

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 13th day of December, 2016, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Jeffrey F. Ritter, Greg Insko, Michael Inderhees

Mr. Jeffrey F. Ritter introduced the following resolution and moved its adoption:

RESOLUTION NO. 63-16

RESOLUTION APPROVING APPLICATION FOR SIDEWALK WAIVER

WHEREAS, on May 11, 1993, the Board of Trustees, by unanimous vote, approved a motion to require sidewalks in all new subdivisions; and

WHEREAS, on September 14, 1993, the Board of Trustees adopted, by Resolution, a "Plan for Sidewalks in Colerain Township" (the "Original 1993 Sidewalk Plan") which stated the specific Township policy that "Sidewalks should be installed on both sides of all public streets in Colerain Township prior to approval of any subdivision Record Plat. This requirement should be on all township, county, and state roads"; and

WHEREAS, the Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on March 14, 2006, via Resolution 13-06 in a number of ways including, but not limited to, allowing a developer to make a request to the Board of Trustees with respect to a waiver or relief from the requirements of the Township's Sidewalk Plan that would be determined on a case by case basis; and

WHEREAS, the Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on March 14, 2006, via Resolution 13-40 in a number of ways including, but not limited to, amending the waiver formula; and

WHEREAS, Northwest Local School District, an entity involved in the development of a new school located in Colerain Township, has submitted an application for sidewalk waiver with the Colerain Zoning Commission on November 8, 2016, with respect to an area along 5700 Springdale Road requesting that 386 feet of sidewalk be waived;

WHEREAS, Jeff Oberjohann requests the aforementioned waiver as the 386 feet portion of sidewalk at issue because it would run along Springdale Road where there is no other sidewalk in the area currently or planned in the foreseeable future, where the sidewalk at issue would not be able to connect to any other sidewalk, and the creation of such sidewalk at issue would be dangerous and create a safety issue for the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES, __ members elected thereto concurring:

1. That the Board of Trustees has reviewed developer, Jeff Oberjohann's, request for sidewalk waiver and considered the following issues as they relate to this specific case:

- a. Whether the proposed sidewalk would be unreasonably difficult or expensive to install because of the topography or other physical conditions at the site of the proposed installation.

- b. The degree to which safety and public convenience would be improved if the required sidewalk were installed at the then current time, regardless of the difficulty or expense of the installation.
- c. The availability of other sidewalks across the roadway from the development for which the waiver, variance, or other relief is sought.
- d. Whether there are other sidewalks or other pedestrian walkways in the vicinity of the proposed development to which the required sidewalk would likely connect in the foreseeable future by extension of sidewalks through the area(s) between the project site and the end of the existing sidewalk.
- e. Any other reason which the Board may consider consistent with the goals and objectives set out in this resolution.

2. The Board finds that in considering the aforementioned issues and evidence in this case, that factors including, but not limited to, a lack of other connecting sidewalk in the surrounding area, the lack of foreseeable nearby sidewalk existing in the near future to which this sidewalk would connect, and the reality that the placement of such sidewalk would create a safety issue to the public due to the amount of vehicle traffic that runs along that portion of Springdale Road combines with the lack of pedestrian traffic that exists in such area due to no sidewalks existing, that the Board approves developer, Jeff Oberjohann's, request for sidewalk waiver consisting of the aforementioned 386 feet portion of sidewalk as detailed above and delineated in Exhibit "A" attached hereto.


3. The Board orders that pursuant to Township's current Sidewalk Plan the developer, Jeff Oberjohann, shall deposit with the Township Fiscal Officer an amount of eleven thousand five hundred eighty dollars (**\$11,580.00**) as calculated according to the following formula: *Deposit = total lineal feet of sidewalk waived x \$30.00/ft* and that such monies shall be deposited by the Fiscal Officer into the Township's "Sidewalk Fund" to be reserved and utilized by the Township according to the Sidewalk Plan for future maintenance of township sidewalks.

4. The Board orders the staff to notify the Hamilton County Regional Planning Commission of this particular waiver granted under the Township's Sidewalk Plan.

5. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

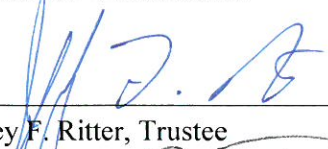
6. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.

7. This Resolution shall take effect on the earliest date permitted by law.


Mr.  seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Ritter AYE, Mr. Insko aye, Mr. Inderhees AYE
ADOPTED this 13th day of December, 2016.

BOARD OF TRUSTEES:



Jeffrey F. Ritter, Trustee

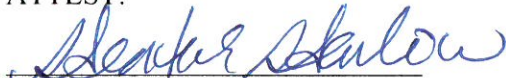


Greg Insko, Trustee



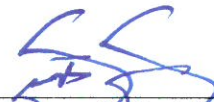
Michael Inderhees, Trustee

ATTEST:



Heather E. Harlow,
Fiscal Officer

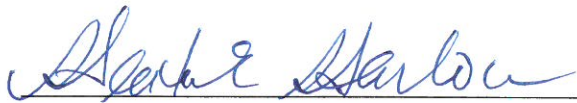
Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)
Scott A. Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 13th day of December, 2016.



Heather E. Harlow,
Colerain Township Fiscal Officer