

**VILLAGE OF SOUTH LEBANON, OHIO**  
**RESOLUTION NO. 2015-27**

**A RESOLUTION FINDING THE PROPERTY LOCATED AT 83 N. SECTION STREET BEING A PART OF THE PROPERTY COMMONLY KNOWN AS THE COMMUNITY CENTER IS NOT NEEDED FOR ANY MUNICIPAL PURPOSE, AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AN ADVERTISEMENT FOR SEAL BIDS TO LEASE THE PROPERTY WITH A RESERVATION OF RIGHTS TO REJECT ALL BIDS, AND FURTHER AUTHORIZING THE FISCAL OFFICER TO ADVERTISE BY ABBRIEVATED PUBLICATION**

**WHEREAS**, Section 721.01 of the Ohio Revised Code enables the Village Council to lease real estate belonging to the Village when such real estate is not needed for any municipal purpose, and upon making such a finding such power must be exercised in accordance with the applicable provisions Chapter 721, inclusive, of the Revised Code; and,

**WHEREAS**, in accordance with Section 721.03, such lease of real estate may only occur upon the adoption of an Ordinance by a two-thirds vote of the members of Council to enter into a Contract to lease to the highest bidder, subject to a reservation to reject any and all bids re-advertise, after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the Village, or after abbreviated publication per Section 7.16 of the Revised Code; and,

**WHEREAS**, the Village is the fee owner of real estate with improvements thereon acquired from the Board of Education of Kings Local School District of Warren County, Ohio, being a total of 3.188 acres, by virtue of a Quit-claim deed dated July 16, 2002, and recorded in Official Record Volume 2662, Page 411 of the office of the Warren County, Ohio Recorder; and,

**WHEREAS**, the Village has caused a survey and Re-plat of the said property to be prepared, that re-plats the property into three separate lots, including: Lot 1 consisting of 0.717 acres where the two story former school building is situated, and Lot 2 consisting of 1.403 acres where the one story former school building is situated (collectively referred to as the "Community Center"), and Lot 3 consisting of 1.068 acres that is improved, leased and occupied by the South Lebanon Early Learning Center; and,

WHEREAS, the Village is considering long-term leasing of building on Lot 2 (having an address of 83 N. Section Street), and the Council desires at this time to advertise to long term lease the building on Lot 2 with a reservation of rights to reject all bids.

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

**Section 1.** That the Council finds the real estate and improvements at 83 N. Section Street (illustrated as Lot 2 of the Community Center Replat) is owned by the Village, and is not needed at this time for any municipal purpose; and,

**Section 2.** That the Council desires to and does hereby authorize the Village Administrator to prepare an invitation for sealed bids to lease the real estate and improvements at 83 N. Section Street (illustrated as Lot 2 of the Community Center Replat) as-is and where-is and subject to the invitation reserving to Council the right to reject all bids, and with the following obligations and restrictions: a lease the terms and conditions of which are approved by the Council and the Solicitor, including without limitation the lease being subject to existing leases and any rights of renewal, plus designated areas in the building being available for community functions; each successful bidder submitting a Capital Improvement Plan (CIP) that identifies specific improvements, a budget and timetable, with such improvements being at the sole cost of the successful bidder; the lease providing the successful bidder shall be solely responsible for all maintenance and utility costs during the term of the lease; the lease providing for the successful bidder being solely responsible for proving and maintaining at all times casualty and liability insurance with limits acceptable to the Council and with the Village being named an additional insured; the lease providing the successful bidder may sublease areas of the building only with the Council being made a Co-sublessor; the lease containing an acceptable termination clause; the lease providing that should the lease result in a revocation of the tax exempt status of the property, the successfully bidder shall be responsible for paying the real estate taxes and assessments.

**Section 3.** That the Council does hereby authorize the Fiscal Officer to advertise the said invitation in a newspaper of general circulation in the Village using the abbreviated publication process permitted in Section

7.16 of the Revised Code, which includes listing the Village's Website in such publications; and,

**Section 4.** That upon completion of the foregoing steps in Sections 1-3, no lease will be entered into until such time as Council approves by a two-thirds vote of the members of Council to move forward by passing a separate Ordinance to lease the property and accept the highest bid.

**Section 5.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 6.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 7.** 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 September, 2015.

Attest:



Sharon Louallen, Fiscal Officer/Clerk



Lionel Harold Lawhorn, Mayor

Rules Suspended: / /2015 (if applicable)

Effective Date - / /2015

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

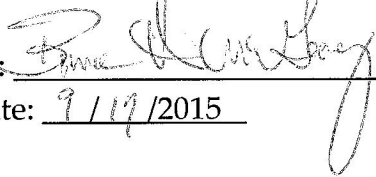
First Reading - 8/20/2015  
Second Reading - 9/3/2015  
Third Reading - 9/17/2015

Effective Date - / /2015

Vote - 6 Yeas  
\_\_\_ Nays


Prepared by and approved as to form:

BRUCE A. McGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 9/17/2015

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.

9-18-15   
Date Sharon Louallen  
Fiscal Officer  
Village of South Lebanon,  
Ohio