

RESOLUTION NO. 50-24
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON THE 6th
DAY OF May, 2024.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO THE EIGHTH 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, December 2, 2019, and September 26, 2022, 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 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 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 an Eighth 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 Eighth 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 6th day of May, 2024.



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. 50-24, passed by the Council of the City of Centerville, Ohio on the 6th day of May, 2024.



Clerk of the Council

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

EIGHTH AMENDMENT TO DEVELOPMENT AGREEMENT

THIS EIGHTH AMENDMENT TO DEVELOPMENT AGREEMENT (this "*Amendment*") is made and entered into this _____ day of _____, 2024, 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, Sixth Amendment to Development Agreement dated December 2, 2019 and Seventh Amendment to Development Agreement dated September 26, 2022 (as so amended, the "*Agreement*").

B. Developer is prepared to proceed with the development of the South Parcel. However, in light of changing market conditions and other considerations, Developer desires to change the site plan and adjust the proposed uses permitted on the South Parcel.

C. The City is willing to enter into this Amendment to modify certain terms and conditions of the Agreement in regard to the development of the South Parcel.

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. Site Plan for South Parcel. The Site Plan for the South Parcel attached to the Agreement as Exhibit C (Conceptual Site Plan – South) is hereby deleted, and the Conceptual Site Plan attached to this Amendment as Exhibit A is hereby substituted in its place.

3. Entertainment Use Defined. For purposes of this Amendment and the new Conceptual Site Plan – South, "Entertainment" shall be defined as "An establishment that provides physical recreational activity that may be conducted partly outside of a building; where food, beverages, and meeting spaces may be offered."

4. Prohibited Uses. To implement the development plans for the South Parcel, Developer will pursue a rezoning of a portion of the South Parcel to B-PD. Developer understands and agrees, however, that uses set forth in Attachment B are prohibited uses in the rezoned area. Any B-PD uses not specifically prohibited shall comply with the Conceptual Site Plan, Attached as Exhibit A. This contractual restriction on uses shall supersede anything to the contrary in the zoning code. For clarity, although Commercial Entertainment and Entertainment Public are identified as

prohibited uses on Attachment B, the portion of the Conceptual Site Plan designated for Entertainment is permitted to conduct an Entertainment Use as defined in Paragraph 3 of this Amendment.

5. 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 when taken together shall constitute but one and the same instrument. It shall not be necessary in providing 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

Conceptual Site Plan



CORNERSTONE OF CENTERVILLE, SOUTH
INTERSTATE 675 & WILMINGTON PIKE
CITY OF CENTERVILLE, COUNTY OF GREENE, STATE OF OHIO

THE INFORMATION SHOWN ON THIS CONCEPT PLAN IS TO ILLUSTRATE GENERAL INTENT AND SHALL NOT BE CONSTRUED AS FINAL WITH REGARD TO ANY AND ALL IMPROVEMENTS SHOWN HEREON.
JANUARY 2, 2024

SCHEMATIC PLAN
SCALE: 1" = 100'-0"
The information shown on this schematic plan is to illustrate general intent and shall not be construed as final as final work regard to any and all improvements shown herein.



EXHIBIT B

LIST OF PROHIBITED USES

Amusement Arcades
Car Wash
Commercial Entertainment
Convenience Store
Drive-thru Stores
Dry Cleaning Shops
Flea Markets
Fueling Stations
General Merchandising Store
Laundromats
Liquor Stores
Night Clubs
Sexually Oriented Business
Theaters
Vehicle Sale and Service
Entertainment Public
Zoo