

# CITY OF OBERLIN, OHIO

## ORDINANCE NO. 22-73 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS AND TO EXECUTE ALL SUCH OTHER DOCUMENTS AS MAY BE NECESSARY FOR THE PURCHASE OF PROPERTY LOCATED IN PITTSFIELD TOWNSHIP, OHIO, AT AUCTION; TO AUTHORIZE SCOTT MIHALIC OF MIHALIC ASSOCIATES & AUCTIONEERS, LLC TO PLACE BIDS FOR THE PURCHASE OF SAID PROPERTY AS AGENT FOR AND ON BEHALF OF THE CITY, AT PUBLIC AUCTION, AND TO APPROPRIATE FUNDS FOR SUCH PURCHASE AS AN EMERGENCY MEASURE.

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1: That the City Manager is hereby authorized and directed to enter into such agreements as are approved as to form by the City Law Director in an amount not to exceed Seven Million Dollars (\$7,000,000) in the aggregate, and to execute such other documents or instruments necessary or convenient to purchase the real property located in Pittsfield Township, Ohio at auction, said property being depicted as Tracts 1,2,3,4,5,6,7,8,9,10, 11 & 12 on Exhibit A attached hereto and incorporated herein, ("Property"), or combinations thereof. Said not-to-exceed amount shall be exclusive of related expenses, including professional fees and other administrative costs associated with the purchase.

SECTION 2: That Scott Mihalic of Mihalic Associates & Auctioneers, LLC is hereby authorized to act as agent for the city to place bids for the purchase of said Property at public auction to be held on December 15, 2022, on behalf of the city in such amounts as are approved by the City Manager but subject to the not-to-exceed limitation set forth in Section 1 above.

SECTION 3: That this Council does hereby delegate to Scott Mihalic of Mihalic Associates & Auctioneers, LLC as agent for the City, the authority to exercise discretion in the implementation of strategies for the placement of bids as are in the best interests of the City of Oberlin and its objective to acquire the Property.

SECTION 4: To provide for the purchase price and all of the expenses related to the purchase of said Property, in an amount not to exceed Seven Million Dollars (\$7,000,000), be and is hereby appropriated from the General Fund as of the effective date of this Ordinance. Council may reimburse all or a portion of the purchase price of the Property and related expenses with proceeds from the issuance of lawful securities.

SECTION 5: That it is hereby found and determined that all formal actions of this Council concerning or related 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 committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of

Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: **“to authorize the purchase of real property and to appropriate funds for the purchase of said property at public auction to be held on December 15, 2022,”** and provided it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: December 15, 2022  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

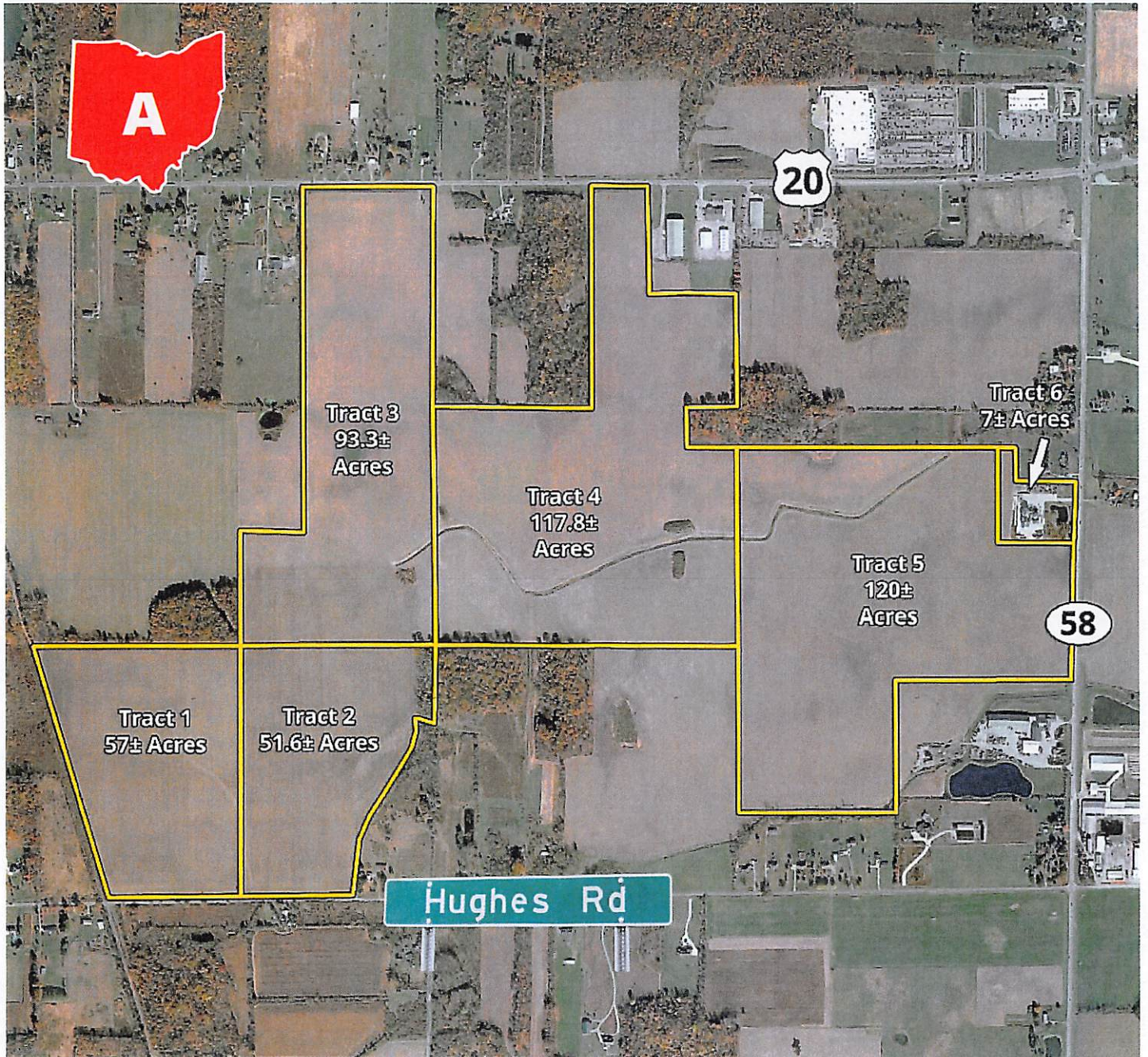
  
\_\_\_\_\_  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 12/15/2022

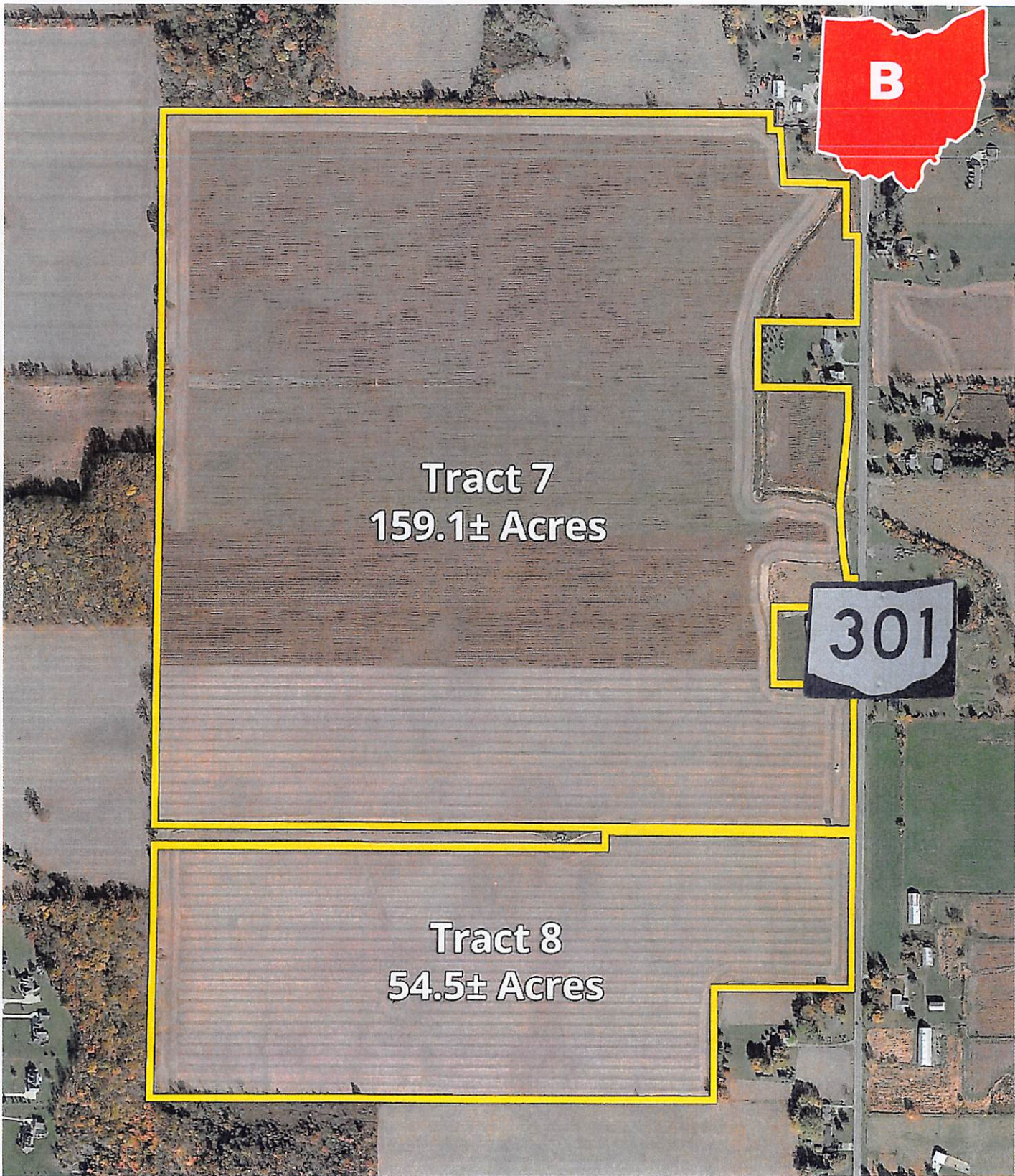
EFFECTIVE DATE: 12/15/2022



EXHIBIT A







**Tract 7**  
**159.1± Acres**

**Tract 8**  
**54.5± Acres**

**301**

**B**





KIPTON NICKLE PLATE

Kipton Nickle Plate Road



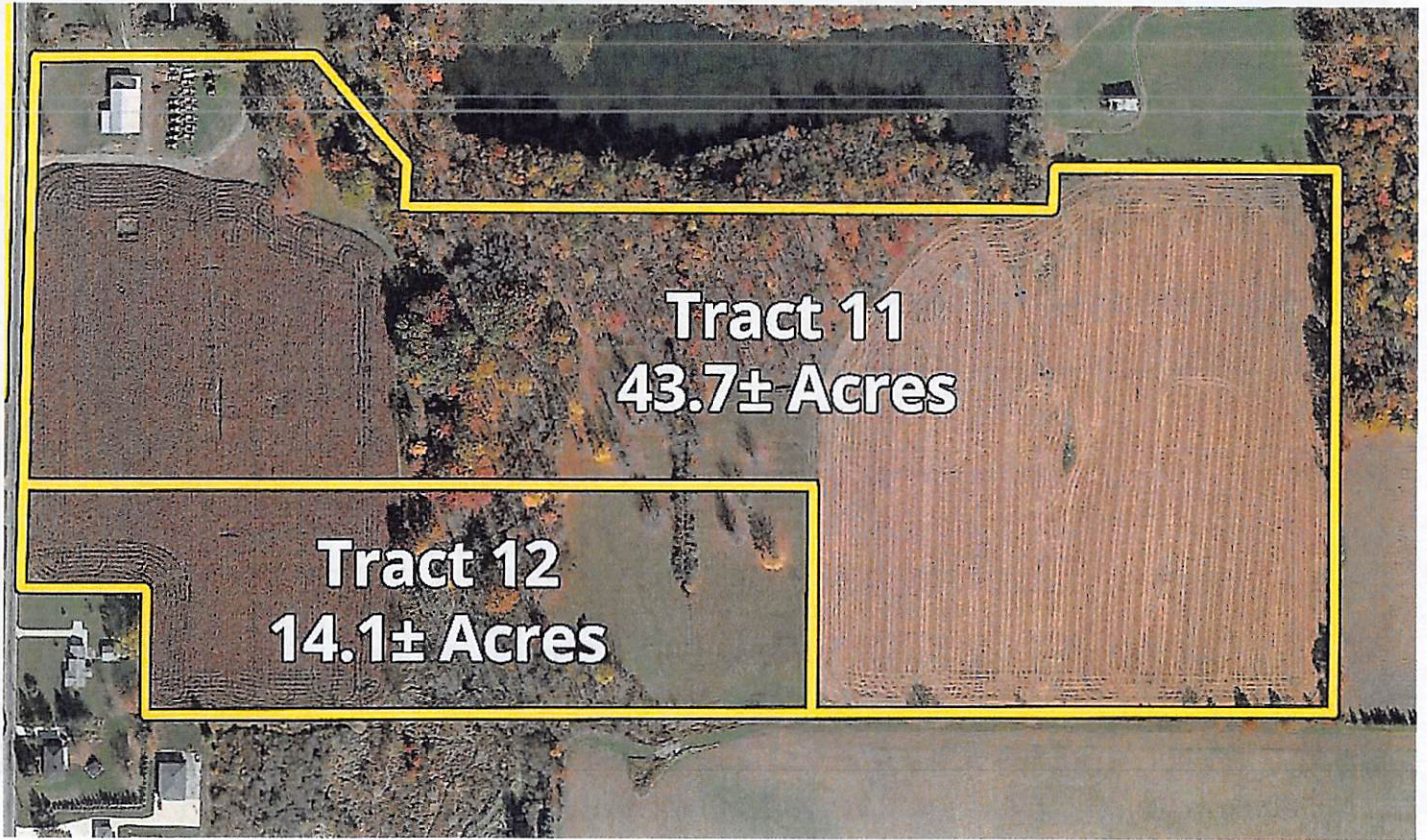
Tract 9  
40.4± Acres

Tract 10  
31± Acres

Nickle Plate Diagonal Rd

al Road





**Tract 11**  
**43.7± Acres**

**Tract 12**  
**14.1± Acres**

**Fiscal Officer's Certificate**

As the Finance Director and chief fiscal officer of the City of Oberlin, Ohio, I certify that as of the date of execution of the attached Agreement to Purchase Real Estate, the amount required to satisfy payment under the agreement has been fully appropriated, or authorized or directed for such purpose, and is in the treasury to the credit of the fund for which it is drawn, or in the process of collection, and not appropriated for any other purpose.



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Sal Talarico, Finance Director