

ORDINANCE NO. 126-2023

**TITLE: RELEASE OF DEED RESTRICTIONS
666 NORTON AVE – FORMER ARMORY PROPERTY**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO REMOVE THE RESTRICTIVE COVENANTS CONTAINED IN THE DEED TO THE ARMORY PROPERTY LOCATED AT 666 NORTON AVE

WHEREAS, by the Provisions of Ordinances 35 - 1949 and 51 – 1954, passed by the Council of the City of Barberton on April 18th, 1949 and April 28th, 1954 respectively, the Council of the City of Barberton authorized and directed the Mayor to execute and deliver a deed to the State of Ohio for land described therein as a site for the erection of an armory and for the provision of certain parking accommodations.

WHEREAS, the aforesaid deed contained a reversionary clause providing that the land would revert to the City of Barberton in event an armory/parking was not constructed thereon within each of the required timeframes; and

WHEREAS, the request for removal comes from the Barberton Community Foundation; and

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

SECTION 1. That the Mayor of the City of Barberton be and they hereby are authorized and directed to remove the restrictive covenants contained in the deed to the armory property located at 666 Norton Ave provided, however, that any such deed, instrument, contract or agreement shall contain further provision, requiring the State of Ohio to provide a minimum parking area to accommodate not less than one hundred fifty (150) cars in connection with such armory.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution 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 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed September 25, 2023

Clerk of Council

President of Council

Approved _____ 2023

Mayor