

**ORDINANCE NO. 94-16**

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO SELL MUNICIPAL PROPERTY TO THE BOARD OF PARK COMMISSIONERS, LORAIN COUNTY METROPOLITAN PARK DISTRICT AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Avon currently owns approximately 56.9 acres located in the northwest quadrant of the Riegelsberger Road and Jaycox Road in the City of Avon, Lorain County, Ohio, and is assigned Permanent Parcel No. 04-00-023-107-025 in the records of the Auditor of Lorain County, Ohio (the "Property");

**WHEREAS**, this property was purchased from Garland Griffin Homes, Inc. ("Garland") pursuant to a Settlement Agreement and Mutual Release entered into as part of Lorain County Common Pleas Court Case No. 15CV186021 after it was determined to be unbuildable for a residential subdivision; and

**WHEREAS**, over the year, the Administration has received interest in the development of this land as a passive park and recreation area and began to consider various options that would be compatible with the immediate area; and

**WHEREAS**, in early 2016, the Lorain County Board of Park Commissioners, Lorain County Metropolitan Park District (hereinafter referred to as the "MetroParks") began expressing an interest in purchasing the property and constructing additional park amenities; and

**WHEREAS**, the Administration, after conducting several discussions with the MetroParks desires to enter into an Agreement for the sale of the approximately 56.9 acres located in the northwest quadrant of the Riegelsberger Road and Jaycox Road; 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; 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 Agreement to Sell said property to the MetroParks 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 Agreement to Sell Real Estate between the City of Avon and Board of Park Commissioners, Lorain County Metropolitan Park District (MetroParks), 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, the proceeds of said sale to be deposited into the City General Fund No. 101.

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

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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 an Agreement to sell approximately 56.9 acres of City land located in the northwest quadrant of the Riegelsberger Road and Jaycox Road to the MetroParks and thereby facilitate the commencement of improvements designed to create a passive recreation area for residents and assist in the development of future water quality and flood control practices; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Robert J. Butkowski, Council Pres. Pro Tem

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

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