



**ORDINANCE NO. 2003-78**

**Passed December 16, 2003**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE CONTRACT FOR THE PURCHASE OF THE PREMISES COMMONLY KNOWN AS 10158 LIBERTY ROAD, POWELL, OHIO 43065 WHICH IS ATTACHED HERETO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Council has determined that it is necessary to acquire the premises generally known as 10158 Liberty Road, Powell, Ohio 43065 for roadway purposes and,

**WHEREAS**, Council having previously adopted a Resolution of Necessity reciting that a portion of such premises was necessary for roadway purposes and having further amended such Resolution of Necessity to indicate the entire parcel is necessary for roadway purposes and,

**WHEREAS**, the premises stands in the name of Mr. & Mrs. Michael A. Lechler and consists of 1.597 acres, more or less together with the buildings situated thereon and,

**WHEREAS**, Pursuant to the Statute, the City has negotiated an agreement for sale of the premises to the City which is attached hereto and incorporated herein by reference.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: That the city hereby authorizes the contract and the city manager is authorized to execute the attached Real Estate Purchase Contract in behalf of the City and to make such minor, administrative modifications in such contract as are necessary to conclude negotiations.

Section 2: That City Manager is further authorized to execute all documents required to be executed by the City for the purposes of closing the transaction including Closing Statements, Contract Amendments with minor administrative corrections, a Lease-Back Agreement to the seller for retained occupancy of the seller pursuant to the terms of the Purchase Contract and any other documents reasonably required to close the transaction by the purchaser or a title company insuring the transaction.

Section 3: That the price authorized for payment as set forth in the contract totals the sum of three hundred twenty five thousand dollars (\$325,000.00). The City Manager is further authorized to expend such additional administrative expenses not to exceed five thousand dollars (\$5,000.00) for the purpose of closing the transaction.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 5: Council hereby finds and determines that an emergency exists affecting the welfare of the residents of the City of Powell, such emergency consisting of the necessity to close this real estate transaction before the end of calendar year 2003 which is part of the terms negotiated with the seller. Council therefore determines that this Ordinance shall take effect immediately upon its passage.

**VOTE ON RULE SUSPENSION:** Y 7 N 0

**VOTE ON ORDINANCE 2003-78:** Y 6 N 0 (Abstain: Lackey)

*Art Schultz* 12/19/03  
Art Schultz Date  
Mayor

*Dawn Nauman* 12/19/03  
Dawn Nauman Date  
Clerk of Council

This ordinance or resolution has been posted in  
three (3) public places as defined in ordinance  
94-11 dated 4-2-94  
on this date 12/16/03

*Nauman*  
Clerk of Council