

RESOLUTION NO: 04-2023

ADOPTED: APRIL 5, 2023

A RESOLUTION ACCEPTING THE BID OF H.W. MARTIN & SONS TO LEASE (FOR FARMING PURPOSES) ±10.50 ACRES OF LAND OWNED BY THE VILLAGE OF KIRKERSVILLE, AUTHORIZING AND DIRECTING THE MAYOR AND FISCAL OFFICER TO EXECUTE A LEASE AGREEMENT WITH H.W. MARTIN & SONS, AND DECLARING AN EMERGENCY

WHEREAS, R.C. 721.01 provides municipalities special power to sell or lease real estate belonging to the municipal corporation, when such real estate is not needed for any municipal purpose; and

WHEREAS, with Ordinance 01-2023, adopted on February 8, 2023, Council for the Village of Kirkersville authorized the Fiscal Officer, or her designee, to advertise for bids to lease ± 10.50 acres of land owned by the Village of Kirkersville, located near and around the Village of Kirkersville Sanitary Sewer Treatment Facility, but not needed by the Village for any street, highway, or other Village purpose, and

WHEREAS, in accordance with R.C. 721.03, the Village of Kirkersville advertised for bid; and

WHEREAS, the Village received only one bid response, that of H.W. Martin & Sons, Co. for \$176.00/ac.

NOW, **THEREFORE, BE IT RESOLVED** by the Council of the Village of Kirkersville, County of Licking, State of Ohio:

SECTION 1: Council for the Village of Kirkersville hereby accepts the bid of H.W. Martin & Sons, Co.

SECTION 2: The Mayor and Fiscal Officer are hereby authorized and directed to execute a Lease Agreement with H.W. Martin & Sons Co. for farming the ± 10.50 acres of land located near and around the Village of Kirkersville Sanitary Sewer Treatment Facility.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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SECTION 4: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereto.

SECTION 5: 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 current lease agreement expired on December 31, 2022 and a new Lease Agreement must be entered as soon as possible for lessee to take advantage of the 2023 growing season. Wherefore, provided this Resolution 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 5 day of April 2023.

---

Terry Ashcraft, Mayor

ATTEST: \_\_\_\_\_  
Shirley Roskoski, Clerk of Council

APPROVED:

Approved as to form this 31<sup>st</sup> day of March 2023:



\_\_\_\_\_  
Brian M. Zets  
Village Solicitor