

**ORDINANCE 78-2023**

**TITLE: PURCHASE OF PARK LAND**

**AN ORDINANCE TO PROVIDE FOR AN ELECTION IN ORDER TO PERMIT THE SALE BY THE CITY OF BARBERTON, HARTER PARK, AND FOR GIVING NOTICE THEREOF**

**WHEREAS**, the voters of the City of Barberton at the general election held in this City on November 6, 1973, adopted by a majority vote the Barberton City Charter; and

**WHEREAS**, on November 3, 1998, the voters of the City of Barberton adopted by a majority vote to add Section 5.15 to the Barberton City Charter whereby Barberton City Council, by ordinance, shall submit to the electors the vacation or sale of park property and whereby the approval of two-thirds (2/3) of the electors voting thereon is necessary,

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

**SECTION 1.** That in accordance with Section 5.15 of the Barberton City Charter, Council hereby directs the Summit County Board of Elections that a certain issue be placed before the electors of the City of Barberton at the general election to be held on November 7, 2023, and that the issue be stated on the ballot as follows:

**YES NO Shall the Mayor, with approval of Council, be authorized to sell City-owned park property, Harter Park, to be used for development?**

**SECTION 2.** That the Clerk of this Council is hereby directed to immediately forward a certified copy of this ordinance to the Summit County Board of Elections.

**SECTION 3.** That the Summit County Board of Elections shall cause notice of the election to be held on November 7, 2023, on the question of the proposed sale of park land to be given in the manner provided by law and shall prepare ballots and otherwise conduct and supervise such election and canvas and certify the results thereof in the manner provided by law.

**SECTION 4.** That the Clerk of this Council is hereby directed to either (1) cause copies of the proposed sale of park land to be printed or otherwise legibly reproduced and to cause copies of said proposed sale of park land to be mailed to each elector of this City whose name appears on the registration books of the last general election held in this City, as provided by Article XVIII, Section 8 of the Constitution of the State of Ohio or (2) publish the full text of this proposed sale of park land in accordance with Ohio Revised Code Section 731.211.

**SECTION 5.** That the sale of said property is authorized per Barberton City Charter.

**SECTION 6.** That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this ordinance.

**SECTION 7.** 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.

FAILED JUNE 26, 2023

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2023

\_\_\_\_\_  
Mayor

FAILED