

ORDINANCE NO. 100-23

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
OPTION TO PURCHASE AGREEMENT TO ACQUIRE REAL ESTATE LOCATED
ALONG THE WESTSIDE OF STONEY RIDGE ROAD AT THE WESTERN
TERMINUS OF MILLS ROAD IN THE CITY OF AVON,
PERMANENT PARCEL NOS. 04-00-012-101-023 & 04-00-012-101-077
FROM MARILYN MIKULIC, SUCCESSOR TRUSTEE OF THE
JOHN J. MIKULIC TRUST DATED APRIL 28, 2009
AND DECLARING AN EMERGENCY**

WHEREAS, the City continues to grow and so does its need to acquire additional lands for public use; and

WHEREAS, the Mayor seeks authorization from Council to enter into an Option to Purchase Agreement with Marilyn Mikulic, Successor Trustee of the John J. Mikulic Trust dated April 28, 2009, to acquire two parcels of land, (Permanent Parcel Nos. 04-00-012-101-023 & 04-00-012-101-077 consisting of approximately 33.93 acres located along the west side of Stoney Ridge Road at the western terminus of Mills Road in the City of Avon; and

WHEREAS, Council has had an opportunity to meet with the Mayor and 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 enter into the Option to Purchase the land being offered for sale along the west side of Stoney Ridge Road at the western terminus of Mills Road for use as public property and authorize the Mayor to execute said Option in furtherance of said acquisition.

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 to Purchase Agreement with Marilyn Mikulic, Successor Trustee of the John J. Mikulic Trust dated April 28, 2009, to acquire two parcels of land located along the west side of Stoney Ridge Road at the western terminus of Mills Road in the City of Avon, Permanent Parcel Nos. 04-00-012-101-023 & 04-00-012-101-077 (33.93 acres). Said Option Agreement, in substantially the form set forth in [Exhibit A](#), is attached hereto and incorporated herein by reference.

Section 2 - Council hereby authorizes the payment of funds from the General Fund No. 101 in an amount equal to that set forth in the Option to Purchase Agreement, together with any costs of closing in the event the Mayor elects to exercise the Option. Payment is to be made pursuant to the 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 enter into the Option to Purchase Agreement in time to submit its application for possible funding to Clean Ohio Grant Program; 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 Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director, City of Avon