

RESOLUTION NO. 109-21
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 15th
DAY OF November, 2021.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONSENT TO ASSIGNMENT AND AMENDMENT TO SUBDIVIDER'S AGREEMENT WITH CENTERSTONE HOMES, LLC FOR PROPERTY LOCATED AT WOODLAND GREENS SECTION ONE.

WHEREAS, the City of Centerville and Woodland Greens at Yankee Trace LLC, the Owner and Developer of property located in City of Centerville in Woodland Greens Section One, had successfully negotiated a Subdivider's Agreement to allow the property to be developed in the City and for the construction of both private and public improvements; and

WHEREAS, the Subdivider's Agreement was executed on May 9, 2018; and

WHEREAS, the Subdivider's Agreement contained contingencies that have not yet been completed; and

WHEREAS, the parties desire to allow an assignment of the Subdivider's Agreement from Woodland Greens at Yankee Trace LLC to Centerstone Homes, LLC; and

WHEREAS, this Council has determined that it would be in the best interests of the citizens of Centerville to enter into said Amendment to the Agreement in order to extend the contingencies and allow the assignment of the Agreement.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is authorized and directed to enter into a Consent to Assignment and Amendment to Subdivider's Agreement with Centerstone Homes, LLC to allow for the development of property located in City of Centerville, consisting of property located at Woodland Greens Section One in accordance with the terms of said Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein.


SECTION 2. This Resolution is to take effect at the earliest time allowed by law.

PASSED THIS 15th day of November, 2021.



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. 109-21, passed by the Council of the City of Centerville, Ohio on the 15th day of November, 2021.



Clerk of the Council

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

**CONSENT TO ASSIGNMENT AND AMENDMENT TO SUBDIVIDER'S
AGREEMENT FOR WOODLAND GREENS SECTION ONE**

THIS CONSENT TO ASSIGNMENT AND AMENDMENT TO SUBDIVIDER'S AGREEMENT made this ____ day of _____, 2021, between **Centerstone Homes, LLC**, an Ohio limited liability company, hereinafter referred to as the "Developer" and/or "Assignee", and the **CITY OF CENTERVILLE**, Montgomery County, Ohio, an Ohio municipal corporation, hereinafter referred to as "Centerville" or "City" (collectively "the Parties"). Former Developer, **Woodland Greens at Yankee Trace LLC**, is the "Assignor".

WITNESSETH:

WHEREAS, the City and Woodland Greens at Yankee Trace LLC entered into a Subdivider's Agreement dated May 9, 2018 (the "Agreement") relating to the record plan (plat) for the improvements and expansion of The Woodland Greens Section One project located along Paragon Road, hereinafter referred to as the "Development", and

WHEREAS, the Agreement contemplates the satisfaction of certain contingencies established therein and as set forth in Exhibit "A" incorporated herein; and

WHEREAS, the parties desire to allow an assignment of the Agreement from Woodland Greens at Yankee Trace LLC to Centerstone Homes, LLC; and

WHEREAS, in consideration of the mutual benefits accruing hereunder, the Parties desire to amend the Agreement as hereinafter provided.

NOW, THEREFORE, it is agreed between Developer and Centerville amend the Agreement as follows:

1. The City consents to the assignment of the Agreement from Assignee to Assignor effective on the date of execution of this Amendment.

2. Assignee Developer shall provide a new surety or letter of credit, as required by the Agreement, within sixty (60) days of execution of this Amendment.

3. Except as modified by the substitution of the Developer, hereby, the Agreement is ratified and confirmed and remains in full force and effect and binding on the Assignee. This Amendment may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereunto have set their hands as of the day and year first above written.

Assignor:

YANKEE TRACE WOODS, LLC, an Ohio limited liability company

By: _____

Its: _____

Assignor/Developer:

Centerstone Homes, LLC, an Ohio limited liability company

By: _____

Its: _____

CITY OF CENTERVILLE

By: Wayne S. Davis

Its: City Manager

Approved as to form:

Scott A. Liberman, Municipal Attorney