

ORDINANCE NO. 79-25

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TURCO REAL ESTATE HOLDINGS COMPANY TO PURCHASE REAL PROPERTY CONSISTING OF APPROXIMATELY 0.4800 ACRES OF LAND, (A 10' WIDE STRIP ON THE SOUTH SIDE OF FREEMAN DRIVE), PPN 04-00-009-000-167 AND DEDICATING SAME FOR USE AS A PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY

WHEREAS, the City continues to grow and so does its need to acquire additional land for public road improvements and other public infrastructure; and

WHEREAS, the Mayor seeks authorization from Council to enter into a Real Estate Purchase Agreement (REPA) with Turco Real Estate Holdings Company, an Ohio corporation, (Turco), for real property consisting of approximately 0.4800 acres, (a 10' wide strip on the south side of Freeman Drive), PPN No. 04-00-009-000-167; and

WHEREAS, Council has had an opportunity to meet with the Mayor and members of the Administration to discuss the purchase of the subject property, including the terms of the transaction as set forth in the proposed REPA; and

WHEREAS, Council deems it to be in the best interests of the health, safety, and welfare of the community that the City acquire the land being offered for sale in the vicinity of Freeman Drive consisting of approximately 0.4800 acres, (a 10' wide strip on the south side of Freeman Drive), and to dedicate same for public use and authorizes the Mayor to execute the REPA in furtherance of said acquisition.

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

Section 1 - That the Mayor is hereby authorized to enter into a Real Estate Purchase Agreement with Turco Real Estate Holdings Company for real property located in the City of Avon in the vicinity Freeman Drive, to wit: a ~10' x ~2,100' strip on the south side of Freeman Drive, PPN No. 04-00-009-000-167, totaling approximately 0.4800 acres. Further, Council hereby accepts this real property and dedicates it for public use. Said REPA, in substantially the form set forth in [Exhibit A](#), is attached hereto and incorporated herein by reference.

Section 2 - Council hereby authorizes the payment of funds from the General Fund No. 101 in an amount equal to that set forth in the REPA, together with any costs of closing. Payment is to be made pursuant to directives of the Finance Director.

Section 3 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, or

otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to acquire additional land for public use; 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

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, City of Avon