

**VILLAGE OF SOUTH LEBANON, OHIO**  
**RESOLUTION NO. 2014- 20**

**A RESOLUTION APPROVING A PARTIAL LETTER OF CREDIT REDUCTION  
FOR WOODKNOLL SUBDIVISION, SECTION 2, IN THE VILLAGE OF SOUTH  
LEBANON, AND DECLARING AN EMERGENCY**

**WHEREAS**, Mainstream Homes, Inc., as the "Developer" of Woodknoll Subdivision, Sec. 2, entered into a Development Agreement with the Village Council on July 3, 2013; and,

**WHEREAS**, pursuant to Resolution No. 2013-25, the Council entered into the said Development Agreement that required, inter alia, that certain public improvements be constructed and eventually dedicated for public use forever upon acceptance by Council; and,

**WHEREAS**, per Sec. 9.1. of the Development Agreement, the Developer was required to post a performance bond for completion of the public improvements, and the Developer posted a performance bond in the form of a Letter of Credit as permitted in Sec. 9.1.1 of the Development Agreement; and,

**WHEREAS**, the said irrevocable Letter of Credit in favor of the Village was issued and accepted in the sum of \$579,912.00 based on the estimated costs of the public improvements to be constructed that had yet to be constructed; and,

**WHEREAS**, Resolution 2013-28 was adopted by Village Council on August 14, 2013 that reduced the said irrevocable Letter of Credit in favor of the Village by the amount of \$66,430 leaving a remaining performance bond amount of \$512,682; and

**WHEREAS**, Resolution 2013-38 was adopted by Village Council on November 21, 2013 that further reduced the said irrevocable Letter of Credit in favor of the Village by the amount of \$122,139 leaving a remaining performance bond amount of \$390,943; and

**WHEREAS**, the Developer has completed the construction of a part of the public improvements, namely: excavation, aggregate base, asphalt intermediate surface course, combined curb and gutter, sanitary sewer, the 8" waterline and connection to an existing 12" water main, and storm sewer and is seeking a bond reduction commensurate thereto; and,

**WHEREAS**, Choice One Engineering, the Village’s Consulting Engineer assigned to this Development, has inspected, approved and certified the construction of the work completed after November 21, 2013; and,

**WHEREAS**, Sec. 9.1.1 provides that the Council may reduce the performance bond from time to time as the work progresses, but any such reduction shall require the approval of the Village which shall not be unreasonably withheld, unreasonably conditioned, or unreasonably delayed, and may be requested by the Developer upon 100% completion of certain phases which includes but are not limited to: conveyance piping, and the installation of underground utilities; and,

**WHEREAS**, Sec. 9.1.1 of the Development Agreement stipulates that a 30% contingency and inflation factor be added to the estimated cost of the remaining public improvement work until a guarantee bond is posted by the developer upon completion of all public improvements, thus, Staff recommends the performance bond be reduced \$139,803 and the Developer be allowed to replace the existing Letter of Credit with a new Letter of Credit in the sum of \$251,140; and,

**WHEREAS**, immediate action is required to assure compliance with the Development Agreement and that the Village has a sufficient and reasonable performance bond for public improvements in place, 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 hereby reduces the performance bond as follows:

Current Performance Bond:	Letter of Credit issued June 28, 2013
Issuer:	1 <sup>st</sup> National Bank
Development:	Woodknoll Subdivision, Sec. 2
Developer:	Mainstream Homes, Inc.
Reduction Amount:	\$139,803
New Performance Bond Amount:	\$251,140.00

**Section 2.** The current Performance Bond shall remain in effect until such time as the Developer delivers a performance bond in any form

permitted in Sec. 9.1.1 of the Development Agreement to the Village Administrator and it is approved by the Village Solicitor.


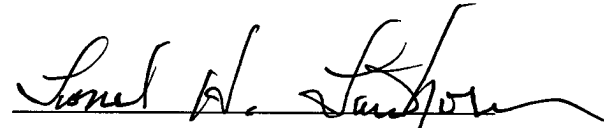
**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** 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 6.** 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.

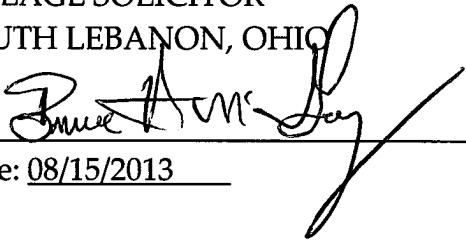
Adopted this 4th day of September, 2014.

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

Rules Suspended: 09/04/2014 (if applicable)	Effective Date – 09/04/2014
Vote - <u>6</u> Yeas ___ Nays	
First Reading – / /2014	Effective Date – / /2014
Second Reading – / /2014	
Third Reading – / /2014	
Vote - <u>6</u> Yeas ___ Nays	


Prepared by and approved as to form:

BRUCE A. McGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 08/15/2013

**CERTIFICATE OF POSTING**

I, Sharon Louallen, Fiscal Officer of the Village 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 Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of Village of South Lebanon, Ohio.

9-5-14  
Date   
Sharon Louallen  
Fiscal Officer  
Village of South Lebanon,  
Ohio

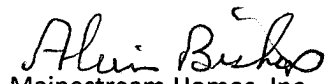
August 7, 2014

Village of South Lebanon

Dear Village of South Lebanon:

I hereby request the lowering of my bond with the Village. According to our agreement, the bond may be lowered as work is completed. Substantial work has been completed, and it would now be appropriate to lower the bond.

Sincerely,

A handwritten signature in cursive script that reads "Alvin Bishop".

Mainstream Homes, Inc.

By Alvin Bishop, President

WOODKNOLL SUBDIVISION SEC. II PUNCH LIST COMPLETION  
VILLAGE OF SOUTH LEBANON  
ENGINEER ESTIMATE

August 29, 2014

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	APPROX. QTY.	UNIT COST	TOTAL COST
201	CLEARING AND GRUBBING	LUMP	1	\$3,500.00	\$3,500.00
203	EMBANKMENT (FILL BEHIND CURB)	C.Y.	225	\$5.00	\$1,125.00
203	EXCAVATION (FINAL LOT GRADING AS NECESSARY)	LUMP	1	\$1,000.00	\$1,000.00
203	EXCAVATION (APPROXIMATELY 600 FT. OF OUTLET SWALE GRADING)	C.Y.	467	\$8.00	\$3,736.00
203	EXCAVATION (APPROXIMATELY 160 FT. OF OVERFLOW CHANNEL GRADING)	C.Y.	111	\$5.00	\$555.00
203	EXCAVATION (TAKING APPROXIMATELY 3 FT. OUT OF DETENTION POND)	C.Y.	2038	\$8.00	\$16,304.00
204	SUBGRADE COMPACTION (CUL-DE-SAC)	S.Y.	1117	\$1.50	\$1,675.50
304	AGGREGATE BASE	C.Y.	125	\$30.00	\$3,750.00
448	1-1/2" ASPHALT CONCRETE, INTERMEDIATE SURFACE COURSE (CUL-DE-SAC)	C.Y.	46	\$150.00	\$6,900.00
448	1-1/2" ASPHALT CONCRETE, SURFACE COURSE (ROADWAY & CUL-DE-SAC)	C.Y.	229	\$175.00	\$40,075.00
601	ROCK CHANNEL PROTECTION, TYPE B, 30" THICK (15' x 15' AREA)	C.Y.	21	\$65.00	\$1,365.00
601	PAVED GUTTER, MISC. 3' PAVED CONCRETE CHANNEL	FT.	100	\$40.00	\$4,000.00
602	CULVERT HEADWALL #2	EACH	1	\$2,500.00	\$2,500.00
604	RECONSTRUCTION STORM MANHOLE TO GRADE	EACH	1	\$800.00	\$800.00
604	OUTLET STRUCTURE (FINISH WORK)	LUMP	1	\$500.00	\$500.00
608	4" CONCRETE WALK	S.F.	9124	\$5.00	\$45,620.00
608	CURB RAMPS	S.F.	132	\$12.00	\$1,584.00
630	STREET SIGNS (COUNTED ALL THAT WERE ON THE PLAN SHEETS)	EACH	20	\$150.00	\$3,000.00
659	SEEDING AND MULCHING (EMPTY LOTS)	S.Y.	24720	\$1.00	\$24,720.00
659	SEEDING AND MULCHING (DETNETION POND AND COMMON AREAS)	S.Y.	6475	\$1.00	\$6,475.00
671	EROSION CONTROL MAT, TYPE B (STATION 1+00 TO STATION 7+00) ON SHEET 10/22	S.Y.	1400	\$8.00	\$11,200.00
832	EROSION CONTROL	LUMP	1	\$5,000.00	\$5,000.00
SPEC	FIRE HYDRANT ROTATED (FACE PUMPER NOZZLE TOWARDS STREET)	EACH	1	\$150.00	\$150.00
SPEC	WATER VALVE LID (FLIPPED AROUND OR REPLACED)	EACH	3	\$100.00	\$300.00
SPEC	INSTALL GRATE, ELIMINATE EXCESS PIPE AND REGRADE AROUND CATCH BASINS #12	LUMP	1	\$500.00	\$500.00
SPEC	CLEAN OUT CATCH BASINS, OUTLET STRUCTURE AND MANHOLES	EACH	13	\$500.00	\$6,500.00
SPEC	INSTALL ANCHOR CABLE FOR HEADWALL #1	LUMP	1	\$250.00	\$250.00
SPEC	RE-ANCHOR CABLE FOR TWIN 48" CULVERT PIPES TO HEADWALL	LUMP	1	\$100.00	\$100.00
<b>SUBTOTAL</b>					<b>\$193,184.50</b>
<b>INFLATION AND CONTINGENCY (30%)</b>					<b>\$57,955.00</b>
<b>TOTAL PUNCH LIST COST</b>					<b>\$251,139.50</b>



440 E. Hoewisher Road, Sidney, OH 45365  
203 W. Loveland Avenue, Loveland, OH 45140

We make no warranty, express or implied, that the actual construction cost of the Work associated with these estimated quantities and costs will not vary. The cost reflects our opinion of current probable construction cost.

August 19, 2014

Gary Vidmar  
Village Administrator  
Village of South Lebanon  
99 High Street  
South Lebanon, OH 45065

Dear Mr. Vidmar:

Subject: Woodknoll Subdivision, Section 2  
PRELIMINARY Punch List

Below please find the PRELIMINARY punch list as determined by a field walk of the above-mentioned project on August 15, 2014. The items we have noted are areas where we noticed the project, in its current state, does not comply with the approved development plan. The developer should address these items and notify the Village when complete. After notification by the developer, we will complete a secondary field walk to ensure the below items have been addressed and identify any additional items that will need to be addressed prior to acceptance of the project by the Village.

The following items apply generally to the entire development:

- Establish final grade for all lots, drainage swales, and detention basin.
- All disturbed ground needs to be seeded and mulched until full coverage is achieved.
- All lots with established ground cover need to be mowed and maintained.
- Remove all brush and downed trees.
- Remove any remaining trees that are proposed to be removed from lots.
- Remove all stockpiles of soil.
- Backfill behind curbs and establish finish sidewalk grade.
- Remove all equipment not being used on site, i.e. pavement roller at end of Ilene Avenue.
- Install erosion control measures to prevent sediment from entering the streets, storm sewer inlets, storm sewers, and drainage swales. This includes filter fabric fence.

**Stormwater Drainage Items:**

- Establish detention basin to planned size and depth. (An as-built survey will be required to confirm the detention basin was built according to plan.)
- Seed and mulch the detention basin. A low maintenance grass seed should be used, such as fescue or crown vetch.
- Install the detention basin outlet structure.
- Install erosion control measures upstream of the outlet structure to prevent sediment from entering the outlet structure.

440 E. Hoewisher Road  
Sidney, OH 45365  
937-497-0200

203 W. Loveland Ave.  
Loveland, OH 45140  
513-239-8554

- Clean out the detention basin outlet structure.
- Install Headwall #2 on the inlet pipe to the detention basin.
- Install the paved gutter between the inlet pipe and the outlet structure of the detention basin.
- Backfill around Catch Basin #12 (last structure prior to the outlet).
- Remove excess pipe from inside of Catch Basin #12. Pipe should not extend beyond the inside face of the catch basin.
- Install grate on top of Catch Basin #12.
- Install anchor cable on Headwall #1 (outlet pipe headwall).
- Grade swale at outlet for direct path to concrete drainage swale.
- Install erosion control at south end of swale to prevent sediment from leaving site and entering the Village drainage swale.
- Clean the concrete drainage swale of all dirt, debris, and sediment runoff from the development.
- Drainage swale along the north and east edge of the development needs to be graded to planned slope, size, and depth. (An as-built survey will need to be completed to confirm the swale was built to plan.)
- Construct the drainage swale bypass of the detention basin.
- Install sod or ditch erosion protection mat type B along drainage swale, per plan.
- Cables holding the twin 48" culvert pipes to the half-height headwall need to be appropriately anchored.
- Install rock channel protection on the upstream end of the twin 48" culvert pipes.
- The invert elevation of the culvert pipes must be verified by an as-built survey.
- Clean out all catch basins of dirt and debris.
- Storm manhole at the northwest intersection of Ilene Avenue and Pike Street needs lowered to the appropriate grade.

**Water Distribution Items:**

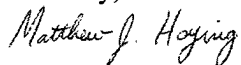
- Fire hydrant at south end of Pike Street needs rotated to have the pumper nozzle face the street.
- Water valve lid flipped around or replaced at the west end of Ilene Avenue.
- Water valve lids flipped around or replaced at the west end of Mary Lane Extension.

**Street Items:**

- Install gravel base and asphalt pavement for both cul-de-sacs in the development.
- Install all street lights that have not been installed.

Once the items have been addressed, please contact our office and we will schedule the follow up walkthrough. If you have any questions, please contact our office.

Sincerely,



Matthew J. Hoying, P.E.  
Project Manager