

FILED
IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO
2013 NOV 27 PM 3:54

DENNIS M. ...
CLERK OF COURT
GEAUGA COUNTY

1 3 M 1 0 7 6

Kenneth Radtke, Jr.)
12865 Sperry Road)
Chesterland, Ohio 44026)

JUDGE DAVID L. FUHRY

Plaintiff)

**ACTION TO DECLARE INVALID
A RESOLUTION OF THE
CHESTER TOWNSHIP BOARD OF
TRUSTEES IN VIOLATION
OF THE OPEN MEETING ACT**

Vs.)

Chester Township)
12701 Chillicothe Road)
Chesterland, Ohio 44026)

(JURY DEMAND INCLUDED)

-and-)

Chester Township Board of)
Trustees)
12701 Chillicothe Road)
Chesterland, Ohio 44026)

-and-)

Western Reserve Land Conservancy)
c/o Statutory Agent)
Richard D. Cochran)
3850 Chagrin River Road)
Moreland Hills, Ohio 44022)

Defendants)

Now comes Kenneth Radtke, Jr., who as Plaintiff makes the following allegations:

One. That on December 1, 2011, the Chester Township Board of Trustees took official action to approve the grant of a conservation easement relative to Parcels 11-714 490, 11-714 483, and 11-714-485, within Chester Township, in Geauga County.

Two. That said official action is invalid as this action was taken in violation of the Open Meetings Act of the State of Ohio as described in Ohio Revised Code Chapter 121.

Three. That the violation of ORC Chapter 121 occurred in the form of prior meetings, communications, and deliberations, preceding the December 1, 2011 official action, the prior meetings and communications violating the Ohio Open Meeting Act in ORC Chapter 121 in that the public was not given proper notice and opportunity to be present at these prior meetings and deliberations.

Four. That the illicit communications and meetings preceding the December 1, 2011 official action are reflected in the email exchanges attached hereto as Exhibit A.

Five. That the Defendant Western Reserve Land Conservancy promoted and organized the communications and meetings precedent to the official action of December 1, 2011 in violation of law and as the recipient of the land conservation easement was the direct beneficiary of the illegal action.

CONCLUSION

WHEREFORE, Plaintiff prays for the following:

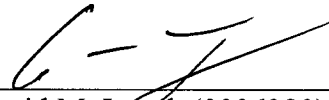
One. An Order invalidating the action of December 1, 2011, and declaring invalid the underlying conservation easement that was approved at the Board of Trustees Meeting conducted on that date.

Two. An Order awarding damages to the Plaintiff, including but not limited to attorney fees, as consistent with ORC Chapter 121.

Three. An Order directing the Western Reserve Land Conservancy to convey back to Chester Township any interest in real estate it may have received as a result of the invalid action taken by the Chester Township Board of Trustees on December 1, 2011.

Four. Any other relief deemed appropriate by this Court.

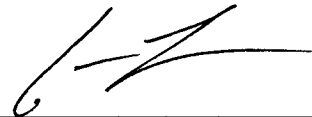
Respectfully submitted,



David M. Lynch (0006380)
333 Babbitt Road
Suite 333
Euclid, Ohio 44123
440-278-4246
440-278-4249 (Fax.)
dmlsq@davidmlynch.net
Attorney for Plaintiff

JURY DEMAND

Now comes the Plaintiff, Kenneth Radtke, who through counsel does hereby request that this Honorable Court have the above captioned matter heard before a Jury.



David M. Lynch (0006380)

Mike

> From: cl68@roadrunner.com
> To: brodstrom@wrlandconservancy.org
> CC: larryfmuehling@yahoo.com; jcaputochestertwp@hotmail.com; mjtrustee@hotmail.com
> Subject: RE: 80 Acers and WRLC conservation easement
> Date: Thu, 14 Jul 2011 15:02:43 -0400

>
> To all,
> I called Brett to see what the next steps are. After we talk I will let you
> know what is next.

>
> Clay

>
> -----Original Message-----

> From: Brett Rodstrom [mailto:brodstrom@wrlandconservancy.org]
> Sent: Thursday, July 14, 2011 1:14 PM
> To: 'Clay Lawrence'
> Cc: 'Margrette Muehling'; 'Judy Caputo'; 'Mike Joyce'
> Subject: 80 Acers and WRLC conservation easement

>
>
> Hello all:

>
> I wanted to touch base with all of you concerning the conservation easement
> project we discussed a few weeks ago. At this point, I have spoken
> separately with each of you at length with the exception of Mike who I was
> at least able to talk to for a little while the day I spoke with everyone
> else.

>
> In any event, I think I have enough information from all of you to have our
> attorneys put together a first draft of an easement which we can begin to
> work off of. Let me know where the Township stands on this and I will move
> ahead with the next step and get a draft easement together.

>
> Thanks everyone!

>
>
> Brett Rodstrom

>
> Northeastern Field Director

>
> Western Reserve Land Conservancy

>
> 70 South Park Place- Painesville Ohio 44077

>
> 440-357-4837 w

>
> 440-867-6659 c.

>
> 440.357.1020 f.

>
> brodstrom@wrlandconservancy.org

>
> www.wrlandconservancy.org

>
> Become our friend on Facebook!

> -----Original Message-----

> From: Chester Zoning [mailto:chesterzoning@roadrunner.com]
> Sent: Friday, May 20, 2011 9:33 AM
> To: 'Clay Lawrence'; Brett Rodstrom
> Cc: 'Margrette Muehling'; 'chester townhall'; 'Judy Caputo'; 'Mike Joyce'
> Subject: RE: Chester meetings regarding 80 Acers and WRLC conservation
> easement

>
> Good Day
> I will be here and sit in with you Clay.
> Regards

>
> J. Meiring Borchers
> Chester Township Zoning Inspector
> Cell: 440.313.4963
> Office: 440.729.9201
> 12701 Chillicothe RD.
> Chesterland OH 44026
> www.chestertwp.net/zoning

> -----Original Message-----

> From: Clay Lawrence [mailto:cl68@roadrunner.com]
> Sent: Friday, May 20, 2011 9:11 AM
> To: 'Chester Zoning'; 'Brett Rodstrom'
> Cc: 'Margrette Muehling'; 'chester townhall'; 'Judy Caputo'; 'Mike Joyce'
> Subject: RE: Chester meetings regarding 80 Acers and WRLC conservation
> easement

>
> Meiring,
>
> I want you to sit in on my session. I think your background knowledge will
> be beneficial to me as I talk to Mr. Rodstrom.

> Clay

> -----Original Message-----

> From: Chester Zoning [mailto:chesterzoning@roadrunner.com]
> Sent: Thursday, May 19, 2011 6:10 PM
> To: 'Brett Rodstrom'
> Cc: Margrette Muehling; 'chester townhall'; 'Clay Lawrence'; 'Judy Caputo';
> 'Mike Joyce'
> Subject: RE: Chester meetings regarding 80 Acers and WRLC conservation
> easement

>
> Good Day,
> I met with Mr. Rodstrom this afternoon and we walked the 80 acre site to see
> what resources it had and what impairments it had. I am very glad to report
> back that this site has some wonder natural resources on it. In my opinion
> this property is a treasure and is filled with wonderful natural resources
> that the residents will enjoy.

>
> But on to business, Mr. Rodstrom would like to meet with each individual
> Trustee on June 15th, 2011 to discuss what WRLC can offer Chester Township
> and how the conservation easement will work. He will also want to find out
> your vision for the site and what you can bring to the project. I have
> called every one and these are the times that you agreed to meet with Mr.
> Rodstrom;

> Clay Lawrence 09:00
> Mike Joyce 10:00
> Judy Caputo 11:00
> Margret Mauling 12:00
>
> I will be in early that day so to be on hand if any one has any questions or
> if I can help with any historical back ground information. Hope you are all
> enjoying this wonderful sunny spring day.
>
> Regards
> J. Meiring Borchers
> Chester Township Zoning Inspector
> Cell: 440.313.4963
> Office: 440.729.9201
> 12701 Chillicothe RD.
> Chesterland OH 44026
> www.chestertwp.net/zoning
>
>
> -----Original Message-----
> From: Brett Rodstrom [mailto:brodstrom@wrlandconservancy.org]
> Sent: Thursday, May 19, 2011 4:13 PM
> To: 'chesterzoning@roadrunner.com'
> Subject: Chester meetings
>
> Meiring
> Thanks for the tour. I just looked at my schedule and it looks good for me
> on the 14th, 15th, and the 16th to meet with any or all of the trustees.
> Morning would be best but I could do the afternoon of the 14th or the 16th.
> Let me know what works for the Trustees and I will get it in my calender.
> Thanks meiring!
> _____ Information from ESET NOD32 Antivirus, version of virus signature
> database 6136 (20110519) _____
>
> The message was checked by ESET NOD32 Antivirus.
>
> <http://www.eset.com>
>
>
>
>
> _____ Information from ESET NOD32 Antivirus, version of virus signature
> database 6137 (20110520) _____
>
> The message was checked by ESET NOD32 Antivirus.
>
> <http://www.eset.com>
>
>
>

Clay Lawrence

From: Brett Rodstrom [brodstrom@wrlandconservancy.org]
Sent: Thursday, August 04, 2011 4:50 PM
To: 'Clay Lawrence'
Cc: 'Mike Joyce'; 'Judy Caputo'

Trustees,

We should have a draft easement out to all of you next week for your review.

We have also run the title work and found a line item from a mortgage from 2001 given to the Salomone's for \$425,000. Was that ever paid off?

If so we will need some documentation of the final payment. If not then we'll have to discuss the next steps which may involve subordination with the bank. Let me know and we can continue to move forward with this project.

Thanks everyone and have a great weekend!

Brett Rodstrom

Northeastern Field Director

Western Reserve Land Conservancy

70 South Park Place- Painesville Ohio 44077

440-357-4837 w

440-867-6659 c.

440.357.1020 f.

brodstrom@wrlandconservancy.org

www.wrlandconservancy.org

Become our friend on Facebook!

Clay Lawrence

From: Schlag, Rebecca [RSchlag@CO.GEAUGA.OH.US]
Sent: Tuesday, August 30, 2011 2:51 PM
To: Clay Lawrence
Subject: Salamone property

Hi Clay, forgive me but I guess I do not have your tel. no. I did get your voicemail the other day and I think what you are looking for is a document called a "satisfaction of mortgage" which Scott Larrick should have filed back in 2003. In reviewing my files on the computer, I note that my letter to Scott Larrick dated June 5, 2003 enclosed for him a \$106,750.00 check and a Full and Final Release, with instructions that his client sign the Release before cashing the check, and further I asked that copies of the satisfaction of mortgage deed be forwarded to me. I did not see any memo/cover letter in which I sent on the satisfaction of mortgage deed. I have requested our 2003 files from Archives, but they have not yet arrived. When the files arrive I will go through them and if I have any such document I will forward it to you immediately. Hopefully by now Scott Larrick has called you back and you've received it from him.

Rebecca F. Schlag, APA
Geauga County Prosecutor
231 Main Street, 3rd floor
Chardon, OH 44024
tel: 440 279-2100 x2108
fax: 440-279-1322
rebecca.schlag@gcpao.com