

To: BCTID Board of Trustees

From: Dan Corey, Director

Date: January 20, 2021

## **Re: Necessity of Special Meeting**

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I am providing this Memo in an effort to communicate the necessity of the Special Meeting that has been scheduled for the Board on January 25<sup>th</sup>.

The BCTID's first project was the Union Centre Boulevard project back in the early 90s. Prior to the project, one of the parcels that was partially used for right-of-way had a deed restriction placed on it. Currently, that parcel is owned by four (4) entities. Two of the entities are using it for right-of-way purposes: Butler County Board of County Commissioners and the Butler County Transportation Improvement District. The other two partial parcels are in the private sector's hands.

The deed restriction was written in such a way that it "shall run with the land and shall bind all owners, their heirs and assigns...".

On January 25, the Butler County Commissioners and the BCTID are being asked to take action on a resolution that will release the deed restriction for both entities. See attached Butler County Commissioners resolution. As you can see both the Butler County Engineer's Office and Butler County Prosecutor's Office do not object to the request and support the Board of Commissioners consenting to the request.

I find no adverse effect to the BCTID in releasing this deed restriction and classify it as a house keeping matter.

I am happy to discuss this matter further prior to the Board Meeting.



Board of County Commissioners  
Butler County, Ohio

**EXECUTIVE SUMMARY**

(ID # 9598)

**Cindy Carpenter**  
President

**Donald L. Dixon**  
Vice President

**T.C. Rogers**  
Member

**Termination of Deed Restrictions**

**Community Development  
An Inter-Departmental Review**

**Target Meeting: 1/25/21**

**Summary**

Approve request by Cincinnati Dayton at UCB, LLC and consent as a property owner to terminate a Deed Restriction, set forth in that certain General Warranty Deed dated January 13, 1992 and recorded in Book 1743, Page 476 and re-recorded in Book 1743, Page 646 of the Deed Records of Butler County, Ohio, effective January 21, 2021.

**Justification**

This termination shall inure to the benefit of and shall be binding upon each of the Owners, their respective successors and assigns.

**Recommendation**

Staff has reviewed and recommends approval.

**Approved by:**

**David Fehr**  
David Fehr, Director of Development 1/14/2021



Board of County Commissioners  
Butler County, Ohio

**RESOLUTION**  
(ID # 9598)

**Cindy Carpenter**  
President

**Donald L. Dixon**  
Vice President

**T.C. Rogers**  
Member

**Termination of Deed Restrictions**

The Board of County Commissioners of Butler County, Ohio met in Regular Meeting on the 25th day of January, 2021 in the Commission Chambers of the Butler County Government Services Center, 315 High Street, 2nd Floor, Hamilton, Ohio 45011.

**Whereas**, set forth in that certain General Warranty Deed dated January 13, 1992 and recorded in Book 1743, Page 476 and re-recorded in Book 1743, Page 646 of the Deed Records of Butler County, Ohio are deed restrictions (the "Deed Restrictions") with respect to the real property (the "Property") conveyed therein which read as follows:

"All owners of the property herein conveyed agree that the property may not be sold or divided or partitioned by any one of the property owners, their heirs or assigns, without the written consent of all of the owners. This Restriction shall run with the land and shall bind all owners, their heirs and assigns. Each grantee, by the acceptance of this Deed, shall be bound by the terms of this declaration.";

**Whereas**, the undersigned, being all of the owners (collectively, the "Owners") of the Property as referenced in said General Warranty Deed as of the effective date desire to terminate the Deed Restrictions;

**Whereas**, the Butler County Engineer and the Prosecutor's Office do not object to the request and support the Board of Commissioners consenting to the request; now, therefore, be it

**Resolved** the Board of Commissioner determines termination of the Deed Restriction will have no adverse affect on Butler County and consents to the termination of the Deed Restriction as outlined herein this Resolution and hereby agrees, effectively January 21, 2021, to terminate the subject Deed Restriction; be it further

**Resolved**, the Board of Commissioners recognizes thereafter January 21, 2021 the Deed Restriction contained herein this Resolution shall be of no further force or effect. This termination shall inure to the benefit of and shall be binding upon each of the Owners, their respective successors and assigns.