

ORDINANCE NO. 2004-86

**AMENDING ORDINANCE NO. 2004-58 TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT TO SELL THE CITY OF MASON'S FORMER MUNICIPAL BUILDING PROPERTY AT 202 W. MAIN STREET, AND 109 N. EAST STREET TO ART DECO PRESERVATIONS, LLC WITH BUYER'S REDEVELOPMENT COMMITMENTS, AND DECLARING AN EMERGENCY**

WHEREAS, Council has determined that the City of Mason's former Municipal Building property at 202 W. Main Street and 109 N. East Street is no longer needed for any municipal purposes, so the property should be sold under conditions which will be consistent with the revitalization of the downtown area; and

WHEREAS, Article XVIII of the Ohio Constitution confers the power of local self-government upon the City of Mason, and authorizes the City of Mason to convey property owned by it and not needed for municipal purposes in accordance with the provisions of the Charter; and

WHEREAS, HiFive Development, Inc., a development corporation, originally offered to purchase the property for \$200,000.00 and committed to rehabilitating the site pursuant to Drawings and Specifications, including the rehabilitation of the exterior of the building, to bring the parking and landscaping into compliance with the current City of Mason Zoning Ordinance, and to invest up to \$1,400,000.00 to do so, and has now formed a business unit called Art Deco Preservations, LLC for that purpose;

WHEREAS, the Council hereby determines the need to amend ordinance No. 2004-58 to be an emergency necessary for the preservation of the public welfare, in order to complete the sale of this surplus municipal real estate as originally ordained approximately two months ago, to Art Deco Preservations, LLC, a business entity controlled by HiFive Development, Inc. which corporation was to have been the original transferee;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That the City Manager, is hereby authorized to enter into an agreement to sell the municipal real estate and improvements known as 202 West Main Street and 109 North East Street, Mason, Ohio, to Art Deco Preservations, LLC, a business unit controlled by HiFive Development, Inc., for \$200,000.00 consistent with the terms set forth in the Contract to Purchase document attached as Exhibit A.

Section 2. That the City Manager is hereby authorized to execute and deliver any other document necessary to perform the City of Mason's duties under the Contract to Purchase agreement, including, but not limited to, deeds.

Section 3. That this ordinance shall amend Ordinance No. 2004-58. To the extent that there is any difference between the two ordinances, this new ordinance shall govern.

Section 4. That this ordinance is hereby determined to be an emergency ordinance pursuant to Section 4.07 of the Charter of the Municipality of Mason, Ohio, due to the current need to proceed to redevelop the downtown Mason business district. This ordinance shall take effect and be in force immediately upon its passage.

Passed this 12<sup>th</sup> day of July, 2004.

  
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Mayor

Attest:

  
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Clerk of Council

6/25/2004

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