

ORDINANCE NO. 21-101

AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE OF PARCELS OF REAL PROPERTY FROM COOKE BUILDING LLC AND APPROVING A RECONVEYANCE TO COOKE BUILDING LLC AS PROVIDED BY SECTION 5709.41(B) OF THE OHIO REVISED CODE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Cooke Building LLC, an Ohio limited liability company (the “Developer”), or its affiliates, is actively pursuing the development and redevelopment of certain real property located at 154-162 Columbus Avenue in the City of Sandusky, Ohio (the “City”), which real property is more particularly described on Exhibit A attached hereto (the “Property”); and

WHEREAS, the Developer desires to develop and redevelop the Property for a mixed-use commercial and residential development (the “Project”), in accordance with the terms, conditions, covenants and warranties in the Development Agreement that has been previously authorized by the City; and

WHEREAS, the Project will be in furtherance of the City’s urban redevelopment activities, and accordingly the City anticipates providing project-based tax increment financing for the Project, to be authorized by a separate ordinance pursuant to Ohio Revised Code (“R.C.”) Section 5709.41; and

WHEREAS, in order to take the actions related to the tax-increment financing for the Project, the City must hold title to the Property prior to the adoption of the tax increment financing ordinance, pursuant to Ohio Revised Code Section 5709.41(B); and

WHEREAS, the City wishes to accept conveyance of the Property from Cooke Building LLC and to reconvey such Property to Cooke Building LLC; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interest of the City to accept such conveyance and to reconvey the Property as described above;

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that it is in the public interest and proper public purpose for the City to support economic development and improve the economic and general well-being of the people of the City to create or preserve jobs and employment opportunities; and

WHEREAS, approval of a Development Agreement in connection with the transfer land and the property located at 154-162 Columbus Avenue is being requested in companion legislation; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to maintain the current development schedule and ensure the project is completed in a timely manner; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.41(B), this City Commission hereby authorizes the acceptance of the conveyance of the Property to the City and approves the reconveyance of the Property to Cooke Building LLC.

Section 2. The City Manager is hereby authorized and directed, acting on behalf of the City, to accept the conveyance of the Property and to execute and deliver a quit claim deed reconveying the Parcels to Cooke Building LLC.

Section 3. The City Manager, Finance Director, Law Director, or any other officials of the City, as appropriate, are authorized and directed to sign any other documents, instruments or certificates and take such actions as are necessary or appropriate to consummate or implement the actions described in or contemplated by this Ordinance.

Section 4. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 6. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take

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immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: June 28, 2021

EXHIBIT A

DESCRIPTION OF PROPERTY

Permanent Parcel Nos: 56-00527.000, 56-00528.000 and 56-00528.001

