

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT AND OTHER NECESSARY AGREEMENTS TO ACQUIRE CERTAIN INTERESTS IN REAL PROPERTY, INCLUDING BUT NOT LIMITED TO EASEMENT RIGHTS, FROM OHIO EDISON COMPANY AND ITS AFFILIATES AND DECLARING AN EMERGENCY.

WHEREAS, in order to carry out its public purpose of elimination of blight, the prevention of the recurrence of blight and to promote redevelopment of certain real property adjacent to the lakefront and riverfront in the City of Lorain in furtherance of The Lorain Lakefront Urban Renewal Plan dated November 2006 and the Downtown Urban Renewal Plan dated November 2008 (collectively, the "the Comprehensive Community Development Plan") which plan constitutes an Urban Renewal Plan within the criteria and requirements of Chapters 725 and 1728 of the Ohio Revised Code (the "Act") and which Downtown Renewal Plan has been determined to be appropriate for the City to carry out urban renewal project activities in accordance with the Act; and

WHEREAS, as part of the City's urban renewal project activities in accordance with the Act and to carry out the Comprehensive Community Development Plan, the acquisition of certain interests in real property, located within boundaries of the Comprehensive Community Development Plan (the "Downtown Renewal Plan Area"), identified in the attached map marked in Exhibit "A" attached hereto and incorporated herein, is necessary; and

WHEREAS, the interests in real property owned by Ohio Edison Company and its affiliates, (hereinafter collectively called the "Seller"), is located within the boundaries of the Downtown Renewal Plan Area, and is designated for acquisition by the City for the purpose of redevelopment to eliminate blight, prevent the recurrent of blight and to create and preserve jobs and employment opportunities for the citizens of the City of Lorain; and

WHEREAS, the acquisition of such interests in real property will remove certain impediments and barriers to redevelopment and promote the likelihood of capital development investments which should result in hundreds of construction job opportunities as well as permanent jobs; and

WHEREAS, the redevelopment of the Downtown Renewal Plan Area will likely provide an economic impact of \$ \_\_\_\_\_ city income taxes, \$ \_\_\_\_\_ in sales taxes and \$ \_\_\_\_\_ in real estate taxes; and

WHEREAS, the acquisition of such certain interests in real property and the removal of impediments to redevelopment of the lakefront and riverfront areas in the Downtown Renewal Plan Area will likely result in an increase in the value of the land parcels presently encumbered by such interests in real property and indirectly increase the value of land parcels located in the Downtown Renewal Plan Area not directly so encumbered; and

WHEREAS, acquisition of such interests in real property and the removal of impediments to redevelopment will promote the goals set forth as the "Comprehensive Community Development Plan", as more specifically described in The Lorain Lakefront Urban Renewal Plan and the Downtown Lorain Urban Renewal Plan, a copy of which Plans are on file in the Office of Lorain Community Development Department; and

WHEREAS, the Lorain Ohio Lakefront Urban Renewal Plan which findings were approved by Lorain City Council as Ordinance 158-07 on October 8, 2007 and the Lorain Ohio Downtown Urban Renewal Plan which findings were approved by Lorain City Council as Ordinance 124-09 on September 21, 2009 which Plans provide for the carrying out of activities for the elimination and prevention of the recurrence of conditions of blight and deterioration and economic development in the Plan Area; and

WHEREAS, the City of Lorain with the assistance of the Lorain Port Authority has conducted the necessary due diligence in determining the feasibility of the acquisition of such interests in real property and the removal of redevelopment impediments, now owned by Seller, including title examinations for each subject parcels, demolition specifications for electric tower removal, preparation of the Lorain Ohio Downtown Urban Renewal Plan, preparation of the Staubach Company Report addressing redevelopment of the lakefront and riverfront areas which due diligence and feasibility studies have cost an estimated \$ \_\_\_\_\_; and

WHEREAS, the aforementioned due diligence and feasibility studies indicate that the City can successfully redevelop this property in accordance with the Comprehensive Community Development Plan for the purposes of eliminating blight, preventing the recurrence of blight, and promoting redevelopment of the Downtown Renewal Plan Area; and

WHEREAS, the Administration with this Council's necessary legislative approvals, has worked to secure funding for the acquisition of such certain interests in real property and the removal of impediments to redevelopment, particularly electric transmission lines, towers and appurtenant structures within the Downtown Renewal Plan Area, to enable the City to enter into development agreements or other contracts with private developers in the future to redevelop this underutilized area of the City for the purposes of eliminating blight and preventing the recurrence of blight and to provide economic opportunities for the citizens of the City of Lorain; and

WHEREAS, the Administration has negotiated on behalf of the City terms that are fair to both the City and the Seller, and further negotiations would serve no beneficial purpose to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION 1. That this Council finds that the acquisition of certain interests in real property, identified in the attached Schedule of Easements marked as Exhibit "A" attached hereto and incorporated herein, being interests in real property in the Downtown Renewal Plan Area, is necessary for the purposes of implementing the Downtown Renewal Plan and through the implementation of said Plan to eliminate blight and prevent the recurrence of blight in the Downtown Renewal Plan Area to provide economic opportunities for the citizens of the City of Lorain, create jobs and generate income taxes.

SECTION 2. That the Safety/Service Director is hereby authorized and directed to enter into a Purchase Agreement in form and substance essentially similar to the document attached

hereto marked Exhibit "B" and incorporated herein. The Safety/Service Director is authorized to execute and deliver a Purchase Agreement with any and all other documents as may be necessary to complete the acquisition of said interests in real property from the Sellers. The Purchase Agreement and any other necessary documentation shall be in such form as is approved by the City's Director of Law or his designee prior to execution.

SECTION 3. That 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 actions were in meetings open to the public and in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 4. That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public welfare, health and safety of this City and for the further reason that this ordinance must go into immediate effect in order to implement the Down Renewal Plan, expedite the elimination of blight and the prevention of recurrence of conditions of blight and deterioration and promote economic development in the Downtown Renewal Plan Area, and to generate new economic growth, jobs and related income tax; wherefore, this ordinance shall be in full force and effect immediately after its passage by Council and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2013

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PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_, CLERK

APPROVED: \_\_\_\_\_, 2013

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MAYOR

Ord 1<sup>st</sup> draft.mtb