

RESOLUTION NO. 37-17
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE
19th DAY OF June, 2017.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE YANKEE TRACE COMMUNITY ASSOCIATION, INC. TO CLARIFY THE RESPONSIBILITIES OF THE PARTIES FOR MAINTENANCE AND REPLACEMENT OF MUTUALLY BENEFICIAL STRUCTURES, FEATURES AND APPURTENANCES.

WHEREAS, the City of Centerville, dba The Golf Club at Yankee Trace (City) and the Yankee Trace Community Association, Inc. aka the Yankee Trace Homeowners' Association (HOA), have reached an agreement for the ongoing maintenance and replacement of certain structures, features and appurtenances that benefit both The Golf Club at Yankee Trace and/or the adjacent residential development; and

WHEREAS, the maintenance of these specific structures, features and appurtenances has been determined to be more efficiently and effectively dealt with as the responsibility of one of the two parties listed herein.

WHEREAS, it is in the best interest of the City of Centerville to define these responsibilities and to avoid future conflicts.

WHEREAS, for this reason a Memorandum of Understanding has been created stating the terms of the agreement;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized and directed to execute the Memorandum of Understanding with the HOA, a copy of which is attached hereto, incorporated herein and marked Exhibit "A".

Section 2. That this resolution will take effect at the earliest date allowed by law.

PASSED this 19th day of June, 2017.

Paul A. Compton
Mayor of the City of Centerville, Ohio

ATTEST:
Carin R. Andrews
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 37-17, passed by the Council of the City of Centerville, Ohio, on the 19th day of June, 2017.

Carin R. Andrews
Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT "A"

Memorandum of Understanding between the City of Centerville and Yankee Trace Community Association, Inc.

This Memorandum of Understanding will memorialize an agreement that has been reached between the City of Centerville, dba The Golf Club at Yankee Trace (City) and Yankee Trace Community Association, Inc. (YTCA) regarding the ongoing maintenance and replacement of certain structures, features and appurtenances that benefit The Golf Club at Yankee Trace and/or the adjacent residential development and have been determined to be more efficiently and effectively dealt with as a responsibility of one of the two listed parties herein.

Entry Walls

All entry walls, stone-mounted signage and associated landscaping and lighting shall be the maintenance responsibility of the YTCA, with the exception of the entry wall at the corner of Social Row Road and Yankee Street, which shall be maintained by the City.

Irrigation

All irrigation equipment, facilities and appurtenances which serve the golf course property and/or adjacent properties owned by the City will be the maintenance responsibility of the City. All irrigation equipment, facilities and appurtenances which serve the common areas under the ownership and/or control of the YTCA shall be the maintenance responsibility of the YTCA. Any YTCA irrigation components that receive their water supply from the City's irrigation system or directly from irrigation lakes owned by the City may continue to do so, but on an "at-risk" basis. The City reserves the right to cut off the water supply to any YTCA-owned irrigation line if it is found to leak and is not properly and timely repaired by the YTCA or if the golf course incurs drought conditions. It is the Golf Course Superintendent's sole judgement whether or not to eliminate water flow to non-golf related uses in the event of a water shortage.

Ornamental Lighting Surrounding the Golf Course and/or Serving the Hiker/Biker Pathway System

Ornamental Lighting (natural gas or electric) is the maintenance responsibility of the YTCA. The City is only responsible for the ornamental lighting which serves the clubhouse and adjacent clubhouse parking areas.

Pathways

The asphalt Hiker/Biker Pathway System located throughout the Yankee Trace residential development is the maintenance responsibility of the YTCA. The City does agree, however, to maintain the section of the Yankee Trace pathway system along the east side of Yankee Street at a point south of the Greystone Villas, extending southwardly to the intersection of Yankee Street and Social Row Road and extending eastwardly to the end of the City's property along the north side of Social Row Road. The City will also accept responsibility for maintaining the pathway that exits the tunnel west of Yankee Street and extends northward to Silver Lake Drive. Additionally, the City will maintain the western portion of the Shawnee Trail connector path from the end of Legendary Way westward to Paragon Road.

Yankee Street Tunnel

This facility is the maintenance responsibility of the City.

Yankee Trace Bridges

All bridges associated with the Hiker/Biker Pathway System are the responsibility of the YTCA, with the exception of the bridge located in front of the clubhouse just east of Yankee Street, and the bridge located east of Yankee Street immediately south of the Yankee Street tunnel.

Golf Cart Crossings

All paver brick Golf Cart Crossings that cross streets throughout the Yankee Trace development are the maintenance responsibility of the City.

Street Signage

All street signage throughout the Yankee Trace development is the responsibility of the YTCA (due to the fact that special brackets and frames exist for this signage). The City will provide the standard ODOT approved insert signs to the YTCA. If the YTCA fails to maintain the ornamental sign posts, mountings and/or frames going forward, the City will erect and maintain standard ODOT signs and posts as a replacement.

Irrigation Ponds/Fountain

Irrigation Ponds associated with the golf course are the maintenance responsibility of the City. The fountain associated with Hole #8 on the Heritage nine of the golf course and all costs for its electric usage, maintenance and/or its replacement is the responsibility of the YTCA. If the City opts to add bubblers to this lake, it will share the proportionate cost of electric usage going forward.

White Horse Park Fencing

All white Horse Park fencing surrounding and extending throughout the Yankee Trace development is the maintenance responsibility of the YTCA with the exception of the Horse Park fencing south of the Greystone Villas and east of Yankee Street extending southwardly to the intersection of Social Row Road and Yankee Street and extending eastwardly along the north side of Social Row Road to the end of the City's property. Additionally, the City will maintain the Horse Park fencing along the western Paragon Road frontage adjacent to Vintage Holes #5 and #8 and east of Paragon Road adjacent to the green by Vintage Hole #7.

Streets/Street Trees

All street trees throughout the Yankee Trace development within the curb-lawn and/or the median/reserve areas are the maintenance responsibility of the YTCA. All public streets throughout the Yankee Trace development are the maintenance responsibility of the City. The two asphalt "eyebrows" just west of Yankee Street within the Homestead section of Yankee Trace are considered private and are the maintenance responsibility of the YTCA.

Storm Sewer Systems

All storm sewer lines and appurtenances serving the golf course and located within the boundaries of the golf course shall be the maintenance responsibility of the City. The City shall additionally maintain all storm sewer lines 12" in diameter and larger that are located within public rights of way or public storm sewer easements.

Memorandum of Understanding
Between City of Centerville and
Yankee Trace Community Association, Inc.
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An Exhibit is attached to this Memorandum of Understanding in an attempt to clearly delineate the various structures, signage, appurtenances and equipment that have been specifically designated as the maintenance responsibility of Yankee Trace Community Association, Inc. (YTCA) vs. the maintenance responsibility for the City of Centerville, dba The Golf Club at Yankee Trace (City).

CITY OF CENTERVILLE

Gregory B. Horn
City Manager

Date

YANKEE TRACE COMMUNITY
ASSOCIATION, INC.

Jack Kindler
President

Date

APPROVED AS TO FORM:

Scott Liberman
Altick & Corwin
Municipal Attorney

Date

**Exhibit to MOU between
City of Centerville &
Yankee Trace HOA
May 2017**

Note:
All other Hiker-Biker & White-Horse
Park Fence not shown is responsibility
of Yankee Trace HOA

Hiker/Biker Bridge:
City Responsibility

All Other Hiker/Biker
Bridges: HOA

Yankee Trace Sign
City Responsibility

All Other Monument
Signs: HOA

City of Centerville Responsibility

- XXXXXXXXXX Fencing
- Hiker Biker Routes

