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**LIBERTY TOWNSHIP BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
TUESDAY, JANUARY 19, 2010
6400 PRINCETON ROAD
LIBERTY TOWNSHIP, OH 45011**

**REGULAR MEETING
6:00 P.M.**

On Tuesday, January 19, 2010 at 6:00 P.M., the Liberty Township Board of Trustees met this day for their regular meeting. Upon call of the roll, Mr. Kern – present, Mrs. Maticic – present, Mr. Hiltman - present.

Boy Scouts from Troops 940 and 942 led the Pledge of Allegiance

APPROVE MINUTES

Mr. Kern presented minutes from the Special Meeting, December 31, 2009. Ms. Maticic **MOVED TO APPROVE THE MINUTES FROM THE SPECIAL MEETING FOR DECEMBER 31, 2009.** Mr. Hiltman seconded. The motion passed unanimously.

Mr. Kern presented minutes from the Regular Meeting, January 5, 2010. Ms. Maticic **MOVED TO APPROVE THE MINUTES FROM THE REGULAR MEETING FOR JANUARY 5, 2010.** Mr. Hiltman seconded. The motion passed unanimously.

PAY BILLS

Mrs. Quinisk presented bills for payment.

Ms. Maticic requested they pull warrant # 48824 to be voted on separately due to the fact that she is on the West Chester Chamber Alliance Board. Ms. Maticic **MOVED TO PAY THE BILLS AS PRESENTED WITH THE EXCEPTION OF WARRANT #48824.** Mr. Hiltman seconded. The motion passed unanimously.

Mr. Hiltman **MOVED TO PAY WARRANT #48824 TO THE WEST CHESTER CHAMBER ALLIANCE.** Mr. Kern seconded. Upon call of the roll, the vote was as follows; Mr. Kern – yes, Mr. Hiltman – yes, Ms. Maticic – abstain.

Mr. Kern noted that the Trustees received the Cash Summary and Appropriation Status through January 14, 2010.

PUBLIC HEARING

- 1) Case ZC09-010: Proposed text amendment to the Liberty Township Zoning Resolution as advertised.

Comments in Favor

No comments.



Comments in Opposition

No comments.

Neutral to Proposal

No comments.

Ms. Maticic **MOVED TO CLOSE THE PUBLIC HEARING ON CASE # ZC09-010: PROPOSED TEXT AMENDMENT TO THE LIBERTY TOWNSHIP ZONING RESOLUTION.** Mr. Hiltman seconded. The motion passed.

Ms. Maticic **MOVED TO APPROVE A RESOLUTION TO APPROVE A TEXT AMENDMENT TO THE LIBERTY TOWNSHIP ZONING RESOLUTION AS PRESENTED WITH THE CHANGE AS NOTED BY STAFF (2010-018).** Mr. Hiltman seconded. The motion passed unanimously.

PUBLIC COMMENTS

No comments.

BUSINESS ITEMS

Requests for Requisitions over \$2,500

- | | | | | |
|----|-------|-------------|--------------|---|
| 1) | Admin | \$ 3,825.00 | 1000-110-519 | The Center for Local Government – 2009 membership dues. |
|----|-------|-------------|--------------|---|

Ms. Maticic **MOVED TO APPROVE REQUISITIONS OVER \$2,500.** Mr. Hiltman seconded. The motion passed unanimously.

Events Committee

No comments.

Parks Committee

No comments.

Economic Development

Ms. McKinney presented the Economic Development Report.

Fire Department

- 1) Chief Stumpf requested Resolution to approve the change of status and pay increase for Josh Kozuszek from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 21, 2009.

Ms. Maticic **MOVED TO APPROVE A RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY INCREASE FOR JOSH KOZUSZEK FROM PART-TIME FIREFIGHTER / EMT AT \$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT \$15.48 PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC CERTIFICATION EFFECTIVE DECEMBER 21, 2009 (2010-019).** Mr. Hiltman seconded. The motion passed unanimously.



- 2) Chief Stumpf requested a Resolution to approve the change of status and pay increase for Brian Lykins from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.79 per hour as he has received his Ohio Paramedic Certification effective December 23, 2009.

Ms. Matacic **MOVED TO APPROVE A RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY INCREASE FOR BRIAN LYKINS FROM PART-TIME FIREFIGHTER / EMT AT \$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT \$15.79 PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC CERTIFICATION EFFECTIVE DECEMBER 23, 2009 (2010-020)**. Mr. Hiltman seconded. The motion passed unanimously.

- 3) Chief Stumpf requested a Resolution to approve the change of status and pay increase for Justin McPhillips from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 22, 2009.

Ms. Matacic **MOVED TO APPROVE A RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY INCREASE FOR JUSTIN MCPHILLIPS FROM PART-TIME FIREFIGHTER / EMT AT \$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT \$15.48 PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC CERTIFICATION EFFECTIVE DECEMBER 22, 2009 (2010-021)**. Mr. Hiltman seconded. The motion passed unanimously.

- 4) Chief Stumpf presented the Training Report and the December 2009 Report.

Fiscal Office / Finance Department

No comments.

Services Department

- 1) Mr. Plummer requested a Resolution to authorize the Township Administrator to execute agreement with North American Salt Company for the purchase of bulk coarse salt for an amount not to exceed \$75,000.00 from account # 2230-330-420.

Ms. Matacic **MOVED TO APPROVE A RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE AGREEMENT WITH NORTH AMERICAN SALT COMPANY FOR THE PURCHASE OF BULK COARSE SALT FOR AN AMOUNT NOT TO EXCEED \$75,000.00 FROM ACCOUNT # 2230-330-420 (2010-022)**. Mr. Hiltman seconded. The motion passed unanimously.

- 2) Mr. Plummer presented the Services Report.

Sheriff's Report

Lt. Bunnell presented the Monthly Update and Traffic Complaints.

Zoning Department

Mr. West presented the Zoning Report.

Administration

- 1) Ms. Minneci requested a Resolution to authorize the Township Administrator to enter into the attached contract for telephone services with Cincinnati Bell. Other providers were asked to submit quotes, but Cincinnati Bell was the only quote received.



Ms. Maticic **MOVED TO APPROVE A RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO ENTER INTO THE ATTACHED CONTRACT FOR TELEPHONE SERVICES (2010-023)**. Mr. Hiltman seconded. The motion passed unanimously.

- 2) Ms. Minneci requested a Resolution to authorize the Township Administrator to execute the attached contract with Duke Energy Ohio, Inc. granting them an easement at Fire Station # 111.

Ms. Maticic **MOVED TO APPROVE A RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE THE ATTACHED CONTRACT WITH DUKE ENERGY OHIO, INC. GRANTING THEM AN EASEMENT AT FIRE STATION # 111 (2010-024)**. Mr. Hiltman seconded. The motion passed unanimously.

- 3) Ms. Minneci presented the 2010 Priorities.

TRUSTEE COMMENTS

Ms. Maticic would like to have staff look into is any other "Liberty Township" would be interested in our excess sign inventory.

Mr. Kern would like staff to look into having mailers sent to residents that were provided service from Township personnel regarding their experience with the service.

EXECUTIVE SESSION

6:45 P.M.

Ms. Maticic **MOVED TO GO INTO AN EXECUTIVE SESSION TO INTERVIEW THE APPLICANTS FOR THE BOARD OF ZONING APPEALS**. Mr. Hiltman seconded. The motion passed unanimously.

Ms. Maticic **MOVED TO COME OUT OF THE EXECUTIVE SESSION**. Mr. Hiltman seconded. The motion passed unanimously.

Ms. Maticic **MOVED TO APPROVE A RESOLUTION TO APPOINT RICHARD T. MCKINNEY AS AN ALTERNATE MEMBER TO THE LIBERTY TOWNSHIP BOARD OF ZONING APPEALS FILLING A VACANT TERM EXPIRING JANUARY 1, 2014 (2010-025)**. Mr. Hiltman seconded. The motion passed unanimously.

ADJOURNMENT

Ms. Maticic **MOVED TO ADJOURN**. Mr. Hiltman seconded. The motion passed.

Mr. Kern, President

Pamela Quinlisk, Fiscal Officer



RESOLUTION NO. 2010-018

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO APPROVE A TEXT AMENDMENT TO THE LIBERTY
TOWNSHIP ZONING RESOLUTION AS PRESENTED WITH THE CHANGE AS
NOTED BY STAFF**

RESOLVED by the Board of Township Trustees of Liberty Township, Butler County, Ohio that

WHEREAS, Jonathan D. West, Director of Planning and Zoning, requests that the Liberty Township Board of Trustees approve a text amendment to the Liberty Township Zoning Resolution and the proposed text amendment is attached;

WHEREAS, a public hearing to review the proposed text amendment to the Liberty Township Zoning Resolution was held by the Liberty Township Zoning Commission on January 4, 2010 on the application of the Liberty Township Board of Trustees (ZC09-010);

WHEREAS, all those present for the hearing who wished to be heard voiced their opinions with respect thereto;

WHEREAS, the Liberty Township Zoning Commission passed a motion to approve the proposed text amendment to the Liberty Township Zoning Resolution;

WHEREAS, a public hearing was held by the Liberty Township Board of Trustees on Tuesday, January 19, 2010 at 6:00 p.m. to review the proposed text amendment to the Liberty Township Zoning Resolution; and

WHEREAS, said Amendment was reviewed by the Board of Township Trustees and determined to be for the purpose of promoting public health, safety, morals, comfort, and general welfare; all in accordance with the Liberty Township Comprehensive Plan; now

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees does hereby approve the attached text amendment to the Liberty Township Zoning Resolution as presented with the change as noted by staff.

Trustee Maticic moved for the adoption of the foregoing resolution. Trustee Hiltman seconded the motion and upon call of roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director

Table 4.7-A: Principally Permitted Uses

Use	Base Zoning Districts													Overlay Zoning Districts					Additional Regulations		
	A-1	R-RE and R-SE	R-1 and R-2	R-3	R-4	B-1	B-2	O-1	O-2	M-1	R-PUD [1]	B-PUD [1]	MU-PUD [1]	R-CO	CRC-OD Cox Road Sub-Areas A and D	CRC-OD Cox Road Sub-Areas B and C	CDBD-O Cin-Day Business	BDBD-O Bethany Downtown		YRWB-O Yankee Road West	HCED-O Highway Commer.
Agricultural or Residential Uses																					
Adult Family Home or Small Residential Facility	P	P	P	P	P						A		A								
Adult Group Home or Large Residential Facility					P						A		A								
Agricultural Use	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	A	A	A	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Section 4.9.2
Multi-Family Dwelling					P						A		A					P/C			
Nursing Home	C	C	C	C	C		C		P/C		A	A	A								Section 4.9.15
Single-Family Dwelling	P	P	P	P	P						A		A								
Two-Family Dwelling				P	P						A		A								
Commercial and Office Uses																					
24 Hour a Day Business when adjacent to a Residential District or Recorded Subdivision						C	C	C	C	C		A	A		C	C	C	C	C	C	Section 4.9.1
Animal Hospital/Veterinary Clinic	C					C	P/C		C			A	A				P/C	C	P/C	P/C	Section 4.9.3
Auto Related Retail							P					A	A								
Auto Repair							P					A	A								
Auto Sales							P					A	A								
Auto Service/Car Wash							P					A	A								
Banquet Facility							P	C				A	A				P	C			P
Bar, Cocktail Lounge, and Tavern							C					A	A								C
Bed and Breakfast Establishment	C	C									A	A	A				C	P/C	P/C	C	Section 4.9.5
Billiard Parlor							C														C
Building Material Sales							P			P											
Building Trades							P			P		A	A				C				C
Commercial Recreation, Indoor							P			P		A	A								P
Day Care Center						P/C	P/C	C	P/C			A	A		P/C		P/C	P/C	P/C	P/C	Section 4.9.9
Discount Retail Store							P														
Equipment Rental							P		P	P											
Financial Institution						P	P	P	P			A	A		P	P	P	P	P	P	
Firework Retail Sales							C			C											Section 4.9.11
Flex Space (Office Warehouse)									C	P		A	A								
Fuel/Convenience Store						C	P		C			A	A								
Funeral Home							P	C	C			A	A				P				P
Garden, Landscape Supply, and Home Improvement Center							P					A	A				P				
Greenhouse							P					A	A				C				
Hotel							P		P			A	A		P		P	P	P	P	
Kennel	P/C						P/C														Section 4.9.13
Medical Equipment/Supplies						C	P	C	P	P		A	A		P		P			P	
Mixed-Use Building (commercial/residential)												A	A					P/C			Section 4.9.14
Motel							C		C												
Night Club							C					A	A							C	Section 4.9.4

- (g) All sexually oriented businesses shall have a minimum lot area of 20,000 square feet.
- (h) All sexually oriented businesses shall be set back a minimum of 200 feet from any lot that is:
 - (i) Of a total lot area of 5.1 acres or less in the A-1 District;
 - (ii) Located in any residential zoning district;
 - (iii) Located within a recorded residential subdivision;
 - (iv) Occupied by a religious place of worship, public building, educational facility, day care center, public park, playground, or other recreational facility attended by a person under the age of 18;
 - (v) Occupied by a hotel, motel, pawn shop, pool hall, video game or pinball arcade, dance hall; or
 - (vi) Occupied by a business that sells alcohol for consumption on the premises.

The above setback requirements shall apply regardless if the abutting lot is located within Liberty Township or another political subdivision. The measurement of distance for the purpose of the above setbacks shall be from lot line to the lot line along the shortest possible course.

- (i) All sexually oriented businesses shall be set back a minimum of 200 feet from any residential dwelling on a lot greater than 5.1 acres in size in the A-1 District, which is not a recorded residential subdivision, whether within this or any other political subdivision. The measurement of distance for the purpose of this regulation shall be from the lot line of the sexually oriented business to the wall of the residential dwelling along the shortest possible course.
- (j) All sexually oriented businesses shall be set back a minimum of 1,000 feet from any lot of any other sexually oriented business. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.
 - (i) No sexually oriented business, except for an adult motel, **shall be or remain open for business** ~~may remain open at any time between 12:00 Midnight and 6:00 AM on any day, the hours of 1:00 A.M. and 8:00 A.M. local time on weekdays and Saturdays, and 1:00 A.M. and 12:00 P.M. local time on Sundays.~~
 - (ii) No more than one sexually oriented business may be located within a single building.
- (k) Sexually oriented businesses shall not be permitted in any overlay zoning district.

4.9.18 Storage/Sale of Grain, Livestock Feed or Fuel

All buildings shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

4.9.19 Telecommunications Towers

In those instances where a telecommunications tower is made subject to Liberty Township zoning pursuant to Section 519.211 of the Ohio Revised Code, and as the same may, from time to time, be amended, said telecommunications tower shall be erected, constructed, reconstructed, changed, altered, removed, or enlarged in accordance with the following provisions.

ARTICLE 4: ZONE DISTRICTS AND USE REGULATIONS

Section 4.10: Site Development Standards

Subsection 4.10.3: Site Development Standards for Agricultural and Residential Districts

Table 4.10-A: Site Development Standards for Agricultural and Residential Districts

Districts	Lot Area (Min) or Density [1]	Lot Frontage/ Lot Width (feet)	Setbacks				Max. Bldg. Height (feet) [2]
			Front Yard (feet)	Side Yard One Side (feet)	Side Yards Both (feet)	Rear Yard (feet)	
Agriculture (A-1) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
Single-family dwellings with water and sewer [3]	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
Residential Rural Estate (R-RE) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
Single-family dwellings with water and sewer [3]	15,000 s.f.	90	30 [4]	8	20	40	35
Residential Suburban (R-SE) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	1 acre	200	70 [4]	25	75	50	35
Single-family dwellings with water and sewer [3]	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
Suburban Residence (R-1) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
Single Family Residence (R-2) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	15,000 s.f.	90	30 [4]	8	20	40	35
One & Two Family Residence (R-3) District							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	12,000 s.f.	80	30 [4]	8	20	30	35
Two Family Dwellings [6]	15,000 s.f.	90	30 [4]	8	20	40	35
Multiple Family Residence (R-4)							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	6,500 s.f.	55	25 [4]	6	15	30	35
Two Family Dwellings [6]	13,000 s.f.	60	25 [4]	10	20	40	35
Three Family Dwellings [6]	19,500 s.f.	70	25 [4]	10	22	40	35
Multi Family Dwellings 4 & over	8.0 du/acre	100	30 [4]	20	40	45	35

NOTES:

[1] s.f. = square feet; du/acre = dwelling units per acre.

[2] Building heights are maximum heights except as provided in Subsection 4.10.4 (Height Measurement and Exceptions).

[3] These shall be the applicable site development standards for residential lots where public water and sewer are accessible to property and such use is consistent with the adopted land use plan, provided the lot is a part of a properly approved and recorded subdivision. Applicants utilizing these site development standards are required to meet with the Zoning Inspector for a preapplication conference in accordance with Section 4.10.3 (2) (Preapplication Meeting Required).

[4] When a lot in these districts abuts an arterial or major collector street (as defined by the Butler County Thoroughfare Plan), the minimum front yard setback shall be 100 feet.

[5] 15-foot minimum side yard setback may be reduced to ten feet on one side on any lot in any new subdivision platted after the effective dates of this resolution to accommodate side entry garages only. This regulation does not apply to recorded lots at the time of

ARTICLE 4: ZONE DISTRICTS AND USE REGULATIONS

Section 4.10: Site Development Standards

Subsection 4.10.4: Site Development Standards for Nonresidential Districts

Table 4.10-A: Site Development Standards for Agricultural and Residential Districts

Districts	Lot Area (Min) or Density [1]	Lot Frontage/ Lot Width (feet)	Setbacks				Max. Bldg. Height (feet) [2]
			Front Yard (feet)	Side Yard One Side (feet)	Side Yards Both (feet)	Rear Yard (feet)	

adoption of this resolution. This regulation does not apply to lots in new phases of a subdivision directly adjacent to the side yard of a lot in another phase of the subdivision that existed prior to the date of adoption of this resolution.

[6] Shall be recorded as a condominium plat in the office of the Butler County Tax Plat and Recorder.

(2) Preapplication Meeting Required

- (a) Applicants for any single-family dwelling development with water and sewer in the A-1, R-RE, or R-SE District are required to meet with the Zoning Inspector for a preapplication meeting prior to submitting a formal application to Butler County for a preliminary subdivision plat.
- (b) The purpose of the preapplication meeting is to informally discuss application zoning requirements, subdivision design, surrounding developments, and details of the proposed development.
- (c) One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the Zoning Inspector.
- (d) Applicants are encouraged to bring a preliminary plan to the preapplication meeting.
- (e) No formal application is required to facilitate a preapplication meeting. The applicant need only contact the Zoning Inspector to set up a meeting date.
- (f) Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

4.10.4 Site Development Standards for Nonresidential Districts

- (1) **Table 4.10-B** establishes the minimum site development standards for nonresidential districts.

Table 4.10-B: Site Development Standards for Nonresidential Districts [1]

DISTRICTS	Front Yard (feet)	Side Yard One (feet)	Side Yards Both (feet)	Rear Yard (feet)	Max. Bldg. Height (feet) [2]	Max. Lot Coverage
Neighborhood Business (B-1)	30	None	None	None	35	75%
General Business (B-2)	30	None	None	None	35	85%
Office District (O-1)	30	None	None	None	35	85%
Office/Limited Industrial (O-2)	45	None	None	50	45	85%
Light Industrial (M-1)	50	25	50	50	35	85%
River Recreation (R-CO)	40	20	40	50	35	None

NOTES:

[1] Additional setback requirements may also be required in Article 7 (Parking, Loading, and Circulation) and Article 8 (Buffering and Landscaping).

[2] Building heights are maximum heights except as provided in Subsection 4.10.4 (Height Measurement and Exceptions) and as may be provided for in Article 5 (Overlay District Development Standards) for sites subject to an overlay zoning district.

(3) Detached Garages, Utility/Storage Sheds, Above-Ground Swimming Pools, and Gazebos

- (a) Detached garages, above-ground swimming pools, utility/storage sheds, and gazebos are permitted on lots with a maximum cumulative square footage as established in **Table 4.12-B.**

Table 4.12-B: Maximum Square Footage of All Detached Garages, Sheds, Above-Ground Swimming Pools, and Gazebos	
Lot Size	Maximum Square Footage of All Detached Garages, Above-Ground Swimming Pools, Sheds, and Gazebos
Up to 1 acre	576 square feet
1 to 2 acres	960 square feet
2 to 5 acres	1,200 square feet
5 to 10 acres	1,600 square feet
10 or more acres	3,200 square feet

- (b) A detached garage located in a recorded subdivision requires a paved driveway of asphalt or portland cement.

(4) Drop Off Boxes or Dumpsters

- (a) The box or dumpster shall be screened on a minimum on three sides to a height that fully screens the use unless otherwise required in this resolution.
- (b) Screening shall be accomplished by the use of hedges, wall, or decorative fence that provides full opacity screening.

(5) Fences, Walls, and Hedges

Fences, walls, and hedges may be located in required yards as follows:

- (a) For any parcel or parcels in common ownership, not located in a recorded subdivision, and possessing 200 feet or more of continuous frontage, for proposed fences, **walls, or hedges** not exceeding 54 inches in height above the elevation of the surface of the ground ~~and not exceeding 50% opacity in elevation~~, such fence **(not exceeding 50% opacity in elevation), wall, or hedge** may be located in any required yard.
- (b) For any lot in a recorded subdivision or any lot possessing less than 200 feet of continuous frontage on a public roadway, fences, walls and hedges shall not be permitted in front of the leading corner of a building front toward any public street. The fenced, walled or hedged area may extend from any building side towards any public street, but must remain behind the applicable front yard building setback. For double or triple frontage lots, fences, walls and hedges shall be permitted in a yard adjacent to an arterial/collector street, but no closer than 20 feet from said right of way as illustrated **in Figure 4.12-2.**

- (c) For fences and walls that exceed 50% opacity, landscaping shall be provided along the base of the exterior side of any fence on a residential lot that is not located on or within five feet of any property line, or as otherwise approved or required by the Zoning Inspector. A minimum of one landscape planting shall be provided per each eight linear feet of fence and shall achieve a mature height of at least two feet.
 - (d) **No fence, wall, or hedge shall exceed six (6) feet in height above the elevation of the surface of the ground unless otherwise permitted or required by this resolution.**
 - (e) No fence, wall, or hedge shall be located within 20 feet of the right of way of any public street or roadway.
 - (f) Fences shall be constructed of materials that may include cedar, pressure treated lumber, vinyl, wrought iron, aluminum, or similar materials as determined and approved by the Zoning Inspector.
 - (g) The use of barbed wire, electrical or similar type fences shall be prohibited.
 - (h) Chain link type fences are prohibited in residential zoning districts or on residential lots. Chain link type fences may be used in the rear yard of business and industrial zoning districts provided they are plastic coated and are black in color.
 - (i) All fences and walls must be erected so that the finished side faces outward, and the rough or unfinished side faces interior to the property being enclosed.
 - (j) No fence or wall shall be erected within a drainage easement or designated floodplain where the sole purpose is to allow the flow, detention, or retention of storm water, as determined by the Zoning Inspector, unless otherwise approved by the Butler County Engineer's Office.
 - (k) Landscaped mounds may be constructed in lieu of or as part of a fence, wall, or hedge row in accordance with these provisions. In no case shall such mound or combination of mound and fence, wall, or hedge row be constructed to a height that exceeds the maximum permitted height of fence, wall, or hedge row as established in this section, unless otherwise permitted or required in this resolution.
 - (l) All fences and walls shall be kept in good repair and appearance.
- (6) Home Occupations**
- (a) Certain home occupations are permitted as necessary in dwelling units provided they are clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - (b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
 - (c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
 - (d) All persons wishing to conduct a home occupation shall apply for a zoning certificate from the Zoning Inspector in accordance with Section 3.4 (Zoning Certificate and Site Plan Review).

ARTICLE 5: OVERLAY DISTRICT DEVELOPMENT STANDARDS

Section 5.3: Site Development Standards

Subsection 5.3.2: Yard Setbacks and Lot Coverage

Table 5.3-A: Yard Setbacks and Lot Coverage for Overlay Districts					
Overlay District	Front Yard Setback [1]	Rear Yard Setback	Side Yard Setback	Maximum Lot Coverage	
UBZD = Per Underlying Base Zoning District					
Cox Road Corridor (CRC-OD)					
Sub-Area A	UBZD	UBZD	UBZD	80%	
Sub-Area B	UBZD	UBZD	UBZD	75%	
Sub-Area C	UBZD unless the yard abuts a residential zoning district, residential subdivision, or residential lot in which case there shall be a 75-foot setback in which no structure, parking area, pavement, or driveway will be permitted [2]			70%	
Sub-Area D	UBZD	UBZD	UBZD	80%	
Cincinnati-Dayton Road Business (CDBD-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]	
Bethany Downtown Business (BDBD-O) [3]	UBZD [6]	UBZD	None	85% [4] [5]	
Yankee Road West Business (YRWBD-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]	
Highway Commercial/Entertainment (HCED-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]	
<p>NOTES:</p> <p>[1] All front yard setbacks are subject to review by the Butler County Engineer who may require increased front yard setbacks.</p> <p>[2] See Section 5.5.1 for special buffer requirements for Sub-Area C.</p> <p>[3] When any yard or lot line abuts a residential zoning district, lot in a recorded subdivision, or any lot used for residential purposes (unless zoned for commercial use or located outside of Liberty Township), buffering and landscaping shall be provided in accordance with Subsection 5.3.2 (2) below.</p> <p>[4] The maximum coverage for buildings and structures shall be 50%.</p> <p>[5] Unless otherwise approved by the Zoning Commission.</p> <p>[6] For properties which front Cincinnati-Dayton Road between Bethany Road and Bridge BUT-7.007 (located between address range 6410 and 6440), the minimum front yard setback shall be 40' with a maximum front yard setback of 50' from the centerline of Cincinnati-Dayton Road, subject to Note [1] above.</p>					

- (2) Per note [3] in **Table 5.3-A**, a 50-foot wide landscape buffer shall be required along all applicable lot lines. Such buffer shall:
- (a) Not include any driveway or parking area;
 - (b) Incorporate a six-foot high landscaped mound with an eight-foot high stained wood board-on-board privacy fence, brick wall, or any combination to create 14-foot high screen.
 - (c) Include a single row of six-foot tall nursery grade staggered evergreen trees planted to provide a minimum of 75% opacity year round at 75% growth along the residential side of the fence or wall.
 - (d) Include a variety of landscaping materials planted along the commercial side of the fence or wall to break up long sections of fencing or walls.
 - (e) Be designed so that no element of the landscaping or screening creates a sight distance problem.

Lot Line, Rear

An property boundary opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line. See Section 4.10.1(5)(e).

Lot Line, Residential

A lot line of any property containing a residential use.

Lot Line, Side

An internal property line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section 4.10.1(5)(e).

Lot Lines

The lines bounding a lot, except that where a lot line lies within a public right-of-way, the edge of the right-of-way shall be considered the lot line for purposes of determining lot area, coverage and setback requirements. See Section 4.10.1(5)(e).

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Butler County, or a parcel of land, the deed to which was recorded in said office prior to the effective date of this resolution. (See Figure 4.14-1)

Lot Width

The mean width of the lot measured at **the building setback line, which shall be parallel to the lot frontage right angles to its depth.** See **Figure 11.2-5.**

Lot, Corner

A lot abutting upon two (2) or more public streets at their intersections or upon two (2) or more parts of the same street, which in either case, form an interior angle of less than one hundred thirty five (135) degrees. See **Figure 11.2-5** and Section 4.10.1 (5) (f).

Lot, Double Frontage

A lot, other than a corner lot, which has frontage on two streets. See **Figure 11.2-5** and Section 4.10.1 (5) (g).

Lot, Interior

A lot with frontage on only one street. See **Figure 11.2-5** and Section 4.10.1 (5) (e).

Lot, Panhandle or Flag

The panhandle or flag is an access corridor with not less than 25 feet of street frontage on a public street to a lot or parcel located behind parcels with normally required street frontage. See **Figure 11.2-5** and Section 4.10.1 (5) (h).

Lot, Triple Frontage

A lot, other than a corner lot, which has frontage on three or more streets. See **Figure 11.2-5** and Section 4.10.1 (5) (g).

Manufactured Home

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (See Section 4.9.2(3))



RESOLUTION NO. 2010-019

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY
INCREASE FOR JOSH KOZUSZEK FROM PART-TIME FIREFIGHTER / EMT
AT \$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT
\$15.48 PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC
CERTIFICATION EFFECTIVE DECEMBER 21, 2009**

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Fire Chief Paul Stumpf and Melanie Brokaw, HR Director / Assistant Township Administrator, request the Liberty Township Board of Trustees approve the change of status and pay increase for Josh Kozuszek from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 21, 2009;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby approves the change of status and pay increase for Josh Kozuszek from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 21, 2009.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

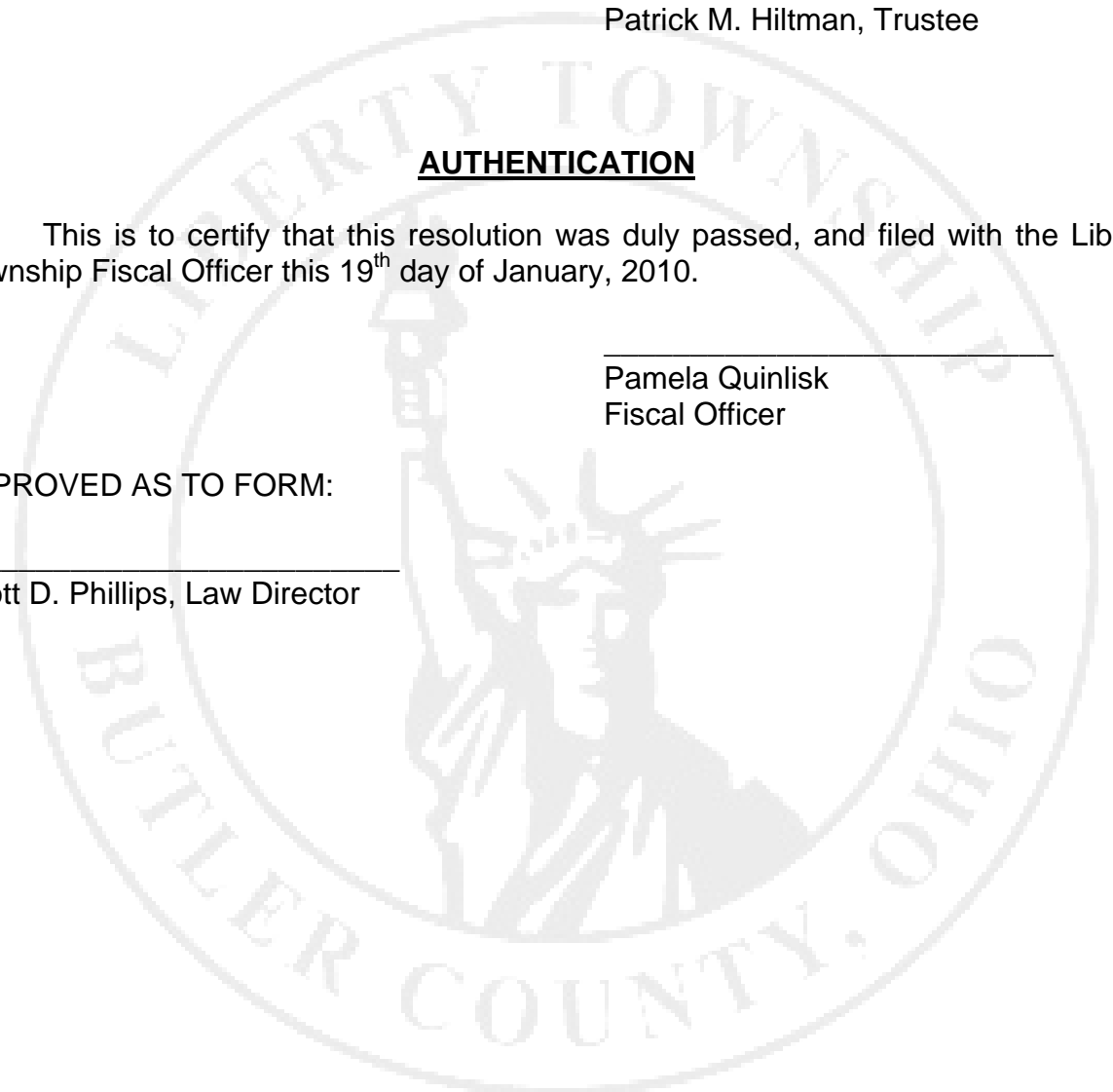
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director





RESOLUTION NO. 2010-020

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY
INCREASE FOR BRIAN LYKINS FROM PART-TIME FIREFIGHTER / EMT AT
\$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT \$15.79
PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC CERTIFICATION
EFFECTIVE DECEMBER 23, 2009**

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Fire Chief Paul Stumpf and Melanie Brokaw, HR Director / Assistant Township Administrator, request the Liberty Township Board of Trustees approve the change of status and pay increase for Brian Lykins from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.79 per hour as he has received his Ohio Paramedic Certification effective December 23, 2009;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby approves the change of status and pay increase for Brian Lykins from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.79 per hour as he has received his Ohio Paramedic Certification effective December 23, 2009e.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

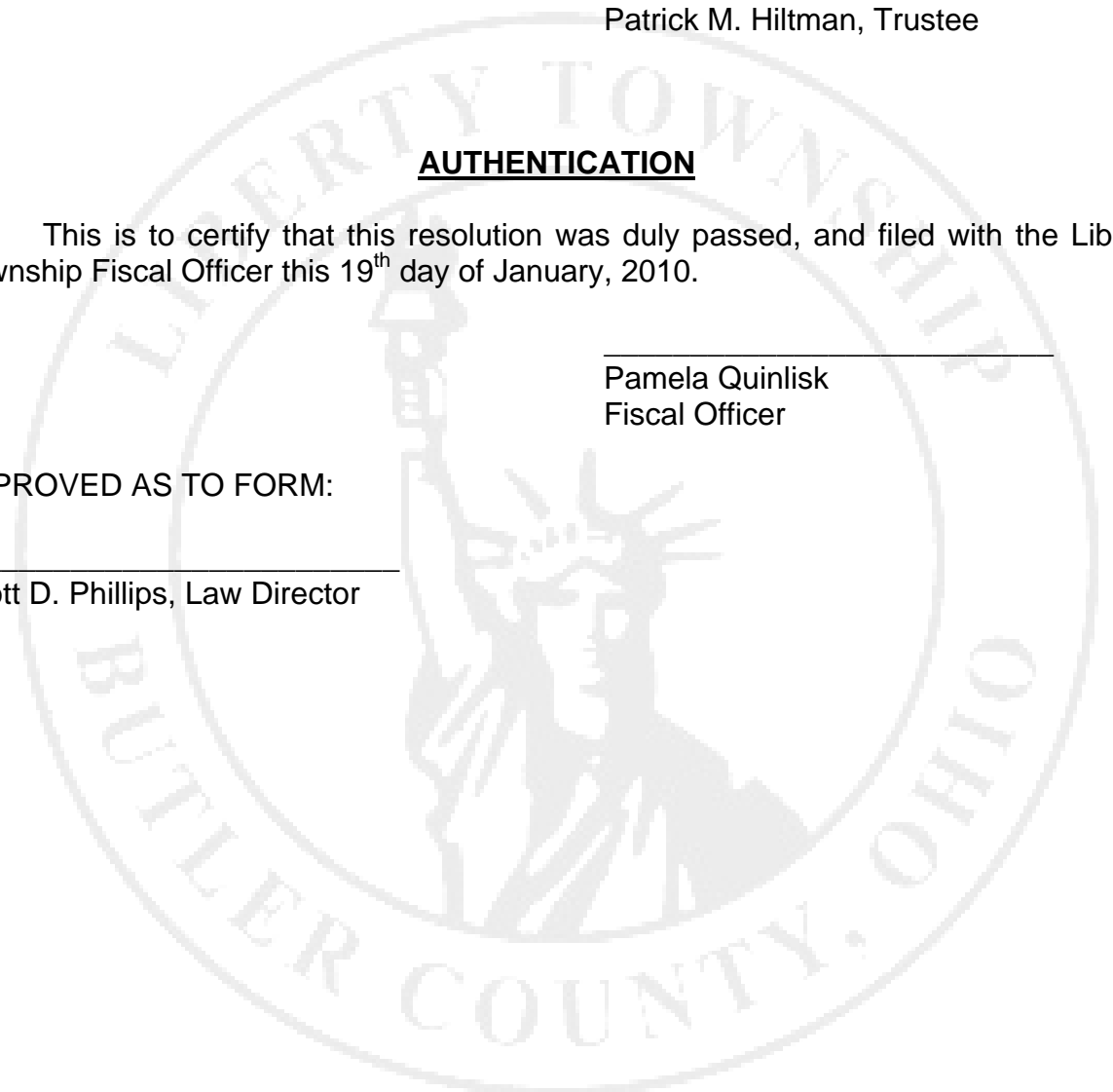
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director





RESOLUTION NO. 2010-021

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO APPROVE THE CHANGE OF STATUS AND PAY
INCREASE FOR JUSTIN MCPHILLIPS FROM PART-TIME FIREFIGHTER /
EMT AT \$14.48 PER HOUR TO PART-TIME FIREFIGHTER / PARAMEDIC AT
\$15.48 PER HOUR AS HE HAS RECEIVED HIS OHIO PARAMEDIC
CERTIFICATION EFFECTIVE DECEMBER 22, 2009**

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Fire Chief Paul Stumpf and Melanie Brokaw, HR Director / Assistant Township Administrator, request the Liberty Township Board of Trustees approve the change of status and pay increase for Justin McPhillips from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 22, 2009;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby approves the change of status and pay increase for Justin McPhillips from Part-Time Firefighter / EMT at \$14.48 per hour to Part-Time Firefighter / Paramedic at \$15.48 per hour as he has received his Ohio Paramedic Certification effective December 22, 2009.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

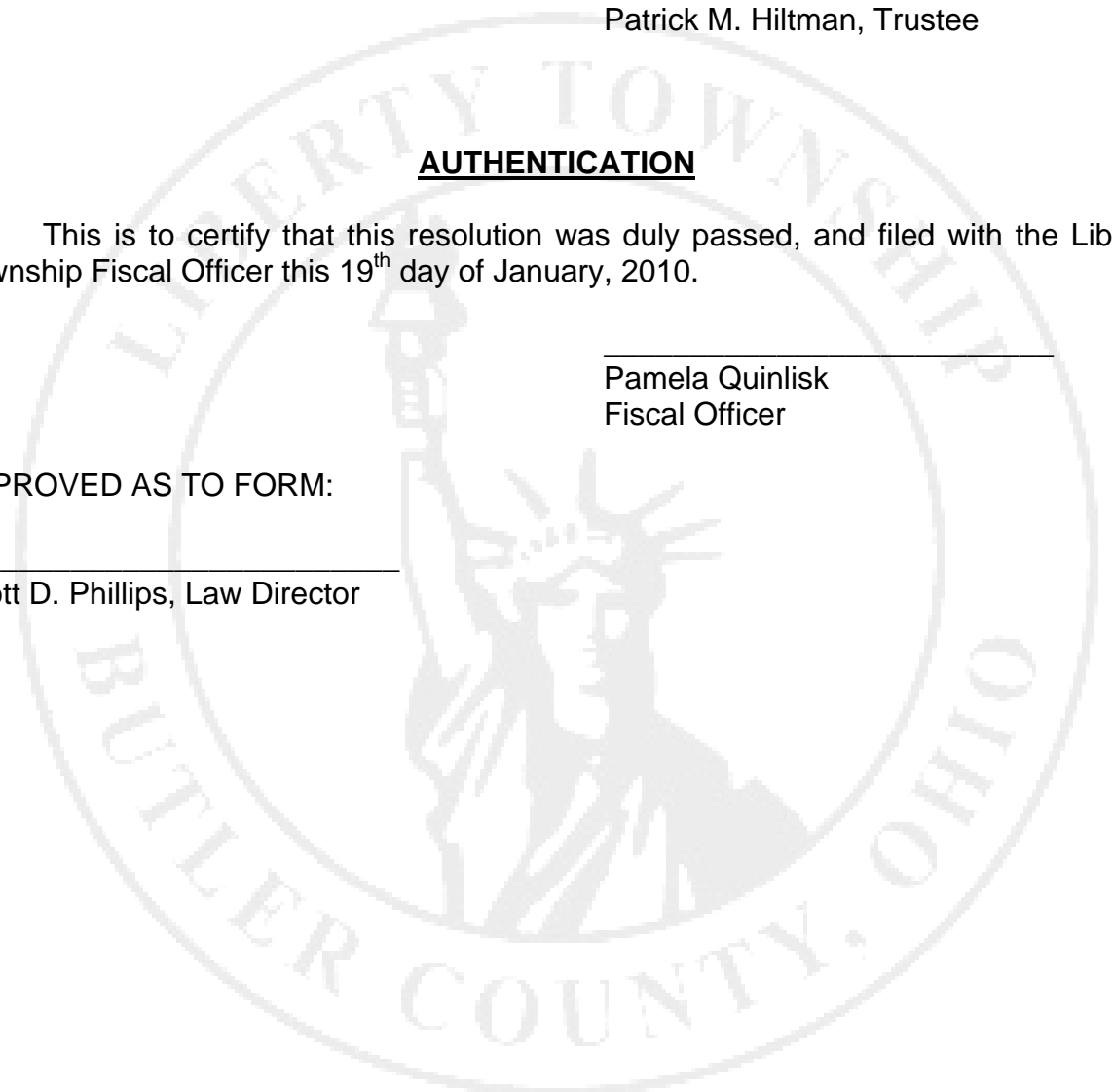
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director





RESOLUTION NO. 2010-022

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO
EXECUTE AN AGREEMENT WITH NORTH AMERICAN SALT COMPANY
FOR THE PURCHASE OF BULK COARSE SALT FOR AN AMOUNT NOT TO
EXCEED \$75,000 FROM ACCOUNT # 2231-330-420**

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Rick Plummer, Services Director, requests the Liberty Township Board of Trustees authorize the Township Administrator to execute an agreement with North American Salt Company for the purchase of bulk coarse salt;

WHEREAS, Liberty Township would pay an amount not to exceed \$75,000.00 from account # 2230-330-420;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby authorizes the Township Administrator to execute agreement with North American Salt Company for the purchase of bulk coarse salt for an amount not to exceed \$75,000.00 from account # 2230-330-420.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

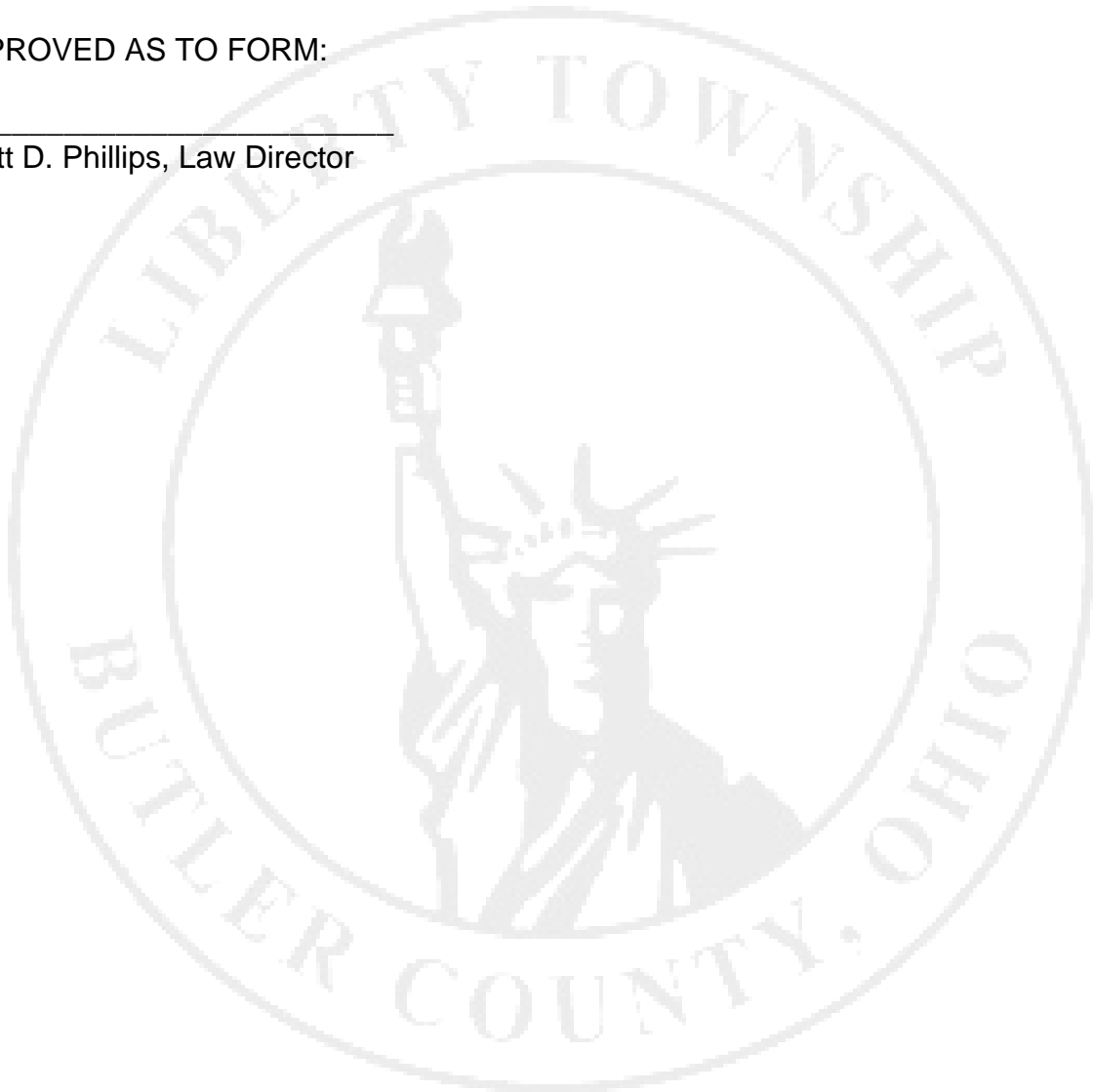
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director





RESOLUTION NO. 2010-023

Board of Trustees, Liberty Township
Butler County, Ohio

RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO ENTER INTO THE ATTACHED CONTRACT FOR TELEPHONE SERVICES

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Dina Minneci, Township Administrator, requests the Liberty Township Board of Trustees authorize her to enter into the attached contract for telephone services;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby authorizes her to enter into the attached contract for telephone services.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

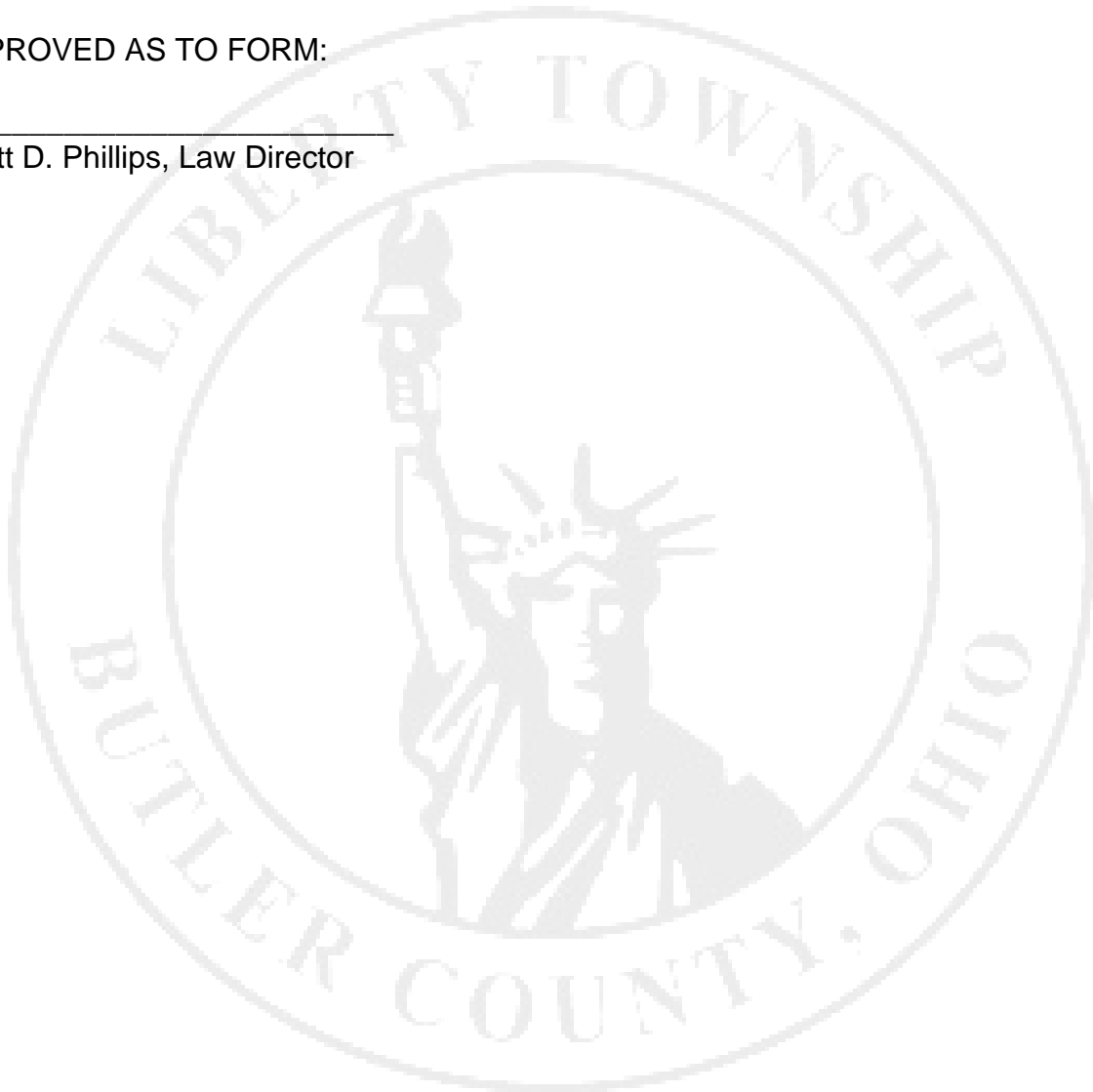
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director





Services Agreement

Customer
Liberty Township

Address
6400 Princeton Road

Service Provider
Cincinnati Bell Telephone Company
LLC (Cincinnati Bell)
Address
221 East Fourth Street
PO BOX 2301

Agreement No.
66831.4

Order No.

Service Provider Contact
Guy Warman
Telephone No.
513-910-8419

City	State	Zip Code	City	State	Zip Code
Liberty Township	OH	45011	Cincinnati	OH	45201

THIS CINCINNATI BELL SERVICES AGREEMENT IS SUBJECT TO THE GENERAL TERMS AND CONDITIONS AND APPLICABLE SERVICES SUPPLEMENTS ("COLLECTIVELY "TERMS AND CONDITIONS") AVAILABLE AT WWW.CINCINNATIBELL.COM/BUSINESS/LEGAL. A COPY OF WHICH WILL BE PROVIDED TO CUSTOMER UPON REQUEST, SUCH TERMS AND CONDITIONS ARE INCORPORATED HEREIN BY THIS REFERENCE. BY EXECUTING THIS CINCINNATI BELL SERVICES AGREEMENT WHERE INDICATED BELOW, CUSTOMER ACKNOWLEDGES THAT CUSTOMER HAS READ, UNDERSTANDS, ACCEPTS AND AGREES TO BE BOUND BY ALL SUCH TERMS AND CONDITIONS.

CUSTOMER	Printed Name	Title	Date
Signature			

**In order for Customers to receive an electronic copy of executed Agreement back please provide either:
Customer FAX #:
or Printed E-mail Address:**

CINCINNATI BELL	Printed Name	Title	Date
Signature			

A. Service Pricing

Qty	Units	Description	Term	Clauses	Per Unit Monthly	Monthly	Per Unit One-time	One-time
Service Address: 5170 Princeton-Glendale Road Liberty Township OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
1	Each	ZoomTown (ADSL) w/Fuse 5Mbps/768Kbps	36 Months	9	49.95	49.95	0.00	0.00
Service Address: 6361 Princeton Road Hamilton OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
Service Address: 6400 Princeton Road Liberty Township OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
Service Address: 6682 Princeton-Glendale road Liberty Township OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
1	Each	ZoomTown (ADSL) 1 Static IP w/Fuse 5Mbps/768Kbps	36 Months	9	80.00	80.00	0.00	0.00

Confidential Statement

Contract #: 66831.4



Services Agreement

A. Service Pricing

Qty	Units	Description	Term	Clauses	Per Unit Monthly	Monthly	Per Unit One-time	One-time
1	Each	ZoomTown (ADSL) w/Fuse 5Mbps/768Kbps	36 Months	9	49.95	49.95	0.00	0.00
23	Each	Two Way/DID Channels	36 Months		6.00	138.00	0.00	0.00
5	Each	DID 20# Blocks	36 Months		3.00	15.00	0.00	0.00
1	Each	Caller ID	36 Months		0.00	0.00	0.00	0.00
1	Each	PRI Facility	36 Months	41	347.00	347.00	0.00	0.00
Service Address: 6957 Yankee Road Liberty Township OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
1	Each	ZoomTown (ADSL) w/Fuse 5Mbps/768Kbps	36 Months	9	49.95	49.95	0.00	0.00
Service Address: 6959 Yankee Road Liberty Township OH								
1	Each	1FB - Rate Band 1 - Ohio	36 Months	4	35.00	35.00	0.00	0.00
Service Addresses: 6400 Princeton Road Liberty Township OH to 6361 Princeton Road Hamilton OH								
2	Each	MercNet 1.5 Channel Termination	36 Months	52	129.00	258.00	0.00	0.00
Service Addresses: 6682 Princeton-Glendale road Liberty Township OH to 5170 Princeton-Glendale Road Liberty Township OH								
2	Each	MercNet 1.5 Channel Termination	36 Months	52	129.00	258.00	0.00	0.00
Service Addresses: 6682 Princeton-Glendale road Liberty Township OH to 6957 Yankee Road Liberty Township OH								
2	Each	MercNet 1.5 Channel Termination	36 Months	52	129.00	258.00	0.00	0.00
1	Each	MercNet 1.5 Fixed Mileage	36 Months		85.50	85.50	0.00	0.00
10	Each	MercNet 1.5 Per Mile	36 Months		4.66	26.60	0.00	0.00
Service Addresses: 6682 Princeton-Glendale road Liberty Township OH to 6400 Princeton Road Liberty Township OH								
2	Each	MercNet 1.5 Channel Termination	36 Months	52	129.00	258.00	0.00	0.00
1	Each	MercNet 1.5 Fixed Mileage	36 Months		85.50	85.50	0.00	0.00
10	Each	MercNet 1.5 Per Mile	36 Months		4.66	<u>26.60</u>	0.00	<u>0.00</u>
Total						2,196.05		0.00

Services Agreement

NOTES:

- The term "Cincinnati Bell" shall be deemed to mean the Service Provider on behalf of itself and its' affiliates.
- The Agreement shall become effective on the latter of the provisioning or activation date ("Effective Date").
- In addition to the Services Agreement charges, Customers will incur all regulated charges mandated by the Regulatory Commissions with jurisdiction over Cincinnati Bell.
 - Wireless, ADSL, Dedicated FUSE Internet Access, eVantage and eMerge services are not subject to Regulatory Commission jurisdiction.
- All prices and rates are exclusive of any surcharges and taxes.
- Installation/One-time charge does not cover premise technician work outside of the hours of 8 a.m. to 5 p.m.
- The service products, prices and terms identified on this Services Agreement constitutes Cincinnati Bell's offer to provide such services on such terms. Until Customer has accepted this offer by signing as appropriate above, Cincinnati Bell reserves the right to rescind this offer at any time, at its' sole discretion.
- Facsimile signatures to this Services Agreement and any additional documents incorporated herein shall be deemed to be binding upon the parties.



RESOLUTION NO. 2010-024

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO
EXECUTE THE ATTACHED CONTRACT WITH DUKE ENERGY OHIO, INC.
GRANTING THEM AN EASEMENT AT FIRE STATION # 111**

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, Dina Minneci, Township Administrator, requests the Liberty Township Board of Trustees authorize her to execute the attached contract with Duke Energy Ohio, Inc. granting them an easement at Fire Station # 111;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby authorizes her to execute the attached contract with Duke Energy Ohio, Inc. granting them an easement at Fire Station # 111.

Trustee Maticic moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

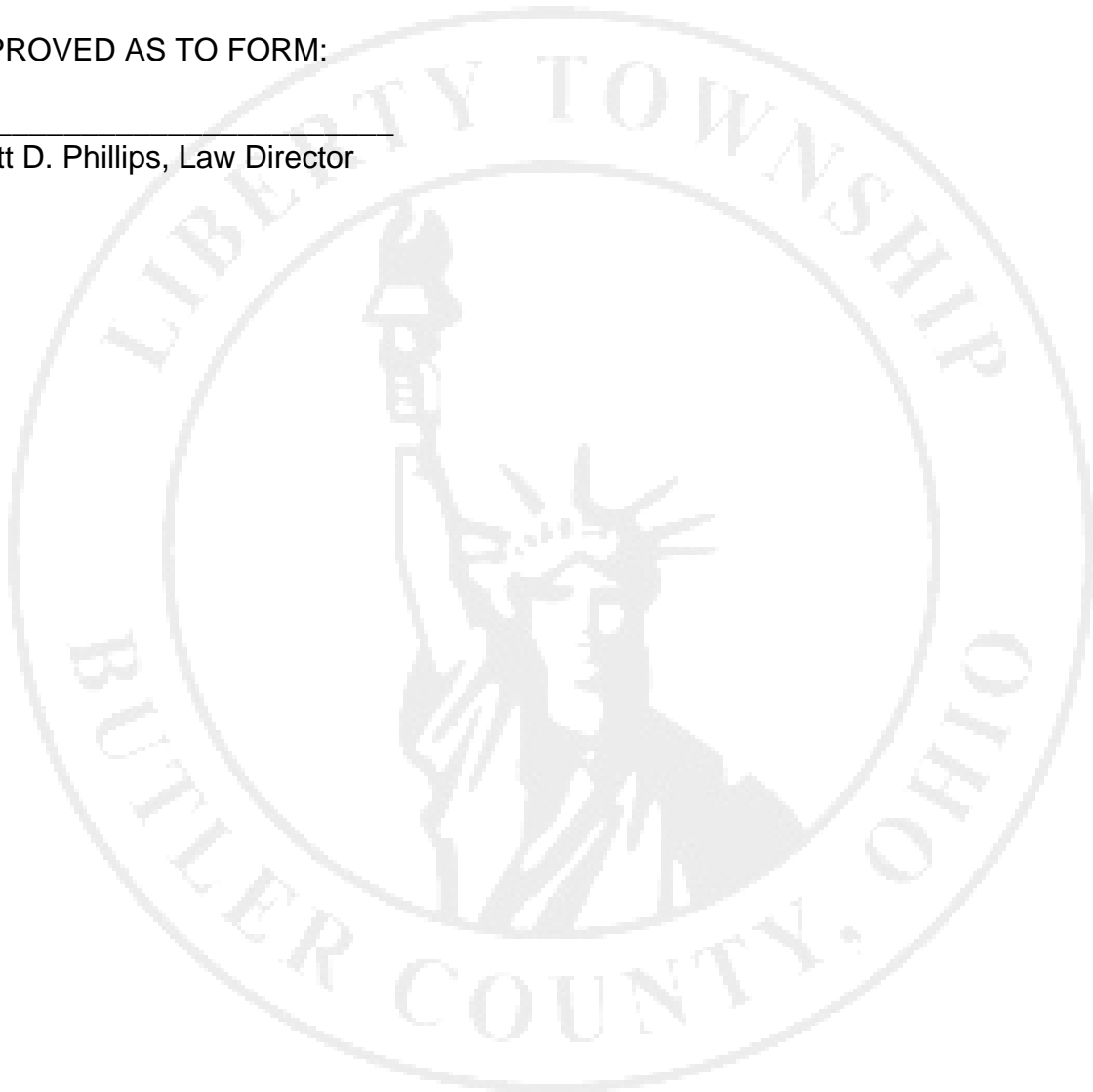
AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director



GRANT OF EASEMENT

Pt. Parcel # D2010004000082

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO**, an Ohio township and political subdivision organized pursuant to Title V of the Ohio Revised Code, with a mailing address of 6400 Princeton Road, Liberty Township, Ohio 45011 (hereinafter referred to as "Grantor"), hereby grant(s) unto **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202 and its successors and assigns (hereinafter referred to as "Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify and remove, electric, and/or telecommunication line or lines including but not limited to, all necessary and convenient supporting structures, conduits, wires, cables, manholes, pullboxes, grounding systems, counterpoises, surface equipment (including, but not limited to, transformers and switchgears), and all other appurtenances, fixtures and equipment (hereinafter referred to as the "Facilities"), for the underground transmission and distribution of electrical energy, and for technological purposes (including but not limited to telecommunications), in, upon, over, along, under, through and across the following described real estate:

Situate in Section 4, Town 2, Range 3, Liberty Township Butler County, State of Ohio; being a part of a 3.707 tract of land as conveyed to **BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO** from Board of Trustees of Liberty Township, Butler County, Ohio aka Liberty Township, Butler County, Ohio Board of Trustees aka Liberty Township, Butler County, Ohio by deed dated June 20, 2008 and recorded in Official Record Book 8031, Page 1468, Butler County Recorder's Office, Ohio (hereinafter referred to as "Grantor's Property"), and further described below:

Said easement being that area indicated, relative to landmarks and property lines, show on a drawing marked "Exhibit A" attached hereto and hereby made a part hereof (hereinafter referred to as "Easement Area").

This easement grant shall include, but not be limited to, the following respective rights and duties of Grantor and Grantee:

1. Grantee shall have the right of ingress and egress over the Easement Area, and over the adjoining land of

Grantor's Property (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).

2. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation upon or over the Easement Area. Grantee shall also have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation which are adjacent to the Easement Area but only to the extent such vegetation may endanger, as reasonably determined by Grantee, the safe or reliable operation of the Facilities, or where such vegetation is trimmed consistent with generally accepted arboricultural practices.

3. Grantee shall have the right to allow third parties to trench with Grantee's Facilities, and any such equipment shall include but not be limited to, wires, cables, and other fixtures; provided, that Grantor shall pursue any claim with the third party and not Grantee, if any such claim arises out of any third party's facility location.

4. To the best of Grantor's knowledge, the Easement Area and the adjoining land of Grantor's Property, have never been used to release, discharge, generate or store any toxic, hazardous, corrosive, radioactive or otherwise harmful substance or material.

5. Grantor shall not place, or permit the placement of, any obstructions, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such obstruction.

6. Grantee shall have the right to pile dirt and other material and to operate equipment upon the surface of the Easement Area and the adjoining land of Grantor's Property, *but only* during those times when Grantee is constructing, reconstructing, maintaining, repairing, replacing, relocating, adding to, modifying, or removing the Facilities.

7. Excluding the removal of vegetation and obstructions as provided herein, any physical damage to the surface area of the Easement Area and the adjoining land of Grantor's Property resulting from the exercise of the rights granted herein to Grantee, shall be promptly paid by Grantee, or repaired or restored by Grantee to a condition which is reasonably close to the condition it was in prior to the damage, all to the extent such damage is caused by Grantee or its contractors or employees. In the event that Grantee does not, in the opinion of Grantor, satisfactorily repair any damage, Grantor must, within ninety (90) days after such damage occurs, file a claim for such damage with Grantee at (a) 139 East Fourth Street, Cincinnati, OH 45202, Attn: Right of Way Services, or (b) by contacting an authorized Right of Way Services representative of Grantee.

8. Grantor shall have the right to use the Easement Area and the adjoining land of Grantor's Property in any manner which is consistent with the rights granted herein to Grantee, and shall comply with all applicable codes when making use of the land near the Facilities.

9. Notwithstanding anything to the contrary contained herein, Grantor shall not without the prior written consent of Grantee (a) construct or install, or permit the construction or installation of any building, house, or other above-ground structure, or portion thereof, upon the Easement Area; or (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake, or similar containment vehicle that would

result in the retention of water in any manner within the Easement Area.

10. Grantor warrants that it has the necessary authority and title to Grantor's Property to grant this easement to Grantee, and shall defend and hold Grantee harmless from the claim of any third party that Grantor does not have such authority or title.

11. The respective rights and duties herein of Grantor and Grantee shall inure to the benefit of, and shall be binding upon the respective successors, assigns, heirs, personal representatives, lessees, licensees, and/or tenants of Grantor and Grantee. Easement, Grantor and Grantee, as used herein, shall be deemed to be plural, when required to be so. The exercise of any or all of the rights and privileges of Grantee set forth herein, shall be at the sole discretion of Grantee.

[Signature page(s) follow.]

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the ____ day of _____, 20__.

BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO, Grantor

By: _____ By: _____

Printed Name: _____

Printed Name: _____

Printed Title: _____

Printed Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

Personally appeared before me this day _____, and _____, (a) duly authorized representative(s) of Grantor and acknowledged the signing of this Grant of Easement by _____ to be a voluntary act and deed for and on behalf of Grantor, and having been duly sworn/affirmed, state(s) that any representations contained therein are true to the best of _____ personal knowledge.

WITNESS my hand and notarial seal, this ____ day of _____, 20__.

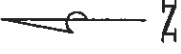
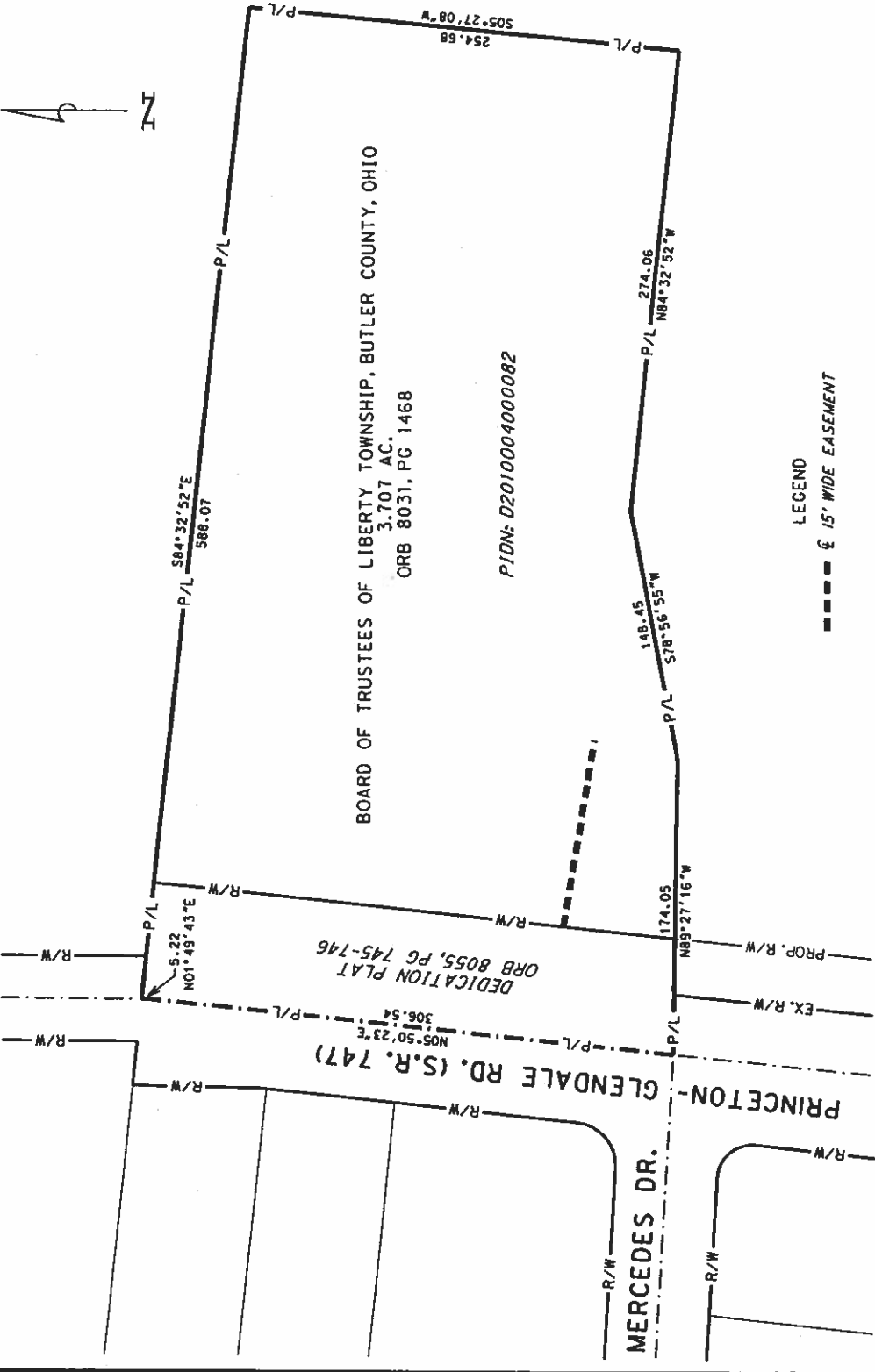
My Commission Expires: _____ Signed Name: _____

My County of Residence: _____ Printed Name: _____

This Instrument Prepared by Janice L. Walker, Attorney-at-Law, 139 E. Fourth St. Cincinnati, OH 45202.

For Grantee's Internal Use:
Job #1076290
LU# _____
Prep/Chk: ATG/ _____ Exec/Rec: _____
Dwg/Fac Ref.: BTO-11242
Prepared Date: 12/08/09

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL LOCATION OF THE UTILITY LINE, AS CONSTRUCTED, IS THE CENTERLINE OF THE EASEMENT.



OWNER	BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO
LOCATION	5170 PRINCETON GLENDALE RD., LIBERTY TWP., BUTLER CO., OHIO
DATE	12/7/2009
OWG. NO.	1076290

EXHIBIT "A"



LEGEND
 - - - - - 15' WIDE EASEMENT

AS = 8333
 FM = 1076290(ATG).DCM

PIDN: D2010004000082

DEDICATION PLAT
 ORB 8055, PG 745-746

PRINCETON - GLENDALE RD. (S.R. 747)

MERCEDES DR.



RESOLUTION NO. 2010-025

Board of Trustees, Liberty Township
Butler County, Ohio

**RESOLUTION TO APPOINT RICHARD T. MCKINNEY AS AN ALTERNATE
MEMBER TO THE LIBERTY TOWNSHIP BOARD OF ZONING APPEALS FILLING A
VACANT TERM EXPIRING JANUARY 1, 2014**

RESOLVED by the Board of Township Trustees of Liberty Township, Butler County, Ohio that

WHEREAS, the Liberty Township Board of Trustees desires to appoint Richard T. McKinney as an alternate member to the Liberty Township Board of Zoning Appeals filling a vacant term expiring January 1, 2014;

THEREFORE BE IT RESOLVED that the Liberty Township Board of Trustees hereby appoints Richard T. McKinney as an alternate member to the Liberty Township Board of Zoning Appeals filling a vacant term expiring January 1, 2014.

Trustee Maticic moved for the adoption of the foregoing resolution. Trustee Hiltman seconded the motion and upon call of roll, the vote resulted as follows:

Trustee Maticic,	yes
Trustee Hiltman,	yes
Trustee Kern,	yes

Adopted: Tuesday, January 19, 2010

David E. Kern, President

Christine Maticic, Vice President

Patrick M. Hiltman, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 19th day of January, 2010.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director

