

VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015- 12

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN PARTIAL RELEASES  
OF LIEN RIGHTS AGAINST LOTS IN SHEPHERD'S CROSSING SUBDIVISION,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village Council declared the Developer of Shepherd's Crossing Subdivision in Default for failure to complete construction and to maintain the public improvements including the streets and appurtenances in said Subdivision; and,

**WHEREAS**, the Village Council authorized the Village Solicitor to bring legal action against the Developer to collect any bond and deficiency for the costs to complete the said public improvements in the said Subdivision; and,

**WHEREAS**, the Village Solicitor filed a lawsuit against the Developer, a copy of which is attached hereto, and has now obtained a judgment, a copy of which is attached hereto, and filed a Certificate of Judgment against the Developer, a copy of which is attached hereto, thereby placing lien on all real estate titled in the Developer's name and names, including the Lots in Shepherd's Crossing Subdivision; and,

**WHEREAS**, the Village Solicitor has been negotiating with a Closing Agent wherein Drees Company is attempting to close on the purchase of one or more lots in Shepherd's Crossing Subdivision, and wherein the Village is seeking the net settlement proceeds from each closing until its lien is satisfied in full; and,

**WHEREAS**, for a closing to occur on each Lot, the Village's lien rights must be released as to each lot at closing; and,

**WHEREAS**, immediate action is required as Closings have been scheduled previously and postponed, and will be rescheduled imminently, 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, at least two-thirds of all members elected thereto concurring:

**Section 1.** The Village Council does hereby authorize the Mayor to execute a partial release, as approved as to form by the Village Solicitor, as each Lot in Shepherd's Crossing Subdivision titled in the names of Wash Pennington and Mary S. Pennington (individually and in their capacity as Trustees), is closed, in exchange for the net settlement proceeds which shall be applied to satisfied the said lien.

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

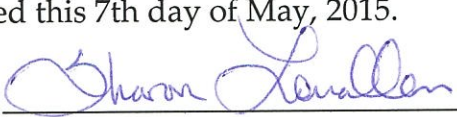
**Section 3.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

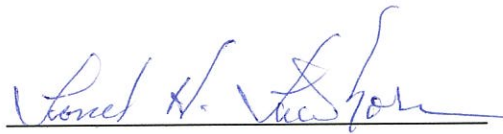
**Section 4.** That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to passing 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 7th day of May, 2015.

Attest:

  
Sharon Louallen, Fiscal Officer/Clerk

  
Lionel Harold Lawhorn, Mayor

Rules Suspended: 5/8/2015 (if applicable)

Effective Date – / /201\_\_

Vote - 6 Yeas  
\_\_\_\_ Nays

First Reading – / /201\_\_

Effective Date – / /201\_\_

Second Reading – / /201\_\_

Third Reading – / /201\_\_

Vote - 6 Yeas  
\_\_\_\_ Nays

Prepared by and approved as to form:

BRUCE A. MCGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

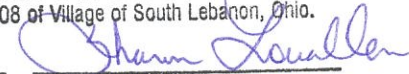
By: 

Date: 05/07/2015

**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.

5-8-15  
Date

  
Sharon Louallen  
Fiscal Officer  
Village of South Lebanon,  
Ohio

COMMON PLEAS COURT  
WARREN COUNTY, OHIO  
FILED

COMMON PLEAS  
WARREN CO  
FILED

15 APR 23 PM 12:42

15 APR 23

WILLIAM W. MAETH  
CLERK OF COURTS

WILLIAM W. MAETH  
CLERK OF COURTS

TO THE CLERK  
SERVE NOTICE OF JUDGMENT  
PURSUANT TO CIVIL RULE 50(B)

DF

STATE OF OHIO, COUNTY OF WARREN  
IN THE COURT OF COMMON PLEAS  
GENERAL DIVISION - CIVIL

VILLAGE COUNCIL  
SOUTH LEBANON, OHIO  
an Ohio Municipal Corporation

\* CASE No. 15 CV 86727

\* (JUDGE FLANNERY)

Plaintiff,

\*

-vs-

\*

WASH PENNINGTON

\* FINAL & APPEALABLE ENTRY  
\* GRANTING DEFAULT JUDGMENT  
\* AGAINST ALL DEFENDANTS  
\* ON ALL CLAIMS

and

\*

MARY S. PENNINGTON

\*

and

\*

WASH PENNINGTON, TRUSTEE

\*

and

\*

MARY S. PENNINGTON, TRUSTEE

\*

Defendants.

\*

This matter having come before the Court upon a Motion for Default Judgment filed by Plaintiff, the Village Council, South Lebanon, Ohio ("Plaintiff"), and the Court having reviewed

the Motion with a supporting Memorandum and the Supporting Affidavit of Mayor, Lionel Harold Lawhorn, finds the motion to be well taken.

The Court finding that all the Defendants were properly served with the Summons and a copy of the Complaint, and more than 28 days have elapsed after service. No Defendants having filed an answer or otherwise pled, Plaintiff is entitled to a default judgment against all Defendants.

The Court grants Plaintiff a default judgment against Defendants, Wash Pennington and Mary S. Pennington, individually, and Wash Pennington and Mary S. Pennington, in their capacity as Trustees of The Wash and Mary Pennington Family Trust under a certain Declaration of Trust dated 2/22/1996, jointly and severally, in the sum of \$87,174.00, plus interest at the statutory rate.

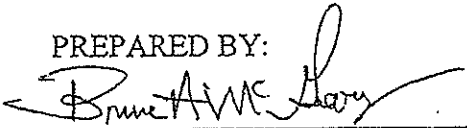
Court costs herein shall be paid by Defendants.

The Court further ORDERS the Clerk to enter this Final & Appealable Entry Granting Default Judgment on the journal as a final and appealable order and to serve proper notice upon the Parties of the judgment and its date of entry upon the journal in accordance with Ohio R. Civ. P. 58, there being no just reason for further delay.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE

PREPARED BY:

  
\_\_\_\_\_  
Bruce A. McGary (# 0051811)  
Village Solicitor  
South Lebanon, Ohio

COMMON PLEAS COURT  
WARREN COUNTY, OHIO  
FILED

15 JAN 21 PM 12:08

W. L. SPAETH  
CLERK OF COURTS

STATE OF OHIO, COUNTY OF WARREN  
IN THE COURT OF COMMON PLEAS  
GENERAL DIVISION - CIVIL

VILLAGE COUNCIL  
SOUTH LEBANON, OHIO  
an Ohio Municipal Corporation  
99 High Street  
South Lebanon, OH 45065

Plaintiff,

-vs-

WASH PENNINGTON  
4861 Lebanon Road  
South Lebanon, OH 45065

and

MARY S. PENNINGTON  
4861 Lebanon Road  
South Lebanon, OH 45065

and

\*  
\*  
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\*  
\*

CASE No. 15 CV 86227

(JUDGE Flannery)

COMPLAINT

WASH PENNINGTON, TRUSTEE \*  
P.O. Box 5 \*  
South Lebanon, OH 45065 \*

and \*

MARY S. PENNINGTON, TRUSTEE \*  
P.O. Box 5 \*  
South Lebanon, OH 45065 \*

Defendants. \*

Now comes Plaintiff, the Village Council of South Lebanon, Ohio, by and through its Village Solicitor, and for its Complaint hereby states the following:

PARTIES/JURISDICTION/VENUE

1. Plaintiff, the Village Council of South Lebanon, Ohio ("Plaintiff"), is an Ohio municipal corporation, located in Warren County, Ohio, that derives its police powers to protect the public health, safety and general welfare within its corporate limits from O. Const. Art. XVIII, and operates under the general statutory scheme in Title 7, et seq. of the Ohio Revised Code.
2. Defendants, Wash Pennington and Mary S. Pennington, husband and wife, are residents of South Lebanon, Warren County, Ohio, and at all times relevant herein developed real estate in the Village of South Lebanon, Warren County, Ohio.
3. Defendants, Wash Pennington, Trustee and Mary S. Pennington, Trustee, are the Grantors and Trustees of The Wash & Mary Pennington Family Trust under a certain Declaration of Trust dated 2/22/1996, and in their capacity as Trustees held title

to certain real estate (and currently hold title to certain real estate) located in the Village of South Lebanon, Warren County, Ohio.

4. As a direct result of the following Statement of Facts and Cause of Action asserted against Defendants, Plaintiff will incur damages in an amount greater than \$25,000.00.

#### STATEMENT OF FACTS

5. Defendants, Wash Pennington and Mary S. Pennington, Trustees, were the title owners of 12.994 acres, more particularly described in the exhibit attached hereto under Tab 1.

6. On or about Dec. 5, 2003, Defendant, Wash Pennington, individually, applied to Plaintiff's Planning Commission to subdivide the said 12.994 acres into 30 residential lots to be known as Shepherd's Crossing Subdivision. The application also provide that within Shepherd's Crossing Subdivision a part of the said 12.994 acres would be improved with a public street, sidewalks, curb & gutter, water, sanitary sewer, storm sewer and on-site detention (jointly referred to hereinafter as "public infrastructure"). Said application is attached hereto under Tab 2.

7. The Preliminary Plat of Shepherd's Crossing Subdivision was approved subject to, inter alia, Defendants, Wash Pennington and Mary S. Pennington, individually, submitting a final record plat for the development of Shepherd's Crossing Subdivision that fully complied with Plaintiff's [codified] Subdivision Regulations.

8. On or about June 14, 2005, Defendants, Wash Pennington and Mary S. Pennington, individually, executed and submitted for approval to Plaintiff and Plaintiff's Planning Commission the final Record Plat for Shepherd's Crossing Subdivision.

9. On or about July 12, 2005, Plaintiff's Planning Commission approved the final Record Plat of Shepherd's Crossing Subdivision, and on or about July 21, 2005, Plaintiff approved said final Record Plat. A copy of the final Record Plat of Shepherd's Crossing is attached hereto under Tab 3.

10. Defendants, Wash Pennington and Mary S. Pennington, individually, developed Shepherd's Crossing Subdivision by improving the property with 30 residential lots, and partially constructing some, and completely constructing other, public infrastructure. No public infrastructure has been accepted by Plaintiff for public maintenance, accordingly, completing construction and maintaining the existing infrastructure remains the sole responsibility of Defendants, Wash Pennington and Mary S. Pennington, individually.

11. On or about Nov. 23, 2011, Defendants, Wash Pennington and Mary S. Pennington, Trustees, recorded a Ratification of Subdivision Plat for Shepherd's Crossing Subdivision. A copy of the said instrument is attached hereto under Tab 4. By virtue of such action, Wash Pennington and Mary S. Pennington, Trustees, subjected themselves to joint and/or several liability, owed to Plaintiff (along with Wash



Pennington and Mary S. Pennington, individually) for completing construction and maintaining the existing infrastructure in Shepherd's Crossing Subdivision.

### CAUSE OF ACTION

12. Defendants are required to complete construction of, and to maintain, the infrastructure in Shepherd's Crossing Subdivision in compliance with the construction specifications set forth in Sec. 15.20.06 and Sec. 15.20.07 of Plaintiff's [codified] Subdivision Regulations.

13. To date, Defendants have only partially constructed certain infrastructure improvements. Additionally, some of the infrastructure improvements constructed to date have deteriorated and/or experienced deferred maintenance. As a result of the foregoing, Defendants have breached the obligations to comply with Plaintiff's Subdivision Regulations which were conditions of approval of the Preliminary Plat and final Record Plat of Shepherd's Crossing Subdivision.

14. Plaintiff's Engineer inspected the uncompleted infrastructure items remaining to be constructed, along with the items that have deteriorated and/or experienced deferred maintenance. A final Punch List prepared by Plaintiff's Engineer for bringing such items in compliance with Plaintiff's Subdivision Regulations is attached hereto under Tab 5. The Punch List was sent to Defendants demanding such items be completed immediately and without further delay.

15. Defendants notified Plaintiff they are unable to complete any of the said Punch List items now, or in the future.

16. Due to Defendants having failed to and being unable to complete the said Punch List items, Plaintiff's Engineer estimated the costs for Plaintiff to complete such

items as of June 25, 2014, to total \$135,996.00. A copy of the Cost Estimate is attached hereto under Tab 6.

17 Plaintiff demanded Defendants pay to Plaintiff the sum of \$135,996.00, less any payment that may be received from any collateral source.

18. Defendants notified Plaintiff they are unable to pay and satisfy the sum needed to complete the Punch List items in Shepherd's Crossing Subdivision.

19. To date, Defendants have failed to pay to Plaintiff the said demand, and no funds from any collateral source have been received.

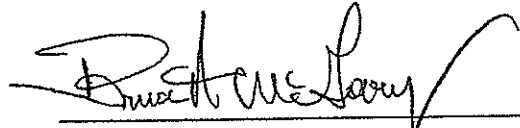
**PRAYER FOR RELIEF/REMEDIES SOUGHT**

WHEREFORE, the Plaintiff prays for the following relief:

- (i) that the Court schedule this matter for trial to the Court without further delay; and,
- (ii) that the Court find that Defendants breached their obligations to Plaintiff to construct and maintain the infrastructure in the Shepherd's Crossing Subdivision, thereby, resulting in damages to Plaintiff; and,
- (iii) that the Court award Plaintiff a judgment in its favor and against Defendants, in the sum of \$135,996.00, less any payments received from any collateral sources as of the date of trial, jointly and severally, plus interest at the statutory rate beginning the date of filing this Complaint; and,
- (iv) the Court tax all costs of this action against Defendants, jointly and severally; and,
- (v) that the Court order any and all other legal and equitable relief to which the Plaintiffs may be entitled.

Respectfully submitted,

BRUCE A. MCGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

A handwritten signature in black ink, appearing to read "Bruce A. McGary", written over a horizontal line.

By: Bruce A. McGary (#0051811)

Attorney for Plaintiff

5300 Socialville-Foster Road, Suite 140

Mason, OH 45040

Ph. 513.234.7030

Fx. 513.234.0886

Email: [bmcgary@krmlawyers.com](mailto:bmcgary@krmlawyers.com)

**DESCRIPTION**  
**On the Property of**  
**Wash & Mary Pennington Family Trust**  
**12.994 Acres**

The following described real estate situated in the Township of Union, County of Warren, State of Ohio and being more particularly described as follows:

Being part of Section 32, Township 5 North, Range 3 West, and being the Wash & Mary Pennington Family Trust parcel (first tract) as recorded in official record volume 1458 at page 860, and beginning at a mine spike found in the centerline of Snook Road, said point marking the northeast corner of Morgan Subdivision as recorded in plat book 26 at page 23;

thence with the north line of said Morgan Subdivision, North 79°00'20" West, passing a 1" o.d. iron pipe with i.d. cap set in the west right-of-way line of Snook Road at 30.18 feet, an iron pin found at 100.69 feet, an iron pin found at 201.21 feet, an iron pin found at 301.82 feet, an iron pin found at 402.37 feet, an iron pin found marking the northwest corner of a 2 foot strip known as lot 4 of said Morgan Subdivision and the northeast corner of the Village of South Lebanon parcel as recorded in official record volume 618 at page 254 at 502.87 feet, and an iron pin found marking the northwest corner of the said Village of South Lebanon parcel and the northeast corner of the Jack Jr. and Bonnie J. Resibois parcel as recorded in official record volume 1437 at page 613 at 702.98 feet, a total distance of 1553.11 feet to an iron pin found in the east line of the Alvin and Rozella Bishop parcel as recorded in official record volume 561 at page 657, said point marking the northwest corner of said Morgan Subdivision;

thence with the said east line of the Alvin and Rozella Bishop parcel, North 03°17'25" West, 200.00 feet to an iron pin found marking the northeast corner of the said Alvin and Rozella Bishop parcel and the southeast corner of the Dean B. and Linda D. Evans parcel as recorded in official record volume 705 at page 811;

thence with the east line of the said Dean B. and Linda D. Evans parcel, North 01°27'40" West, 98.77 feet to an iron pin found marking the southwest corner of the James C. and Arlene M. Brent parcel as recorded in official record volume 1250 at page 779;

thence with the south line of the said James C. and Arlene M. Brent parcel, South 88°09'35" East 985.51 feet to an iron pin found;

thence continuing with the south line of the James C. and Arlene M. Brent parcel, North 23°20'00" East 28.00 feet to an iron pin found marking the western most corner of the Wash and Mary Pennington Family Trust parcel (second tract), as recorded in official record volume 1458, at page 860;

thence with the southwest line of the said Wash and Mary Pennington Family Trust parcel (second tract), South 40°17'42" East, 312.52 feet to an iron pin found marking the southern most corner of the said Wash and Mary Pennington Family Trust parcel (second tract);

thence with the south line of the said Wash and Mary Pennington Family Trust parcel (second tract), North 87°18'10" East, passing an iron pin found in the said west right-of-way line of Snook Road at 341.91 feet, a total distance of 372.17 feet to a PK nail found in the said centerline of Snook Road, said point marking the southeast corner of the said Pennington Family Trust parcel (second tract);

thence with the said centerline of Snook Road, South 04°46'30" West, a distance of 367.25 feet to the point of beginning. Containing 12.994 acres of land. Of which 0.250 acres lies within the right-of-way of said Snook Road and 12.744 acres lies outside the said right-of-way.


Subject to all legal easements.

Bearings oriented to the said Wash and Mary Pennington Family Trust parcel as recorded in official record volume 1458 at page 860.

Being more particularly described and delineated on a plat attached hereto and made a part hereof.

Aforesaid references recorded among the land records of Warren County, Ohio.

Sidwell no. 13-32-326-009.

  
Joseph K. Kaskey  
Professional Surveyor #7519  
State of Ohio  
April 26, 2000

# SOUTH LEBANON PLANNING COMMISSION



SOUTH LEBANON, OHIO  
Founded 1802

APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAT  
South Lebanon, Ohio

Date 12-05-03 Application No. \_\_\_\_\_

1. Name of Applicant Wash Pennington  
Address 4861 Lebanon Rd, South Lebanon, 45065  
Phone 513-494-1075

2. Name of Surveyor or Engineer WYCO Consulting, Inc.  
Address 10 Stadia Drive Franklin, OH 45005  
Phone 937-743-9926

3. Name of Subdivision Shepherd's Crossing

4. Locational Description: Section 32 Township 5N  
Range 3W Other \_\_\_\_\_

(In addition, please attach copy of legal description)

5. Proposed Use Single Family Residential

6. Present Zoning District R-2

7. Proposed Zoning Changes None

8. Number of Lots 31 Area of Parcel 12.9944 Ac

9. Do you propose deed restrictions? Yes  No \_\_\_\_\_  
(If yes, please attach a copy) To be submitted later

10. What type of sewage disposal do you propose? Central  
If an "on lot" type of sewage disposal includes a letter from the County Board of Health approving a specific type of sewage proposal.

11. List all proposed improvements and utilities and state your intention to post a guarantee prior to actual installation.

Improvement	Installation	Guarantee
a. <u>Pavement</u>	<u>by owner</u>	<u>yes</u>
b. <u>Curb &amp; Gutter</u>	<u>by owner</u>	<u>yes</u>
c. <u>Sidewalk</u>	<u>by owner</u>	<u>yes</u>
d. <u>Sanitary Sewer</u>	<u>by owner</u>	<u>yes</u>
e. <u>Detention &amp; Storm Sewer</u>	<u>by owner</u>	<u>yes</u>
f. <u>water</u>	<u>by owner</u>	<u>yes</u>

# SOUTH LEBANON PLANNING COMMISSION



SOUTH LEBANON, OHIO  
Founded 1802

12. List other materials submitted with this application.

Item	No.
a. <u>Preliminary Plat</u>	<u>15</u>
b. <u>Prelim on 8 1/2" x 11"</u>	<u>1</u>
c. <u>Drainage Map</u>	<u>4</u>
d. <u>Fee (\$515.00)</u>	<u>1</u>
e. <u>Legal Description</u>	<u>1</u>
f. _____	_____

\_\_\_\_\_  
Applicant

*Ruth Campbell*  
\_\_\_\_\_  
Surveyor or Engineer  
Ruth Campbell, PE, PS

-----  
For Official Use

Date Received \_\_\_\_\_

Date of Meeting of Planning Commission \_\_\_\_\_

Action by Planning Commission \_\_\_\_\_

If plat rejected, reason (s) for rejection \_\_\_\_\_

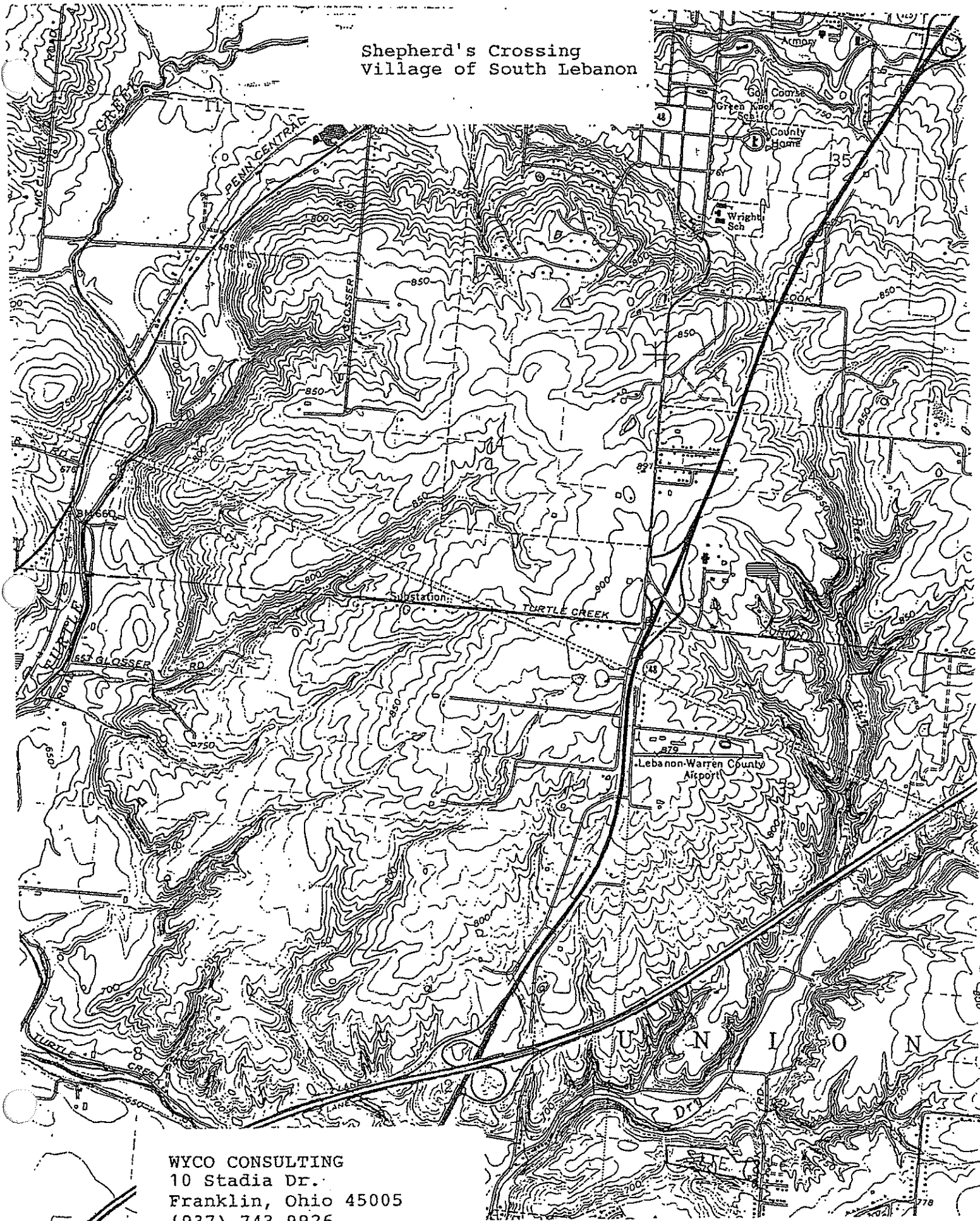
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\_\_\_\_\_

Date \_\_\_\_\_ Chairman \_\_\_\_\_

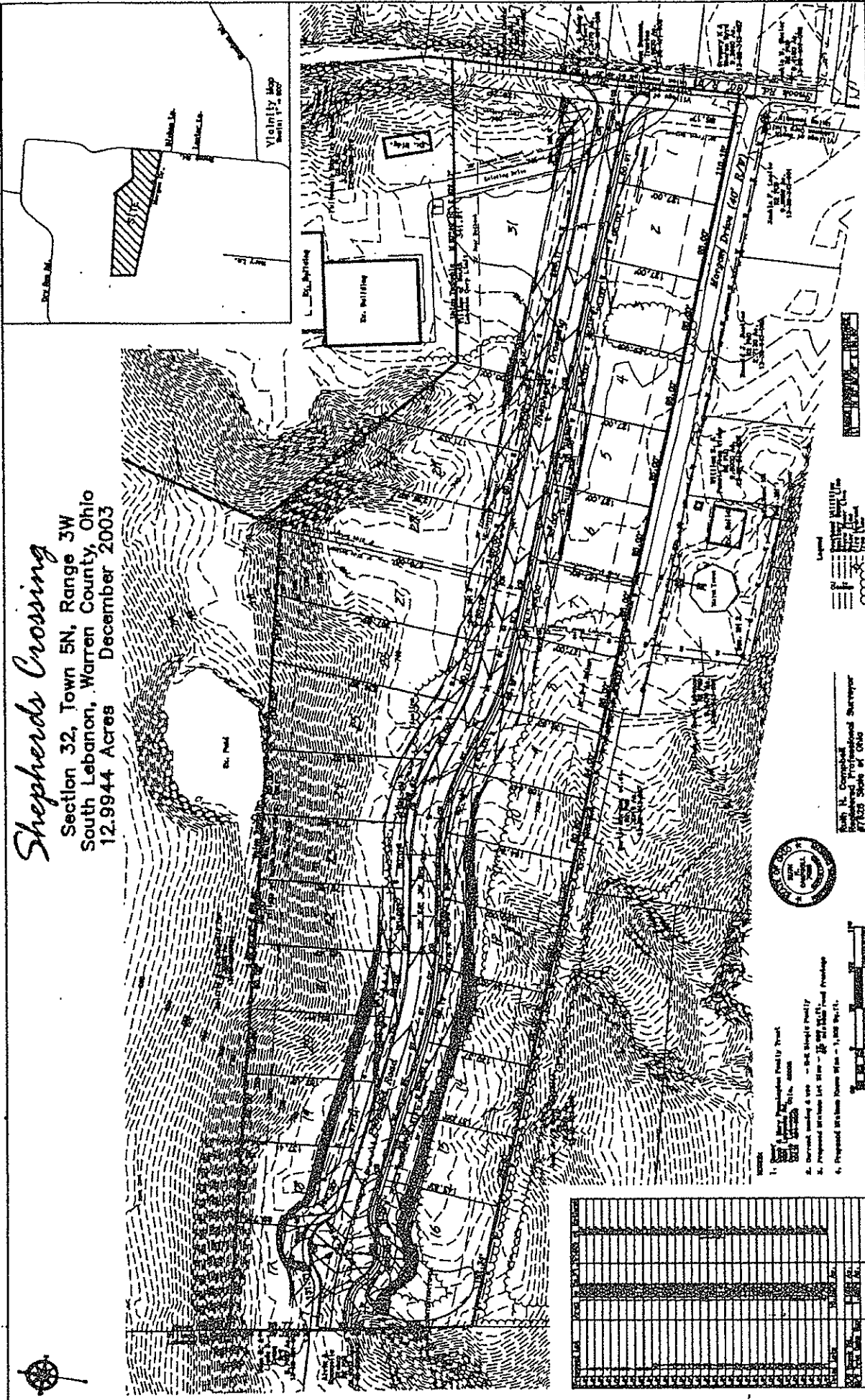
Shepherd's Crossing  
Village of South Lebanon



WYCO CONSULTING  
10 Stadia Dr.  
Franklin, Ohio 45005  
(937) 743 0026

# Shepherds Crossing

Section 32, Town 5N, Range 3W  
 South Lebanon, Warren County, Ohio  
 12.9944 Acres  
 December 2003



1. Existing Topographic Fieldy Tract
2. Proposed road layout
3. Proposed drainage layout
4. Proposed drainage layout



Paul H. Corns  
 Registered Professional Surveyor  
 PFCOS State of Ohio

WYCO Consulting, Inc.  
 10 Steele Drive  
 Franklin, Ohio 43008  
 614-443-8888

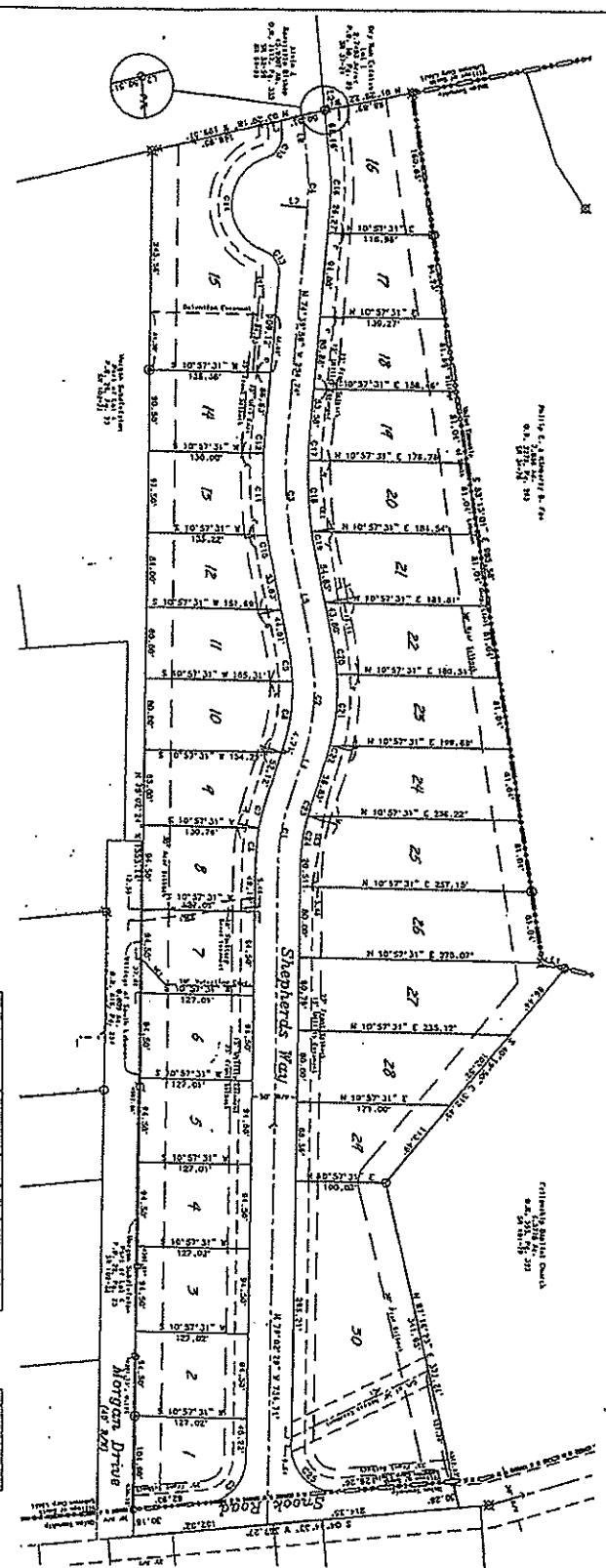
Shepherds Crossing

Preliminary Plat





**Shepherds Crossing**  
 Section 32, Town 5, Range 3, M.R.s,  
 Village of South Lebanon and Union Township, Warren County, Ohio  
 February 2004  
 12.9913 Acres



1. Plan of Lot 1.
2. Plan of Lot 2.
3. Plan of Lot 3.
4. Plan of Lot 4.
5. Plan of Lot 5.
6. Plan of Lot 6.
7. Plan of Lot 7.
8. Plan of Lot 8.
9. Plan of Lot 9.
10. Plan of Lot 10.
11. Plan of Lot 11.
12. Plan of Lot 12.
13. Plan of Lot 13.
14. Plan of Lot 14.
15. Plan of Lot 15.
16. Plan of Lot 16.
17. Plan of Lot 17.
18. Plan of Lot 18.
19. Plan of Lot 19.
20. Plan of Lot 20.
21. Plan of Lot 21.
22. Plan of Lot 22.
23. Plan of Lot 23.
24. Plan of Lot 24.
25. Plan of Lot 25.
26. Plan of Lot 26.
27. Plan of Lot 27.
28. Plan of Lot 28.
29. Plan of Lot 29.
30. Plan of Lot 30.

Legend  
 C - ROAD 1/2" ROAD PINK  
 B - ROAD 1/2" ROAD PINK  
 O - ROAD 3/4" ROAD PINK  
 Q - ROAD 5/8" ROAD PINK  
 P - ROAD 1" ROAD PINK  
 R - ROAD 1 1/4" ROAD PINK  
 S - ROAD 1 1/2" ROAD PINK  
 T - ROAD 1 3/4" ROAD PINK  
 U - ROAD 2" ROAD PINK  
 V - ROAD 2 1/2" ROAD PINK  
 W - ROAD 3" ROAD PINK  
 X - ROAD 3 1/2" ROAD PINK  
 Y - ROAD 4" ROAD PINK  
 Z - ROAD 4 1/2" ROAD PINK  
 AA - ROAD 5" ROAD PINK  
 AB - ROAD 5 1/2" ROAD PINK  
 AC - ROAD 6" ROAD PINK  
 AD - ROAD 6 1/2" ROAD PINK  
 AE - ROAD 7" ROAD PINK  
 AF - ROAD 7 1/2" ROAD PINK  
 AG - ROAD 8" ROAD PINK  
 AH - ROAD 8 1/2" ROAD PINK  
 AI - ROAD 9" ROAD PINK  
 AJ - ROAD 9 1/2" ROAD PINK  
 AK - ROAD 10" ROAD PINK  
 AL - ROAD 10 1/2" ROAD PINK  
 AM - ROAD 11" ROAD PINK  
 AN - ROAD 11 1/2" ROAD PINK  
 AO - ROAD 12" ROAD PINK  
 AP - ROAD 12 1/2" ROAD PINK  
 AQ - ROAD 13" ROAD PINK  
 AR - ROAD 13 1/2" ROAD PINK  
 AS - ROAD 14" ROAD PINK  
 AT - ROAD 14 1/2" ROAD PINK  
 AU - ROAD 15" ROAD PINK  
 AV - ROAD 15 1/2" ROAD PINK  
 AW - ROAD 16" ROAD PINK  
 AX - ROAD 16 1/2" ROAD PINK  
 AY - ROAD 17" ROAD PINK  
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 BA - ROAD 18" ROAD PINK  
 BB - ROAD 18 1/2" ROAD PINK  
 BC - ROAD 19" ROAD PINK  
 BD - ROAD 19 1/2" ROAD PINK  
 BE - ROAD 20" ROAD PINK  
 BF - ROAD 20 1/2" ROAD PINK  
 BG - ROAD 21" ROAD PINK  
 BH - ROAD 21 1/2" ROAD PINK  
 BI - ROAD 22" ROAD PINK  
 BJ - ROAD 22 1/2" ROAD PINK  
 BK - ROAD 23" ROAD PINK  
 BL - ROAD 23 1/2" ROAD PINK  
 BM - ROAD 24" ROAD PINK  
 BN - ROAD 24 1/2" ROAD PINK  
 BO - ROAD 25" ROAD PINK  
 BP - ROAD 25 1/2" ROAD PINK  
 BQ - ROAD 26" ROAD PINK  
 BR - ROAD 26 1/2" ROAD PINK  
 BS - ROAD 27" ROAD PINK  
 BT - ROAD 27 1/2" ROAD PINK  
 BU - ROAD 28" ROAD PINK  
 BV - ROAD 28 1/2" ROAD PINK  
 BU - ROAD 29" ROAD PINK  
 BV - ROAD 29 1/2" ROAD PINK  
 BW - ROAD 30" ROAD PINK  
 BX - ROAD 30 1/2" ROAD PINK

Lot No.	Area (Acres)	Area (Sq. Ft.)	Area (Sq. Yds.)
1	0.1000	4356	484
2	0.1000	4356	484
3	0.1000	4356	484
4	0.1000	4356	484
5	0.1000	4356	484
6	0.1000	4356	484
7	0.1000	4356	484
8	0.1000	4356	484
9	0.1000	4356	484
10	0.1000	4356	484
11	0.1000	4356	484
12	0.1000	4356	484
13	0.1000	4356	484
14	0.1000	4356	484
15	0.1000	4356	484
16	0.1000	4356	484
17	0.1000	4356	484
18	0.1000	4356	484
19	0.1000	4356	484
20	0.1000	4356	484
21	0.1000	4356	484
22	0.1000	4356	484
23	0.1000	4356	484
24	0.1000	4356	484
25	0.1000	4356	484
26	0.1000	4356	484
27	0.1000	4356	484
28	0.1000	4356	484
29	0.1000	4356	484
30	0.1000	4356	484
<b>TOTAL</b>	<b>3.0000</b>	<b>130680</b>	<b>14544</b>

Final Plat

Shepherd's Crossing

WYCO CONSULTING, INC.  
 10 Steddie Drive  
 Franklin, Ohio 45005  
 517-425-9828



Ruth H. Campbell - Registered Surveyor - 7828

TRANSFER NOT NECESSARY  
NICK NELSON, AUDITOR  
WARREN COUNTY, OHIO

NOV 30 2011

BS

NICK NELSON  
AUDITOR, WARREN CO. OHIO

BETH DECKARD - WARREN COUNTY RECORDER  
Doc #: 845954 Type: RATIFICATION  
Filed: 11/30/2011 18:13:28 \$ 28.00  
OR Volume: 5432 Page: 365 Return: B  
Rec#: 18459 Pages: 2  
JACK HEDGES

2/28

**RATIFICATION OF SUBDIVISION PLAT  
FOR  
SHEPHERD'S CROSSING SUBDIVISION  
(LOTS 1, 2, 5-11 INCLUSIVE, 15, 17-20 INCLUSIVE AND ~~20-28~~<sup>22</sup> INCLUSIVE OF  
SHEPHERD'S CROSSING SUBDIVISION)**

THE UNDERSIGNED, Wash Pennington and Mary S. Pennington, as Trustees of the Wash and Mary Pennington Family Trust dated February 22, 1996, do hereby ratify the execution, acknowledgment and delivery of the following Lots of Shepherd's Crossing Subdivision as recorded in Official Record Book 1458, Page 860 and Plat Book 71, Pages 1-3 of the Warren County, Ohio Records, to wit:

<u>Lots</u>	<u>Parcel ID Number</u>
One	13323430080
Two	13323430090
Five	13323430120
Six	13323430130
Seven	13323430140
Eight	13323430150
Nine	13323430160
Ten	13323430170
Eleven	13323430180
Fifteen	13323430220
Seventeen	13323260120
Eighteen	13323260130
Nineteen	13323260140
Twenty	13323260150
Twenty-Two	13323260170
Twenty-Three	13323260180
Twenty-Four	13323260190
Twenty-Five	13323260200
Twenty-Six	13323260210
Twenty-Seven	13323260220
Twenty-Eight	13323260230

SUB

This Ratification of Plat is made in order to ratify the execution of the above described lots and plat Recorded in Plat Book 71, Pages 1-3 made by Wash Pennington and Mary S. Pennington who inadvertently signed in their individual capacity and now ratify in their capacity as Trustees of the Wash and Mary Pennington Family Trust Dated February 22, 1996..

This Ratification of Plat is executed this 28<sup>th</sup> day of November, 2011.

By: Wash Pennington  
Wash Pennington as Trustee of  
the Wash and Mary Pennington  
Family Trust Dated February 22, 1996

By: Mary S. Pennington  
Mary S. Pennington as Trustee of  
the Wash and Mary Pennington  
Family Trust Dated February 22, 1996

STATE OF OHIO            )  
                                  )        SS:  
COUNTY OF WARREN    )

On this 23<sup>rd</sup> day of November, 2011, before me, the subscribed  
Notary Public of the State of Ohio, personally appeared Wash and Mary S. Pennington as  
Trustees of the Wash and Mary Pennington Family Trust dated February 22, 1996, and  
acknowledged the signing thereof to be their voluntary act and deed.

WITNESS my official signature and seal on the day last above mentioned.

Tyrone P. Borger  
Notary Public

*This instrument prepared by:*  
Tyrone P. Borger  
Attorney at Law  
24 N. Broadway  
Lebanon, OH 45036  
(513) 932-1836



TYRONE P. BORGER  
NOTARY PUBLIC, STATE OF OHIO  
MY COMM. HAS NO EXPIRATION DATE  
SECTION ORG 147.03

**BOOK 5432 PAGE 367**

WARREN COUNTY

845954

PAGE 2 OF 2

June 24, 2014

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

Dear Mr. Vidmar:

Subject: Shepherds Crossing Subdivision  
Final Punch List

Below please find the final punch list as determined by a field walk of the above-mentioned project on June 23, 2014.

- Curb and Gutter to be removed and replaced as marked.
- Catch basins and manholes to be cleaned out and inverts poured to facilitate positive drainage.
- Sidewalks to be installed across the frontage of empty lots.
- Embankment to be added behind the sidewalk on the south side of the cul-de-sac. No steeper than 25:1 slopes for a minimum of 2' behind the back of walk and no steeper than 4:1 slopes beyond that.
- Full Depth pavement repair as marked on all streets.
- Leveling Course to be placed in several locations to ensure design cross-slope is achieved for the roadway.
- Butt Joint along the entrance at Snook Road.
- Surface Course of asphalt placed on all streets.
- Water valve adjusted to grade at the intersection of Snook Road.
- Remove the asphalt drive apron for Lot #30, Fellowship Tract League drive, and replace with concrete drive apron.
- Hydro-seed and establish grass on all vacant lots and bare embankment.
- Mow and maintain detention basin.
- Install paved gutter, headwalls, and rock channel protection in detention basin.
- Install catch basin #13 and #14 on the detention basin outlet.

If you have any questions, please contact our office.

Sincerely,

*Matthew J. Hoying*

Matthew J. Hoying, P.E.  
Project Manager

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

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

SHEPHERDS CROSSING SUBDIVISION PUNCH LIST COMPLETION  
VILLAGE OF SOUTH LEBANON  
ENGINEER ESTIMATE

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	APPROX. QTY.
202	CURB AND GUTTER REMOVED	FT.	74
202	PAVEMENT REMOVED	S.F.	1447
203	EMBANKMENT	C.Y.	186
204	SUBGRADE COMPACTION	S.Y.	186
254	1-1/2" PAVEMENT PLANING, ASPHALT CONCRETE	S.Y.	43
301	6" ASPHALT CONCRETE BASE	C.Y.	27
407	TACK COAT @ 0.10 GAL./S.Y.	GAL.	423
448	ASPHALT CONCRETE, LEVELING COURSE, TYPE 1, PG64-22	C.Y.	59
448	2" ASPHALT CONCRETE, SURFACE COURSE, TYPE 1, PG64-22	C.Y.	235
452	NON-REINFORCED CONCRETE PAVEMENT	S.Y.	23
601	PAVED GUTTER	FT.	104
604	TYPE 2-2B CATCH BASIN (#13 AND #14)	EACH	2
608	4" CONCRETE WALK	S.F.	5200
609	CURB AND GUTTER, TYPE C, REPLACED	FT.	74
638	WATER VALVE ADJUSTED TO GRADE	EACH	1
659	SEEDING AND MULCHING	S.Y.	6223
SPEC	MOW AND MAINTAIN DETENTION BASIN	LUMP	1
SPEC	GROUT AND CLEAN OUT CATCH BASIN AND MANHOLES	EACH	16
<b>TOTAL</b>			

**CHOICE ONE**  
ENGINEERING

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

SHEPHERDS CROSSING SUBDIVISION PUNCH LIST COMPLETION  
VILLAGE OF SOUTH LEBANON  
ENGINEER ESTIMATE

June 25, 2014

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	APPROX QTY	UNIT COST	TOTAL COST
202	CURB AND GUTTER REMOVED	FT.	74	\$12.00	\$888.00
202	PAVEMENT REMOVED	S.F.	1447	\$4.00	\$5,788.00
203	EMBANKMENT	C.Y.	186	\$15.00	\$2,790.00
204	SUBGRADE COMPACTION	S.Y.	186	\$10.00	\$1,860.00
254	1-1/2" PAVEMENT PLANING, ASPHALT CONCRETE	S.Y.	43	\$15.00	\$645.00
301	6" ASPHALT CONCRETE BASE	C.Y.	27	\$210.00	\$5,670.00
407	TACK COAT @ 0.10 GAL./S.Y.	GAL.	423	\$4.00	\$1,692.00
448	ASPHALT CONCRETE, LEVELING COURSE, TYPE 1, PG64-22	C.Y.	59	\$180.00	\$10,620.00
448	2" ASPHALT CONCRETE, SURFACE COURSE, TYPE 1, PG64-22	C.Y.	235	\$180.00	\$42,300.00
452	NON-REINFORCED CONCRETE PAVEMENT	S.Y.	23	\$55.00	\$1,265.00
601	PAVED GUTTER	FT.	104	\$15.00	\$1,560.00
608	4" CONCRETE WALK	S.F.	5200	\$7.00	\$36,400.00
609	CURB AND GUTTER, TYPE C, REPLACED	FT.	74	\$28.00	\$2,072.00
638	WATER VALVE ADJUSTED TO GRADE	EACH	1	\$500.00	\$500.00
659	SEEDING AND MULCHING	S.Y.	6223	\$2.00	\$12,446.00
SPEC	MOW AND MAINTAIN DETENTION BASIN	LUMP	1	\$1,500.00	\$1,500.00
SPEC	GROUT AND CLEAN OUT CATCH BASIN AND MANHOLES	EACH	16	\$500.00	\$8,000.00
<b>TOTAL</b>					<b>\$135,996.00</b>

**CHOICE ONE**  
ENGINEERING

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.

SEAL:

\_\_\_\_\_  
Matthew J. Hoying, P.E.

COMMON PLEAS COURT  
WARREN COUNTY OHIO  
FILED

15 APR 29 PM 1:03

**Warren County Common Pleas Court**  
500 Justice Drive/P.O. Box 238  
Lebanon, OH 45036  
JAMES L. SPAETH  
CLERK OF COURTS

**Certificate of Judgment for Lien upon Lands and Tenements**

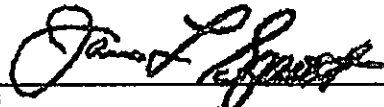
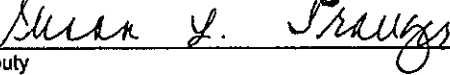
Revised Code, Sec. 2329.02

15CV86727

I, James L. Spaeth, Clerk of the Court of Common Pleas of Warren County, Ohio, do hereby certify that on the 23<sup>RD</sup> day of APRIL, 2015, a judgment or decree was rendered by said Court in favor of VILLAGE COUNCIL SOUTH LEBANON, OHIO AN OHIO MUNICIPAL CORPORATION , judgment creditor(s), and against WASH PENNINGTON AND MARY S. PENNINGTON, INDIVIDUALLY, AND WASH PENNINGTON AND MARY S. PENNINGTON, IN THEIR CAPACITY AS TRUSTEES OF THE WASH AND MARY S. PENNINGTON FAMILY TRUST UNDER A CERTAIN DECLARATION OF TRUST DATED 2/22/1996, JOINT AND SEVERALLY , judgment debtor(s), in the amount of EIGHTY SEVEN THOUSAND ONE HUNDRED SEVENTY FOUR & 00/100 Dollars, (\$87,174.00) with the interest rate of \_\_\_ per centum per annum from the \_\_\_ day of \_\_\_, 20\_\_\_, and COSTS Dollars (\$\_\_\_) costs, in a certain action pending in said Court, No. 15CV86727 on the docket thereof, entitled VILLAGE COUNCIL SOUTH LEBANON, OHIO AN OHIO MUNICIPAL CORPORATION, Plaintiff(s), vs. WASH PENNINGTON AND MARY S. PENNINGTON AND WASH PENNINGTON, TRUSTEE AND MARY S. PENNINGTON, TRUSTEE, Defendant(s), which said judgment or decree is entered in Journal No. APR Page 2015, in said Court.

WITNESS my hand and the seal of said Court, this 29<sup>TH</sup> day of APRIL, 2015

(Seal)

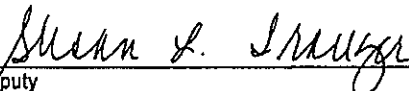
  
Clerk of Courts  
by   
Deputy

JUDGMENT LIEN RECORDED IN

THE COURT OF COMMON PLEAS, Warren COUNTY, OHIO

DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

CERTIFICATE OF JUDGMENT NUMBER 15CV-04-0294

By   
Deputy