

RESOLUTION NO. 23-09
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas Cline ON THE 18th
DAY OF May, 2009.

**A RESOLUTION STATING THE CITY'S FINAL POSITION WITH
REGARDS TO THE PERFORMANCE OF AN AGREEMENT
DATED APRIL 25, 2001 CONCERNING THE OPDYKE-
WILLIAMS HOUSE LOCATED ON PROPERTY OWNED BY
K & S ENTERPRISES.**

WHEREAS, the City of Centerville resolved a legal dispute in 2001 by entering into an agreement ("Agreement") dated April 25, 2001, with various individuals and parties referred to collectively as "K & S"; and

WHEREAS, said Agreement, in part, concerned the Opdyke-Williams House located on the property of "K & S"; and

WHEREAS, pursuant to Paragraph 6 of the Agreement, the parties referred to collectively as "K & S" assumed various responsibilities enumerated therein, and

WHEREAS, pursuant to subsection (f) of Paragraph 6, any dispute arising under said Paragraph (6) that fails to be resolved by the parties referred to collectively as "K & S" and the City's Economic Development Administrator shall be referred to Council for a determination of the City's final position; and

WHEREAS, the City has conducted an open meeting on May 18, 2009, during which staff members of the City of Centerville presented evidence and provided comment demonstrating that the parties referred to collectively as "K & S" in the Agreement have not performed the obligations required therein with regards to the Opdyke-Williams House; and

WHEREAS, Council has been advised that the parties referred to collectively as "K & S" in the Agreement have been provided notice of the open meeting and had an opportunity to resolve the identified potential breaches of the Agreement before said meeting.

**NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:**

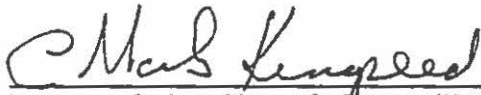
Section 1: That it is the City's final position that the parties referred to collectively as "K & S" in the Agreement have not performed the obligations required therein.

Section 2. That the parties referred to collectively as "K & S" in the Agreement are hereby granted THIRTY (30) days from the date of the passage of this resolution to perform the obligations required therein.

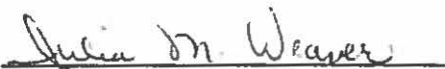
Section 3. That the City Manager and/or his designee are hereby authorized to take all necessary actions in furtherance of the City's final position.

Section 4. This resolution shall become effective at the earliest date allowed by law.

PASSED THIS 18th day of May, 2009.


Mayor of the City of Centerville,
Ohio

ATTEST:


Assistant 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. _____, passed by the Council of the City of Centerville, Ohio on the 18th day of May, 2009.


Clerk of the Council

Approved as to form, consistency with existing ordinances, the Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney