

**RESOLUTION NO.:** 2021-R66  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** SEPTEMBER 14, 2021 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH FRED AND DEBORAH CARR FOR THE PROPERTY LOCATED AT 3220 MASSILLON ROAD, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.**

WHEREAS, a dispute arose between the City of Green (“City”) and Carr regarding the acquisition of Property needed by the City from Fred and Deborah Carr (“Carr”) for the Massillon Road North Improvement Project; and

WHEREAS, this dispute resulted in filing of the lawsuit by the City against Carr in the Summit County Probate Court entitled *The City of Green v. Fred Carr, et al.*, Case No. 2019CV00103; and

WHEREAS, both parties now desire to resolve all matters in controversy regarding this dispute; and

WHEREAS, the City and Carr have reached an agreement for the purchase of the entire parcel of Property; and

WHEREAS, the City and Carr have reached an agreement to amend the original agreement to reflect a correction to the amount due at closing; and

WHEREAS, the Administration desires to proceed with the purchase of the Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, STATE OF OHIO, THAT:**

**SECTION ONE:**

Green City Council authorizes the Mayor to enter into the *Real Estate Purchase Agreement*, a copy of which is attached hereto and incorporated herein as Exhibit “A”, and further authorizes the Mayor to enter into the *Amendment to Agreement for the Purchase and Sale of Real Estate*, a copy of which is attached hereto and incorporated herein as Exhibit “B”, and to proceed with the purchase of the Property located at 3220 Massillon Road from Fred and Deborah Carr.

**SECTION TWO:**

Green City Council authorizes an appropriation of Five Hundred Seventy-Nine Thousand One Hundred Dollars (\$579,100.00) to the Land Account (Acct# 100-1900-53610) from the unappropriated balance of the General Fund.

**SECTION THREE:**

The Finance Director is authorized to make payment to Fred and Deborah Carr through the established purchase order procedure.

**SECTION FOUR:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal action were in meetings open to the public, in compliance with all legal requirements.

**SECTION FIVE:**

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and so that the Project may proceed immediately and forthwith. Provided that this legislation receives the affirmative vote of three-fourths ( $\frac{3}{4}$  ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Nichole Messner, Clerk of Council

\_\_\_\_\_  
Rocco Yeargin, Council President

APPROVED: \_\_\_\_\_, 2021

\_\_\_\_\_  
Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_, 2021

ON ROLL CALL:    Babbitt                      Brandenburg                      DeVitis                      France

                    Shaughnessy                      Yeargin                      Young

*Suburbanite* publication on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Nichole Messner, Clerk of Council