

ORDINANCE NO. 120-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OPTION TO PURCHASE TWO PARCELS OF REAL ESTATE LOCATED ON DETROIT ROAD, PARCEL NUMBER ONE CONSISTING OF APPROXIMATELY 0.46 ACRES OF LAND OWNED BY THE AMY JOHNSON TRUST, (PERMANENT PARCEL NO. 04-00-027-101-012) AND THE SECOND PARCEL OF REAL ESTATE LOCATED OFF OF DETROIT ROAD CONSISTING OF A PORTION OF A PARCEL OF LAND (APPROXIMATELY 27.6 ACRES) OWNED BY KOOSH ENTERPRISES, LLC, (PERMANENT PARCEL NO. 04-00-027-101-176) 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 properties located on or near Detroit Road are available for purchase; and

WHEREAS, acquisition of the 0.46 acre and the 27.6 acres sites 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

WHEREAS, Council, on October 24, 2022, passed Resolution R-31-22 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, any funding obtained through the Clean Ohio Green Space Conservation Program will assist the City of Avon in acquiring the land and/or making improvements geared toward preserving natural green space and passive use public recreation; and

WHEREAS, Council finds that authorizing the Mayor to enter into the Option Agreement to acquire the land owned by Amy Johnson, Trustee, located on Detroit Road consisting of one (1) .46 acre parcel of real property PP#: 04-00-027-101-012 and land owned by Koosh Enterprises, LLC, located off of Detroit Road consisting of a 27.6 acre portion of a parcel of real property PP#: 04-00-027-101-176, will significantly further the health, safety and welfare of the citizens of Avon and the community by preserving a sensitive ecological area in perpetuity, enhancing the public recreation opportunities for its citizens, and providing for future road rights-of-way, utility corridors, stormwater management areas, and associated appurtenances; and

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 an Option Agreement to purchase property on behalf of the City of Avon, said property being the property owned by the Amy Johnson Trust pursuant to the terms of said Agreement as set forth in [Exhibit A](#), which is attached hereto and incorporated herein by this reference.

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Section 2 – The Mayor is hereby authorized to enter into an Option Agreement to purchase property on behalf of the City of Avon, said property being a portion of the property owned by Koosh Enterprises, LLC pursuant to the terms of said Agreement as set forth in [Exhibit A](#), which is attached hereto and incorporated herein by this reference.

Section 3 – Council hereby authorizes the payment of funds from the General Fund No. 101 in an amount equal to and as set forth in these Option Agreements. Payments are 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 these purchases.

Section 4 – 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 5 – 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 Options to purchase the Amy Johnson Trust property on Detroit Road, and a portion of the Koosh Enterprises, LLC property off of Detroit Road; 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