

**RESOLUTION NO.:** 2018-R35 (*AMENDED MAY 8, 2018*)  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** APRIL 10, 2018 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GREEN, DEHOFF DEVELOPMENT COMPANY AND GREEN LAND TRUST, LTD., AND DECLARING AN EMERGENCY.**

WHEREAS, on November 21, 2003, the City of Green entered into a Development Agreement with DeHoff Development Company and Green Land Trust, Ltd. regarding the property, commonly known as Spring Hill, and formerly known as the Boettler Farm; and

WHEREAS, City Council unanimously approved the Development Agreement between the City of Green, DeHoff Development Company and Green Land Trust, Ltd. by Ordinance 2003-18 on November 25, 2003; and

WHEREAS, as part of the overall development of Spring Hill, the City of Green received a gift of acreage from the Boettler family and also received a gift of acreage from Green Land Trust, Ltd. totaling approximately twenty acres on the corner of Boettler Road and Arlington Road which was designated for a new soccer complex; and

WHEREAS, through discussions with the Planning Department, Green Land Trust Ltd., and the City's consultants, the City of Green has determined that it would be in the best interest of the City to relocate the soccer complex on the Spring Hill property; and

WHEREAS, the new location for the soccer complex on the Spring Hill property will be safer and more user friendly for participants, fans and families; and

WHEREAS, thereafter a First Amendment to the Development Agreement was entered into with DeHoff Development Company and Green Land Trust, Ltd.; and

WHEREAS, City Council approved the proposed Amendment which involved the transfer of 18.6 acres of land from Green Land Trust, Ltd. to the City of Green located within the Spring Hill Office Park; and

WHEREAS, the City also transferred property consisting of approximately 15.6 acres of land at the corner of Boettler Road and Arlington Road to Green Land Trust, Ltd.; and

WHEREAS, the City also transferred property containing a storm water retention pond to Green Land Trust, Ltd. so that they are charged with the maintenance and care of that property; and

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WHEREAS, the property transferred by the City of Green is not needed for any municipal purposes, especially in light of the fact that the City has obtained additional acreage to use to construct the soccer complex for the benefit of the City of Green and its citizens and visitors; and

WHEREAS, as a result of additional discussions between the City, Developer and Owner, the Parties further amended the Development Agreement by “down-zoning” approximately 4.2 acres of land classified as B-2 (Business Office) to R3PD (Single Family Zero Lot Line/Cluster Planned Development); and, “down-zoning” approximately 2.49 acres of land classified as B-2 (Business Office) to R-1 (Single Family Residential). This change is memorialized in the Second Amendment to the Development Agreement dated May 4, 2006; and

WHEREAS, the Parties now wish to amend and restate the Development Agreement to facilitate the construction of The Village of St. Edward and clarify zoning requirements on the property for future development.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:**

**SECTION ONE:**

City Council authorizes the Mayor to enter into an amended and restated Development Agreement between the City of Green, DeHoff Development Company and Green Land Trust, Ltd., a copy of the Agreement is attached here to and incorporated herein as **AMENDED** Exhibit “A”.

**SECTION TWO:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION THREE:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and so that development of the property can proceed immediately and forthwith. Provided that this legislation receives the affirmative vote of three-fourths ( $\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

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ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

\_\_\_\_\_  
Chris Humphrey, Council President

APPROVED: \_\_\_\_\_, 2018

\_\_\_\_\_  
Gerard Neugebauer, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_, 2018

ON ROLL CALL:	Babbitt	Dyer	Humphrey	Shaughnessy
	Speight	Yeargin	Young	

*Suburbanite* publication on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

05/03/2018 Approved as to form and content by William G. Chris, Director of Law, Interim \_\_\_\_\_