

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 02 - 24 -01

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH KATE’S PIZZA PLACE, LLC AND FURTHER AUTHORIZING TRANSFER AT CLOSING FOR THE PURCHASE PRICE OF \$50,000.00 PLUS CLOSING COSTS AND BROKER FEE OF THE PUBLIC PROPERTY BEARING PARCEL ID NUMBER M60 03102 0112 LOCATED AT THE CORNER OF NATIONAL ROAD AND PROACTION DRIVE WITHIN THE CITY OF CLAYTON, OHIO AND CONTAINING 3.7884 ACRES AND DECLARING AN EMERGENCY

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution permits Clayton to exercise its power of local self-government; and

WHEREAS, via adoption of Ordinance O-01-07-02 on January 18, 2007, Council enacted Clayton Codified Ordinance Section 117.01 which provides, “Upon a vote of *two-thirds* of the members of Council, the sale, lease or other conveyance and transfer of an interest in real property no longer needed for municipal purposes may be approved on such terms as are deemed beneficial to the City and dispensing with any requirements for publication and/or competitive bidding.”

WHEREAS, Council finds and determines that the subject real property bearing Parcel ID Number M60 03102 0112 located at the corner of National Road and Proaction Drive within the City of Clayton, Ohio and containing 3.7884 acres is no longer needed for municipal purposes and therefore authorizes the sale of same to Kate’s Pizza Place, LLC.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City of Clayton Council hereby authorizes the City Manager to enter into a Purchase Agreement (with such modifications as deemed appropriate by the Law Department) with Kate’s Pizza Place, LLC with a purchase price of \$50,000.00 plus additional closing costs, if any, as specified by the applicable purchase contract(s) and settlement statements plus a broker fee, all said amounts to not be in excess of the City Manager’s spending limit as delineated in current Clayton Codified Ordinance 121.01 (current limit is \$35,000.00) in order to effectuate the sale of said real property no longer needed for municipal purposes bearing Parcel ID Number M60 03102 0112 located at the corner of National Road and Proaction Drive within the City of Clayton, Ohio and containing 3.7884 acres and to transfer at closing said real property and to execute all documents and take all necessary action to close on said property.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

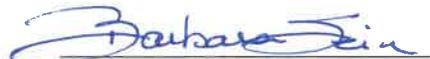
3. That in accordance with Charter Section 4.031(B) the requirement that this ordinance be read on two (2) different days is dispensed with by affirmative vote of at least five (5) of the members of Council.

4. That, immediate approval of the sale of the real property described herein is necessary and will result in enhancement to the economic health, safety and welfare of the Clayton Community at large. Additionally, in order to timely effectuate the closing of said transaction and transfer of the subject property to the buyer for improvement thereof, it is necessary for this Ordinance to take immediate effect. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON FEBRUARY 15, 2024.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Register Herald

Date of publication

February 21, 2024


Clerk