

ORDINANCE NO. 2006-70

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO PURCHASE 142.3373 ACRES ON STATE ROUTE 741 KNOWN AS WHITE OAK FARMS/DAVIDSON PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, the City of Mason has negotiated the purchase of 142.3373 acres on State Route 741, known as White Oak Farms/Davidson Property; and

WHEREAS, the owners of White Oak Farms/Davidson Property have agreed to donate to the City of Mason 13.3795 acres; and

WHEREAS, the Plaintiffs in Court of Common Pleas Case No. 05CV64933 have agreed to dismiss that suit against the City of Mason as part of this purchase transaction; and

WHEREAS, the City has agreed to pay the sum of \$4,500,000.00 for said property and the resolution of said litigation.

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

Section 1. That the City Manager is hereby authorized and directed to take whatever action is necessary to purchase the White Oak Farms/Davidson Property involving 142.3373 acres for the sum of \$4,500,000.00.

Section 2. That the City Manager is hereby authorized to accept the gift of 13.3795 acres from the owners of the property on State Route 741, which is presently within a TIF district, with the understanding that no provisions modifying the TIF would cause the City to have any liability relative to the payment of the bonds in that matter.

Section 3. That the Law Director is hereby authorized to sign whatever documents are necessary and take whatever action is necessary to terminate the litigation in Case No. 05CV64933, Warren County, Ohio, contemporaneous with the purchase of this property.

Section 4. That the litigation involved in Case No. 05CV64933, in Warren County, is to be dismissed with prejudice contemporaneous with this closing.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, 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 contract at the earliest possible date.

Passed this 12th day of June, 2006.

Attest:


Clerk of Council


Mayor