

ORDINANCE NO. 78-2025**TITLE: SALE OF PROPERTY
WEST TUSCARAWAS AVENUE
PARCEL NUMBERS 01.05664 AND 01.05666**

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY CONSISTING OF 0.0666 ACRES OF LAND AND IMPROVEMENTS THEREON ALONG WEST TUSCARAWAS AVENUE AND IDENTIFIED AS PERMANENT PARCEL NUMBERS 01.05664 AND 01.05666 IN THE SUMMIT COUNTY RECORDS, FOR PURCHASE PRICE OF \$1.00, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS. The agreement to sell was discussed as \$1.00 for parcel 0105666 (wall) and \$1.00 a square foot for parcel 0105664. 0105664 is 2,400 square foot; and

WHEREAS, Section 212.02 of the Codified Ordinances of the City, recently enacted Ordinance No. _____, allows for the sale, conveyance, disposal or transfer of real property no longer needed for municipal purposes, without need for competitive bid, provided that the manner of such sale, conveyance, disposal or transfer of real property is approved by this Council; and

WHEREAS, the City is the owner of certain real property consisting of 0.0666 acres of land and improvements thereon along West Tuscarawas Avenue, and identified as permanent parcel numbers 0105664 and 0105666 in the Summit County Records (the “Real Property”); and

WHEREAS, the Real Property is no longer needed for municipal purposes of the City;

WHEREAS, Clem’s Restaurants LLC (the “Developer”) intends to acquire and redevelop the real property adjacent to the Real Property and known as 477 W. Tuscarawas Ave., Barberton, OH 44203; and

WHEREAS, the City’s Planning Director has proposed that the City sell the Real Property, without competitive bidding, directly to the Developer, for the purchase price of \$2,401.00, so that the Real Property may be incorporated by the Developer into the redevelopment of the adjacent real property; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the City to authorize the sale of the Real Property, without competitive bidding, directly to the Developer, for the purchase price of \$2,401.00, for the reasons set forth above.

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

SECTION 1. That Council hereby authorizes the sale of the Real Property, without competitive bidding, directly to the Developer, for the purchase price of \$2,401.00, for the reasons set forth above. The Mayor is hereby authorized and directed to enter into a real estate purchase agreement for the sale of the Real Property to the Developer in the form attached hereto as Exhibit A, which is incorporated herein by reference, with such modifications thereto as are not materially adverse to the City, which shall be conclusively evidenced upon the execution of said agreement by the Mayor.

SECTION 2. 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 with Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings opened to the public in compliance with the law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City,

and for the further reason of immediately authorizing the sale of the Real Property so that the same may be promptly incorporated into the redevelopment of certain adjacent property, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Passed June 23, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor