

**CITY OF KIRTLAND**

**ORDINANCE NUMBER 21-O-27**

**AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY LOCATED ON CHARLESDERRY ROAD THAT IS OWNED BY THE CITY OF KIRTLAND, OHIO TO MATIJA AND BREDALONCAR PURSUANT TO OHIO REVISED CODE SECTION 721.03, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kirtland owns real estate located on Charlesderry Road in the City of Kirtland, Ohio, which is identified as Parcel I.D. No. 20-A-014-0-00-037-0, said real estate is more appropriately described in the attached Exhibit A attached hereto and incorporated herein; and

**WHEREAS**, said real estate is not needed for any municipal purpose and the Council of the City of Kirtland desires to offer said real estate for sale in a manner authorized by law; and

**WHEREAS**, this Council, pursuant to Ohio Revised Code § 721.03, desires to sell the Real Estate to the highest bidder, after advertisement once a week for five (5) consecutive weeks in a newspaper of general circulation within the City of Kirtland, Ohio; and

**WHEREAS**, a legal notice for bids was placed in a newspaper of general circulation within the City of Kirtland to advertise the sale of said property and was published once per week for five consecutive weeks, those being April 5, April 12, April 19, April 26, and May 3, 2021; and

**WHEREAS**, sealed bids were filed with the City and publicly unsealed on May 10, 2021 at 11:00 am; and

**WHEREAS**, Matija and Breda Loncar submitted a bid, which is attached hereto and incorporated herein as Exhibit B, and were the highest and best bidders for the purchase of the subject property in the amount of Sixty-Six Thousand, Five Hundred Dollars (\$66,500.00); and

**WHEREAS**, Matija and Breda Loncar have prepared and submitted a purchase agreement, attached hereto and incorporated herein as Exhibit C, for the purchase of said property; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

**WHEREAS**, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

**SECTION I:** The Mayor or his designee is directed and authorized to accept the bid of Matija and Breda Loncar for the purchase of City-owned property on Charlesderry Road with Permanent Parcel Number, 20-A-014-0-00-037-0, in the amount of Sixty-Six Thousand, Five Hundred Dollars (\$66,500.00). Said bid document is attached hereto as Exhibit B and is incorporated herein.

**SECTION II:** The Mayor or his designee is directed and authorized to execute the purchase agreement which is attached as Exhibit C and any other documents as may be necessary to effectuate the sale of this property.

**SECTION III:** The Finance Director for the City of Kirtland is hereby instructed and directed to deposit the proceeds from this sale into the General Fund for the City of Kirtland.

**SECTION IV:** The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

**SECTION V:**

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in

meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to sell unnecessary real estate to supplement the City's finances; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2021.

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk of Council  
Sale of Charlesderry to Loncar

\_\_\_\_\_  
Mayor Kevin F. Potter

**LEGAL DESCRIPTION OF PPN 20-A-014-0-00-037-0**

Situated in the City of Kirtland, county of Lake, and State of Ohio:

And known as being all of Sublot No. 37 in the Temple View Allotment of part of Original Kirtland Township Lot No. 11, Tract 2 as shown by the plat recorded in Volume F, Page 71 of Lake County Map Records and more lands in said Lot No. 11 Tract 2 (PPN 20A014A000010) and now known as Parcel A in a Lot Consolidation for the City of Kirtland as shown by the plat recorded in Volume F, Page 71 of Lake County Map Records and further bounded and described as follows:

Beginning on the centerline of Chillicothe Road (60 feet wide) at the Northwesterly corner of said Temple View Allotment;

Thence N 86°25'00" E, (passing through a 5/8" iron pin monument found at 32.55 feet and at 990.66 feet a 5/8" iron pin found ) a distance of 1,220.71 feet along the northerly line of said Temple View Allotment which is also the Lot Line between Lot 44, Tract 1 and Lot 11 Tract 2, and also Lot 45 Tract 1 and Lot 11 Tract 2 to a 5/8 " iron pin set angle point therein, also referenced by a 3/4" iron pin found 3.00 feet south and 0.97 feet east;

Thence S 84° 43' 21" E, along said northerly line of the Temple View Allotment, a distance of 19.46 feet to an iron pin set at the northwest corner of said Sublot No. 37 and the principal place of beginning of the premises herein intended to be described;

Course No. 1 - Thence continuing S 84°43'21" E, along the northerly line of said Sublot No. 37 and the Lot Line between said Lot 45 Tract 1 and Lot 11 Tract 2, a distance of 200.55 feet to the northwesterly corner of land conveyed to Lake MetroParks (PPN 20A0140000020) by deed recorded in Volume 1133 Page 634 of Lake County Deed Records, referenced by a 5/8" iron pin found 0.28 feet south (ID: Zaranac);

Course No. 2 - Thence S 3°35'00" W, a distance of 158.50 feet to 5/8" iron pin found (ID: Zaranac);

Course No. 3 - Thence N 86°25'00" W, a distance of 50.47 feet to an iron pin set;

Course No. 4 - Thence S 3°35'00" W, a distance of 20.00 feet to a 5/8" iron pin set at the northeasterly corner of Sublot No. 40 conveyed to Andrew & Susan Loncar by Document No. 2018R016868 (PPN 20A014A000220 in said Temple View Allotment);

Course No. 5 - Thence N 86°25'00" W, along the northerly line of land conveyed to said Andrew & Susan Loncar which is also the northerly lines of said Sublot No. 40 and Sublot No. 38 in said Temple View Allotment, a distance of 100.00 feet to an iron pin set at the northwesterly corner thereof;



**LEGAL DESCRIPTION OF PPN 20-A-014-0-00-037-0**

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Course No. 6 - Thence N 3°35'00" E, a distance of 40.00 feet to a 5/8" iron pin set at the southeasterly corner of said Sublot No. 37;

Course No. 7 - Thence N 86°25'00" W, along the southerly line of said Sublot No. 37, which is also the northerly line of Charlesderry Road (40 feet wide), a distance of 50.00 feet to a 5/8" iron pin set at the southwesterly corner thereof;

Course No. 8 - Thence N 3°35'00" E, along the westerly line of said Sublot No. 37, which is also the easterly line of land conveyed to Assaad Tony Elnahas (PPN 20A014A000180) by Document No. 2013R028332, a distance of 144.43 feet to the principal point of beginning and containing 0.7660 acres of land (33369 sq. ft.) as surveyed and described by John E. Jansky, Registered Surveyor No. 6440 of the C.W. Courtney Co. in August, 2020 be the same more or less and subject to all legal highways and easements of record.

Basis of bearing cited within the above description are referenced to those described in said Temple View Allotment.

All iron pins set are 5/8" rebar (30" in length) with plastic cap (I.D. C.W. Courtney 7702).

Property Address: CHARLESDERRY KIRTLAND

Tax Mailing Address: 9301 CHILLICOTHE ROAD, WILLOUGHBY, OHIO 44094

Permanent Parcel Number: 20-A-014-0-00-037-0

Prior Instrument Reference: 2009R009849



# City of Kirtland

9301 Chillicothe Road  
Kirtland, Ohio 44094

City of Faith and Beauty

(440) 256-3332  
Fax (440) 256-9301  
www.kirtlandohio.com

## BIDDER'S INFORMATION

The City of Kirtland will be accepting bids for a City owned parcel of land. Parcels are sold in as-is condition, and the bidder is responsible for all costs. These costs include but are not limited to: transfer costs, survey title fees, closing costs, recording deeds and all other costs associated with the deed preparation and title transfer.

The Bidder understands that the City reserves the right to reject any or all bids and to waive any informality in the bidding.

Address or Permanent Parcel Number: 20-A-014-0-00-037-0

Bid Amount: \$ 66,500.00

Bidder's Name: Matija + Breda Loncar

Address: 32451 Miller Ave. Wlby. Hills, OH 44092

Telephone: 440-840-3569 Email: Breda.loncard@gmail.com

Co-Bidder's Name: \_\_\_\_\_  
(if applicable)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Yes No

Are you sixty (60) days delinquent on any City of Kirtland utility bill or in arrears on payments to the City of Kirtland?

Are you delinquent on any property, local, state or federal taxes?

Have you purchased property from the City of Kirtland before?

Are you an employee or related to anyone that is an employee for the City of Kirtland?

If the answer is "yes" to any of the questions above, please explain:

Bidder's Signature

Date

Co-Bidder's Signature

Date

(Required)

(Required)

(Required if Applicable)

For Office Use Only:

- Accepted  
 Rejected

Signature of City Official

Date

Printed Name



**OFFER TO PURCHASE REAL ESTATE AND  
ACCEPTANCE OF VACANT LAND**

**A) BUYER:** Matija and Breda Loncar (“BUYER”), having examined the following property (the “Property”) and being willing to accept it in its “AS IS” CONDITION except for normal wear and tear, does hereby offer to buy the Property, SUBJECT TO THE TERMS AND CONDITIONS BELOW,:

**B) SELLER:** The City of Kirtland (“SELLER”) owns the subject Property, which is situated in the City of Kirtland, County of Lake, State of Ohio, located on Charlesderry Road, and more specifically identified as Permanent Parcel Number 20-A-014-0-00-037-0. The term “PROPERTY” includes the land in its as is condition and all appurtenant rights and easements.

**C) LOT SIZE:** 0.7660 acres. See attached legal description and/or plat map for dimensions and configuration.

**D) PURCHASE PRICE:** BUYER agrees to pay SELLER the sum of \$66,500.00 payable at closing for the purchase of the Property.

**E) CLOSING:** All documents and funds necessary to complete this transaction shall be placed in escrow with the BUYER’S lending institution or a Title Company on or before 6/15/21, and the Quitclaim Deed shall be recorded within thirty (30) days of final execution of this agreement.

**F) POSSESSION:** SELLER shall deliver possession to BUYER upon recording of the Deed

**G) CHARGES:** BUYER agrees to pay all costs associated with this transaction, including but not limited to transfer costs, survey title fees, closing costs, recording deeds, and all other costs associated with the deed preparation and title transfer.

**H) LOT CONDITION:** BUYER accepts the Property in its “AS IS” condition.

**I) BINDING AGREEMENT:** For purposes of this AGREEMENT, “Days” shall be defined as calendar days. “Acceptance” shall occur when the latter of the parties signs this AGREEMENT without making material change and delivers either written or verbal notice of such signatures to the other party. Upon “Acceptance”, this offer and all attachments and addenda, shall become an AGREEMENT binding on BUYER and SELLER, their heirs, executors, administrators, and assigns. This AGREEMENT shall be made part of or be used as the escrow instructions and shall be subject to the Escrow Agent’s standard conditions of escrow not inconsistent herewith. The terms, covenants, conditions, and provisions of the AGREEMENT to be performed by SELLER shall survive delivery and recording of the Deed.

**This agreement contains all terms agreed upon between BUYER and SELLER and there are no other conditions, representations, warranties, or agreements, expressed or implied. Facsimile signatures shall be deemed valid and binding. This is a binding contract; the parties should consult an independent professional if in need of legal or tax advice.**

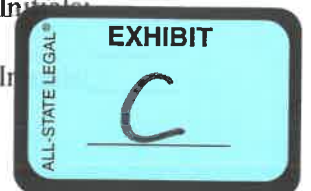
**BUYER:**

\_\_\_\_\_   
Matija Loncar

\_\_\_\_\_   
Date

Buyer’s Initials

Seller’s Initials





\_\_\_\_\_  
**Breda Loncar**

\_\_\_\_\_  
**Date**

Address: 32451 Miller Avenue, Willoughby Hills, Ohio 44092

Email address: Breda.Loncar@gmail.com

Phone: (440) 840-3569

N) ACCEPTANCE: The undersigned SELLER hereby accepts the above offer.

**SELLER:**

\_\_\_\_\_  
**Kevin F. Potter, Mayor of City of Kirtland**

\_\_\_\_\_  
**Date**

Address: 9301 Chillicothe Road, Kirtland, Ohio 44094

Email address: KPotter@KirtlandOhio.com

Phone: (440) 256-3334