

DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is entered into between the City of Green, Ohio (the "City") and JLR Development LLC (the "Developer").

Background

The Developer is the owner of property located at 946 E. Turkeyfoot Lake Road in the City of Green. This property is being considered for development as a new automobile sales and service facility for Kempthorn Motors (the "Project"). A site plan for the Project was reviewed and conditionally approved by the Planning & Zoning Commission (PZC) at the March 20, 2019 meeting. One of the conditions of approval was the provision of an agreement related to the responsibilities associated with future improvements to the intersection of E. Turkeyfoot Lake Road and Fortuna Drive.

A request was also made by the Developer to the PZC at the same meeting for the vacation of a portion of Fortuna Drive in order to facilitate the Project. The request, which involved the vacation of approximately 0.1431 acres within Fortuna Drive, received a favorable recommendation by the PZC to City Council for acceptance. This recommendation was also contingent upon provision of the intersection improvement agreement referenced above.

The Developer hereby recognizes the potential need for improvements at the intersection of E. Turkeyfoot Lake Road and Fortuna Drive, which could include a roundabout.

The Developer also recognizes that such improvements could require additional land from the site of the Project and agrees to deed up to 0.1431 acres of land to the City at no cost to the City.

The City agrees to negotiate with the Developer for any portion of land exceeding 0.1431 acres that may be needed permanently to provide for any improvements.

The Developer agrees to remove or relocate at its sole expense any improvements upon the site of the Project as needed to complete any improvements. This is inclusive of but not limited to hard-surface areas, landscaping, signage, and utilities.

This Agreement shall be binding on the parties, their successors and assigns.

This Agreement may be amended only by a written instrument signed by both parties.

This Agreement shall be governed by the laws of the State of Ohio.

CITY OF GREEN

JLR DEVELOPMENT LLC

By: Gerard M. Neugebauer
Its: Mayor

By:
Its:

Dated: _____

Approved as to form: _____

William Chris, Law Director Interim