

**VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2015-____**

A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL OFFICER TO EXECUTE A GUARANTEE CONTRACT FOR WOODKNOLL SUBDIVISION, SECTION 2, WITH MAINSTREAM HOMES, INC., AND DECLARING AN EMERGENCY

WHEREAS, per Village Resolution 2013-25, dated July 15, 2013, the Village entered into a Developer Agreement with Mainstream Homes for the Woodknoll Subdivision, Section 2; and

WHEREAS, upon completion of said public improvements, Section 15.20.7(4) of the Village's [Subdivision Regulations] contained within the current Zoning Code requires a developer of lands within the Village to post a Maintenance Bond in the amount of ten (10) percent of the construction costs for a period of one (1) year from the date of acceptance of the improvements; and

WHEREAS, Mainstream Homes, Inc. is the developer of Woodknoll Subdivision, Section 2 in the Village and First National Bank is the surety for said developer; and

WHEREAS, on September 11, 2015, the Village Engineer certified that the public improvements for Woodknoll Subdivision, Section 2, were satisfactorily completed;

WHEREAS, First National Bank has provided a Letter of Credit in the amount of \$57,919.95, expiring on September 10, 2016, for said development; and

WHEREAS, a Guarantee Contract, attached and made a part hereof, outlines the maintenance and surety requirements of Mainstream Homes; and

WHEREAS, immediate action is required to adequately protect the Village and its citizens relating to the construction of said Development, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and authorizes the Mayor and Fiscal Officer to execute the Guarantee Contract relating to Woodknoll Subdivision, Section 2, with Mainstream Homes, Inc., a copy of which is attached hereto.

Section 2. That the Council is acting in its administrative capacity in adopting this Resolution.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 17th day of December, 2015.

Attest: _____
Sharon Louallen, Fiscal Officer/Clerk Lionel Harold Lawhorn, Mayor

Rules Suspended: 12/17/2015 (if applicable)	Effective Date – 12/17/2015
Vote - ____ Yeas ____ Nays	
First Reading – / /2015	Effective Date – / /2015
Second Reading – / /2015	
Third Reading – / /2015	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

BRUCE A. McGARY
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By:
Date: 12/17/2015