

ORDINANCE NO. 124-13

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO
A PURCHASE AND SALE AGREEMENT WITH THE BO JACKSON GROUP
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; and

WHEREAS, due to the condition 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, including a visit to its Lockport, Illinois complex, seeks to further enhance the quality of recreational offerings in the City's Recreation Complex by entering into a Purchase and Sale Agreement with Bo Jackson's Elite Sports Development Group, LLC for approximately nine (9) acres of land located off of Recreation Lane in the City of Avon to facilitate their construction 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 said Purchase and Sale Agreement 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:**

Ordinance No. 124-13 (Con't.)

Section 1 - That Council, having considered the proposed Purchase and Sale Agreement between the City of Avon and Bo Jackson's Elite Sports Development Group, 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 which is attached hereto as Exhibit A and incorporated herein by this reference.

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 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 the Purchase and Sale Agreement with the Bo Jackson Elite Sports Development Group, LLC to facilitate the commencement of construction of said facility on the describe nine (9) acres of land along Recreation Lane 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: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Ordinance No. 124-13 (Con't.)

POSTED: _____

In Five Places as
Provided by Council

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