

UNION TOWNSHIP – WARREN COUNTY

BOARD OF TRUSTEES – Regular Meeting – March 7, 2022

CALLING THE MEETING TO ORDER: The regular meeting of the Union Township Board of Trustees was called to order by President of the Board, Fred Vonderhaar on Monday, 3/7/2022 at 6:00 p.m. at the Union Township Municipal Building. The meeting was opened with the Fiscal Officer, Shelley Lamb, taking roll call of the trustees: Fred Vonderhaar & Chris Koch. The prayer was led by Chief Napier. Mr. Koch led everyone in The Pledge of Allegiance.

CITIZENS IN ATTENDANCE (IF KNOWN): Union Township Attorney Bruce McGary, Leon Gray, Art Perong, Tony Ledford, and Barb Aberlin were in attendance. Resident Heather Byer and Attorneys Barry Fagel and Chris Huriburt of Lindhorst & Dredame Co. in Cincinnati were also in attendance to discuss the proposed annexation of her property on Kings View to the City of Lebanon. Attorney Fagel reported there was an offer on the property, and they were requesting the annexation (Type 1) to Lebanon be approved by the Union Township Trustees. Attorney McGary, Mr. Koch, & Mr. Vonderhaar were unaware that there was already a potential buyer for the property. Mr. Koch feels the Township was not completely informed of all the details and to serve Union Township in its best interest, they need all information concerning the annexation and potential property sale. He also would like to wait for the vacant Trustee seat to be filled so they can be part of this annexation decision.

Mr. Perong & Mr. Gray commented on the excellent job the Road Department has done with water issues and snow plowing this year.

POLICE SUMMARY: Sergeant Adams & Deputy Pangallo reported a residence break-in along Cox-Smith Road. They also stated the suspects of area car break-ins had been detained in another state.

CHIEF'S REPORT: Chief Napier stated he had a meeting scheduled with Warren County Commissioner Shannon Jones concerning the possible distribution of funds due to an opium litigation, if it gets that far. He also reported he was going to move forward with filling the open full-time position in his department with part-time employee, Chris Long. Mr. Koch asked Chief Napier if his budget could handle the rising fuel prices and Chief Napier was confident it would.

ROAD SUPERINTENDENT'S REPORT: Josh Sandlin stated there is a question from a family about the past burial of a baby in their 6-grave lot. They do not agree with the location as reported by the Township records. Mr. Sandlin will investigate the situation further to see if there is anything else he can ascertain. Mr. Sandlin stated he would need to purchase mulch soon and his department also needed to buy a laser level for road repairs. Mr. Vonderhaar made a motion to allow up to \$1,000.00 for the level purchase, seconded by Mr. Koch. The motion was carried by "yeas".

FISCAL OFFICER'S REPORT: The Fiscal Officer presented the bills to pay, fund status, cemetery deeds, etc. thru March 7, 2022. All were signed and approved by Mr. Vonderhaar & Mr. Koch.

NEW BUSINESS: Mr. Koch mentioned the rezoning request at 556 Mason Morrow Millgrove Rd. He was going to request they "dress up" the new storage building they want to put on the property to help the surrounding aesthetics.

Mr. Koch asked Mr. Vonderhaar if he had information about the water token system in the City of South Lebanon that some Township residents were concerned about. Mr. Vonderhaar had been to a meeting about the water system and stated it is now under review by the EPA as to repairs that need to take place before it is shut down permanently.

Mr. Koch commented there was a complaint about a concrete truck (SRM Concrete) that had backed into a guardrail on Shawhan Road. He had contacted the parties involved and would like the Fiscal Officer to send the appropriate reimbursement invoice of \$498.00 for the repair.

Mr. Koch made a motion to accept the minutes from the meeting held on 2/22/22, seconded by Mr. Vonderhaar. Mr. Koch made a motion to pay the bills, seconded by Mr. Vonderhaar. Both motions were carried by all "yeas".

Mr. Vonderhaar made a motion to adopt Resolution #03-07-2022-01 (see attached) To Order the Vacation of a Portion of Bone Road to coincide with the Board of Warren County Commissioners Resolution #22-0318 (see attached), seconded by Mr. Koch. The motion was carried by all "yeas".

Attorney Bruce McGary will contact Warren County Common Pleas Judge Kirby to begin the selection process for the open Trustee seat in Union Township, as the 30-day appointment opportunity has expired.

ADJOURNMENT: There being no further business, Mr. Vonderhaar made a motion, seconded by Mr. Koch to adjourn the meeting at 7:28 p.m. The motion was carried by all "yeas". The next regular meeting will be Monday, March 21, 2022, at 6:00 p.m.

UNION TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO

RESOLUTION NUMBER: 03-07-2022-01 DATE OF RESOLUTION: March 7, 2022

TOPIC OF RESOLUTION: BOARD RESOLUTION ORDERING VACATION OF THE HIGHWAY RIGHT-OF-WAY EASEMENT FOR A PORTION OF BONE ROAD (T-75) IN UNION TOWNSHIP, WARREN COUNTY, OHIO

RESOLUTION

WHEREAS, by Resolution No. 011822-02, dated 01/18/2022, this Board petitioned the Board of County Commissioners to vacate a portion of the highway right-of-way easement for Bone Road (T-75) no longer needed for public convenience and welfare; and,

WHEREAS, the Board of County Commissioners timely acted upon such petition and held a public hearing on 3/1/2022, and thereupon adopted Resolution No. 22-0318, a copy of which is attached hereto and incorporated by reference herein, declaring the vacation of the highway right of way easement over a portion of Bone Road (T-75) sought to be vacated was no longer needed for public convenience or welfare, and thereafter filed a certified copy of said Resolution with the County Recorder, the County Engineer in order that he may adjust the County's Road Records, and this Board.

NOW THEREFORE BE IT RESOLVED, in accordance with Section 5553.045 (E) this Board ORDERS the highway right-of-way easement for a portion of Bone Road (T-75) in Union Township, Warren County, Ohio, to be vacated the same and consistent with Board of County Commissioners Resolution No. 22-0318 dated 3/1/2022.

BE IT FURTHER RESOLVED, Union Township shall not provide any road services on that portion of Bone Road (T-75) particularly described on Exhibit A of the incorporated resolution of the Board of County Commissioners.

BE IT FURTHER RESOLVED, that all formal actions of this Board concerning or relating to the adoption of this Resolution were adopted in an opening meeting, and all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Mr. Vonderhaar moved for the adoption of the foregoing resolution, being seconded by Mr. Koch. Upon call of the roll, the following vote resulted:


Mr. Vonderhaar	-	<u>yes</u>
Mr. Koch	-	<u>yes</u>

Resolution adopted this 7th day of March 2022.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate, and complete copy of Resolution No. 03-07-2022-01 adopted March 7, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.

UNION TOWNSHIP BOARD OF TRUSTEES



Shelley Lamb, Fiscal Officer

Resolution

Number 22-0318

Adopted Date March 01, 2022

DECLARING THE HIGHWAY RIGHT-OF-WAY EASEMENT FOR A PORTION OF BONE ROAD (T-75) IN UNION TOWNSHIP, WARREN COUNTY, OHIO TO BE VACATED

WHEREAS, in accordance with County Commissioners Resolution No. 22-0164, dated February 1, 2022, a public hearing was scheduled to consider Union Township Board of Trustees' Resolution 011822-02 dated 01/18/2022 received on January 20, 2022 petitioning this Board to vacate the existing highway right-of-way easement for a portion of Bone Road (T-75); and,

WHEREAS, the public hearing was held on March 1, 2022, at 9:15 A.M., after property notice was given to the landowners abutting the proposed highway easement to be vacated in accordance with R.C. 5553.045(C); and,

WHEREAS, after considering the request of the Union Township Board of Trustees, the descriptions of the general route and termini of the highway right-of-way easement for the portion of Bone Road proposed to be vacated, the report of the County Engineer, and the testimony of all persons desiring to testify for or against the granting of said vacation during the public hearing, the Board finds the request to vacate the highway right-of-way easement for a portion of Bone Road as described in Exhibit A are no longer needed for public convenience or welfare; and

NOW THEREFORE BE IT RESOLVED, to declare the following described portions of highway right-of-way easement for Bone Road (T-75) to be vacated, in that, the Board finds the following acreages were subject to a highway right-of-way easement only and the fee ownership of the lands occupied by the road and other appurtenances continued to be owned in fee by the respective owner(s) identified below, accordingly, there is no real estate to be transfer to adjoining property owner(s), rather the title of the real estate described in the survey record referenced hereinafter shall no longer be subject to a highway right-of-way easement, other than as provided hereinafter:

Owner(s)	Tax Mailing Address	Vacation Survey Record	Existing Acreage, Parcel Number & Deed Reference	Vacated Highway R-O-W Easement
David M. Habel & Sarah Haas-Habel	2154 Bone Rd. Lebanon, OH 45036	S.R. Vol. 155, Plat No. 66, filed 1/14/22	Ac. 10.054 Parcel #12-15-277-006 Doc. #2017-030015	See Exhibit A
Joshua Jacob DeMarco & Angela Marie DeMarco	2155 Bone Rd. Lebanon, OH 45036	S.R. Vol. 155, Plat No. 66, filed 1/14/22	Ac. 8.849 Parcel #12-15-276-008 Doc. #2019-022299	See Exhibit A

BE IT FURTHER RESOLVED, that the existing portions of the aforementioned highway right-of-way easement for Bone Road (T-75) vacated herein shall continue to be subject to all of the following:

- (1) a permanent easement as provided in Section 5553.043 [5553.04.30] of the Revised Code in, over, or under the herein described property and right-of-way easement being vacated for the service facilities as defined in Section 5553.042 [5553.04.2] of the Revised Code of a public utility or electric cooperative as defined in Section 4928.01 of the Revised Code;
- (2) the right of ingress or egress to service or maintain those service facilities; and
- (3) the right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be certified to the County Recorder for recording.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be certified to Union Township Board of Trustees for further action.

BE IT FURTHER RESOLVED, that the Clerk shall cause a copy of this Resolution to be certified to the County Engineer for filing in his records including without limitation adjusting his road records accordingly.


All formal actions of this Board concerning or relating to the adopt of this Resolution were adopted in an open meeting, and all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Mrs. Jones moved for adoption of the foregoing resolution being seconded by Mr. Grossmann. Upon call of the roll, the following vote resulted:

Mr. Young – absent
Mrs. Jones – yea
Mr. Grossmann – yea

Resolution adopted this 1st day of March 2022.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Recorder (file)
Engineer (file)

Vacation file
Union Township

Map Room
Prosecutor

KING-HASSELBRING & ASSOCIATES

Civil Engineers & Land Surveyors

9200 Montgomery Road, Suite 21-B

Cincinnati, Ohio 45242

Telephone (513) 932-3806

www.kinghasselbring.com

Principal:
J. Timothy King, PE-PS

Paul E. Hasselbring, PE-PS
Emeritus

FILE: HABEL_BONE_EASEMENT_A.LGL
FILE NO.: 21-11845

December 14, 2021
Page 1 of 3

LEGAL DESCRIPTION

EASEMENT 'A'

Portion Bone Road to be Vacated
1.0214 ACRES

Situated in Section 15, Town 4, Range 3, Union Township, Warren County, Ohio, and being more particularly described as follows:

Commencing at the intersection of the north east corner of Allard's Crest View Subdivision, as recorded in Plat Book 3, Page 365, and the centerline of Bone Road, said point is witnessed by an existing PK Nail;

THENCE with the centerline of Bone Road the following four (4) courses:

South 88 degrees 03 minutes 18 seconds East for a distance of 392.10 feet to an existing 5/8" Iron Pin;

South 14 degrees 17 minutes 42 seconds West for a distance of 258.92 feet to an existing Iron Spike;

South 29 degrees 41 minutes 36 seconds West for a distance of 37.82 feet to an existing 1/2" Iron Pin;

South 48 degrees 42 minutes 22 seconds East for a distance of 91.88 feet to a set mag nail;

to the real point of beginning for this description;

Continued . . .

KING-HASSELBRING & ASSOCIATES
CIVIL ENGINEERS
CINCINNATI, OHIO

FILE: HABEL_BONE_EASEMENT_A.LGL
FILE NO.: 21-11845

December 14, 2021
Page 2 of 3

LEGAL DESCRIPTION
EASEMENT 'A'
Portion of Bone Road to be Vacated
1.0214 ACRES

THENCE leaving the centerline of Bone Road, and the south line of a 10.054 acre tract, owned by David M. Habel & Sarah Hass-Habel, as recorded in Doc. No.: 2017-030015, North 29 degrees 41 minutes 36 seconds East for a distance of 30.63 feet, to the north right-of-way line of Bone Road, to a set 5/8" Iron Pin and Cap;

THENCE with said north line of Bone Road, the following three (3) courses:

South 48 degrees 42 minutes 22 seconds East for a distance of 336.69 feet;

South 72 degrees 02 minutes 46 seconds East for a distance of 261.81 feet;

South 78 degrees 40 minutes 58 seconds East for a distance of 144.29 feet;

THENCE leaving the said north line of Bone Road, with the west line of a 6.48 acre tract, owned by the City of Lebanon (formerly the C.L. & N Railroad), as recorded in O.R. 95, Pg. 386, along a curve to the left having a radius of 2850.86 feet, an arc length of 63.89 feet, a chord of South 31 degrees 25 minutes 26 seconds West, and a chord length of 63.89 feet, passing an existing 1/2" Iron Pin at a distance of 32.01 feet, to the south right-of-way line of Bone Road;

THENCE continuing with the said south line of Bone Road, in the 8.849 acre tract, owned by Joshua Jacob & Angela Marie Demarco, as recorded in Doc. No. 2019-022299, the following three (3) courses:

North 78 degrees 40 minutes 58 seconds West for a distance of 125.81 feet;

North 72 degrees 02 minutes 46 seconds West for a distance of 277.69 feet;

North 48 degrees 42 minutes 22 seconds West for a distance of 336.76 feet, to a set 5/8" Iron Pin and Cap;

Continued . . .

KING-HASSELBRING & ASSOCIATES
CIVIL ENGINEERS
CINCINNATI, OHIO

FILE: HABEL_BONE_EASEMENT_A.LGL
FILE NO.: 21-11845

December 14, 2021
Page 3 of 3

LEGAL DESCRIPTION
EASEMENT 'A'
Portion of Bone Road to be Vacated
1.0214 ACRES

THENCE leaving the said south line of Bone Road, North 29 degrees 41 minutes 36 seconds East for a distance of 30.63 feet to the place of beginning; Containing in all 1.0214 acres of easement to be vacated;

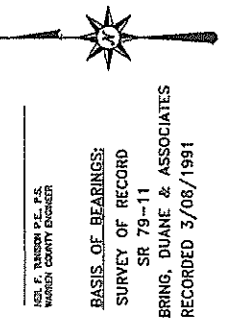
Being 0.5103 Acres, part of the premises (8.849 Acres), owned by Joshua Jacob & Angela Marie Demarco, as recorded in Doc. No.: 2019-022299, and 0.5111 Acres, part of the premises (10.054 acres) owned by David M. Habel & Sarah Hass-Habel, as recorded in Doc. No.: 2017-030015, in the Warren County Recorder's Office.

Basis of Bearings is the Survey of Record by Hasselbring, Duane & Associates, Volume 79, Page 11, as filed on March 08, 1991;

This Legal Description was prepared from a survey by KING-HASSELBRING & ASSOCIATES, Civil Engineers and Land Surveyors, dated November 10, 2021, and revised on December 14, 2021, and written by J. Timothy King, P.S., Professional Land Surveyor, State of Ohio Registration No. 6549. The survey of which is filed in Volume _____, Plat No. _____, of the Warren County Engineer's Record of Land Surveys.

WARREN COUNTY ENGINEERS
 RECORD OF LAND SURVEYS
 PRELIMINARY ACCESS APPROVAL

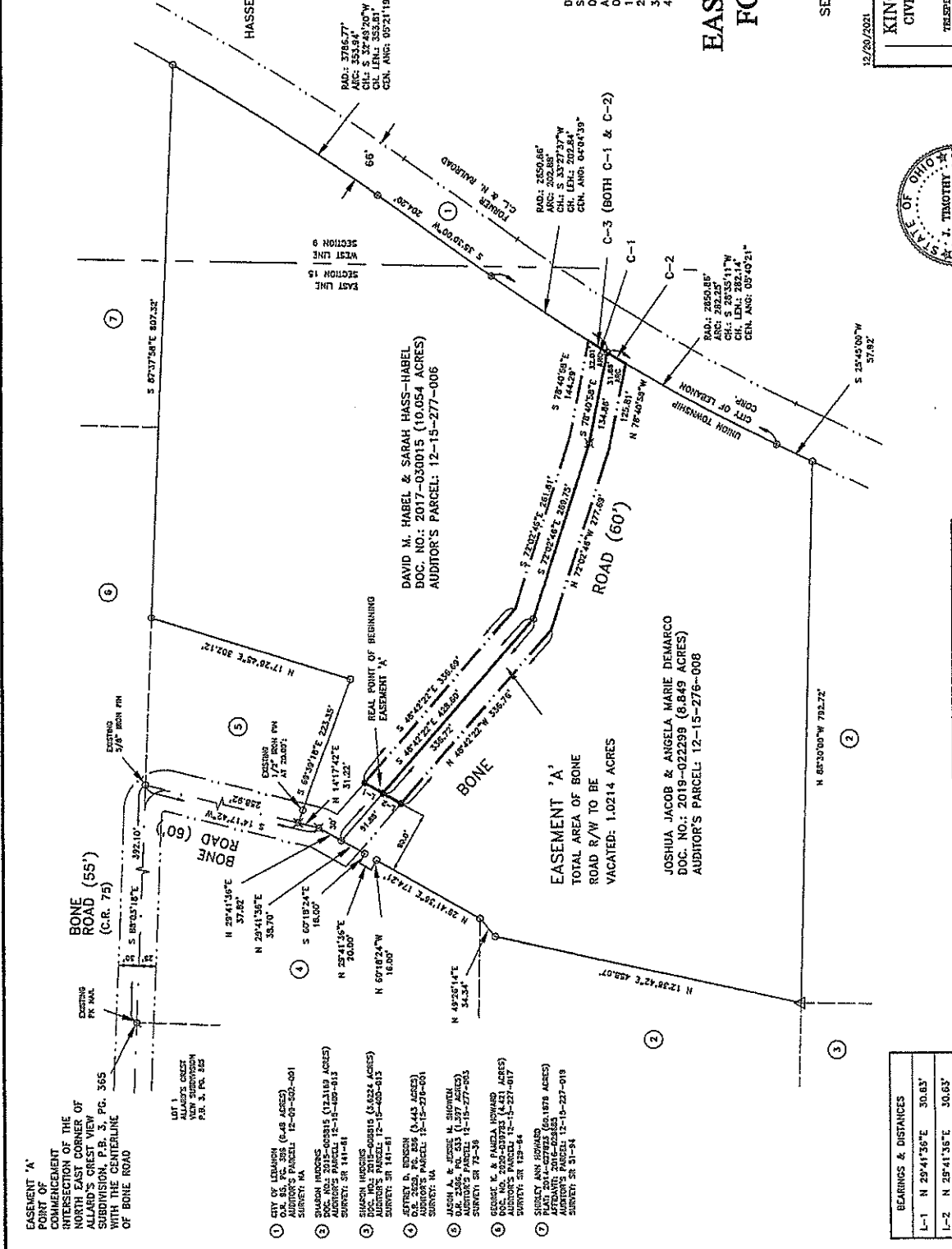
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**EASEMENT VACATION
 FOR A PORTION OF
 BONE ROAD**

SITUATED IN SECTION 15, TOWN 4, RANGE 3 UNION TOWNSHIP WARREN COUNTY, OHIO



AREA TABLE (ACRES)

DESCRIPTION	ACRES
HABEL PORTION OF EASEMENT	0.5111
DEMARCO PORTION OF EASEMENT	0.5103
EASEMENT 'A'	1.0214
TOTAL AREA OF BONE ROAD R/W TO BE VACATED	1.0214

CURVE TABLE: BEARINGS & DISTANCES

CURVE	RAD.	ARC	CHORD	CH. LEN.	CEN. ANGLE
L-1	N 29°41'36"E	30.63'	30.63'		
L-2	N 29°41'36"E	30.63'	30.63'		

CURVE TABLE: BEARINGS & DISTANCES

CURVE	RAD.	ARC	CHORD	CH. LEN.	CEN. ANGLE
C-1	2850.86'	52.01'	S 31°44'39"W	52.01'	90°30'38"
C-2	2850.86'	31.88'	S 31°06'08"W	31.88'	00°39'27"
C-3	2850.86'	63.89'	S 31°25'25"W	63.89'	01°17'03"

BEED RECORDS AS SHOWN ON PLAT ARE OCCUPATION IN GENERAL FITS SURVEY. ALL MONUMENTS ARE IN GOOD CONDITION. OTHER SOURCE DOCUMENTS: DEED OF RECORD: DOC. NO.: 2017-030015 2. DEED OF RECORD: DOC. NO.: 2019-022299 3. SR 73-64 4. SR 79-11

WARREN COUNTY ENGINEERS & ASSOC.
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DAVID M. HABEL & SARAH HAAS--HABEL
 2154 BONE ROAD
 LEBANON, OHIO 45036

JOSHUA JACOB & ANGELA MARIE DEMARCO
 DOC. NO.: 2018-022299 (8.849 ACRES)
 AUDITOR'S PARCEL: 12-15-276-008