

Passed: August 25, 2008
By: Katz

ORDINANCE NO. 2008-17

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PURCHASE AGREEMENT, SETTLEMENT AGREEMENT, AND CONSENT DECREE, AND DECLARING EMERGENCY

WHEREAS, the Village having been engaged in litigation concerning the zoning of the real property located in the Village south and west of the intersection of Galbraith Road and Ridge Road, consisting of approximately 133.14 acres, and formerly known as the Crest Hills Country Club (the "Property"), and

WHEREAS, Council have desired to enter into the attached (or a form similar to the attached) Purchase and Sale Agreement ("Purchase Agreement"), Settlement Agreement and Release ("Settlement Agreement"), and Consent Decree and Final Judgment Entry ("Consent Decree") as they pertain to the acquisition of the Property for public use, and

WHEREAS, it is the intention of the Council to authorize the Mayor to execute the attached (or a form similar to the attached) Purchase Agreement, Settlement Agreement, and Consent Decree on behalf of the Council,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF AMBERLEY VILLAGE, STATE OF OHIO, seven (7) members thereto concurring:

SECTION 1: That the Mayor is hereby fully authorized to execute the attached (or a form similar to the attached) Purchase Agreement, Settlement Agreement, and Consent Decree on behalf of the Council, and to cause the Village to purchase the Property on the terms and conditions set forth in the Purchase Agreement, and to take such actions, and to execute, acknowledge, deliver, amend and/or modify any and all instruments of every type and nature which the Mayor determines to be necessary, appropriate and/or desirable in connection with the consummation of the purchase of the Property pursuant to the Purchase Agreement, including but not limited to, obtaining title insurance, conducting a survey of the Property, and completing an environmental Phase I inspection of the Property.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village, and it shall go into effect forthwith. The reason for such emergency is to enable the Village to immediately move forward with the resolution of this lawsuit that has already caused the Village to expend a considerable amount of time and money in defending it.

Mayor Charles S. Kamine

Attest:

Nicole Browder, Clerk of Council

I, Clerk of Council of Amberley Village, Ohio, certify that on the 8th day of September 2008, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designated by Sec. 31.04(B), Code of Ordinances.

Nicole Browder, Clerk of Council