

RESOLUTION NO. 28-19  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Seve ON THE  
25<sup>th</sup> DAY OF April, 2019.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS AND TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO AFFECT AN AGREEMENT REGARDING REAL ESTATE OWNED BY CORNERSTONE DEVELOPERS LTD FOR PROPERTY LOCATED AT THE CORNERSTONE PROJECT COMMONLY KNOWN AS THE PARK CONSISTING OF .535 ACRES MORE OR LESS IN GREENE COUNTY, OHIO.**

WHEREAS, Council has determined that it would be in the best interest of its citizens to enter into an agreement with Cornerstone Developers, LTD, ("Cornerstone") for the purpose of future development of a Park and other municipal services regarding .50 acres more or less of real estate in Greene County, Ohio (the "Property"); and

WHEREAS, the City has negotiated with Cornerstone for the purchase and/or donation of the Property; and

WHEREAS, the City of Centerville has negotiated an agreement regarding this Property with Cornerstone upon terms acceptable to the City.

NOW THEREFORE, BE IT RESOLVED:

Section 1: That the City Manager is hereby authorized to execute an agreement with Cornerstone Developers, Ltd., regarding the Property on terms and conditions substantially similar to the agreement attached hereto and incorporated herein.

Section 2: That the City Manager is hereby authorized and directed to do any and everything necessary to carry out the terms of said agreement.

Section 3: This Resolution shall take effect at the earliest date allowed by law.

PASSED THIS 25<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

Carin R. Andrew

Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 28-19, passed by the Council of the City of Centerville, Ohio on the 25<sup>th</sup> day of April, 2019.

Carin R. Andrew

Clerk of the Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman, Municipal Attorney  
Municipal Attorney

Exhibit "A"

April \_\_, 2019

City of Centerville, Ohio  
Attn: Wayne Davis, City Manager  
100 West Spring Valley Road  
Centerville, Ohio 45458

Re: Active Park Area at Cornerstone of Centerville

Dear Mr. Davis:

This letter agreement is intended to memorialize the intention of Cornerstone Developers, Ltd. to develop park improvements on the land identified in Exhibit A attached to this letter, and for the City of Centerville, upon completion of those improvements, to accept a donation of the land and improvements. The terms and conditions of this agreement are as follows:

1. The proposed improvements are shown conceptually in the area marked in red on Exhibit A (not including the parking area). The City has indicated that the proposed improvements are generally acceptable. However, Exhibit A is a conceptual plan, and the final design and plans for the improvements are subject to approval through the City of Centerville's planning and zoning process. Said zoning process needs to be initiated and the improvement plan for the active park needs to be approved by the City prior to the City accepting the Clean Ohio Grant Funds.
2. Prior to acceptance of the park property, the City will have the ability to conduct all due diligence as it deems appropriate, including title, survey and platting (all of which are to be provided at Cornerstone's expense), as well as inspections, approval of the constructed improvements and acceptance of the condition of the property.
3. After acceptance, the park area will be considered part of the "Park" under the Master Declaration for Cornerstone of Centerville, and the City will have the ability to obtain funding for maintenance from the new community authority (NCA) to be established by Cornerstone as well as assessments to the owners under the Master Declaration. The Park is not subject to the NCA or Master Declaration assessments.
4. Parking for the property will be made available by way of an easement over the parking area shown on Exhibit A, subject to the valet parking rights of the Cooper's Hawk restaurant and subject to the terms of the easement for said parking area.

Very truly yours,

CORNERSTONE DEVELOPERS, LTD.

By: Oberer Construction Managers, Ltd.,  
Managing Member

By: \_\_\_\_\_  
George R. Oberer, Jr., Manager

ACCEPTED AND AGREED TO:

CITY OF CENTERVILLE, OHIO

By: \_\_\_\_\_  
Wayne Davis, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



Exhibit "A"

**CORNERSTONE OF CENTERVILLE, NORTH - PUBLIC PARK**  
 WILMINGTON PIKE AND FEEDWIRE ROAD  
 COUNTY OF GREENE, CITY OF CENTERVILLE, OHIO

**PUBLIC PARK EXHIBIT**  
 SCALE: NONE

The information shown on this concept plan is to illustrate general intent and shall not be construed as final as final with regard to any and all improvements shown hereon.

APRIL 25, 2019

