

RESOLUTION NO. 65-05  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan Lienesch ON  
THE 5<sup>th</sup> DAY OF December, 2005.

A RESOLUTION RATIFYING THE ACTION OF THE CITY MANAGER IN EXECUTING THE CONTRACT WITH CENTERVILLE INVESTORS, LLC AS ASSIGNEE OF BREADS OF THE WORLD ACQUISITIONS, LLC AND AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO SELL THE PROPERTY LOCATED ON LOT 1 OF THE CENTERVILLE BENJAMIN ROBBINS PLAT - SECTION ONE.

WHEREAS, the City of Centerville owns the property located on Lot 1 in the Centerville Benjamin Robbins Plat - Section One. The property consists of a 5,000 square foot building pad; and

WHEREAS, the City entered into a Purchase, Sale and Development Agreement with Breads of the World Acquisitions, LLC on or about April 16, 2004 for the sale of the property. Said purchase being assigned to Centerville Investors, LLC; and

WHEREAS, the City has been in negotiations to complete the sale of the property to Centerville Investors, LLC or its assignees for the purposes of locating a Panera Restaurant on said property; and

WHEREAS, the City Manager, in prior consultation with Council and at open meeting work sessions, had agreed to the sale of the property for the purposes set forth above; and

WHEREAS, Council had previously authorized the City Manager to enter into an Easement Agreement with Centerville Investors, LLC; and

WHEREAS, Council hereby finds that it is necessary to complete the sale of the property through a closing currently scheduled for Wednesday, December 11, 2005.

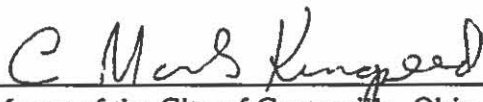
NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY RESOLVES:

Section 1. That the previous action of City Manager in executing the Purchase, Sale and Development Agreement dated April 16, 2004 is hereby ratified.

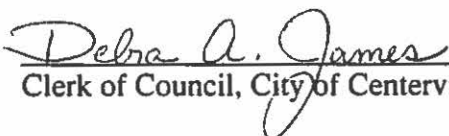
Section 2. That the City Manager is hereby authorized and directed to take any and every step necessary to execute all documents to sell the property on Lot 1 for the reasons set forth in preamble hereof.

Section 3. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 5<sup>th</sup> day of December, 2005.

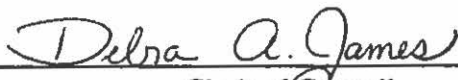
  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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 65-05, passed by the Council of the City of Centerville, Ohio, on the 5<sup>th</sup> day of December, 2005.

  
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Clerk of Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions.  
Department of Law  
Scott A. Liberman, Municipal Attorney