

P/C 6/26/18 Finance  
Cau 6/26/18  
1st R 6/29/18 amended  
2nd R 7/3/18  
3rd R 7/10/18  
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11028-2018

INTRODUCED BY: MAYOR GAMMELLA AND COUNCILMAN MENCINI + STEMM, SCOTT,  
BUEGIO, POINDEXTER + Council President Vecchio

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND  
LOCATED AT 16400 AND 16500 BROOKPARK ROAD,  
PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009,  
AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Brook Park has owned Permanent Parcel Nos. 344-30-008 since January 2000 and 344-30-009 since April, 2001; and

**WHEREAS**, the "Property" has been non-productive and vacant since the City acquired ownership; and

**WHEREAS**, the City of Brook Park is desirous of selling parcels of property located on/at 16400 and 16500 Brookpark Road, comprising the totality of Permanent Parcel Nos. 344-30-008 and 344-30-009 (herein the "Property") to foster development and employment on these parcels to further and advance the economic interests of the City; and

**WHEREAS**, Ethan Robertson of Robertson Commercial Properties, has executed a Letter of Intent to Purchase the Property from the City of Brook Park to construct and establish a new sales and truck service center; and

**WHEREAS**, the City Council and Mayor request a right of first refusal clause to match any offer received by Robertson Trucking, be inserted within the sales contract and a subsequently signed and notarized document by buyer and seller to such, be filed immediately after property transfer; guaranteeing that in the event of a future sale of the property by the buyer, the City of Brook Park shall hold the right of first refusal to match said offer to purchase the properties located at 16400 and 16500 Brookpark Road, PPN: 344-30-008 and 344-30-009. The City shall have 10 business days to match said offer; and

**WHEREAS,** the City Council and Mayor, request that a performance clause be inserted into the sales contract stating that the buyer shall begin construction of the National Truck Equipment and Sales a division of the Robertson Truck Group, Inc., located at 16400 and 16500 Brookpark Road, PPN: 344-30-008 and 344-30-009, within 24 months of the purchase of the afore mentioned property. If the National Truck Equipment and Sales company a division of Robertson Truck Group, Inc., does not begin construction within 24 months of land purchase, after the 24<sup>th</sup> month the City of Brook Park reserves the right to purchase the property from the buyer at the approximate amount of \$384,000.00, based on the original sale net proceeds, with the seller paying all closing costs;

**NOW THEREFORE, BE IT ORDAINED,** by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** The Mayor is hereby authorized to negotiate and enter into contract for the sale of the Property to further the economic best interests of the City.

**SECTION 2:** The City of Brook Park shall sell said property for the sum of \$405,000 with the sale proceeds to be determined at time of closing.

**SECTION 3:** The proceeds from the sale of the Property shall be used and earmarked to further economic development of jobs and business within the City and shall be placed into the Economic Development Fund No. 243 of the City for said purposes;

**SECTION 4:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to authorize the Mayor to negotiate and enter into a contract for the sale of Permanent Parcel Nos 344-30-008 and 344-30-009; therefore provided this ordinance receives the affirmative vote of at least five (5) members elected to Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: July 10, 2018

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
CLERK OF COUNCIL

APPROVED: [Signature]  
MAYOR

7-10-2018  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW

**CERTIFICATE**

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance Resolution No. 11078-2018 passed on the 10th day of July 2018 by said Council.  
Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing July 16, 2018  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

|            | Yea                                 | Nay                                 |
|------------|-------------------------------------|-------------------------------------|
| Stemm      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Mencini    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Orcutt     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Scott      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Burgio     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Poindexter | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Salvatore  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |