

ORDINANCE NO. 11-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE NORTHEAST CORNER OF STONE RIVER DRIVE AND MILLS ROAD, (WEST OF 35396 MILLS ROAD), PERMANENT PARCEL NO. 04-00-013-000-141 AND DECLARING AN EMERGENCY

WHEREAS, as the City's population continues to grow and more land is developed, the City's need to acquire lands for public use; and

WHEREAS, the property located at the northeast corner of Stone River Drive and Mills Road, (west of 35396 Mills Road), is available for purchase and is adjacent to the 27 acre French Creek Restoration Area; and

WHEREAS, the Administration, after considering the Seller's offer, inspecting the site and discussing the feasibility of the purchase with members of City Council, now seeks authorization to enter into a Purchase Agreement with the owner for the purchase of one (1) vacant unimproved parcel of real estate on approximately 0.346 acres of land located at the northeast corner of Stone River Drive and Mills Road, (west of 35396 Mills Road) in the City of Avon; 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 Purchase Agreement; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the community that the City enter into a purchase agreement to acquire the land being offered for sale at the northeast corner of Stone River Drive and Mills Road, (west of 35396 Mills Road), for future use as public property.

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 Purchase Agreement in substantially the same form as is set forth herein and incorporated hereto as Exhibit A with Frank J. Resar & Kathleen L. Resar to acquire one (1) vacant, unimproved parcel of real property located at the northeast corner of Stone River Drive and Mills Road, (west of 35396 Mills Road), in the City of Avon, being Permanent Parcel No. 04-00-013-000-141 (0.346 acres).

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 final Purchase Agreement, said sum not to exceed Twenty Thousand Dollars (\$20,000.00). Payment is to be made pursuant to directives of the Finance Director who is authorized to increase the appropriation by a reasonable amount to cover any engineering, legal and closing fees associated with this purchase.

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

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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: January 13, 2020 DATE SIGNED: January 13, 2020

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: January 14, 2020

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara G. Brooks
Barbara Brooks, Clerk of Council

Posted: January 15, 2020
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director, City of Avon