

First Reading: November 6, 2008  
Second Reading: dispensed

RESOLUTION NO. 2008 - 105

**A RESOLUTION AFFIRMING AN AGREEMENT FOR STORM WATER  
MANAGEMENT IMPROVEMENTS AND ENGINEERING FOR ROAD  
IMPROVMENTS, DISPENSING WITH THE SECOND READING AND DECLARING  
AN EMERGENCY**

WHEREAS, the Board of Township Trustees has previously contracted with RLH Ventures 4, LLC for the construction of storm water improvements and road engineering for the Cornell/Snider Office Project tax increment financing project; and

WHEREAS, because of the many changes to the project the Board of Township Trustees wishes to memorialize the agreement in a resolution as the Township minutes do not fully set forth the agreement;

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

**SECTION 1.** The attached agreement with RLH Ventures 4, LLC is the agreement previously entered into by the township and all township minutes dealing with the project since the tax increment financing project creation made in 2006 shall reflect this agreement.

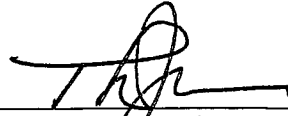
**SECTION 2.** The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

**SECTION 3.** Upon the unanimous vote of the Sycamore Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to immediately reflect the accurate township agreement.

**VOTE RECORD:**

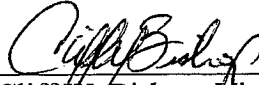
Mr. Bishop YES Mr. Kent YES Mr. Weidman YES

Passed at a meeting of the Board of Township Trustees of Sycamore Township  
this 6<sup>th</sup> day of November, 2008.



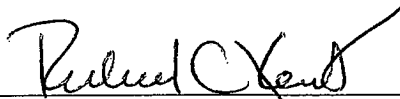
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Thomas J. Weidman, President



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Cliff W. Bishop, Vice President

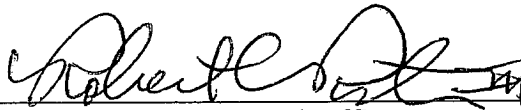


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Richard C. Kent, Trustee

**AUTHENTICATION**


This is to certify that this resolution was duly passed and filed with the Township Fiscal  
Officer of Sycamore Township this 6<sup>th</sup> day of November, 2008.



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Robert C. Porter III, Fiscal Officer  
Sycamore Township, Ohio

**APPROVED AS TO FORM:**

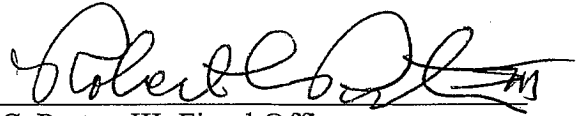


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R. Douglas Miller, Law Director

**PROOF OF PUBLICATION**

I hereby certify that I have published this Resolution on \_\_\_\_\_ by posting in the five most public places as established by the Board of Township Trustees such places being the Township Hall, Bob Meyer Park, Bechtold Park, North Sycamore Recreational Facility, and the North Fire Station, Station 93.



\_\_\_\_\_  
Robert C. Porter, III, Fiscal Officer,  
Sycamore Township

## AGREEMENT

This Agreement is effective as of the 18<sup>th</sup> day of January, 2007, between The Board of Township Trustees of Sycamore Township, Ohio, an Ohio township, (the "Township") and RLH Ventures 4, LLC, an Ohio corporation ("RLH").

WHEREAS, the parties intend to enter into a Service Agreement providing for the use of tax increment financing, the purpose of which is the funding and construction of certain public improvements in Sycamore Township, including the design of the widening of Cornell Road from Snider Road to the Interstate 71 underpass and the installation of storm sewers across and along Cornell Road and Snider Road ("Public Improvements");

WHEREAS, as a means of funding the Public Improvements, the Township may issue tax-free bonds in the future; and

WHEREAS, the parties have previously agreed that RLH would act as construction management agent for the installation of the storm sewers across and along Cornell Road and Snider Road; and

WHEREAS, as part of that agreement, RLH agreed to: a) consult with the Township in the engineering of the storm sewers; b) follow all procedures that the township would follow in the construction of public improvements including the public bidding of contracts and payment of prevailing wages to workers on the storm sewer project; and c) finance and pay for the storm sewer portion of the Public Improvements; and

WHEREAS, the Township agreed to reimburse RLH for the storm sewer portion of the Public Improvements upon completion and compliance with all of the governmental requirements; and

WHEREAS, RLH has caused to be prepared the engineering and design work for part of the Public Improvements including the design of the storm sewer and the road widening fronting its property ("RLH Design Cost"); and

WHEREAS, in order that it may proceed with its proposed development, RLH has installed the storm water drainage portion of the Public Improvements prior to the Township obtaining funding for the Public Improvements ("RLH Public Improvements"); and

WHEREAS, in consideration of the Township's agreement to reimburse RLH for its costs in constructing the public improvements, RLH has constructed the storm sewer portion of the Public Improvements, in accordance with all applicable requirements for the construction of Public Improvements, including the public bidding of contracts and payment of prevailing wage, upon the agreement of the Township to reimburse RLH for the RLH Public Improvements and the RLH Design Cost under the terms and conditions contained herein; and

WHEREAS, the parties desire to memorialize their prior Agreement for the Township to reimburse RLH for the RLH Design Cost and the RLH Public Improvements.

NOW THEREFORE, in consideration of these premises and the mutual promises contained herein, the parties agree as follows:

1. RLH has engaged the engineering firm of Abercrombie and Associates to prepare certain plans for the construction of storm water drainage facilities at Cornell and Snider Roads in Sycamore Township and are dated January 22, 2007 (the "Storm Water Drainage Plans").

2. RLH has constructed the storm water drainage improvements in accordance with the Storm Water Drainage Plans and the Township shall reimburse RLH for the costs of design and construction of the storm water drainage improvements in the sum of \$75,313.50.

3. RLH, at the request of the Township has caused to be prepared certain plans for the widening of Cornell Road in Sycamore Township. Such plans were prepared by the engineering firm of Abercrombie and Associates and dated the 5<sup>th</sup> day of April, 2006 and revised the 24<sup>th</sup> day of July, 2008 (the "Road Widening Plans") and the Township agrees to reimburse RLH for the cost of design of the Road Widening Plans in the sum of \$15,000.00.

4. The Township shall reimburse RLH for the RLH Public Improvements and the RLH Design Cost within thirty days after the Township signs this Agreement pursuant to the tax increment financing plan and service agreement.

5. Reimbursement to RLH by the Township shall be expressly conditioned on verification by the Township, RLH's compliance with all of the requirements of the construction of public improvements, including (all such documentation has been provided to the Township by RLH):

- 1) the public advertising and bidding of contracts;
- 2) acceptance of the successful low bidder by RLH in consultation with the Township; and
- 3) the payment of prevailing wages.

6. The amount of the reimbursement shall only be made for those costs incurred for the design and construction of public storm water drainage improvements and the design of the Cornell Road widening made within the public right of way. The Township shall not reimburse any costs related to storm water drainage improvements related to RLH's private development.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set opposite their respective names.

THE BOARD OF TOWNSHIP TRUSTEES OF  
SYCAMORE TOWNSHIP, OHIO

By: \_\_\_\_\_  
Robert Molloy, President

RLH VENTURES 4, LLC

By: \_\_\_\_\_  
Name: Robert S. Lucke  
Title: Vice President