

**ORDINANCE NO. 27-2013**

**TITLE: SALE OF PROPERTY – LAKE THEATER**

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO SELL THE PROPERTY LOCATED AT 588 WEST TUSCARAWAS AVENUE, ALSO KNOWN AS THE LAKE THEATER, TO NEIGHBORHOOD DEVELOPMENT SERVICES (NDS), FOR THE SUM OF \$545,000, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the intent of Neighborhood Development Services (NDS) is to purchase the property and to open the building as a movie theater; and

**WHEREAS**, Neighborhood Development Services (NDS) will be the developer of the project and will hire an experienced management company to operate the facility.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That the Mayor, or his designee, is hereby authorized to execute an Agreement, attached hereto, to sell the property located at 588 West Tuscarawas Avenue, also known as the Lake Theater, to Neighborhood Development Services (NDS), for the sum of Five Hundred Forty Five Thousand Dollars and No Cents (\$545,000.00).

**SECTION 2.** That Council hereby authorizes and directs the Mayor or his designee to execute an Agreement on behalf of the City prepared by the Law Director, together with terms as are approved by the Mayor and Director of Law, as being consistent with the objectives of this ordinance. The Mayor and other City officials are authorized to execute such other documents and do all other things as are necessary for, and incidental to, carrying out the requirements of this ordinance and the terms of the Agreement.

**SECTION 3.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order that the transaction take place as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2013

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2013

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Mayor