



**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2024.06.03.01**

IN RE: Entering into an Agreement with Bellbrook Sugarcreek Park District for the Purchase of Property and authorizing the Township Administrator to Act as Signatory

WHEREAS, the Township desires to purchase approximately 1.928 acres, identified on the Greene County Auditor's website as parcel number L32000200160032900, at the corner of Upper Bellbrook Road and Pine Court from the Bellbrook Sugarcreek Park District for the construction of Pickleball Courts and other potential agreed upon uses; and,

WHEREAS, the Township and Park District have agreed to terms incorporated in an Agreement to purchase, a copy of which is attached hereto.

NOW THEREFORE, BE IT RESOLVED that this Board of Trustees for Sugarcreek Township does hereby authorize the Township Administrator to act as the signatory and enter into an agreement with the Bellbrook Sugarcreek Park District for the purchase and transfer of 1.928 acres at the corner of Upper Bellbrook Road and Pine Court for the construction of Pickleball courts and other potential agreed upon uses.

A handwritten signature in blue ink that reads "Marvin Moeller".

Marvin Moeller, Chairperson

A handwritten signature in blue ink that reads "Fred Cramer".

Fred Cramer, Vice Chairperson

A handwritten signature in blue ink that reads "Carolyn L. Destefani".

Carolyn Destefani, Trustee

A handwritten signature in blue ink that reads "Richard Demko".

Richard Demko, Fiscal Officer

Real Property Purchase Agreement

This Agreement made and entered into this ____ day of _____, 2024, by and between the Bellbrook-Sugarcreek Park District, hereinafter referred to as "Park District," whose mailing address is 2751 Washington Mill Road, Bellbrook, Ohio, 45305, and the Sugarcreek Township Trustees, hereinafter referred to as "Trustees," whose address is 2090 Ferry Road, Sugarcreek Township, Ohio, 45305.

Whereas, the Park District currently owns real property identified by the Greene County Auditor website as parcel number L32000200160032900, consisting of 1.928 acres of land at the corner of Upper Bellbrook Road and South Alpha Road and accessed by Pine Court, hereinafter referred to as "the Property"; and,

Whereas, Sugarcreek Township desires to create and construct pickleball courts for the community and has approached the Park District asking to acquire the Property to be conveyed to the Trustees for an agreed upon price of One Dollar (\$1.00), and other valuable consideration; and,

Whereas, the parties acknowledge that this agreement to the purchase and sale of the Property must be approved by the Greene County Court of Common Pleas prior to closing; and,

Whereas, the parties wish to enter into an agreement of mutual benefit;

The parties, with intent to be legally bound, hereinafter agree as follows:

Park District shall convey to Trustees the Property at the sum of One Dollar (\$1.00). Trustees shall cover the cost to record the new deed, and any costs to close the sale, including, but not limited to, legal fees incurred by the Park District.

Trustees shall pass by Resolution granting authority to the Township Administrator to enter into this Agreement on their behalf, and said Resolution shall be numbered and included herein evidencing Trustees' intent to complete this Agreement.

Park District shall pass the appropriate Resolution authorizing the sale of the Property to the Trustees.

Park District shall convey the Property to the Trustees, by way of Limited Warranty Deed. Title shall be conveyed subject to easements, covenants and restrictions and other matters of record. Prior to the closing, Trustees shall have the right to conduct a title examination and determine to its satisfaction that the state of title is acceptable. If Trustees have any objections to title that the Park District is unable or unwilling to cure, Trustees may terminate this agreement and both parties shall be released from further liability.

The Limited Warranty Deed shall contain restrictive covenants, enforceable by the Park District, that the Property will be used solely for the construction of pickleball courts, for other uses that constitute passive recreation, or a splash pad. With the Park District's approval, the permitted use may include a future walking path and/or a sign.

This real estate is being conveyed to the Trustees pursuant to the Park District's power under Section 511.25 of the Ohio Revised Code to grant real estate to a political subdivision.

The Park District shall have the right to approve Trustees' plans and specifications for the pickleball courts or other proposed uses, including changes to landscaping. Trustees agree that construction on the pickleball courts or other approved uses shall commence within three (3) years of the closing date or the Trustees shall convey the Property back to the Park District at no cost to the Park District. These provisions shall survive the closing.

Trustees agree that all maintenance of the Property and the pickleball courts or other approved uses shall be the responsibility of the Trustees following the conveyance of the Property.

Park District agrees that the existing cherry trees on the Property may be impacted by the construction of the pickleball courts or other approved uses.

Trustees agree that so long as the Property is owned by the Trustees, the Trustees shall be obligated to replace any cherry trees that may die with other trees of the same species, Prunus serrulata Kwanzan, anywhere on the Property (language to such effect to be included in the restriction contained in the Park District's deed).

Park District agrees that the replacement of an impacted or deceased tree to its identical location may not be feasible for the Trustees and is not required.

A certified copy of the Resolution of each political entity shall be attached to this Agreement. In Witness Whereof, the parties hereunto set their hands on the date first written above.

Sugarcreek Township Trustees

Bellbrook Sugarcreek Park District

_____ Date _____
Barry Tiffany, Township Administrator

_____ Date _____
Jeff Stewart, Executive Director

This Instrument Prepared By:

Gwenevier N. Demarest, Esq.
Demarest & Demarest LLC
34 E. Franklin St.
Bellbrook, Ohio 45305