

P/C 12/4/18 Finance
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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11055-2018

INTRODUCED BY: MAYOR GAMMELLA

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, Brad Hutchinson of Company Wrench, has executed a Letter of Intent to Purchase the Property from the City of Brook Park to construct a 10,000 square foot office, sales/leasing, and maintenance facility; and

WHEREAS, the Wrench Company is Ohio based company focusing on the sales, rental, parts, service and manufacturing of construction and demolition equipment and operates nine (9) locations around the county and generates approximately \$80,000,000 in annual revenue; and

WHEREAS, the Wrench Company will provide 7-10 new full-time positions in the City at an initial payroll of at least \$375,000; and

WHEREAS, the City Council and Mayor request that a right of first offer (ROFO) clause is to be inserted within the purchase and sale agreement ensuring that in the event of a contemplated future sale of the subject property (PPN: 344-30-008 and 344-30-009) buyer shall first offer the property for sale to the City of Brook Park before offering the property for sale on the open market. The property shall be offered for sale at then Full Market Value (FMV), and City shall have ten (10) business days to respond; 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 Wrench Company located at 16400 and 16500 Brookpark Road, PPN: 344-30-008 and 344-30-009, within 6 months of the purchase of the afore mentioned property. If the Wrench Company does not begin construction within 12 months of land purchase, after the 12 months the City of Brook Park reserves the right to purchase the property from the buyer at the approximate amount of \$550,000.00, 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 \$550,000.00 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: December 18, 2018

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

12/18/18
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. 11055-2018
passed on the 18th day of December
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 December 18, 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>