

RESOLUTION 2022 - 23

REAFFIRMING COUNCIL'S COMMITMENT TO DEVELOP THE GOULD PROPERTY AS A PARK CONSISTENT WITH THE INTENTIONS OF ORDINANCE 2003-130

WHEREAS, Ordinance 2003-130 authorized the City Manager to enter into a contract to purchase with Eleanor M. Gould for the property located at 5457 Mason Road, Mason, Ohio; and

WHEREAS, as part of said purchase contract, the transfer of the property was predicated on a deed restriction which provided that the City shall use the property for park purposes and any ancillary use necessary to utilize the overall parcels for Park purposes; and

WHEREAS, the deed restriction further provided that the property shall be forever free of all buildings, fences, and structures except such buildings, fences, and structures as are associated with the maintenance of the Property as a Park or parkland, allowing for public access and use; and

WHEREAS, F. Lawrence Averbeck, Co-Trustee of the Richard E. Gould Irrevocable Trust, by letter dated August 20, 2022, has expressed his position that the development of the Gould property as a regional center for the arts would be contrary to the deed restriction; and

WHEREAS, at a recent public meeting, the overwhelming public input was opposed to the development of a regional arts center on the Gould property; and

WHEREAS, in an effort to avoid costly litigation, it is the desire of Council to reaffirm its intent to comply with the deed restriction and develop the property as a park consistent with the intentions of Ordinance 2003-130.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, _____ members elected thereto concurring:

Section 1. That the Council of the City of Mason hereby reaffirms its intention to develop the Gould property as a park consistent with the intentions of Ordinance 2003-130.

Section 2. That given the concerns raised above, Council no longer supports the development of a regional arts center on the Gould property.

Section 3. That this Resolution shall be effective from and after the earliest period allowed by law.

Passed this _____ day of _____, 2022.

Mayor

Attest:

Clerk of Council