

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2012-060

INTRODUCED BY: _____

SECONDED BY: _____

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT, IN A FORM TO BE APPROVED BY THE LAW DIRECTOR, WITH THE TRUST FOR PUBLIC LAND ("TPL") TO ACQUIRE APPROXIMATELY 196 ACRES OF THE PROPERTY CURRENTLY KNOWN AS THE AURORA GOLF CLUB, WHICH ACREAGE DOES NOT INCLUDE APPROXIMATELY 6 ACRES PREVIOUSLY REZONED COMMERCIAL AND APPROXIMATELY 10 ACRES BEING RETAINED FOR RESIDENTIAL DEVELOPMENT ABUTTING TRAILS END ("PROPERTY"), AT A PURCHASE PRICE OF (\$3,900,000) PLUS RELATED CLOSING COSTS WITH THE CITY'S DIRECT PORTION OF THE COSTS TO BE LIMITED TO CLOSING COSTS IN AN AMOUNT NOT TO EXCEED (\$25,000) APPROPRIATING THE NECESSARY FUNDS FROM THE PARKS AND RECREATION LAND/PROPERTY ACQUISITION FUND, FURTHER AUTHORIZING CITY PARTICIPATION IN THE STATE OF OHIO'S WATER RESOURCE RESTORATION SPONSOR PROGRAM ("WRRSP") AND AUTHORIZING THE MAYOR TO ENTER INTO ALL NECESSARY AGREEMENTS, RELATED THERETO, ALL IN A FORM TO BE APPROVED BY THE LAW DIRECTOR, AND FURTHER, ACCEPTING A WRRSP GRANT IN THE AMOUNT OF (\$4,521,000) TO SUPPORT BOTH THE PURCHASE PRICE OF THE PROPERTY AND THE COST FOR THE AURORA BRANCH CHAGRIN RIVER RESTORATION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the Trust for Public Land ("TPL") has executed an option to acquire the Aurora property known as the Aurora Golf Club; and

WHEREAS, the TPL has caused an appraisal to be prepared that supports the purchase price of the Property; and

WHEREAS, it is anticipated that the TPL will transfer title to the City of Aurora simultaneously with its acquisition of the property; and

WHEREAS, it is anticipated that funding for said purchase shall come from the Ohio EPA WRSSP funds; and

WHEREAS, the State of Ohio through the Ohio Environmental Protection Agency ("Ohio EPA") has created a Water Resource Restoration Sponsor Program (WRRSP) within the Water Pollution Control Loan Fund, pursuant to O.R.C. 6111.036 and designed to provide financial assistance for the protection of water resources; and

WHEREAS, the Ohio EPA's WRRSP has prominently listed the restoration of the Aurora Branch Chagrin River Project as a priority; and

WHEREAS, the City of Aurora has agreed to undertake the implementation of the WRRSP Project referred to as the Aurora Branch Chagrin River Restoration Project ("Project"); and

WHEREAS, it is in the best interest of the City to apply for the WRRSP grant; and

WHEREAS, Council wishes to accept all funds awarded by the State's WRRSP program in connection with the Project; and

WHEREAS, the Property will be subject to an Environmental Covenant that will limit its use to passive recreation; and

WHEREAS, Council has determined by a 2/3 affirmative vote of its members that the acquisition of the Property serves a public purpose; and

WHEREAS, the necessary funds shall be appropriated from the Parks and Recreation land/property acquisition Fund; and

WHEREAS, the City of Aurora's obligation to acquire the Property is contingent upon the acquisition of and commitment for the grant funds; and

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes the Mayor and Finance Director to execute an Agreement of Purchase and Sale with the Trust for Public Land for the Aurora Golf Club property in a form to be approved by the Law Director.

Section 2. City Council hereby determines that the acquisition of the Property serves a public purpose.

Section 3. The necessary funds shall be appropriated from the Parks and Recreation land/property acquisition Fund.

Section 4. The Mayor is authorized to enter into all necessary agreements, all in a form approved by the Law Director, with the Ohio EPA, the Northeast Regional Sewer District, Chagrin River Watershed Partners and the Trust for Public Land to participate in the Water Resource Restoration Sponsor Program and to complete the acquisition of the Aurora Golf Club property for the Aurora Branch Chagrin River Restoration Project ("Project").

Section 5. The Mayor is authorized on behalf of the City to accept all funds awarded by the WRRSP in connection with this Project.

Section 6. 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 this Council, and that all deliberations of this Council and any of its

Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: _____ Approved: _____

Effective: _____ By: _____
Mayor Lynn E. McGill

Attest: _____ Approved as to legal form by:

Tracy Humbert, Clerk of Council Alan I. Shorr, Director of Law

CERTIFICATE OF POSTING

I, Tracy Humbert, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the five (5) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76 and 2000-74.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center

Such posting was for a period of fifteen (15) days commencing on the _____ Day of _____, 2012.

Signed this _____ Day of _____, 2012.

Clerk of Council
City of Aurora