

ORDINANCE NO. 49-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2940 STONEY RIDGE ROAD, PARCEL NOS. 04-00-011-102-048 and 04-00-011-102-049 (THE CAHOON HOUSE) FROM JEAN A. FISCHER, TRUSTEE, OF THE JEAN A. FISCHER FAMILY REVOCABLE LIVING TRUST 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 preserve sites of significant historical meaning also continues to grow; and

WHEREAS, the property known locally as the "Cahoon House" at 2940 Stoney Ridge Road is one such property of significant historical value and is available for purchase from the Jean A. Fischer Family Trust; and

WHEREAS, the Administration, after considering the Seller's offer, inspecting the site and discussing the feasibility of the purchase with Finance, now seeks authorization from Council to enter into a Purchase Agreement with Jean A. Fischer, Trustee, Jean A. Fischer Family Revocable Living Trust for the purchase of the two (2) parcels of land, one approximately 0.947 acres and the other approximately 0.179 acres both of which are located at 2940 Stoney Ridge 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 properties, 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 acquire the land being offered for sale at 2940 Stoney Ridge Road for 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 with Jean A. Fischer, Trustee, Jean A. Fischer Family Revocable Living Trust to acquire two parcels of land located at 2940 Stoney Ridge Road in the City of Avon, one being Permanent Parcel No. 04-00-011-102-048 (0.947 acres) and the other being Permanent Parcel No. 04-00-011-102-049 (0.179 acres) together with items of personal property located on the premises thereof. Said Purchase Agreement is attached hereto as Exhibit A and incorporated herein by reference.

Section 2 - Council hereby authorizes the transfer of funds from the General Fund No. 101 to the Park Development Fund No. 251 in an amount equal to that set forth in the Purchase Agreement. 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 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 and preserve sites of historical significance; 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

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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