

VILLAGE COUNCIL of YELLOW SPRINGS, OHIO
ORDINANCE 2005-22

WHEREAS, Council has twin goals of promoting an increase in housing stock and protecting open spaces, and

WHEREAS, the Village-owned "Glass Farm" was purchased partially with funds from the Open Space/Green Space Fund, and

WHEREAS, Council has approved a project for the restoration of the stream bed running through the eastern portion of the Glass Farm, which project will help with stormwater control for the western and northern portions of the Village, and which requires that some surrounding land be held as open space for proper long-term maintenance of the project, and

WHEREAS, a prior proposal to use all of the eastern portion of the Glass Farm for housing was rejected by the voters, and

WHEREAS, development is planned adjacent to the center and western portions of the Glass Farm that will make these portions of the Glass Farm more accessible for future development, and

WHEREAS, a recent community survey showed only mixed support for selling a portion of the Glass Farm, and

WHEREAS, Chapter 1222 of the Codified Ordinances of the Village of Yellow Springs establishes an Open Space Program for the preservation of open spaces for the community, and

WHEREAS, by Resolution No. 2005-30, Council designated the eastern portion of the Glass Farm as a permanent part of the Open Space Program and committed to creating an easement on the property to further advance the purposes of conserving the property for open-space use.

WHEREAS, upon completion of the restoration project being undertaken with respect to the eastern portion of the Glass Farm, the Council intends to grant a Conservation Easement over the appropriate portions of the Glass Farm pursuant to Sections 5301.67 et. seq. (referred to herein as a "Statutory Conservation Easement").

WHEREAS, until such time as a Statutory Conservation Easement can be created, Council desires to establish by declaration, an easement for conservation, open-space and storm water drainage management and related purposes pursuant to a Declaration of Conservation Area Easement in the form set out on Exhibit A attached hereto.

NOW HEREBY THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS ORDAINS THAT:

Section 1. The Declaration of Conservation Area Easement attached hereto as Exhibit A is hereby approved. The Interim Village Manager is hereby authorized and directed to proceed to finalize the appropriate legal descriptions designated in the Easement and to cause the same to be executed and recorded in the records of the Greene County, Ohio Recorder's office.

Section 2. This Ordinance shall take effect and be in force at the earliest date allowed for by law.