

ORDINANCE NO. 71-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OPTION TO PURCHASE REAL ESTATE LOCATED ALONG THE WEST SIDE OF STONEY RIDGE ROAD, SOUTH OF CENTENNIAL AVENUE, CONSISTING OF APPROXIMATELY 37.50 ACRES OF LAND (THE TRAXLER PROPERTY) 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 becomes all the more important; and

WHEREAS, the property located along the west side of Stoney Ridge Road, south of Centennial Avenue is available for purchase; and

WHEREAS, acquisition of this 37.50 acre site would enable significant expansion of the parks and open spaces and is seen as a way to preserve sensitive ecological areas and stream corridors for Avon's residents and provide benefits to the Avon High School campus which is contiguous to the property on its west and south borders; and

WHEREAS, the Administration had the property appraised; and

WHEREAS, Council, on September 13, 2021, passed Resolution R-25-21 in support of an application for Clean Ohio Fund Green Space Conservation Program administered by the Ohio Public Works Commission (OPWC) to defray the cost of purchasing said property; and

WHEREAS, funding through the Clean Ohio Green Space Conservation Program will allow the City of Avon to acquire land and/or make improvements for the purposes of preserving natural green space and passive use public recreation; and

WHEREAS, Council finds that authorizing the Mayor to enter into an Option Agreement to acquire the lands owned by the Traxler Family Limited Partnership located along the west side of Stoney Ridge Road, south of Centennial Avenue, consisting of all or portions of six (6) parcels of real property, to wit: PP#s 04-00-011-102-052; 04-00-011-102-051; 04-00-011-102-029; 04-00-011-102-025; 04-00-011-102-026; 04-00-011-102-027 will significantly further the health, safety and welfare of the citizens of Avon and the community by preserving a natural section of the French Creek riparian corridor in perpetuity while enhancing the passive use public recreation opportunities for its citizens.

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 of the City of Avon is hereby authorized to enter into an Option Agreement to purchase property on behalf of the City of Avon, said property being the property owned by Traxler Family Limited Partnership and further described in Exhibit A, which is attached hereto and incorporated herein by this reference. The purchase of the above-referenced property will consist of all or portions of six (6) parcels of real property, to wit: PP#s 04-00-011-102-052;

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04-00-011-102-051; 04-00-011-102-029; 04-00-011-102-025; 04-00-011-102-026; 04-00-011-102-027 located west of Stoney Ridge Road and south of Centennial Avenue.

Section 2 - Council hereby authorizes the payment of funds from the General Fund No. 101 in an amount equal to and as set forth in the Option Agreement. The final purchase price, less credit for any amounts being paid per the Option Agreement and/or provided through grant funding (See, Res. R-25-21) shall equal **One Million, Six Hundred and Seventy Thousand (\$1,670,000/00) Dollars**, together with any costs of closing. 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, 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 to authorize the Mayor to execute all documents necessary to procure an Option to purchase the Traxler property west of Stoney Ridge Road and south of Centennial Avenue; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

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ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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