RESOLUTION NO. 28-19 CITY OF CENTERVILLE, OHIO

25th SPONSORED BY COUNCILMEMBER DAY OF april, 2019.	Bul Serve	ON	THE
73 - 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 affect at the earliest date allowed

by law.

PASSED THIS 25th day of april, 2019.

Mayor of the City of Centerville, Ohio

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 25th day of 1, 2019.

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 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.

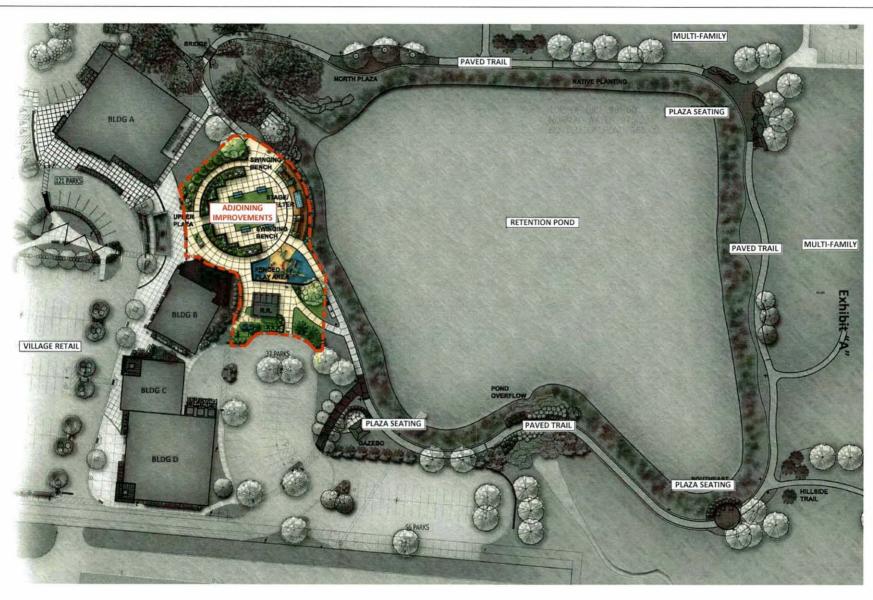
Very truly yours,

CORNERSTONE	DEVELOR	PERS, LTD.
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By:	Oberer Construction Managers, Ltd., Managing Member

George R. Oberer, Jr., Manager

City Attorney
APPROVED AS TO FORM:
By:
CITY OF CENTERVILLE, OHIO
ACCEPTED AND AGREED TO:



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

APRIL 25, 2019



