

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2022-37**

**A RESOLUTION RESCINDING RESOLUTION NO. 2022-25 RELATING TO THE
EASEMENT AGREEMENT WITH MACKENZIE VEITH FOR A PERPETUAL
STORMWATER EASEMENT, AND DECLARING AN EMERGENCY**

WHEREAS, City Staff has proposed a stormwater project utilizing American Rescue Plan Act (ARPA) funds to address a storm water problem on Pauline Drive and Mary Lane (“Project”); and,

WHEREAS, the Project was planned to begin at a point east of Pauline Drive on property owned by the Union Township Trustees, then through private property to continue on Pauline Drive; and,

WHEREAS, City Staff communicated with the owner of the property at 590 Pauline Drive relating to the terms of an easement agreement; and

WHEREAS, on June 16, 2022, the City Council passed Resolution No. 2022-25, thereby approving the execution of an easement agreement for a perpetual stormwater easement at the property located at 590 Pauline Avenue (“Property”) from MacKenzie Veith (“Property Owner”); and

WHEREAS, subsequent to the adoption of Resolution No. 2022-25, the Property Owner has requested additional consideration for said easement; and

WHEREAS, the City’s Project Engineer has reviewed the Project and has determined that the objectives of the Project can be achieved with all construction taking place within the City’s right-of-way; and

WHEREAS, due to the severity of the storm water issues at the project site, it is necessary to expedite the design process to allow for bidding and construction in this calendar year; and,

WHEREAS, immediate action is required rescind Resolution No. 2022-25, as the easement is no longer needed by the City, and in order to preserve the public peace, health, or safety of the City.

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

Section 1. That Resolution No. 2022-25 is hereby rescinded in its entirety.

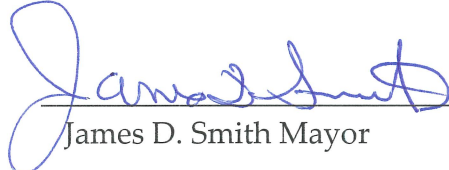
Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. 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.

Section 4. That this Resolution is declared to be emergency legislation, necessary for the immediate preservation of the public peace, health, and safety, which shall be effective upon passage

Adopted this 1st day of September, 2022.

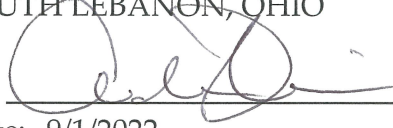
Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith Mayor

Rules Suspended: <u>9/1</u> /2022 (if applicable)	Effective Date – <u>9/1</u> /2022
Vote - <u>5</u> Yeas ___ Nays	
First Reading – / /2022	Effective Date – / /2022
Second Reading – / /2022	
Third Reading – / /2022	
Vote - ___ Yeas ___ Nays	


Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 9/1/2022

CERTIFICATE OF POSTING

I, Tina Williams, CPA, Fiscal Officer of the City of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report, at five public places within the City as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of the City of South Lebanon, Ohio

9/1/22 
Date Tina Williams, CPA
Fiscal Officer
City of South Lebanon, Ohio