

RESOLUTION R-2018-30

A RESOLUTION TO AUTHORIZE MAYOR AND FISCAL OFFICER TO EXECUTE A MORTGAGE SATISFACTION ON BEHALF OF THE VILLAGE AND DECLARING AN EMERGENCY.

WHEREAS, over a period of years the Administration of the Village of Windham has participated in various grant and loan activities to assist owners of properties within the Village; and

WHEREAS, the Portage Area Development Corporation has been a partner with the Village by assisting in lending and rehabilitation activities with owners of properties in the Village; and

WHEREAS, Neighborhood Development Services, Inc., (NDS) has succeeded to the rights and responsibilities of the Portage Area Development Corporation; and

WHEREAS, in pursuit of economic development within the Village, NDS has offered to purchase land generally located on and near Brook Court: and

WHEREAS, by the passage of Ordinance 2018-8 the Village agreed to sell two parcels generally located on and near Brook Court to NDS for \$90,000.00; and

WHEREAS, to provide clear title to the parcels being sold to NDS, by the passage of Resolution 2018-20 the Village Council authorized a complete release of two mortgages held by the Village, which mortgages originate in 1993 and in 1997 and which are now in default; and

WHEREAS, NDS has also asked the Village to acknowledge and express acquiescence to NDS executing several additional satisfaction of mortgages in favor of the Portage Area Development Corporation, which encumbered the land generally on or near Brook Court but which mortgages are not in favor of the Village of Windham; and

WHEREAS, by passing Resolution 2018-20 the Village Council acquiesced in NDS executing three mortgage satisfactions which were represented as being between parties other than the Village of Windham; and

WHEREAS, it has now come to the attention of the Village Council that one of the three mortgages NDS asked the Village of Windham to acknowledge and express acquiescence to had been previously been assigned to the Village; and

WHEREAS, the Village Council wishes to authorize the release of the mortgage in question for the same reasons and for the same consideration as is set forth in detail in Resolution 2018-20.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Windham, County of Portage, State of Ohio, two thirds or more of its members thereto concurring that:

Section 1: In consideration of the payment to the Village under the purchase agreement authorized in Ordinance 2018-8, there being no expectation of further payment, and for the reasons enumerated in Resolution 2018-20, the Mayor and the Fiscal Officer are hereby authorized to execute on behalf of the Village the Satisfaction of Mortgage attached as Exhibit C.

Section 2: This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, for the reason that the Village is obligated to provide clear title the land sold to Neighborhood Development Services, which land is located generally near Brook Court, and identified as Parcel/Tax ID Numbers 41-057-10-00-054-000 and 41-057-10-00-054-053 in the Village of Windham, Ohio.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

Passed by Council on First Reading, September 25, 2018.

Vote of Council: Ayes: 5
 Nays: 0

Mayor, Deborah Blewitt

ATTEST:

Fiscal Officer, Cheree Taylor

Approved as to form:

Thomas Reitz, Solicitor

SATISFACTION OF MORTGAGE

This is to certify, that the conditions of a certain mortgage bearing date of **December 17, 1990** given **Maple Grove #1 Limited Partnership** to secure payment of **\$88,800.00** mortgage recorded as **Vol No. 1311, Page(s). 0899 – 0902** of the Portage County Records has been fully complied with and the same is hereby satisfied and discharged.

IN WITNESS WHEREOF, said **The Village of Windham** by its duly authorized representatives has caused its name to hereunto subscribed.

The Village of Windham:

By: Deborah F. Blewitt
Its: Mayor
By: Chere M. Taylor
Its: FISCAL OFFICER

STATE OF OHIO

COUNTY OF PORTAGE

Before me, a Notary Public, in and for said County, personally appeared the above name Deborah Blewitt + Chere Taylor for **The Village of Windham** and acknowledged that they did sign the above foregoing instrument and that the same is their free act and deed of said **The Village of Windham**.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Windham, Ohio this 27th day of September, 2018.

Cynthia L. Cale
Notary Public
CYNTHIA L. CALE, Notary Public
In and for the State of Ohio
My Commission Expires April 6, 2021

Prepared by: Neighborhood Development Services, Inc.