

# VILLAGE OF WINDHAM, OHIO

## RESOLUTION NO. R-2009-15

### A RESOLUTION AUTHORIZING THE PARTIAL SATISFACTION OF A CERTAIN MORTGAGE EXECUTED BY MAPLE GROVE I LIMITED PARTNERSHIP, AN OHIO LIMITED PARTNERSHIP AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Windham has previously acted as a conduit of certain Community Development Block Grant funds (hereinafter CDBG) from the State of Ohio, and have used a portion of those funds to provide for residential housing within the Village of Windham by providing the funds to the Maple Grove I Limited Partnership, an Ohio Limited Partnership; and

WHEREAS, subsequent to receipt of the CDBG funds, the State of Ohio waived any claim for repayment of those funds from the Village of Windham, and accordingly the funds are now to be used in conformity with the contractual obligations already existing between the Village of Windham and Maple Grove I Limited Partnership; and

WHEREAS, pursuant to the terms of an agreement between Maple Grove I Limited Partnership and the Village of Windham, in the event the housing on property secured by the mortgage from Maple Grove I Limited Partnership to the Village of Windham is no longer used for the intended residential housing, then, in that event, the mortgage on the Maple Grove I Limited Partnership property which is no longer used for residential housing is to be released.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Windham, two thirds of the members thereto elected concurring that:

Section 1: It is hereby found that a portion of the land owned by Maple Grove I Limited Partnership and consisting of sub lot numbers 21 and 22 in the Maple Grove Park plat number 1, as recorded in Volume 30, Page 12 of the Portage County record of plats is now being subject to demolition and residential housing will no longer occur in the previously existing structures, such that the Village of Windham should perform its contractual obligations and release the lien on a portion of the Maple Grove I Limited Partnership property.

Section 2: The partial satisfaction of mortgage, in substantial conformity with the exhibit attached hereto, and marked for identification as Exhibit "A", is hereby approved, releasing a portion of the property encumbered by a mortgage in favor of the Village of Windham. The Mayor and the Fiscal Officer are authorized and directed to execute the partial satisfaction of mortgage attached hereto as Exhibit "A" on behalf of the Village of Windham.

Section 3: This Resolution is declared to be an emergency measure, necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio, and for the further reason that the Village of Windham no longer has any legal claim to the real estate owned by the Maple Grove I Limited Partnership property as set forth in the attached Exhibit "A".

Section 4: It is hereby found and determined that all actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed in Council as an emergency this the 28th day of April, 2009.

Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder  
Nays: None.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_

Effective: \_\_\_\_\_

By: \_\_\_\_\_

Robert W. Donham, III - Mayor

Attest:

\_\_\_\_\_  
Fiscal Officer - Lloyd Billman

Approved as to form:

\_\_\_\_\_  
Interim Village Solicitor – Thomas Reitz

Resolution R-2009-15  
Exhibit "A"

WHEN RECORDED MAIL TO:  
Neighborhood Development Services, Inc.  
120 East Main St.  
Ravenna, Ohio 44266

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**PARTIAL SATISFACTION OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS, that the Village of Windham, for valuable consideration, the receipt of which is hereby acknowledged, DOES HEREBY RELEASE AND DISCHARGE from the operation of a certain Mortgage executed by Maple Grove I Limited Partnership; an Ohio Limited Partnership, to the Village of Windham, dated December 15, 1990 and Recorded on December 17, 1990 as Instrument No. 96230, Volume 1311, Page 899-902 of Portage County Records, State of Ohio.

The following described premises:

Situated in the Village of Windham, County of Portage and State of Ohio and further described as follows: And known as being Sub lot Numbers 21 & 22 in the Maple Grove Park Plat No. 1, as recorded in Volume 30, Page 12 of the Portage County Records of Plats.

Provided, however, that this release shall not be construed to waive, or in any manner affect or invalidate the lien of said mortgage upon the residue of the real estate described in said mortgage.

IN WITNESS WHEREOF, said Village of Windham by its duly authorized representatives has caused its name to be hereto subscribed.

IN THE PRESENCE OF:

Village of Windham

Witness: \_\_\_\_\_, Mayor

Witness: \_\_\_\_\_, Village  
Clerk

STATE OF OHIO

COUNTY OF PORTAGE

Before me, a Notary Public, in and for said County, Personally appeared the above named \_\_\_\_\_ and \_\_\_\_\_, duly authorized representatives of the Village of Windham and acknowledged that they did sign the above foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official Seal of \_\_\_\_\_, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

Prepared by Neighborhood Development Services, Inc.