

PASSED: June 8, 2020
BY: Conway

ORDINANCE NO. 2020-11

ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE MANAGER TO
NEGOTIATE AND EXECUTE A SECOND CONTRACT ADDENDUM FOR A
REDUCTION OF THE SALE PRICE FOR SALE AND PURCHASE OF REAL
PROPERTY LOCATED AT THE NORTH SITE PROPERTY AND DECLARING AN
EMERGENCY

WHEREAS, Amberley Village is the owner of certain unimproved real property located at the area known as the “North Site;”

WHEREAS, Amberley Village has entered into a Contract for the Sale and Purchase (“Contract”) of a portion of said property containing approximately 2.2658 acres, more or less (“Property”), which is located on the westerly portion of the North Site, with Lewis Animal Hospital, Arlington Hts., Inc., Purchaser, as authorized by Ordinance No. 2019-11 on November 11, 2019;

WHEREAS, on April 10, 2020, Amberley Village entered into a First Addendum to Contract for Sale and Purchase to extend the due diligence period to June 10, 2020, and to approve the assignment of the Purchaser’s rights and obligations under the Contract to Molly J. Properties, LLC, an Ohio limited liability company, as provided under the terms of the Contract;

WHEREAS, in the course of due diligence, soil reports and evaluations indicated that there is soil remediation that has to be done on the Property;

WHEREAS, the Purchaser has requested a price reduction, to account for the cost of the soil remediation;

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

WHEREAS, the Village Council has determined that it is in the best interests of the Village to complete the sale and purchase of the Property by agreeing to a price reduction;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, six (6) members elected thereto concurring:

SECTION 1: The Amberley Village Council hereby authorizes and directs the Village Manager to enter into the Second Addendum to Contract for Sale and Purchase (“Second Addendum”) substantially in the form attached hereto as Exhibit “A,” and

incorporated herein by reference.

SECTION 2: The Village Manager is authorized to negotiate and enter into any agreements and take such actions as may be necessary and appropriate in furtherance of completing the Contract and the Second Addendum.

SECTION 3: This Ordinance is approved by at least two-thirds of members of the Village Council pursuant to Village Code § 39.01.

SECTION 4: This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health and safety, and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute the Second Addendum at the earliest possible date in order to comply with the terms of said Contract and 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 8th day of June, 2020.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: Conway Seconded: Hattenbach

Muething	Aye
Wolf	Aye
Conway	Aye
Hattenbach	Aye
Kamine	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of June, 2020, 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 designed by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council