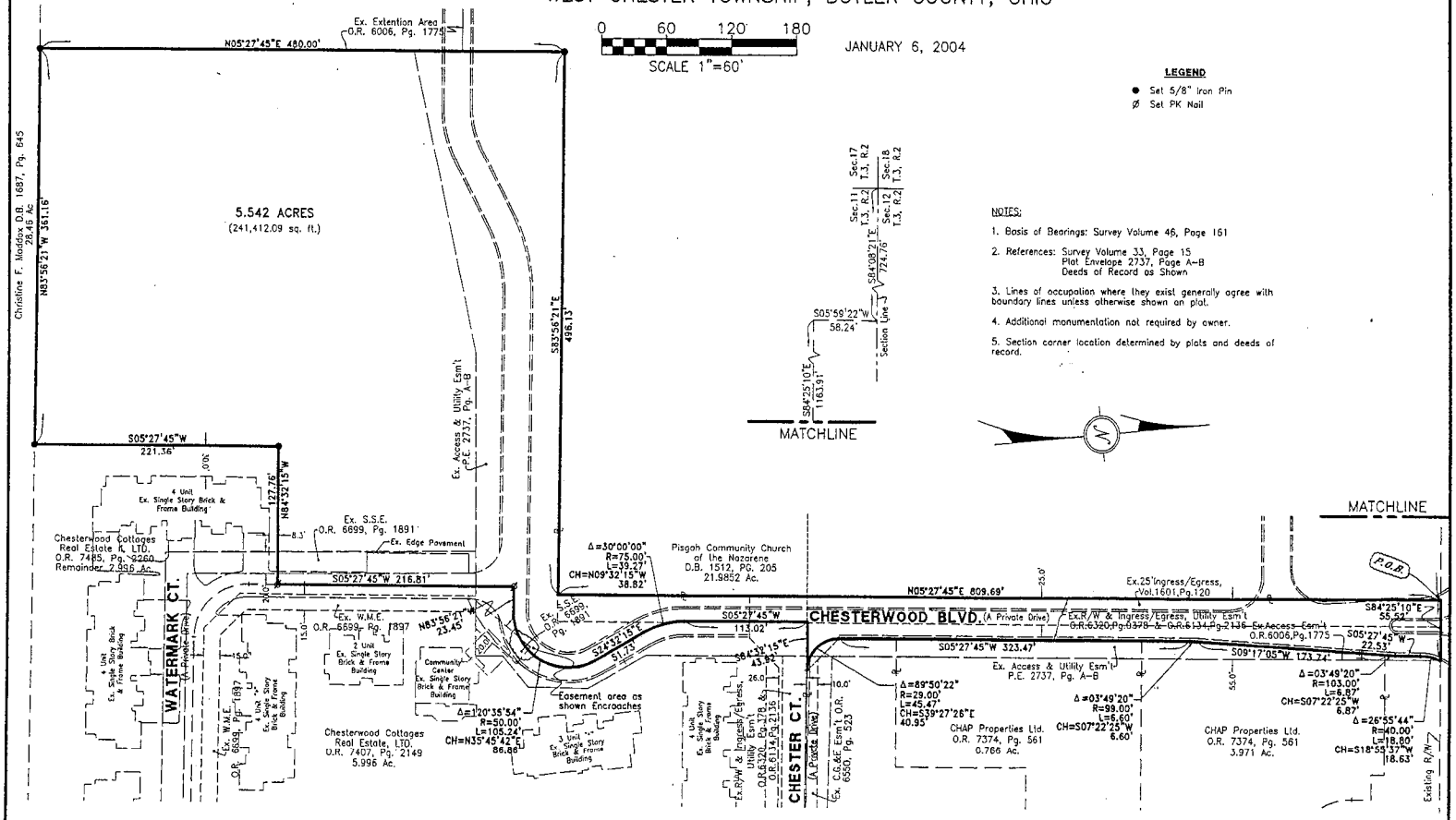
VOLUME 33 PAGE 15
BUTLER COUNTY ENGINEER
LAND
RECORD OF SURVEYS

PLAT OF SURVEY
5.542 ACRE TRACT
SECTION 11, TOWN 3, RANGE 2,
WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO

Volume_____ Page_____
BUTLER COUNTY ENGINEERS
RECORD OF SURVEYS

0 60 120 180
SCALE 1"=60'

JANUARY 6, 2004



LEGEND
- ● Set 5/8" Iron Pin
- Ø Set PK Nail

NOTES:

1. Basis of Bearings: Survey Volume 46, Page 161
2. References: Survey Volume 33, Page 15
   Plat Envelope 2737, Page A-B
   Deeds of Record as Shown
3. Lines of occupation where they exist generally agree with boundary lines unless otherwise shown on plat.
4. Additional monumentation not required by owner.
5. Section corner location determined by plats and deeds of record.

I hereby state to the best of my knowledge, information and belief that the accompanying plat is the correct return of a survey made under my direction.

Todd K. Turner, P.S.
Registered Surveyor #7684 in Ohio

REVISIONS		
1		
2		
3		
4		
5		
6		
7		
REV	DATE	

bayer becker
engineers planners architects surveyors
700 Nilles Rd. Fairfield, OH 45014 513-829-2149

File name: J:\2004\04F152\AL04F152.dwg

bayer becker
engineers
planners
architects
surveyors
www.bayerbecker.com

700 Nilles Road
Fairfield, OH 45014
P. 513.829.2149
F. 513.829.2457
fairfield@bayerbeck

January 6, 2005

DESCRIPTION — 5.542 Acre Tract

LOCATION — Chesterwood Village
West Chester, Ohio

Situated in Section 11, Town 3, Range 2, West Chester Township, Butler County, Ohio and being a 5.542 acre tract of land in part of the lands of Chesterwood Cottages Real Estate II, Ltd., as recorded in Official Records 7485, Page 2260 of the Butler County Ohio records and being further described as follows:

Beginning at a point found by measuring from the Northwest corner of aforementioned Section 11, said point being in the centerline of Tylersville Road, along the Northerly line of said section and along said centerline, South 84°08'21" East, 724.76 feet; thence leaving said section line and said centerline, South 05°59'22" West, 58.24 feet to a point in the Southerly right-of-way line of Tylersville Road; thence along said Southerly right-of-way line, South 84°25'10" East, 1163.91 feet to a point in the Westerly line of aforementioned lands of Chesterwood Cottages Real Estate II, Ltd., and the true point of beginning;

thence from the point of beginning thus found, continuing along said Southerly right-of-way line, South 84°25'10" East, 55.52 feet to a point in the Easterly line of said lands of Chesterwood Cottages Real Estate II, Ltd.;
thence leaving said Southerly right-of-way line, along said Easterly line, along a curve to the left having a radius of 40.00 feet, through a central angle of 26°55'44" an arc length of 18.80 feet, a chord bearing of South 18°55'37" West, a chord distance of 18.63 feet;
thence South 05°27'45" West, 22.53 feet;
thence along a curve to the right having a radius of 103.00 feet, through a central angle of 03°49'20" an arc length of 6.87 feet, a chord bearing of South 07°22'25" West, a chord distance of 6.87 feet;
thence South 09°17'05" West, 173.74 feet;
thence along a curve to the left, having a radius of 99.00 feet, through a central angle of 03°49'20" an arc length of 6.60 feet, a chord bearing of South 07°22'25" West, a chord distance of 6.60 feet;
thence South 05°27'45" West, 323.47 feet;
thence along a curve to the left, having a radius of 29.00 feet, through a central angle of 89°50'22" an arc length of 45.47 feet, a chord bearing of South 39°27'26" East, a chord distance of 40.95 feet to a point in the centerline of Chester Court (a private drive);

700 Nilles Road 14 East Eighth Street 6900 Tylersville Road 777 Eads Pkwy., Suite C
Fairfield, OH 45014 Covington, KY 41011 Mason, OH 45040Lawrenceburg, IN 47025

(Continued on Page 2)

thence along the centerline of said Chester Court (a private drive), North 84°32'15" West, 43.92 feet to a point in the centerline of Chesterwood Boulevard (a private drive);
thence leaving the centerline of said Chester Court, along the centerline of said Chesterwood Boulevard, South 05°27'45" West, 113.02 feet;
thence along a curve to the left, having a radius of 75.00 feet, through a central angle of 30°00'00" an arc length of 39.27 feet, a chord bearing of South 09°32'15" East, a chord distance of 38.82 feet;
thence South 24°32'15" East, 51.73 feet;
thence along a curve to the right, having a radius of 50.00 feet, through a central angle of 120°35'54" an arc length of 105.24 feet, a chord bearing of South 35°45'42" West, a chord distance of 86.86 feet;
thence North 83°56'21" West, 23.45 feet to a point in the centerline of Watermark Court (a private drive);
thence leaving the centerline of said Chesterwood Boulevard, along the centerline of Watermark Court, South 05°27'45" West, 216.81 feet;
thence leaving centerline of Watermark Court, North 84°32'15" West, 127.76 feet;
thence South 05°27'45" West, 221.36 feet;
thence North 83°56'21" West, 361.16 feet;
thence North 05°27'45" East, 480.00 feet;
thence South 83°56'21" East, 496.13 feet;
thence North 05°27'45" East, 809.69 feet to the point of beginning containing 241,412.09 square feet or 5.542 acres of land and being subject to all easements and right-of-ways of record.

The above description was prepared from a survey dated January 6, 2005 made by Todd K. Turner, Registered Surveyor #7684 in the State of Ohio.

The plat of which is recorded in Volume _____, Page _____, of the Butler County Engineer's Records.

Prior Instrument Reference: Deed Book _____, Page _____.

J:\2004\04F152\5.542ac.doc

UNION TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO

RESOLUTION NO. 96-23
(WCP: RPDP-CHESTERWOOD VILLAGE 7-96)
(West Chester Plaza)

WHEREAS, a R-PUD District and Preliminary Development Plan was approved by the Butler County Rural Zoning Commission on September 29, 1986 for land containing approximately 67 acres, situated in Section 11, Town 3, Range 2, Union Township, Butler County, Ohio; and

WHEREAS, the purpose of the aforementioned approval was for the development of a church, school, recreation area, retirement center and a retail area of 86,000 square feet, including a Kroger store; and

WHEREAS, a major change to this PUD plan was approved by Butler County on October 3, 1988, which eliminated the proposed school building and some of the open space and recreation area and included the addition of approximately 96,000 square feet of commercial use and one outlot along Tylersville Road; and

WHEREAS, the voters of Union Township, adopted local zoning for the unincorporated area on November 7, 1989, and the Butler County Board of Elections certified the results of the election on November 28, 1989, giving Union Township jurisdiction on all zoning matters; and

WHEREAS, on May 17, 1993, Champion East, optionee and developer of a portion of said planned unit development submitted an application for approval of a Revised Preliminary Development Plan for the retail portion of the plan approved as part of the major change; and

WHEREAS, on August 22, 1994, Kohl's Department Store and the West Chester Church of the Nazarene were approved for a revised Preliminary Development Plan, modifying the access points from Tylersville Road, the internal circulation system, and the retention basins for the West Chester Plaza Development; and

WHEREAS, on August 22, 1994, Kohl's Department Store was approved for a Final Development plan for the construction of a retail store; and

WHEREAS, on July 1, 1996, Chesterwood Village, Inc. submitted application to revise the Preliminary Development Plan for the retirement center portion of West Chester Plaza. The applicant proposed a different layout; and

NOW THEREFORE BE IT RESOLVED, that the Union Township Zoning Commission does hereby approve of said revised Preliminary Development Plan with the following conditions:

1) No Final Development Plan approval shall be given until the Union Township Fire Department has approved the internal access design and the fire hydrant location. All private drives shall be a minimum of twenty-four (24) feet in width.

2) No Final Development Plan approval shall be given until the Union Township Department of Planning and Zoning receives a letter from the Butler County Engineer's Office indicating approval of the construction drawings for the proposed right in/right out only access

into the retirement center. The proposed right in/right out only access into the retirement center shall be paid for by the applicant. With the construction of the right in/right out only access into the retirement center, the remainder of the church's relocated entrance shall be extended east. (The access easement has already been recorded).

3) No Final Development Plan shall be issued until all open space areas have been dedicated to an association charged with maintenance of the areas.

4) The building setbacks along the east and south property lines shall be 50 feet.

5) Within the 50 ft. setback, a landscaped buffer along the south and east property lines of the proposed retirement center shall be considered at Final Development Plan approval. Appropriate landscaping would provide a buffer from the proposed retirement center and existing R-1A Districts.

6) A pedestrian walkway system, linking the retirement center to adjacent uses, shall be considered at Final Development Plan approval. The pedestrian walkway system shall be designed to access all sections of the retirement center and all adjoining uses. No Final Development approval shall be given until the Department of Planning and Zoning approves an appropriate pedestrian system.

7) Proposed buildings along the east and south property lines shall be maintained to one-story. Two-story buildings shall be located away from the property line.

8) Along the east property line, the total care facility shall maintain a one-story roof line. The proposed building shall buffer any required parking from the adjoining properties.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data approved are hereby made part of this resolution:

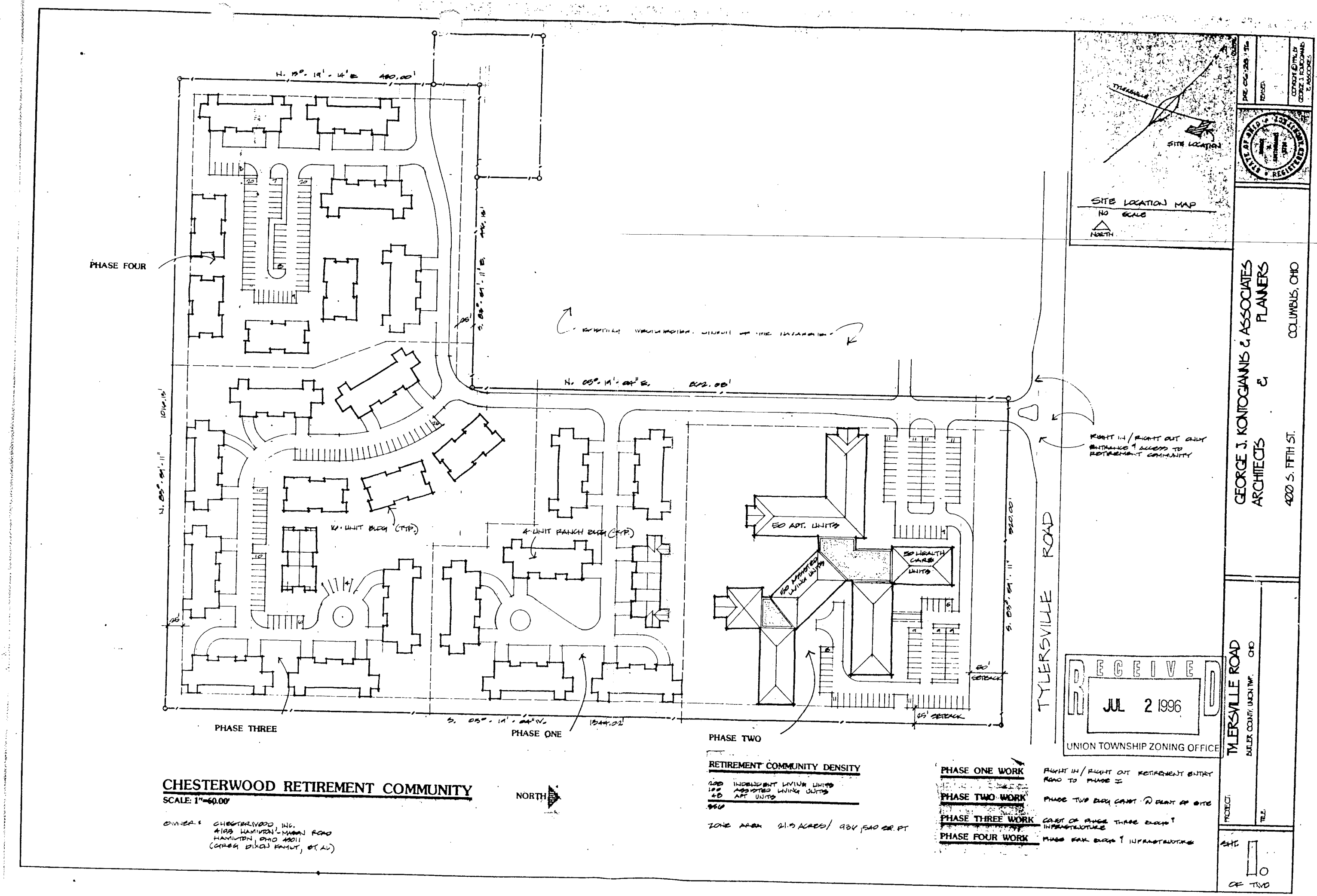
Union Township, Butler County
July 15, 1996

Chairman:

D. Michael Kramer

Director of Planning and Zoning:

Judith A. Carter



CHESTERWOOD RETIREMENT COMMUNITY

SCALE: 1"=60.00'

NORTH

OWNER: CHESTERWOOD, INC.
4198 HAMILTON-MASON ROAD
HAMILTON, OHIO 45011
(CRAIG DIXON FAHLEY, ET. AL)

RETIREMENT COMMUNITY DENSITY

200 INDEPENDENT LIVING UNITS
100 ASSISTED LIVING UNITS
60 APT UNITS
360

ZONE AREA 21.5 ACRES/ 936,540 SQ. FT

PHASE ONE WORK RIGHT IN / RIGHT OUT RETIREMENT ENTRY ROAD TO PHASE II

PHASE TWO WORK PHASE TWO BLDG. CONST. & PAVE AT SITE

PHASE THREE WORK CONST. OF PHASE THREE BLDG.'S INFRASTRUCTURE

PHASE FOUR WORK PHASE FOUR BLDG.'S INFRASTRUCTURE

RECEIVED
JUL 2 1996
UNION TOWNSHIP ZONING OFFICE

PREL. CC: 2.28.96
REVISED

STATE OF OHIO · REGISTERED

CONRAD & PHILLY
GEORGE J. KONTOGIANNIS & ASSOCIATES
PLANNERS
&
ARCHITECTS
400 S. FIFTH ST.
COLUMBUS, OHIO

PROJECT: TYLERSVILLE ROAD
BUTLER COUNTY, UNION TWP. OHIO

SHT. OF TWO