

ORDINANCE NO. 89-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE OPTION AND DEVELOPMENT AGREEMENT WITH T3 REALTY, LLC TO ALLOW FOR THE FURTHER DEVELOPMENT OF THEIR PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, on or about July 6, 2016, the City and T3 Holdings, LLC, an Ohio limited liability company, entered into an Option and Development Agreement pursuant to which the City granted T3 Holdings, LLC the right and option to purchase an 11.3 acre parcel of vacant land commonly known as Lorain County Permanent Parcel No. 04-00-003-101-493 (the "T3 Property"); and

WHEREAS, T3 Holdings, LLC assigned all of its right, title and interest under the Option and Development Agreement to T3 Realty, LLC; and

WHEREAS, subsequent to such assignment, T3 exercised the option to purchase that was set forth in the Option and Development Agreement and T3 Realty, LLC (hereinafter referred to as "T3") is now the owner of the T3 property located at 1965 Recreation Lane; and

WHEREAS, T3 has constructed a health and wellness and athletic performance training facility on the T3 Realty property and now wishes to expand by constructing a "Second Building" that will be initially used primarily for baseball, basketball and volleyball training and activities in addition to uses similar to those existing and permitted at the existing "Building One" on the T3 Property. T3 also desires to provide medical and physical therapy at the "Second Building"; and

WHEREAS, the parties recognize and understand that construction of the Second Building on the Property presents serious challenges and in consideration of the undertakings by T3 as set forth herein and in consideration of the positive economic impacts to the City, the grant of easements as set forth herein, the construction of improvements on other land owned by the City and for the benefits to be received by the citizens of the City, the City will contribute the total sum not to exceed Five Hundred Thousand Dollars (\$500,000.00). This contribution will be used by T3 to cover, among other things, the cost of soil and mound removal (a City obligation), and the cost of certain permit fees due the City to construct improvements on City land (in the form of a waiver); and

WHEREAS, the parties desire to amend the original Option and Development Agreement for the purposes set forth herein; and

WHEREAS, Council, having considered the proposed Amendment to Option and Development Agreement between the City of Avon and T3 Holdings, LLC, 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 the Amendment 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:

Section 1 - That Council, having considered the proposed Amendment to Option and Development Agreement between the City of Avon and T3 Realty, LLC, finds same to be reasonable and in the City's best interests and hereby authorizes the Mayor to enter into said Agreement in substantially the form as attached hereto as [Exhibit A](#) and incorporated herein by this reference.

Section 2 – That the Finance Director is hereby authorized to transfer funds from the City's General Fund No. 101 or from such other fund as deemed appropriate from time to time by the Finance Director into the Recreation Lane Improvement Fund No. 451 in an amount required to satisfy the City's financial obligations as set forth in Exhibit A. However, the amount expended pursuant to that agreement shall not exceed the sum of Five Hundred Thousand Dollars (\$500,000.00).

Section 3 - 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 4 - 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 an Amendment to the Option and Development Agreement with T3 Realty, LLC to facilitate the commencement of construction of the Second Building on the northerly half of the T3 Property within what is generally known as the City's Recreation Complex as quickly as possible to enable the City's residents to utilize the new facility in the manner set forth in the Agreement within the next 12 months; 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

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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