

ENCROACHMENT AGREEMENT

This Agreement made this ____ day of _____, 200____, by and between the Board of County Commissioners of Butler County, Ohio, (“Board”) and _____ and _____ (“Owners”).

WHEREAS, Owners are the joint owners of real property identified as lot __#__
__Development_____, Section _____, Section _____, Town _____,
Range _____, _____ Township, Butler County, Ohio; and

WHEREAS, a _____ (_____) foot Public _____ Easement located on Owner’s property was duly dedicated to Board as shown on the final plat as recorded _____ in plat envelope _____, pages _____; and

WHEREAS, Board has placed an _____ (_____) inch diameter _____ pipe within said Easement; and

WHEREAS, Owners have erected a _____ on said property that encroaches upon _____ (_____) feet of Board’s Public _____ Easement.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree upon the following terms and conditions:

1. Board agrees that the portion of the Owner’s _____ as currently constructed that encroaches upon Board’s Public _____ Easement may remain within Board’s Easement unless or until it is determined by the Board that the encroachment will interfere with or obstruct Board’s use and/or enjoyment of its Easement.
2. Owners agree, for themselves, their heirs, successors and assigns, to hold Board harmless for any injuries or damages of any kind that may result to that portion of Owner’s property encroaching upon Board’s Easement from the Board’s use and enjoyment of said Easement and the use of, maintenance, repair, and/or replacement of said _____ pipe.
3. Owners agree, for themselves, their heirs, successors and assigns, that in the event that the Board determines that said encroachment does or will interfere with the Board’s use or enjoyment of the Easement, Owners will, at Board’s discretion, remove the encroachment or pay the costs associated with relocation of Board’s facilities so as to abate the obstruction or interference.

IN WITNESS WHEREOF, the said _____
and _____ ha__ set ___ hand__
this _____ day of _____ in the year of our Lord Two Thousand _____.

Owner

Owner

**STATE OF OHIO)
COUNTY OF BUTLER) AS: To Wit**

Before me, a Notary Public, in and for said County and State, personally appeared the
above named

_____ and _____

who acknowledge that ___he___ did sign the foregoing instrument and that the same is
_____ free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand an Official Seal at

_____,

Ohio, this _____ day of _____, A.D. 20____.

Notary Public, Butler County, Ohio

My Commission Expires:

**BOARD OF COUNTY COMMISSIONERS OF
BUTLER COUNTY, OHIO**

By _____
Gregory V. Jolivette

By _____
Charles R. Furmon

By _____
Donald L. Dixon

Approved as to Form Only:

Assistant Prosecuting Attorney