

**RESOLUTION NO. 047-21**

**A RESOLUTION AUTHORIZING THE CITY OF  
NAPOLEON, OHIO TO ENTER INTO AN ECONOMIC  
DEVELOPMENT AND REAL ESTATE PURCHASE  
AGREEMENT WITH THE CULTURAL CENTER OF  
HENRY COUNTY, THE BOARD OF EDUCATION OF THE  
NAPOLEON AREA CITY SCHOOL DISTRICT, AND  
CAROL MORLEY BECK; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City desires to encourage commercial and residential development and create and preserve jobs and employment opportunities within the City; and,

**WHEREAS**, the Cultural Center of Henry County (CCHC) desires to make every effort to preserve the former Central School Building, specifically the John L. Johnson Auditorium and convert the space for a public performing arts center for Henry County; and,

**WHEREAS**, Carol Morley Beck shall cause the sum of Five Hundred Forty Five Thousand Eight Hundred Seventy One dollars and seventy-eight cents (\$545,871.78) to be available as escrow funds for the demolition of structures if the terms and conditions of this Agreement are not met; and,

**WHEREAS**, the parties agree to dissolve the current Real Estate Purchase and Sale Agreement between the CCHC, the Board of Education of the Napoleon Area City School District and Carol Morley Beck that was executed on June 14, 2017, and replace it with this Agreement, more fully described in "Exhibit A" which is attached and incorporated herein; and,

**WHEREAS**, based on the City-wide Master Plan created in 2019 by the City, it has been deemed that the highest and best use of the property owned by the CCHC located generally at 211-315 W. Main St. in Napoleon, Ohio 43545 and listed as Parcel Nos. 410097220080, 410095520120, and 411302780000 and generally comprised of approximately nine and two hundred thirty-five thousandths (9.235) acres is a mixed-use development consisting of commercial and residential uses; and,

**WHEREAS**, in order to achieve the desired results of the City-wide Master Plan for the property, the zoning of the Property must be changed; and,

**WHEREAS**, the parties acknowledge that the certain portions of the property can be sold for the betterment of the redevelopment of the property; and,

**WHEREAS**, the parties acknowledge the need for more diverse performing arts space in the community; and,

**WHEREAS**, the parties agree that more time is needed in order to make every attempt to save the John L. Johnson Auditorium located at the property; and,

**WHEREAS**, pursuant to Resolution No. 047-21, the City has agreed to purchase a portion or portions of the property in order to help facilitate new mixed-use development, which will improve the economic welfare of the people of the State and the City, all as authorized in Article VIII, Section 13 of the Ohio Constitution; and,

**WHEREAS**, pursuant to a passed Resolution by the City of Napoleon City School District, the District has agreed to dissolve the former contract in order to help facilitate redevelopment of the property and offer more time in an attempt to redevelop the John L. Johnson Auditorium located on the property; and,

**WHEREAS**, the CCHC Board of Trustees has passed a accepting the terms and conditions of this Agreement in its entirety; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the City approves and consents to entering into an Economic Development and Real Estate Purchase Agreement with the Cultural Center of Henry County, the Napoleon Area City School District, and Carol Morley Beck, in substantially the form as being currently on file with the City Finance Director, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Economic Development and Real Estate Purchase Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

Section 3. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

Section 4. That, if any prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect a the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 047-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; and I further certify the compliance with the rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Roxanne Dietrich, Clerk of Council*