

ORDINANCE NO. 97-14

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A PURCHASE AND SALE AGREEMENT WITH SOUTH PARK, LLC
FOR REAL ESTATE LOCATED AT THE SOUTHERN TERMINUS OF NORTH
LONG ROAD, PERMANENT PARCEL NO. 04-00-013-000-561
AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Resolution R-9-14 on June 9, 2014 declaring it necessary to appropriate interests in land from South Park, LLC for the purpose of constructing an extension of North Long Road, i.e., a public improvement; and

WHEREAS, the City then proceeded to have the property appraised and on July 14, 2014 Council passed Ordinance No. 87-14 authorizing the Administration to proceed with the filing of an appropriation proceeding against the property owner; and

WHEREAS, before commencing appropriation proceedings, negotiations for the purchase of that property continued and an agreement was reached between the City and South Park, LLC for the purchase of .2577 acres of land at the southern terminus of North Long Road; and

WHEREAS, Council has had an opportunity to meet with the Mayor and other administrative officials to discuss the purchase of the subject property, including the terms of the transaction as set forth in the proposed Purchase and Sale Agreement; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the citizens of Avon that the City proceed with the acquisition of said property per the attached Purchase Agreement and utilize said property for the future extension of North Long Road.

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 with South Park, LLC, an Ohio Limited Liability Company, to purchase approximately .2577 acres of land located at the southern terminus of North Long Road in the City of Avon, a portion of Permanent Parcel No. 04-00-003-103-064. Said Agreement is incorporated herein and marked as "Exhibit A".

Section 2 - Council hereby authorizes payment to be made from the General Fund No. 101 in an amount equal to that set forth in the Purchase Agreement. Payment is to be made pursuant to the directives of the Finance Director. Further, the Finance Director is authorized to increase the appropriation by a reasonable amount to cover engineering, title and legal fees associated with this project.

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 enter into a purchase agreement for the acquisition of land for the extension of North Long Road and the improvements thereon; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director