

**ORDINANCE NO. 11-23-01**

**AN ORDINANCE  
AUTHORIZING THE MAYOR AND OTHER VILLAGE  
OFFICIALS TO ENTER INTO AGREEMENTS AND TO TAKE  
SUCH OTHER ACTIONS THAT ARE NECESSARY TO SELL A  
CONSERVATION EASEMENT TO THE WESTERN RESERVE LAND  
CONSERVANCY TO PERMANENTLY CONSERVE CERTAIN REAL  
PROPERTY OWNED BY THE VILLAGE AND DECLARING AN  
EMERGENCY.**

WHEREAS, the Village of Kirtland Hills ("Village") and the Western Reserve Land Conservancy ("WRLC") desire to conserve, in perpetuity, sixty-five (65) acres of land that is owned by the Village, on properties known as Permanent Parcel Numbers 22-A-001-0-00-002-0, 22-A-001-0-00-003-0, 22-A-001-0-00-004-0, 22-A-001-0-00-005-0, 22-A-001-0-00-007-0, 22-A-004-0-00-006-0, 22-A-004-0-00-010-0, 22-A-004-0-00-011-0 and 22-A-004-0-00-012-0 (the "Subject Property"); and

WHEREAS, the Village and WRLC have agreed to terms regarding the purchase and sale of a conservation easement on the Subject Property (the "Memorandum of Understanding"), which Agreement is set forth in "Exhibit A", appended hereto; and

WHEREAS, the Village and WRLC also agreed to a Grant of Conservation Easement and Covenant for Stewardship Fees ("Conservation Easement"), which is appended hereto as "Exhibit B," which conserves the Subject Property; and

WHEREAS, this Council desires to authorize the Mayor, and any other necessary Village officials, to execute the Memorandum of Understanding, the Conservation Easement, and any other documents which are necessary to accomplish the conservation of the Subject Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE  
OF KIRTLAND HILLS, LAKE COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor, and such other Village officials as may be necessary to complete such transaction, be and are hereby authorized and directed to execute the Memorandum of Understanding, which is appended hereto as "Exhibit A", the Conservation Easement, which is appended hereto as "Exhibit B" and to execute any and all other documents necessary for the preservation of sixty-five (65) acres of real property as described in said Memorandum of Understanding and Conservation Easement. Changes to the documents that are deemed necessary and are not adverse to the Village may be made at the direction of the Mayor. Copies of the executed

Memorandum of Understanding, Conservation Easement and all other documents executed pursuant hereto shall be kept on file in the Village's offices.

SECTION 2. That the sale of the Conservation Easement authorized herein is found and determined to be a valid public purpose in that it advances the Village's interests in preserving the scenic values and resources of the Village, preserves open space and protects the Village's water resources and soil.

SECTION 3. That the actions of this Council concerning and relating to the passage of this legislation 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.

SECTION 4. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village of Kirtland Hills and, further, time is of the essence relative to the accomplishment of this transaction, as agreed by the parties; wherefore, this Ordinance shall be in full force and effect from and after its adoption.

PASSED: NOV 27, 2023

Bernie Scherbi  
CLERK/TREASURER

John E. Tebb  
MAYOR