

North Canton City Council
Finance and Property Committee

ORDINANCE 37 - 2021

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the settlement of a pending court action and purchase of the real property located at 1206 North Main Street in the City of North Canton, Stark County, Ohio (permanent parcel number 9207429) (The "Property") at a cost not to exceed \$950,000.00, which includes costs associated with closing, and declaring the same to be an emergency.

WHEREAS, the City wishes to acquire Property on which to construct a new Police/Fire/EMS safety building in order to house its emergency responders and thereby improve the service, resources, and efficiency of such departments; and

WHEREAS, the City filed an appropriation suit against the current owner of the Property in the Stark County Court of Common Pleas in the case captioned *The City of North Canton, Ohio v. GBJ3 Enterprises LLC*, captioned as Case No. 2020 CV 001113 (the "Appropriation Suit"); and

WHEREAS, the City desires to settle the Appropriation Suit by purchasing the Property from GBJ Enterprises LLC, pursuant to the terms and conditions of the Settlement Agreement related to the Appropriation Suit; and

WHEREAS, the City has lawfully acquired revenue from the issuance of bonds in the principal amount of \$2,900,000.00 in order to fund such purchase through Ordinance 11-2020 and appropriated the use of such funds through Ordinance 66-2020; and

WHEREAS, an emergency exists in that it is necessary that this ordinance be immediately effective in order to ensure the prompt appropriation of funds prior to the narrow and strict closing date for the purchase of the Property on or before June 10, 2021.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized, through the Board of Control, to enter into the Settlement Agreement for the settlement of the Appropriation Suit and purchase of the real property located at 1206 North Main Street in the City of North Canton, Stark County, Ohio (permanent parcel number 9207429) at a cost not to exceed \$950,000.00, which includes costs associated with closing.
- Section 2. That the funds being allocated pursuant to this ordinance shall be used solely for the purchase of the Property and for no other purpose.
- Section 3. That the Director of Finance of the City of North Canton, be, and is hereby, authorized to issue warrants from appropriations established by Ordinance 66-2020 for the payment of the above specified contract upon receipt of vouchers duly approved by the proper departmental authority.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton; and; further necessary to ensure the prompt appropriation of funds since the settlement date for the Appropriation Suit was completed on April 26, 2021, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, together with the Mayor's approval, this ordinance shall be retro-active and take effect and be in full force as of April 26, 2021. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 3rd day of May 2021.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed: May 4, 2021