

CITY OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 45 – 26

PASSED: _____

AN ORDINANCE TO APPROVE AND AUTHORIZE THE EXECUTION OF A MUTUAL RELEASE AGREEMENT AND SETTLEMENT OF OBLIGATIONS WITH CENTER POINT CAPITAL LLC RELATING TO THE BIG WALNUT RUN PLANNED RESIDENTIAL DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the City and Center Point Capital, LLC, entered into that certain Development Agreement dated July 30, 2018 relating to the development of real property commonly known as Parcels 152-001754, 186-000185, 186-000244, and 186-000245, situated in Obetz and known as the Big Walnut Run Planned Residential District; and

WHEREAS, pursuant to the Development Agreement, Center Point Capital, LLC undertook certain monetary contribution, construction, installation, dedication, and similar performance obligations relating to the development of the Big Walnut Run Planned Residential District, including, without limitation, obligations concerning road-improvement contributions, subarea improvements, open-space dedications, stormwater improvements, landscaping, fencing, and other infrastructure and development matters; and

WHEREAS, certain of the obligations under the Development Agreement related to the formation of a homeowners association to address continuing maintenance of certain subdivision improvements; and

WHEREAS, the City and Center Point Capital, LLC acknowledge that certain obligations under the Development Agreement may or may not remain open and outstanding; and

WHEREAS, due to the current status of the property subject to the Development Agreement and new development projects associated therewith, the City and Center Point Capital, LLC desire to resolve any uncertainty concerning such remaining obligations by entering into a Mutual Release Agreement and Settlement of Obligations, pursuant to which Center Point Capital, LLC will make a settlement payment to the City in the amount of Sixty-Nine Thousand Six Hundred Sixty and 00/100 Dollars (\$69,660.00); and

WHEREAS, notwithstanding the settlement of the obligations of Center Point Capital, LLC, the Mutual Release Agreement and Settlement of Obligations is not intended to release, waive, impair, amend, terminate, or supersede any continuing maintenance obligations of the Big Walnut Run Homeowners' Association, lot owners, property owners, successors, assigns, or other responsible parties with respect to completed subdivision improvements, common areas, open spaces, buffers, landscaping, entrance signage, landscape beds, or related improvements located [southeast/northwest] of Bixby Road, to the extent such obligations exist under the Development Agreement, recorded plats, declarations, deed restrictions, easements, approved development plans, permits, the Obetz Codified Ordinances, or other applicable law; and

WHEREAS, a subsequent development involving a portion of the property subject to the Development Agreement is expected to include needed housing and a public park, and Council desires to resolve uncertainty concerning any remaining obligations under the Development Agreement so that such subsequent development may proceed without unnecessary delay while preserving all applicable development, maintenance, stormwater, zoning, code, and regulatory requirements; and

WHEREAS, Council finds that approval of the Mutual Release Agreement and Settlement of Obligations is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Council hereby approves the Mutual Release Agreement and Settlement of Obligations between the City of Obetz, Ohio and Center Point Capital, LLC in substantially the form on file with the Clerk of Council. The Mayor or City Administrator is hereby authorized to execute and deliver the Mutual Release Agreement and Settlement of Obligations on behalf of the City, together with such changes, revisions, corrections, and final terms as the Mayor or City Administrator determines to be necessary or appropriate and not materially adverse to the City, all subject to approval as to form by the Law Director.

Section 2. Council acknowledges that, under the Mutual Release Agreement and Settlement of Obligations, Center Point Capital, LLC is required to pay the City the sum of Sixty-Nine Thousand Six Hundred Sixty and 00/100 Dollars (\$69,660.00), and that the release and settlement set forth therein become effective only upon the City's receipt of such payment in full.

Section 3. Nothing in this Ordinance or in the Mutual Release Agreement and Settlement of Obligations shall be construed to release, waive, impair, amend, terminate, or supersede any continuing maintenance obligations of the Big Walnut Run Homeowners' Association, lot owners, property owners, successors, assigns, or other responsible parties with respect to completed subdivision improvements, common areas, open spaces, buffers, landscaping, entrance signage, landscape beds, or related improvements located southeast of Bixby Road, to the extent such obligations exist under the Development Agreement, recorded plats, declarations, deed restrictions, easements, approved development plans, permits, the Obetz Codified Ordinances, or other applicable law.

Section 4. Nothing in this Ordinance or in the Mutual Release Agreement and Settlement of Obligations shall be construed to limit, waive, impair, or restrict the City's governmental, regulatory, police-power, permitting, inspection, enforcement, or code-compliance authority.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City, such emergency arising from the need to promptly resolve uncertainty concerning the status of

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obligations under the Development Agreement so that a subsequent development involving a portion of the same property may proceed without unnecessary delay, including the construction of needed housing and a public park for the benefit of the City and its residents. Accordingly, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed this _____ day of _____, 2026.

ATTESTS:

Stacey Boumis, Clerk of Council

Angela M. Kirk, Mayor

Derek Varney, Council President Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2026, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club, as well as on the Obetz website.

Stacey Boumis, Clerk

Date