

VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2016- 24

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A FULL RELEASE 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 has completed the necessary work on the Shepherd's Crossing Subdivision infrastructure with proceeds from prior Lot sales; and,

WHEREAS, the Developer has requested a release of the Certificate of Judgment against the Developer; 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 full release, as approved as to form by the Village Solicitor, of 15CJ040294, attached hereto and incorporated by reference.

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.

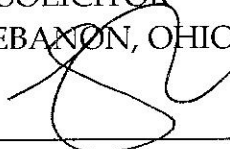
Adopted this 21st day of July, 2016.

Attest:  
Sharon Louallen, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended: <u>7/21/2016</u> (if applicable)	Effective Date - / / 2016
Vote - <u>60</u> Yeas	
___ Nays	
First Reading - / / 2016	Effective Date - / / 2016
Second Reading - / / 2016	
Third Reading - / / 2016	
Vote - ___ Yeas	
___ Nays	

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 7/21/2016