

RESOLUTION NO. 77-22
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 26th
DAY OF September, 2022.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO THE SEVENTH AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH CORNERSTONE DEVELOPERS, LTD. FOR PROPERTY LOCATED IN THE CITY OF CENTERVILLE CONSISTING OF APPROXIMATELY 228.5 ACRES LOCATED NORTH AND SOUTH OF I-675.

WHEREAS, the City of Centerville and Cornerstone Developers, LTD, the Owner and Developer of property located in City of Centerville both north and south of Interstate 675, had successfully negotiated a Development Agreement to allow property to be developed in the City and for the construction of both private and public improvements; and

WHEREAS, by Resolution No. 52-13, the City had authorized the City Manager to execute the Development Agreement with Cornerstone Developers, LTD; and

WHEREAS, the Development Agreement was executed on November 14, 2013; and

WHEREAS, the Development Agreement was amended on May 9, 2014, June 4, 2014, July 7, 2014, May 4, 2015, July 6, 2018, and December 2, 2019, for various purposes; and

WHEREAS, the parties to the Development Agreement have determined that certain adjustments are necessary with respect to two parcels located in the south of Interstate 675, and with other obligations under the Development Agreement; and

WHEREAS, it is the desire of the parties to the Development Agreement to address these two parcels located in the south part of the development; 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 provide for the parties obligations with regards to two parcels located in the south part of the development.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is authorized and directed to enter into a Seventh Amendment to the Development Agreement with Cornerstone Developers, LTD to allow for the development of property located in City of Centerville, consisting of

approximately 228.5 acres along the north and south sides of I-675, in accordance with the terms of said Seventh Amendment, 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 26th day of September, 2022.



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. 77-22, passed by the Council of the City of Centerville, Ohio on the 26th day of September, 2022.



Clerk of the Council

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

SEVENTH AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SEVENTH AMENDMENT TO DEVELOPMENT AGREEMENT (this "*Amendment*") is made and entered into this _____ day of _____, 2022, by and between the CITY OF CENTERVILLE, OHIO (the "*City*"), a municipal corporation duly organized and validly existing under the Constitution and the Laws of the State of Ohio and its Charter, and CORNERSTONE DEVELOPERS, LTD. ("*Developer*", and together with the City, the "*Parties*"), an Ohio limited liability company, under the circumstances summarized in the following recitals:

RECITALS

A. The Parties entered into a Development Agreement dated November 14, 2013 relating to the development of the North Parcel consisting of approximately 157 acres and the South Parcel consisting of approximately 71.5 acres in the area of Feedwire Road, Wilmington Pike and I-675 in the City of Centerville, Greene County, Ohio, as amended by Amendment to Development Agreement dated May 9, 2014, Second Amendment to Development Agreement dated June 2, 2014, Third Amendment to Development Agreement dated July 7, 2014, Fourth Amendment to Development Agreement dated May 4, 2015, Fifth Amendment to Development Agreement dated July 6, 2018 and Sixth Amendment to Development Agreement dated December 2, 2019 (as so amended, the "*Agreement*").

B. The Parties desire to enter into this Amendment to modify certain terms and conditions of the Agreement.

NOW, THEREFORE, the Parties hereby amend the Agreement as follows:

1. Defined Terms. Unless otherwise defined herein, capitalized terms used in this Amendment shall have the meanings set forth in the Agreement.

2. Clyo Road Parcel. The South Parcel of the Project site includes an approximately 3.063 acre parcel and an approximately 0.871 acre parcel located on the east side of Clyo Road, as shown on Exhibit A attached to this Amendment and designated as Lot #2 and Lot #3 (individually "Clyo Road Parcel #2" and "Clyo Road Parcel #3" and collectively the "*Clyo Road Parcels*"). Because the Clyo Road Parcel #2 is to be separated from the balance of the South Parcel, Developer and the City have determined that the Clyo Road Parcel #2 shall be allowed to seek rezoning and the Clyo Road Parcels should not be included in the MPOA to be established upon development of the South Parcel.

3. Proposed Zoning of Clyo Road Parcel. Section 14.2(a) of the Agreement shall be amended to add the following:

“City will agree to cooperate with Developer in seeking a rezoning of the Clyo Road Parcel #2 from the current Office Planned Development (O-PD) with Corporate Business Overlay District (CB) zoning to the Office-Service (O-S) zoning.”

4. Master Property Owners' Association. Section 14.3 of the Agreement is hereby amended to provide that the MPOA for the South Parcel shall exclude the Clyo Road Parcels.

5. All other terms and conditions of the Development Agreement that apply to the South Parcel shall continue to include the Clyo Road Parcels, including, but not limited to, the Article II,

Development Quality Commitment and Article VII, Tax Increment Financing. Clys Road Parcel #3 shall not be subject to rezoning at this time.

6. Miscellaneous. Except as modified hereby, the Agreement is ratified and confirmed and remains in full force and effect. 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. It shall not be necessary in proving this Amendment to produce or account for more than one of those counterparts. This Amendment shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

[Signature Page Follows]

Signed by the Parties as of the date first written above.

CITY:

APPROVED AS TO FORM:

THE CITY OF CENTERVILLE, OHIO, an
Ohio municipal corporation

Scott A. Liberman, Municipal Attorney

By: _____
Wayne S. Davis, City Manager

DEVELOPER:

CORNERSTONE DEVELOPERS, LTD., an
Ohio limited liability company

By: Oberer Construction Managers, Ltd., an
Ohio limited liability company, its
Manager

By: _____
George R. Oberer, Jr., Manager

EXHIBIT A

[Depiction of Cloy Road Parcel]

RECORD PLAN
**CORNERSTONE OF CENTERVILLE-SOUTH
 SECTION ONE**

BEING LOCATED IN SECTION 9, TOWN 2, RANGE 6,
 CITY OF CENTERVILLE AND SUGARCREEK TOWNSHIP,
 GREENE COUNTY, OHIO

CONTAINING 71.482 ACRES

JULY 2022

PLAT AUTHORIZATION AND DEDICATION

CORNERSTONE DEVELOPERS, LTD, THE OWNER OF THE LAND INCLUDED WITHIN THIS PLAT HAVE CAUSED THE AREA LOCATED IN THE CITY OF CENTERVILLE AND SUGARCREEK TOWNSHIP, GREENE COUNTY, OHIO, ENCOMPASSED BY THIS PLAT, TO BE SURVEYED, PLATTED, AND KNOWN AS CORNERSTONE OF CENTERVILLE-SOUTH, SECTION ONE.

BEING 71.482 ACRES SITUATE IN SECTION 9, TOWNSHIP 2, RANGE 6, CITY OF CENTERVILLE AND THE TOWNSHIP OF SUGARCREEK, COUNTY OF GREENE, STATE OF OHIO, (PARCEL NUMBER L49000100010001200 AND L32000100020000300) SHOWN IN SURVEY RECORD 37, PAGE 70 AS CONVEYED TO CORNERSTONE DEVELOPERS, LTD. IN OFFICIAL RECORD 3042, PAGE 792 OF THE GREENE COUNTY RECORDER'S, OHIO.

FURTHERMORE, CONERSTONE DEVELOPERS, LTD., DEDICATES TO THE CITY OF CENTERVILLE AND SUGARCREEK TOWNSHIP, THE ADDITIONAL STREET RIGHT OF WAY FOR CLYO ROAD, POSSUM RUN ROAD, AND POSSUM RUN COURT, AS SHOWN ON THIS RECORD PLAN.

CORNERSTONE DEVELOPERS, LTD.
 BY: OBERER CONSTRUCTION MANAGERS, LTD., ITS MANAGER

 GEORGE R. OBERER, JR., MANAGER

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY _____ OF _____, ON BEHALF OF
 THE LIMITED LIABILITY COMPANY.

NOTARY PUBLIC _____

PUBLIC RIGHT OF WAY DEDICATION STATEMENT

IT IS THE INTENT OF THIS PLAT TO DEDICATE THE PUBLIC RIGHT OF WAY OF CLYO ROAD, POSSUM RUN ROAD, AND POSSUM RUN COURT, TO THE CITY OF CENTERVILLE, OHIO, CONTAINING A TOTAL OF 3.042 ACRES, FOR PUBLIC USE ALWAYS AND FOREVER.

ACCEPTED BY: THE CITY OF CENTERVILLE, OHIO

 SIGNATURE PRINTED NAME TITLE

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY _____ OF _____, ON BEHALF OF
 THE CITY OF CENTERVILLE.

NOTARY PUBLIC _____

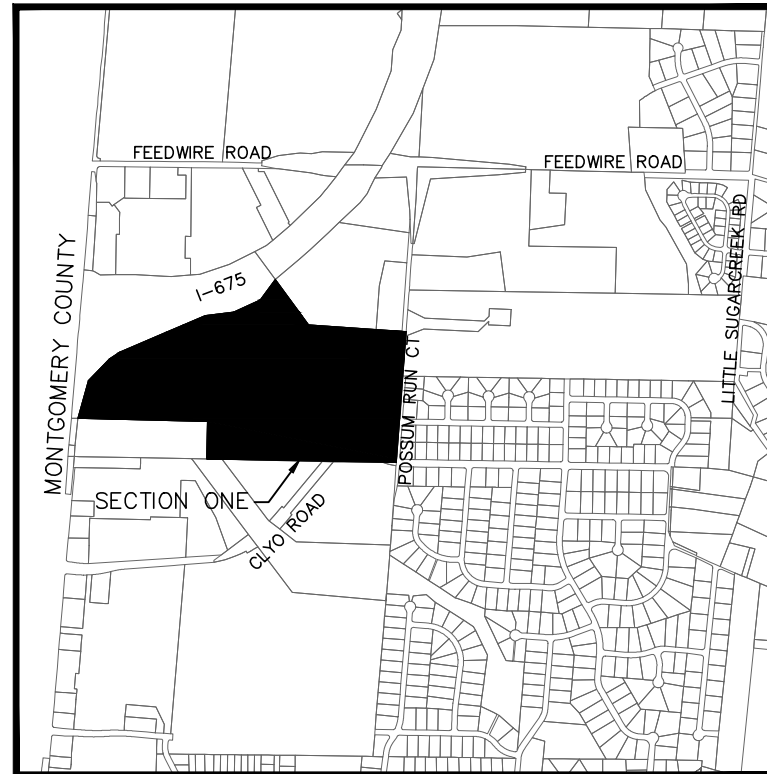
IT IS THE INTENT OF THIS PLAT TO DEDICATE THE PUBLIC RIGHT OF WAY OF POSSUM RUN COURT, TO SUGARCREEK TOWNSHIP, GREENE COUNTY, OHIO, CONTAINING A TOTAL OF 0.339 ACRES, FOR PUBLIC USE ALWAYS AND FOREVER.

ACCEPTED BY: SUGARCREEK TOWNSHIP

 SIGNATURE PRINTED NAME TITLE

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY _____ OF _____, ON BEHALF OF
 SUGARCREEK TOWNSHIP.

NOTARY PUBLIC _____



VICINITY MAP

LIEN HOLDERS

FIRST FINANCIAL BANK, AN OHIO STATE CHARTERED BANK FORMERLY KNOWN AS FIRST FINANCIAL BANK, NATIONAL ASSOCIATION.

 SIGNATURE PRINTED NAME TITLE

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY _____ OF FIRST FINANCIAL BANK, ON BEHALF OF FIRST
 FINANCIAL BANK.

NOTARY PUBLIC _____

OBERER CONSTRUCTION MANAGERS, LTD., AN OHIO LIMITED LIABILITY COMPANY.

 SIGNATURE GEORGE R. OBERER, JR. MANAGER
 PRINTED NAME TITLE

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY GEORGE R. OBERER, JR. OF OBERER CONSTRUCTION MANAGERS, LTD., ON
 BEHALF OF OBERER CONSTRUCTION MANAGERS, LTD.

NOTARY PUBLIC _____

DILLE LABORATORIES CORPORATION, AN OHIO CORPORATION.

 SIGNATURE CHRISTOPHER A. DILLE
 PRINTED NAME TITLE

STATE OF OHIO
 COUNTY OF _____; SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____,
 20__ BY CHRISTOPHER A. DILLE OF DILLE LABORATORIES CORPORATION, ON BEHALF
 OF DILLE LABORATORIES CORPORATION.

NOTARY PUBLIC _____

CERTIFICATION

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS A TRUE, COMPLETE SURVEY MADE UNDER MY SUPERVISION, AND THAT ALL MONUMENTS WILL BE SET AT ALL LOT CORNERS AFTER CONSTRUCTION OF STREETS AND UTILITIES. THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE CHAPTER 4733.37 AND CONFORMS TO OHIO REVISED CODE CHAPTER 711 FOR PLATS.

 ALLEN J. BERTKE, P.S. #8629

DATE

ZONING

OFFICE PLANNED DEVELOPMENT

OWNER

CORNERSTONE DEVELOPERS, LTD.
 3445 NEWMARK DRIVE
 MIAMISBURG, OHIO 45342
 937-910-0851

AREA SUMMARY

1 BUILDING LOT (2)	3.063 ACRES
2 REMAINING AREAS (1&3)	64.646 ACRES
DEDICATED NEW STREET R/W	3.434 ACRES
EX. STREET R/W	0.339 ACRES
TOTAL	71.482 ACRES

CITY OF CENTERVILLE PLANNING BOARD AND ZONING

APPROVED BY THE CENTERVILLE PLANNING AND ZONING COMMISSION
 THIS ____ DAY OF _____, 20__.

 CHAIR CLERK

CITY OF CENTERVILLE COUNCIL

ACCEPTANCE AND APPROVAL IS MADE BY THE CITY COUNCIL OF THE THE CITY OF CENTERVILLE THIS THE ____ DAY OF _____, 20__.

 PRESIDENT OF CENTERVILLE CITY COUNCIL CLERK

GREENE COUNTY SANITARY ENGINEERING

APPROVED BY THE GREENE COUNTY SANITARY ENGINEERING
 THIS ____ DAY OF _____, 20__.

 RANDY GILBERT, ASSISTANT DIRECTOR

GREENE COUNTY AUDITOR

I HEREBY CERTIFY THIS SUBDIVISION WAS TRANSFERRED ON
 _____, 20__ .APPROVED

 GREENE COUNTY AUDITOR

GREENE COUNTY RECORDER

FILE NO. _____
 RECEIVED: _____
 RECORDED ON: _____
 TIME: _____
 PLAT CABINET VOLUME____, PAGES _____
 FEE: _____

 GREENE COUNTY RECORDER

	PREPARED BY:	DATE:
	ChoiceOne Engineering	08-05-2022
	SIDNEY, OHIO 937.497.0200 LOVELAND, OHIO 513.239.8554	DRAWN BY: MPL
	www.CHOICEONEENGINEERING.com	JOB NUMBER: GRECEN2203
		SHEET NUMBER 1 OF 3

RECORD PLAN
**CORNERSTONE OF CENTERVILLE-SOUTH
 SECTION ONE**

BEING LOCATED IN SECTION 9, TOWN 2, RANGE 6,
 CITY OF CENTERVILLE AND SUGARCREEK TOWNSHIP,
 GREENE COUNTY, OHIO

CONTAINING 71.482 ACRES

JULY 2022

REFERENCES

SURVEY RECORD 35-255
 SURVEY RECORD 37-70
 FIVE SEASONS PC 30 PG 571B-573A
 POSSUM RUN SECTION 2 PC 33 PG 532B-533B
 SUGAR LEAF-SECTION ONE PC 33 PG 619B-620B
 SUGAR LEAF-SECTION TWO PC 33 PG 773A-774A
 SUGARCREEK PLAZA REPLAT PC 38 PG 31B-32B

I-675 R/W VARIES
 (LIMITED ACCESS RIGHT-OF-WAY)
 STATE OF OHIO
 D.B. 513 PG. 658
 23.148 ACRES

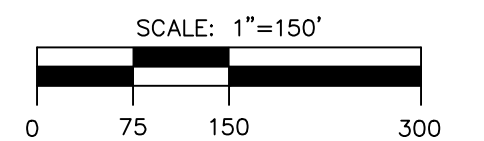
LOT 1
 FIVE SEASONS SPORTS
 COUNTRY CLUB DAYTON INC
 OR 2777 PAGE 281
 17.162 ACRES

FIVE SEASONS
 PLAT CAB 30
 PAGES 571B-573A

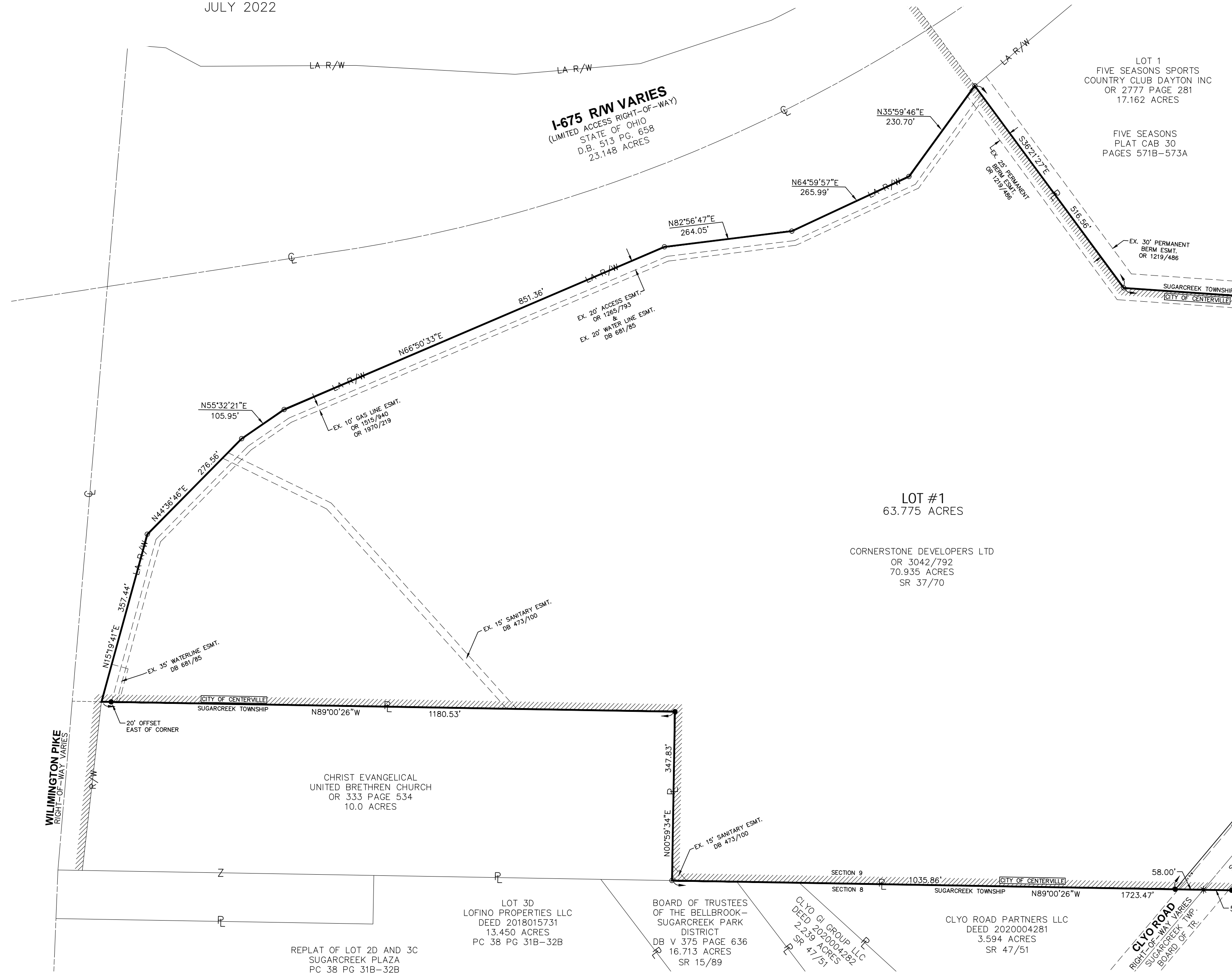
LEGEND

- 5/8" X 30" REBAR W/CAP SET
- IRON PIN FOUND
- * MAG NAIL SET
- * MAG NAIL FOUND

THE BEARINGS ARE BASED ON
 NAD 83, OHIO SOUTH ZONE, ODOT
 VRS CORS NETWORK



SEE SHEET 3 OF 3



PREPARED BY:

ChoiceOne Engineering

SIDNEY, OHIO 937.497.0200
 LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com

DATE: 08-05-2022 SHEET NUMBER: 2 OF 3

RECORD PLAN

CORNERSTONE OF CENTERVILLE-SOUTH SECTION ONE

BEING LOCATED IN SECTION 9, TOWN 2, RANGE 6,
CITY OF CENTERVILLE AND SUGARCREEK TOWNSHIP,
GREENE COUNTY, OHIO

CONTAINING 71.482 ACRES

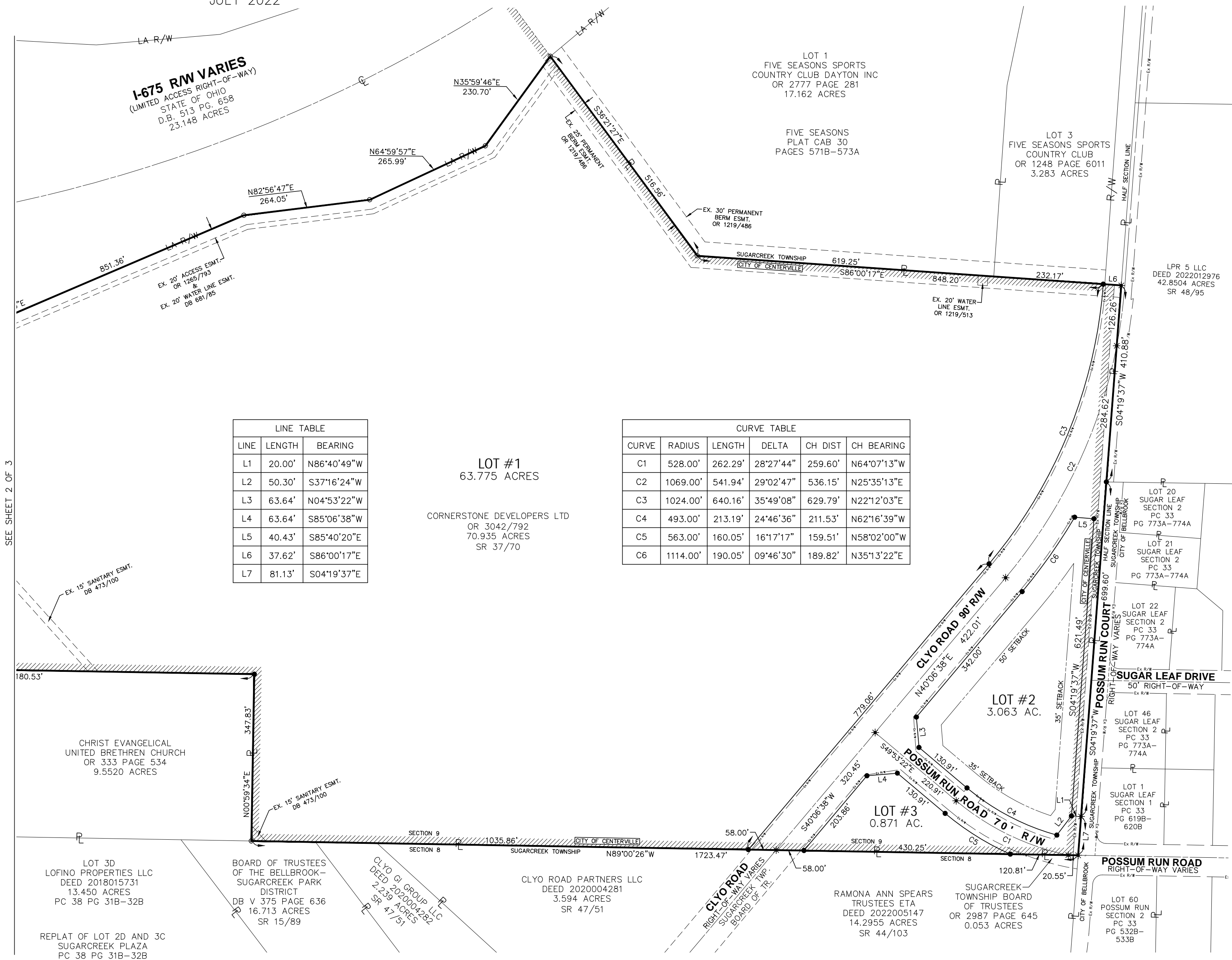
JULY 2022

REFERENCES

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- SURVEY RECORD 37-70
- FIVE SEASONS PC 30 PG 571B-573A
- POSSUM RUN SECTION 2 PC 33 PG 532B-533B
- SUGAR LEAF-SECTION ONE PC 33 PG 619B-620B
- SUGAR LEAF-SECTION TWO PC 33 PG 773A-774A
- SUGARCREEK PLAZA REPLAT PC 38 PG 31B-32B

LEGEND

- 5/8" X 30" REBAR W/CAP SET
- IRON PIN FOUND
- * MAG NAIL SET
- * MAG NAIL FOUND



I-675 RW VARIES
(LIMITED ACCESS RIGHT-OF-WAY)
STATE OF OHIO
D.B. 513 PG. 658
23.148 ACRES

LOT 1
FIVE SEASONS SPORTS
COUNTRY CLUB DAYTON INC
OR 2777 PAGE 281
17.162 ACRES

FIVE SEASONS
PLAT CAB 30
PAGES 571B-573A

LOT 3
FIVE SEASONS SPORTS
COUNTRY CLUB
OR 1248 PAGE 6011
3.283 ACRES

LOT #1
63.775 ACRES

CORNERSTONE DEVELOPERS LTD
OR 3042/792
70.935 ACRES
SR 37/70

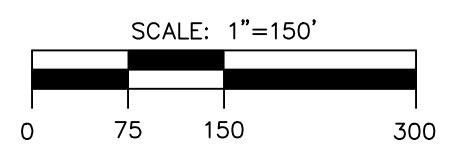
LOT #2
3.063 AC.

LOT #3
0.871 AC.

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.00'	N86°40'49"W
L2	50.30'	S37°16'24"W
L3	63.64'	N04°53'22"W
L4	63.64'	S85°06'38"W
L5	40.43'	S85°40'20"E
L6	37.62'	S86°00'17"E
L7	81.13'	S04°19'37"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CH DIST	CH BEARING
C1	528.00'	262.29'	28°27'44"	259.60'	N64°07'13"W
C2	1069.00'	541.94'	29°02'47"	536.15'	N25°35'13"E
C3	1024.00'	640.16'	35°49'08"	629.79'	N22°12'03"E
C4	493.00'	213.19'	24°46'36"	211.53'	N62°16'39"W
C5	563.00'	160.05'	16°17'17"	159.51'	N58°02'00"W
C6	1114.00'	190.05'	09°46'30"	189.82'	N35°13'22"E

THE BEARINGS ARE BASED ON
NAD 83, OHIO SOUTH ZONE, ODOT
VRS CORS NETWORK



SUBMITTED FOR REVIEW

PREPARED BY:

ChoiceOne

Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DATE: 08-05-2022	SHEET NUMBER 3 OF 3
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SEE SHEET 2 OF 3