

SUBDIVISION IMPROVEMENT AGREEMENT

Evergreen Estates Section Three Subdivision

This Agreement, made by and between the City of Greenfield Board of Public Works and Safety ("Board of Works") and Greentree Development LLC ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Evergreen Estates Subdivision;

WHEREAS, on May 5, 2021 the Plan Commission granted Subdivider primary plat approval for the Evergreen Estates, but conditioned such approval on the installation of certain public improvements throughout the subdivision;

WHEREAS, the City of Greenfield Subdivision Control Ordinance states and requires that each secondary plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guarantee, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Plan Commission or its Administrative Staff for secondary plat approval, as authorized by the Plan Commission, for Evergreen Estates Section 3;

WHEREAS, Subdivider has not completed the required public improvements, namely improvements to the installation of common area sidewalks and ADA ramps, street signs, street lights, street trees and landscaping, lot corner and centerline monuments, and erosion control and desires to submit a subdivision improvement agreement, secured by bonds, in order to qualify for secondary plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. Subdivider agrees to obtain and submit to the Board of Works Subdivision Bonds in the amount of Two Hundred and fifty-one thousand, four hundred and forty seven dollars and 42 cents (\$251,447.42) in favor of the City of Greenfield, to secure the completion of all required public improvements at the Evergreen Estates Section 3.
2. Subdivider agrees to complete the Evergreen Estates Section 3 public improvements on or before May 13, 2026, in accordance with the construction and design standards set forth or incorporated in the City of Greenfield Subdivision Control Ordinance, the City of Greenfield Public Improvement Design Standards and Specifications Manual, and in accordance with the development plans set forth or incorporated in the approved Evergreen Estates Section 3 Plat and application materials.

3. The parties acknowledge and agree that the Zoning Administrator may withhold improvement location permits for any undeveloped Evergreen Estates Section 3 lot unless and until Subdivider has completed the public improvements that serve the lot.
4. The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this Agreement, the Board of Works may submit a claim under the Subdivision Bonds in an amount sufficient to cover the breach.
5. The parties acknowledge and agree that by accepting the Subdivision Bonds from Subdivider and that by entering into this Agreement, the City has not and does not waive any of its rights with respect to the enforcement of the City of Greenfield Subdivision Control Ordinance and/or approval granted thereunder in relation to the Evergreen Estates Section 3, against the Subdivider.

IN WITNESS WHEREOF, the Board of Works, by its Chairperson, and Subdivider execute this Agreement this 13th day of May, 2025.

GREENFIELD BOARD OF PUBLIC
WORKS AND SAFETY

Guy Titus, Mayor

Katherine N. Locke

Larry J. Breese

Brent Robertson

Glenna Shelby

SUBDIVIDER



GREENTREE DEVELOPMENT, LLC
Todd M. Olthof, President of OD
Enterprises, Inc. Its General Manager

ATTEST:

Lori Elmore, Clerk-Treasurer

City of Greenfield