**Special Beavercreek Trustee's Meeting**

**Wednesday, December 5, 2012**

Mr. Glaser called the Special Trustee Meeting to order at 9:13 A.M. Those present were Trustees: Robert Glaser, Carol Graff and Dan Paxson. Staff present: Township Administrator Alex Zaharieff, Assistant to the Fiscal Officer James Barone, Road Superintendent Tim Parks, and Fire Chief David VandenBos. Attorneys Scott D. Phillips and Javan A. Kline from Frost, Brown and Todd LLC were also present.

The Purpose of this Special Meeting is to meet in **Open Session** to discuss and possibly approve a proposed real estate transaction.

General discussion occurred on the real estate transaction.

**2012-406** Ms. Graff made a motion to approve **Resolution 2012-406** a resolution: **WHEREAS**, the Trustees have determined that it is in the best interests of the Township and its residents to expand the Township's current system of paths for the recreational use of bicyclists and walkers;

**WHEREAS**, the Trustees unanimously determined that transferring certain unneeded real estate to a non-profit established for the purpose of encouraging the development of recreational paths for the benefit of bicyclists and walkers in Beavercreek Township would have the primary effect of assisting with the goal of establishing an expanded system of recreational paths within Beavercreek Township; and

**WHEREAS**, Beavercreek Trails, Inc. is an Ohio non-profit corporation formed to promote the development of recreational paths for bicyclists and walkers in Beavercreek Township.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Township Trustees of Beavercreek Township, State of Ohio:

**SECTION 1.** That the Township Administrator is directed to acquire a survey to determine the exact dimensions of an approximately twenty foot wide strip of unneeded real estate encircling the outside borders of Parcel ID numbers B03000200330019100 and B03000200330006900 (the "Property"), as roughly diagrammed on Exhibit A, attached.

**SECTION 2.** That the Township Administrator is directed and authorized to enter into an agreement with Beavercreek Trails, Inc. concerning the Property. The Agreement must include, at a minimum, the following terms: (1) the Property must be used for the primary purpose of the construction of a recreational use path for the benefit of bicyclists and walkers in Beavercreek Township; (2) the Property may not be used for any other purpose, nor may it be transferred to any other entity without first being offered back to the Township; (3) the Property must be reconveyed to the Township in the event that Beavercreek Trails, Inc. does not obtain charitable status pursuant to Internal Revenue Code Section 501(c)(3) within 26 months of the date of the Agreement; and (4) the Property must be reconveyed to the Township if, at any time, the Township, County or State seeks to utilize any portion of the Property for road (vehicular) or other public purposes.

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**SECTION 3.** That the Township Administrator is authorized to execute the necessary deeds and other documents in order to declare the Property as surplus and effectuate the transfer of the same to Beavercreek Trails, Inc. to be used in accordance with the agreement developed pursuant to Section 2 of this Resolution.

**SECTION 4**. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and welfare of the Township. The reason for the emergency is to provide for the efficient transfer of unneeded Township real estate.

Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; Mr. Glaser, yes.

**2012-407** Ms. Graff made a motion appointing Administrator Alex Zaharieff as the interim Zoning Administrator/Inspector effective December 5, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; Mr. Glaser, yes.

**2012 -408** Ms. Graff made a motion to adjourn at 9:41 A.M. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; Mr. Glaser, yes.

Trustee: _____

Fiscal Officer: _____