

RESOLUTION NO. 54-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Duke Lunsford ON THE 26th
DAY OF June, 2023.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SIXTH AMENDMENT TO THE SUBDIVIDER'S AGREEMENT WITH YANKEE TRACE WOODS, LLC FOR PROPERTY LOCATED IN THE CITY OF CENTERVILLE ALONG PARAGON ROAD.

WHEREAS, the City of Centerville and Yankee Trace Woods, LLC, the Owner and Developer of property located in City of Centerville along Paragon Road, had successfully negotiated a Subdivider's Agreement to allow 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 September 14, 2015, and subsequently amended four times on May 12, 2016, December 19, 2016, July 18, 2019, August 17, 2022, and April 5, 2023; and

WHEREAS, it is the desire of the parties to the Subdivider's Agreement to allow Developer to assign the Subdivider Agreement to the Builder, Doliboa Construction, Inc., dba Catalyst Homes; and

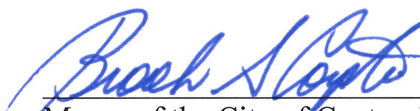
WHEREAS, this Council has determined that it would be in the best interests of the citizens of Centerville to enter into said Amendment to the Agreement in order to allow the assignment of rights and obligations for the Development.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is authorized and directed to enter into a Sixth Amendment to the Subdivider's Agreement with Yankee Trace Woods, LLC to allow for the development of property located in City of Centerville, consisting of property along Paragon Road in accordance with the terms of said 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 June, 2023.



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. 54-23, passed by the Council of the City of Centerville, Ohio on the 26th day of June, 2023.



Clerk of the Council

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

SIXTH AMENDMENT TO SUBDIVIDER'S AGREEMENT

THIS AMENDMENT TO SUBDIVIDER'S AGREEMENT made this _____ day of June, 2023, between **YANKEE TRACE WOODS, LLC**, an Ohio limited liability company, hereinafter referred to as the "Developer", and the **CITY OF CENTERVILLE**, Montgomery County, Ohio, an Ohio municipal corporation, hereinafter referred to as "Centerville" or "City" (collectively "the Parties").

WITNESSETH:

WHEREAS, the Developer and the City entered into a Subdivider's Agreement dated September 14, 2015; amended on May 12, 2016; December 19, 2016, July 18, 2017, August 17, 2022, and April 5, 2023 (the "Agreement") relating to the record plan (plat) for the improvements and expansion of The Grove at Yankee Trace project located along Paragon Road, hereinafter referred to as the "Development", and

WHEREAS, the Agreement contemplated the satisfaction of certain contingencies and obligations of the Parties established therein; and

WHEREAS, pursuant to a prior amendment to the Agreement, Developer had the contractual right to assign its rights and obligations under the Agreement within a certain time frame, which had expired; and

WHEREAS, Developer and the City extended that expiration date to June 30, 2023; and

WHEREAS, Developer desires to again extend the deadline to assign all rights and obligations of this Agreement to a third party; and

WHEREAS, the City is willing to agree to another one month extension of assignment deadline if assigned to the current builder, Doliboa Construction, Inc., dba Catalyst Homes; and

WHEREAS, in consideration of the mutual benefits accruing hereunder, the Parties desire to amend the Agreement as hereinafter provided in order to allow this Agreement and all obligations of the Developer to be assigned to a third party that is acceptable to the City.

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

1. Paragraph 14 of the Agreement is hereby restated and amended in its entirety as follows:

14. Developer may assign this Agreement to Doliboa Construction, Inc., dba Catalyst Homes up through July 31, 2023.

2. 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.

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

Signed in the presence of:

YANKEE TRACE WOODS, LLC, an Ohio limited liability company

Witness for Developer

By: _____
Its: _____

CITY OF CENTERVILLE

Witness for City

By: Wayne S. Davis
Its: City Manager

Approved as to form:

Scott A. Liberman, Municipal Attorney