

ORDINANCE NO. 83-16

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO
AN OPTION TO SELL MUNICIPAL PROPERTY AND DEVELOPMENT
AGREEMENT WITH T3 HOLDINGS, LLC
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 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 has been the only entity to express 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

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. 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 of 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 Option to Sell and Development Agreement with T3 Holdings 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 Option to Purchase and Development Agreement between the City of Avon and T3 Holdings, 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 the Finance Director is hereby authorized to transfer funds from the City's General Fund No. 101 or from such other fund as deemed appropriate from time to time by the Finance Director into the Recreation Lane Improvement Fund No. 451 in an amount required to satisfy the City's financial obligations as set forth in Exhibit A. However, the amount of public funds expended pursuant to that contract shall not exceed the sum of Five Hundred Thousand Dollars (\$500,000.00).

Section 3 - 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 4 - 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 Option to Sell and Development Agreement with T3 Holdings, LLC to facilitate the commencement of construction of said facility on nine (9) acres of land along Recreation Lane in the City's Recreation Complex as quickly as possible to enable the City's residents to utilize the facility in the manner set forth in the Agreement; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

Ordinance No. 83-16 (Con't.)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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