

ORDINANCE: 01-2023

ADOPTED: February 8, 2023

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER, OR HER DESIGNEE, TO ADVERTISE BIDS TO LEASE FOR FARMING PURPOSES ± 10.50 ACRES OF LAND OWNED BY THE VILLAGE OF KIRKERSVILLE AND DECLARING AN EMERGENCY

WHEREAS, with Resolution 04-2021, Council for the Village of Kirkersville authorized and directed the Mayor and Fiscal Officer to enter into a lease agreement with HW Martin and Son Co. that allowed farming on the land located near and around the Village of Kirkersville Sanitary Sewer Treatment Facility; and

WHEREAS, the Village of Kirkersville's lease agreement with Legacy Farm expired in June 2020; and

WHEREAS, the Village of Kirkersville again wants to maximize the use of ± 10.50 acres of land located near and around the Village of Kirkersville Sanitary Sewer Treatment Facility; and

WHEREAS, Council for the Village of Kirkersville believes the property or interest to be conveyed or permitted to be used is not needed by the Village for any street, highway, or other such Village purpose set forth in R.C. 723.121; and

WHEREAS, R.C. 723.121 requires all such conveyances, grants, or permits to use be made with competitive bidding as required by R.C. 721.03. As such, advertisement of bids is necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, OHIO THAT:**

SECTION 1: Council for the Village of Kirkersville hereby determines the property or interest to be conveyed or permitted to be used is not needed by the Village for any street, highway, or other such Village purpose set forth in R.C. 723.121.

SECTION 2: Council for the Village of Kirkersville believes the most immediate and best use of ± 10.50 acres of land located near and around the Village of Kirkersville Sanitary Sewer Treatment Facility is to lease it for farming purposes. As such, the Village desires to lease this property for two years commencing one or about June 1, 2023.

SECTION 3: The Fiscal Officer, or her designee, is hereby instructed and authorized to advertise in the next immediate edition newspaper of general circulation within the Village, and once a week thereafter for four consecutive weeks, or as otherwise allowed by R.C. 7.16, the availability of the subject property for lease for farming purposes to the highest bidder.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 5: All prior Ordinances, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

SECTION 6: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village needs to advertise and lease this property as soon as possible in order to ensure maximized use of the Village's ± 10.50 acres of land in time for the approaching farm season. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage by Council.

Passed in Council this 8 day of February 2023.

First Reading:  
Second Reading: waived  
Third Reading: waived

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Terry Ashcraft, Mayor

ATTEST:

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Shirley Roskoski, Fiscal Officer