

RESOLUTION NO. 69-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JoAnne Rau ON THE 14th
DAY OF August, 2023.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SEVENTH AMENDMENT TO THE SUBDIVIDER'S AGREEMENT WITH DOLIBOA CONSTRUCTION, INC., DBA CATALYST HOMES FOR PROPERTY LOCATED IN THE CITY OF CENTERVILLE ALONG PARAGON ROAD.

WHEREAS, the City of Centerville and Yankee Trace Woods, LLC, the prior Owner and prior 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 five times on May 12, 2016, December 19, 2016, July 18, 2019, August 17, 2022, April 5, 2023 and June 27, 2023; and

WHEREAS, the parties to the Subdivider's Agreement allowed the prior Developer to assign the Subdivider Agreement to the Builder, Doliboa Construction, Inc., dba Catalyst Homes; and

WHEREAS, this Council had 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; and

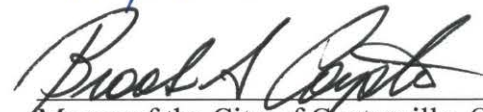
WHEREAS, this Council desires to allow the assignment to the Builder.

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 Subdivider's Agreement with Doliboa Construction, Inc., dba Catalyst Homes 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 14th day of August, 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. 69-23, passed by the Council of the City of Centerville, Ohio on the 14th day of August, 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

SEVENTH AMENDMENT TO SUBDIVIDER'S AGREEMENT

THIS AMENDMENT TO SUBDIVIDER'S AGREEMENT made this 19th day of July, 2023, between **DOLIBOA CONSTRUCTION, INC., DBA CATALYST HOMES**, an Ohio corporation, 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, Yankee Trace Woods, LLC, an Ohio limited liability company, hereinafter referred to as "Yankee Trace Woods", 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, April 5, 2023, and June 27, 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 Fifth Amendment to the Agreement, Yankee Trace Woods had the contractual right to assign its rights and obligations under the Agreement to Developer; and

WHEREAS, Developer desires to assume all rights and obligations of this Agreement from Yankee Trace Woods; and

WHEREAS, the City was willing to agree to said assignment 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 former developer, Yankee Trace Woods, to be assigned to Developer.

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

1. A new Paragraph 15 of the Agreement is hereby stated as follows:

15. All rights and obligations under this Agreement are hereby assigned by Yankee Trace Woods to Developer, Doliboa Construction, Inc., dba Catalyst Homes, which agrees to accept all rights and obligations under this Agreement.

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:



Witness for Developer

**DOLIBOA CONSTRUCTION, INC.,
DBA CATALYST HOMES**, an Ohio
corporation



By: Seth Doliboa
Its: U President

CITY OF CENTERVILLE

Witness for City

By: Wayne S. Davis
Its: City Manager

Approved as to form:

Scott A. Liberman, Municipal Attorney