

Sponsor: Peters/Newkirk

RESOLUTION NO. 15-22

A RESOLUTION AUTHORIZING THE MAYOR TO CONSENT TO AN ASSIGNMENT OF THE MAY 2000 LEASE BETWEEN THE CITY AND R.D. WHITESIDE, LLC. AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to ORD 73-00, the City of Jackson and R.D. Whiteside, LLC entered a 99-year lease agreement for .517 acres on East Broadway Street and said Lease states that there be "no assignment hereof or any rights or obligations hereunder shall be valid for any purpose without the written consent of Lessor (City of Jackson)"; and

WHEREAS, the .517 acres is railroad property that is still owned by the City; and

WHEREAS, R.D. Whiteside, LLC has requested consent of the City to assign its interest in the lease as part of the sale of the adjacent real property owned by R.D. Whiteside, LLC; and

WHEREAS, this council finds that a consent for the assignment of the Lease Agreement will not interfere with the City's use of its property provided that there be no future construction or improvements on the property without the express consent of the City.

WHEREAS, the continued and uninterrupted operation of a business in the City is beneficial and necessary to protect the health safety and welfare of the city.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE MAYOR IS AUTHORIZED TO GRANT CONSENT FOR THE ASSIGNMENT OF THE LEASE INTEREST OF R.D. WHITESIDE, LLC AND THAT THIS CONSENT IS SPECIFICALLY GRANTED UPON THE CONDITION THAT THERE BE NO FUTURE CONSTRUCTION OR IMPROVEMENTS UPON THE PROPERTY WITHOUT THE EXPRESS CONSENT OF THE CITY.

This Ordinance is hereby declared to be an emergency as uninterrupted operation is necessary to protect the health, safety, and welfare of the City of Jackson. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor as provided in Ohio Revised Code Section 731.30.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

It is hereby found and determined that all formal actions of this council concerning and relating to this Resolution were adopted in an open meeting, and that these deliberations of this council and its committees resulted in such formal action, or in meeting open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 25 day

of April, 2022.

David J. Feltz
President of Council

ATTEST:

Cindi Kuhn
Clerk of the Legislative Authority

Approved this 25th day of April, 2022.

RANDY WILSON
Mayor