

RESOLUTION NO. R24-59

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY OF TROTWOOD TO ENTER INTO A CONSENT DECREE, WITH TERMS SUBSTANTIALLY SIMILAR TO THOSE SET FORTH HEREIN, WITH PIVOTAL HOUSING PARTNERS, ST. MARY DEVELOPMENT CORPORATION, AND OBERER COMPANIES, LTD.

WHEREAS, on January 11, 2024, Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. each submitted a Final Planned Unit Development Application to the City of Trotwood that sought, respectively, final approval for separate proposed multi-family development projects, on the property located at Main Street and Olive Road in the City of Trotwood, to be known as Jalen Lofts, the Flats at Wolf Creek, and At Main; and

WHEREAS, on January 23, 2024, the Trotwood Planning Commission held a public hearing at which it approved the Final Planned Unit Development Applications submitted by Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. and recommended approval of the same by the Trotwood City Council; and

WHEREAS, on March 4, 2024, the Trotwood City Council held a public hearing at which it voted to table Resolutions OR02-24, OR03-24, and OR04-24, which had been prepared by the Law Director regarding the Final Planned Unit Development Applications submitted by Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd.; and

WHEREAS, on April 1, 2024, the Trotwood City Council voted on Resolutions OR02-24, OR03-24, and OR04-24 and did not approve them; and

WHEREAS, after the Trotwood City Council did not approve Resolutions OR02-24, OR03-24, and OR04-24, Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. each filed a combined administrative appeal and declaratory judgment action against the City of Trotwood and the Trotwood City Council in the Common Pleas Court of Montgomery County, Ohio which were consolidated before the Honorable E. Gerald Parker, Jr. in Case No. 2024 CV 02522; and

WHEREAS, on July 2, 2024, the City of Trotwood and the Trotwood City Council, through its legal counsel and representatives, participated in a court-ordered mediation in Case No. 2024 CV 02522; and

WHEREAS, during the July 2, 2024, mediation, Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. agreed to move forward with the development projects known as Jalen Lofts, the Flats at Wolf Creek, and At Main, to include a pet park with the developments, to provide a 24-hour maintenance hotline for tenant maintenance issues that arise, and to pay the sum of one-hundred

twenty-three thousand dollars and zero cents (\$123,000.00) to the City of Trotwood, in exchange for the Trotwood City Council's approval of the development projects known as Jalen Lofts, the Flats at Wolf Creek, and At Main.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I:

The City of Trotwood, acting by and through its legal counsel, is hereby authorized to enter into a consent decree with Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. that resolves and dismisses with prejudice the pending litigation against the City of Trotwood and the Trotwood City Council consolidated before the Honorable E. Gerald Parker, Jr. in Case No. 2024 CV 02522 in the Common Pleas Court of Montgomery County, Ohio on behalf of City Council.

SECTION II:

The consent decree will set forth the terms of the a settlement proposed at the July 2, 2024, mediation in Case No. 2024 CV 02522, including but not limited to:

- 1) the development projects known as Jalen Lofts, the Flats at Wolf Creek, and at At Main will proceed as set forth in the Final PUD Applications approved by the Trotwood Planning Commission subject to any conditions imposed by the Trotwood Planning Commission including but not limited to:
 - a. Final plan approval by the relevant Trotwood agencies and authorities;
 - b. Creation and placement of a playgrounds; and
- 2) Pivotal Housing Partners with St. Mary Development Corporation will create and place a private pet park in the East Main Street Project Development;
- 3) Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. will provide a 24-hour maintenance hotline to address tenant maintenance issues; and
- 4) Pivotal Housing Partners, St. Mary Development Corporation, and Oberer Companies, Ltd. will pay the sum of one-hundred twenty-three thousand dollars and zero cents (\$123,000.00) to the City of Trotwood.

SECTION III:

This Resolution shall take effect and be in force from and after the date of its passage.

Passed this 16th day of July, 2024.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

ATTEST:

Kara B. Landis

KARA B. LANDIS
CLERK OF COUNCIL

APPROVED:

Yvette F. Page

YVETTE F. PAGE
MAYOR

Tyna R. Brown

TYNA R. BROWN
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Resolution No. R24-59 adopted by the Trotwood City Council at a ^{SPECIAL} ~~regular~~ scheduled meeting held on the 16th day of July, 2024, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL