

**RESOLUTION NO. 98-19**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER Mark Engert ON  
THE 16<sup>th</sup> DAY OF December, 2019.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER  
TO ENTER INTO A RIGHT OF ENTRY AGREEMENT WITH  
CORNERSTONE DEVELOPERS, LTD. FOR PARK IMPROVEMENTS IN  
THE CORNERSTONE PARK.**

WHEREAS, Cornerstone Developers, LTD. ("Cornerstone") is the current owner of certain real property consisting of approximately 11.499 acres known as Lot #4 on the Plat and Lot #1 of Cornerstone Section Seven A Record Plan and commonly known as the Cornerstone Park Passive Area ("Park Area"); and

WHEREAS, pursuant to a separate Purchase and Sale Agreement between Cornerstone and the City dated August 26, 2019 (the "Purchase Agreement"), Cornerstone has agreed to sell, and the City has agreed to purchase, the Park Area; and

WHEREAS, pursuant to a Development Agreement between Cornerstone and the City dated November 14, 2013, as amended, as well as the zoning approvals obtained by Cornerstone in connection with the development of the overall site, Cornerstone committed to make private improvements to the Park Area; and

WHEREAS, in the Purchase Agreement, as part of the sale of the Park Area to the City, Cornerstone agreed to retain its prior commitment to construct park improvements, which improvements, upon completion, will be donated to the City; and

WHEREAS, Cornerstone and the City have agreed upon the scope of the park improvements, and desire to enter into this Agreement to allow Cornerstone to enter upon the Park Area to make the improvements on the terms and conditions set forth herein; and

WHEREAS, Council has determined that it would be in the best interest of its citizens to allow Cornerstone access to the Park Area after the City owns the Property for the purpose of future development of a Park and other municipal services.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY RESOLVES:

Section 1: That the City Manager is hereby authorized to  
execute a Right of Entry Agreement with

Cornerstone Developers, Ltd., to allow Cornerstone access to the Park Area to construct improvements on terms and conditions substantially similar to the Right of Entry Agreement. A copy of the Right of Entry Agreement is attached and marked Exhibit "A" 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 16<sup>th</sup> day of December, 2019.

  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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. 98-19, passed by the Council of the City of Centerville, Ohio on the 16<sup>th</sup> day of December, 2019.

  
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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