

ORDINANCE NO. 9-25

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO
A REAL ESTATE PURCHASE AGREEMENT WITH ASH INNOVATIONS, LLC
TO SELL A PORTION OF MUNICIPAL PROPERTY CONSISTING
OF APPROXIMATELY 8.9550 ACRES, PERMANENT PARCEL
NO. 04-00-004-103-030, (aka BLOCK E)
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon currently owns several acres of land along Recreation Lane in what has come to be known as the City's Recreation Complex; and

WHEREAS, most of this property was purchased from The Cleveland Electric Illuminating Company (CEI) in the early 1980s after it was used by that company as fly ash dump for their former electric production facility in Avon Lake; and

WHEREAS, due to the soil conditions of the property and its limitations on use, the property was acquired for the token amount of One Dollar; and

WHEREAS, over the years, the Administration has received very little interest in the development of this land and as a result began to consider various options that would be compatible with the immediate area (recreation); and

WHEREAS, in mid-2012, the Bo Jackson's Elite Sports Development Group, LLC began expressing an interest in purchasing the property and constructing an indoor sports complex utilizing an inflated dome; and

WHEREAS, the Administration and members of City Council, after conducting several discussions with the Bo Jackson Group, entered into an option to purchase approximately nine (9) acres of property off Recreation Lane with Bo Jackson in Ord. No. 124-13, passed October 15, 2013; and

WHEREAS, said option contract was never exercised and the parties agreed to rescind same on or about April 16, 2015; and

WHEREAS, T3 Holdings expressed an interest in developing the site under the terms and conditions established by the City of Avon, i.e., to facilitate the construction and operation of a total fitness/sports complex geared toward training and conditioning amateur athletes and an agreement was entered into and Council passed Ordinance No. 83-16 on July 5, 2016; and

WHEREAS, Ash Innovations, LLC has expressed an interest in developing the site identified as Block E, Lorain County Auditor's Permanent Parcel No. 04-00-004-103-030, under the terms and conditions established by the City of Avon, i.e., to facilitate the construction and operation of a health, wellness, lifestyle, recreational, and/or athletic facility; and

WHEREAS, pursuant to Article IV, Section 13(c) of the Charter of the City of Avon, Council has the authority to provide for the sale of municipal property (real estate) by ordinance.

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In addition, Article VIII, Section 5 of said Charter permits the disposal of property valued at under Ten Thousand Dollars (\$10,000) to be disposed of in the same manner; and

WHEREAS, Council, having considered all the potential uses for this property, finds it to be in the best interests of the City of Avon and in the best interests of the health, safety, and welfare of its residents, to authorize the Mayor to enter into this Real Estate Purchase Agreement with Ash Innovations pursuant to the terms and conditions set forth therein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Council, having considered the proposed Real Estate Purchase Agreement between the City of Avon and Ash Innovations, LLC, finds same to be reasonable and in the City's best interests and hereby grants the Mayor the authority to enter into said Agreement in substantially the form as it is attached hereto as [Exhibit A](#) and incorporated herein by this reference.

Section 2 - That it is found and determined that all formal 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.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the Mayor to enter into the Real Estate Purchase Agreement with Ash Innovations, LLC to facilitate the commencement of their one (1) year Due Diligence period to determine the suitability of the site for construction of a pickleball facility on approximately nine (9) acres of land along Recreation Lane in the City's Recreation Complex; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

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APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director