

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-11

By Dale A. Lange Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING, RATIFYING AND AFFIRMING THE MAYOR ENTERING INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS PERMANENT PARCEL 362-02-017 AND LOCATED AT 789 FRONT STREET AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, it is necessary and in the best interests of the city for the City to acquire the parcel of real estate at 789 Front Street to facilitate the redevelopment of property in that area; and

WHEREAS, the real property located at 789 Front Street and identified as permanent parcel 362-02-017 is available and the City desires to acquire such parcel in order to help facilitate future comprehensive and cohesive redevelopment of the entire north end gateway area;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio;

SECTION 1. That the Mayor is hereby authorized to enter into a real estate purchasing agreement for the purchase of the real property identified as permanent parcel 362-02-017 in substantially the form of agreement attached here to as Exhibit "A" and incorporated herein by reference, and the same is hereby ratified and affirmed.

SECTION 2. That the funds necessary to carry out the execution and performance on said purchase agreement are hereby set aside and appropriated from the Capital Improvement account, bearing Fund #400 for accounting purposes, and the Director of Finance, after approval by the Board of Control, is hereby authorized and directed to pay out such sums for the same.

SECTION 3. That the various Directors and City Administrators are hereby authorized to take such further actions as necessary and appropriate to effectuate the purposes stated herein.

SECTION 4. 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, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

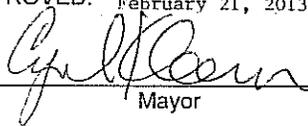
PASSED: February 19, 2013



President of Council

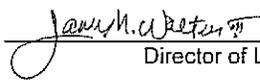
ATTEST: 

Clerk of Council

APPROVED: February 21, 2013


Mayor

Approved as to Form:



Director of Law

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made and entered into on this ____ day of February, 2013 by and between Rockabilly, LLC, hereinafter referred to together as "Seller," and The City of Berea, an Ohio Municipal Corporation, hereinafter referred to as "Purchaser."

WITNESSETH:

WHEREAS, Seller is the owner of the premises known as 789 Front Street, Berea Ohio, and more particularly identified as Permanent Parcel Number 362-02-017; and

WHEREAS, the City of Berea desires to purchase the said premises together with all appurtenances thereunto belonging, but subject to all legal highways pursuant to the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the premises, the promises from one to the other, and the acts to be performed by the parties hereto, it is agreed as follows:

1. The sale and purchase of the hereinbefore described properties shall be for the total sum of Two Hundred Sixty-Five Thousand Dollars (\$265,000.00) payable as follows:

Purchase price in full to be paid through an escrow to be established by the Purchaser at the time of closing. . \$265,000.00

TOTAL PURCHASE PRICE \$265,000.00

2. Seller shall deliver title, or cause title to be delivered, to the Purchaser, by General Warranty Deed conveying marketable title to the premises hereinbefore described, free and clear of all liens and encumbrances, except zoning ordinances, existing easements of record, restrictions of record, and taxes and assessments, both general and special, not yet due and payable.

3. Purchaser may obtain at Purchaser's expense any policies of title insurance Purchaser may require.

4. All funds and documents shall be deposited in escrow with the escrow set up by the City of Berea on or before March 27, 2013. No extensions and/or changes of this date shall be valid unless in writing and signed by the parties hereto toward affecting the closing.

5. Title shall transfer on March 29, 2013, and Seller shall deliver possession immediately.

6. All taxes and assessments, both general and special, upon said premises shall be assumed by the purchaser.

7. The Escrow Agent shall not withhold any monies for payment of final utility bills; any final utility bills shall be adjusted privately between the parties to this contract based upon the date of title transfer.

8. All closing charges and costs of this transaction shall be paid by the Purchaser.

And each of the parties hereto does hereby authorize the escrow agent to use this agreement together with its standard form of acceptance of escrow as and for its escrow instructions in this transaction.

10. The terms and provisions of this agreement shall inure to and be binding upon the successors, heirs, executors, administrators, and assigns of the parties hereto.

11. The parties hereby represent and acknowledge that no real estate company has been instrumental in procuring either the buyer or the seller for the sale of the above described property. The parties hereby acknowledge receipt of a full and complete copy of this contract, and declare that no other conditions, provisions, promises, representations, warranties or agreements have been made or were relied upon, other than what is set forth in this agreement.

IN WITNESS WHEREOF, the parties have signed the original and three (3) copies of this agreement, each of which shall constitute an executed original counterpart thereof, Seller having signed the same on ____ day of _____, 2013, and the Purchaser having executed the same on the ____ day of _____, 2013.

City of Berea, Purchaser

By: Cyril Kleem, Mayor

Rockabilly, LLC, Seller

By: _____ Its