

RESOLUTION NO. 23-97
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JAMES SINGER ON THE
17th DAY OF MARCH, 1997.

A RESOLUTION AUTHORIZING THE EXECUTION
OF A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CENTERVILLE AND
WASHINGTON TOWNSHIP RELATIVE TO
PENDING ANNEXATIONS.

WHEREAS, an understanding has been reached between the current
Members of the Centerville City Council and the Washington Township Trustees which
relates to certain outstanding annexation petitions currently pending before the
Montgomery County Board of Commissions and/or appropriate Courts of Law, and

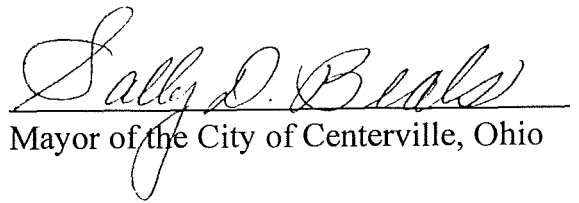
WHEREAS, it is the intent of the Centerville City Council and the
Washington Township Trustees that their respective chief administrative officers
execute this Memorandum of Understanding on their behalf.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY RESOLVES THAT:

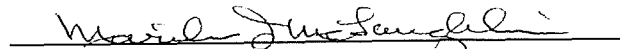
SECTION 1. The City Manager is hereby authorized to execute a
Memorandum of Understanding between the current Members of the Centerville City
Council and the Washington Township Trustees as it relates to certain outstanding
annexation petitions currently pending before the Montgomery County Board of
Commissioners and/or appropriate Courts of Law, a copy of which is attached hereto,
marked exhibit "A" and incorporated herein.

SECTION 2. This Resolution shall become effective at the earliest date
allowed by law.

PASSED this 17th day of MARCH, 1997.

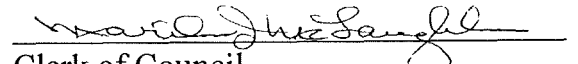

Mayor of the City of Centerville, Ohio

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 23-97, passed by the Council of the City of Centerville, Ohio, on the 17th day of MARCH, 1997.


Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

MEMORANDUM OF UNDERSTANDING

The following understanding has been reached between the current Members of the Centerville City Council and the Washington Township Trustees as it relates to certain outstanding annexation petitions currently pending before the Montgomery County Board of Commissioners and/or appropriate Courts of Law.

1. At the request of the representatives of the Yankee Development Group, Inc., the agent for the petitioners will withdraw their existing petition for a 168.96 acre annexation, located north of Social Row Road and fronting on both sides of Sheehan Road. The current Members of the Centerville City Council will publicly support the withdrawal of said petition and further agree to not accept an annexation petition for any portion of this property east of Sheehan Road, for a period of three years from the effective date of this Memorandum of Understanding.
2. The current Members of the Washington Township Trustees agree not to oppose the 89.26 acre annexation currently pending, which is located north of Social Row Road and west of Sheehan Road.
3. The current Members of the Washington Township Trustees agree to not appeal to the Court of Common Pleas, the 10.0 acre annexation known as the Goenner Annexation, which is located along the west side of Paragon Road.
4. The current Members of the Centerville City Council agree to use their good faith, best efforts to cause the detachment of property associated with the recent 29.5 acre annexation, which is located directly east of Washington Church Road. The strip of property to be detached is approximately 77' wide by 400' in length and is attached to a potential development parcel currently under contract for purchase by Yankee Trace Development, Inc. Should detachment of this strip of property from the corporate limits of the City of Centerville prove not to be successful, the current Members of the Centerville City Council further agree to pledge to not accept a petition for annexation of the 20' strip of right-of-way abutting the centerline of Washington Church Road, which would effectively segment the western boundaries of unincorporated Washington Township. The City of Centerville and Washington Township further agree that they will work together to support and promote the eventual construction of a public road through this aforementioned strip of property at such time that the Homestead Development at Yankee Trace proceeds with additional phases of development westward toward the Washington Church Road entrance.

This Memorandum of Understanding is intended only for the annexations described above and shall have no effect on any future annexation policies of either the Washington Township Trustees or the Centerville City Council. However, it is hoped by both City and Township officials that coming to this understanding, a more cooperative atmosphere will prevail in the future toward mutual issues of growth and annexation impacting both jurisdictions.

By the authority and authorization of the Washington Township Trustees and the Centerville City Council, their respective chief administrative officers are hereby authorized to execute this Memorandum of Understanding and to pledge the good faith support of the current elected officials of both bodies concerning the aforementioned issues.

Gregory B. Horn
City Manager

Gary W. Huff
Township Administrator

Date

Date