

RESOLUTION NO. R24-71

A RESOLUTION BY THE TROTWOOD CITY COUNCIL ACCEPTING THE COURT ORDER AND DECREE IN CONSOLIDATED CASES IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO, OF *PIVOTAL HOUSING PARTNERS LLC V. CITY OF TROTWOOD*, CASE NO. 2024 CV 02522, *ST. MARY DEVELOPMENT CORPORATION V. CITY OF TROTWOOD*, CASE NO. 2024 CV 02560, AND *OBERER COMPANIES, LTD. V. CITY OF TROTWOOD*, CASE NO. 2024 CV 02630, AND AUTHORIZING THE NECESSARY ACTIONS TO COMPLY WITH THE COURT ORDER AND DECREE

WHEREAS, Pivotal Housing Partners LLC, St. Mary Development Corporation, and Oberer Companies, Ltd. (collectively, “Developers”), initiated administrative appeals and declaratory judgment actions against the City of Trotwood, Ohio, and the City of Trotwood City Council (together, “Trotwood”) challenging Trotwood’s decision to deny final development plans related to the rezoning and development of certain property in Trotwood; and

WHEREAS, the Developers’ cases were filed in the Court of Common Pleas of Montgomery County, Ohio (the “Court”) and captioned, *Pivotal Housing Partners LLC v. City of Trotwood*, Case No. 2024 CV 02522, *St. Mary Development Corporation v. City of Trotwood*, Case No. 2024 CV 02560, and *Oberer Companies, Ltd. v. City of Trotwood*, Case No. 2024 CV 02630; and

WHEREAS, the above-referenced cases were consolidated before the Honorable E. Gerald Parker, Jr. under Case No. 2024 CV 02522 (the “Litigation”); and

WHEREAS, after extensive negotiations and mediation between the parties, a proposed settlement was reached to resolve the Litigation (the “Settlement”), subject to the approval of this Council; and

WHEREAS, on July 16, 2024, Council adopted Resolution No. R24-59 approving the Settlement; and

WHEREAS, on September 30, 2024 the Court issued an Order and Decree memorializing and approving the Settlement (the “Order” attached hereto as Exhibit 1); and

WHEREAS, pursuant to the Settlement and as directed by the Order, the City has begun initiating necessary steps to implement Community Reinvestment Area Abatement Agreements (“CRA Agreements” attached to Exhibit 1); and

WHEREAS, in accordance with the CRA Agreements and pursuant to Ohio Revised Code Section 5709.83, the City provided statutory notices to Trotwood-Madison City School District and Miami Valley Career Technology Center; and

WHEREAS, pursuant to the Order, City Council shall take all necessary actions to comply with the Order.

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

SECTION I: The Trotwood City Council hereby accepts the Order which memorializes the Settlement and resolves and dismisses the Litigation.

SECTION II: The Trotwood City Council hereby authorizes the Law Director and City Manager to take all steps necessary to comply with the Order.

SECTION III: The Trotwood City Council affirms that the actions taken pursuant to this Resolution are consistent with the intent of Resolution No. R24-59, and all legal obligations as directed to City departments and officials to comply fully with the directives as set forth in the Order.

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

Passed this 7th day of October, 2024.

ATTEST:

APPROVED:

KARA B. LANDIS
CLERK OF COUNCIL

YVETTE F. PAGE
MAYOR

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. **R24-71** adopted by the Trotwood City Council at a regular scheduled meeting held on the **7th** day of **October, 2024**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

CLERK OF COUNCIL

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD