

PASSED: August 10, 2015
BY: Muething

ORDINANCE NO. 2015-11

ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE
MANAGER TO EXECUTE A CONTRACT FOR THE SALE OF
A PORTION OF THE NORTH SITE PROPERTY

WHEREAS, Amberley Village owns a parcel of land referred to as the “North Site;”

WHEREAS, the North Site has been identified by Village Council as a valuable piece of land in the Village that would benefit from proper development;

WHEREAS, Village Council determines it is in the best interest of the Village to sell the North Site for purposes of development as allowed under pertinent zoning regulations in a manner that benefits the Village and its residents;

WHEREAS, the Village retained the services of Jones Lang LaSalle to market the North Site, and Jones Lang LaSalle has in fact advertised and listed the property for sale in the marketplace, which Council determines was in the best interest of the Village;

WHEREAS, the Land Development Committee met to discuss an agreement to sell a portion of the North Site to Schuermann Properties Acquisitions, LLC (“Buyer”) for the price of One Million Three Hundred Seventy Thousand and 00/100 Dollars (\$1,370,000.00), and the Committee recommended approval of the agreement by Council;

WHEREAS, Council determines the property has been exposed to the marketplace for a reasonable and sufficient period of time, the offer represents the best possible price and value for the property and is a fair market value, and the purchase price reflects a fair and reasonable return to the Village in consideration for the property;

WHEREAS, development of the North Site according to the existing zoning regulations and the Village’s Long Range Plan will promote the Village’s economic development objectives, facilitate development in the Village, create jobs, create revenue to the Village, save carrying costs to the Village, and fulfill objectives regarding planning and development of the Village;

WHEREAS, Council determines it is in the best interests of the Village and its residents to sell a portion of the North Site to the Buyer according to the proposed Purchase Agreement;

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

SECTION 1: The Amberley Village Council hereby authorizes and directs the Village Manager to enter into a purchase agreement on behalf of the Village to sell a portion of the North Site property to Schuermann Properties Acquisitions, LLC for the price of One Million Three Hundred Seventy Thousand and 00/100 Dollars (\$1,370,000.00), said property consisting of 13.7

acres as described in the draft Purchase Agreement between the Village and the buyer, which Agreement is attached hereto, incorporated herein and made a part hereof, conditioned on approval of the Agreement by the Village Solicitor.

SECTION 2: The Village Manager is authorized to enter into any agreements and take such actions as may be necessary and appropriate in furtherance of the Purchase Agreement.

SECTION 3: This ordinance is approved by at least two-thirds of Council pursuant to Village Code § 39.10.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and it shall go into effect forthwith. The reason for such emergency is that market conditions require that time is of the essence to execute a purchase agreement with a potential buyer of the property so the buyer can begin its due diligence and move towards a closing as soon as possible, and because any delays in this process could result in a lost opportunity to sell the property at a reasonable price and under reasonable terms and conditions as determined by Council.

Passed this 10th day of August, 2015.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Muething Second: Hattenbach

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Doering	Aye
Hattenbach	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of August 2015, the forgoing 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 designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council