

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR OF THE CITY OF LORAIN TO ENTER INTO AN AGREEMENT FOR THE CITY OF LORAIN RELEASE OF CLAIMS AGAINST AN HOAI TRAN AND DECLARING AN EMERGENCY

WHEREAS, An Hoai Tran (“Tran”) is the current owner of twenty four parcels of real property and improvements commonly known as 205 West 20th Street, 208 West 20th Street, 1859 Reid Avenue and 1919 Reid Avenue, Lorain Ohio, and assigned the following permanent Parcel numbers by the Lorain County Auditor:

Permanent Parcel Nos: 02-01-003-701-001; 02-01-003-701-002; 02-01-003-701-003; 02-01-003-701-004; 02-01-003-701-005; 02-01-003-701-006; 02-01-003-701-007; 02-01-003-701-008; 02-01-003-163-002; 02-01-003-155-012; 02-01-003-155-012; 02-01-003-155-012; 02-01-003-155-012; 02-01-003-155-019; 02-01-003-155-020; 02-01-003-155-021; 02-01-003-155-022; 02-01-003-155-023; 02-01-003-155-024; 02-01-003-155-025; 02-01-003-155-026; 02-01-003-155-027; 02-01-003-155-028; 02-01-003-155-029; 02-01-003-155-030; and 02-01-003-155-032 (collectively the “Hospital Site”): and

WHEREAS, the twenty four (24) parcels of real property included in the Hospital Site are currently the subject of a tax foreclosure action currently pending in the Lorain County Court of Common Pleas, captioned Daniel J. Talarek, Lorain County Treasurer, Plaintiff, vs An Hoai Tran, et al., Defendants, Case No. 23TX008244 (the “Tax Foreclosure”); and

WHEREAS, the aggregate amount of current unpaid taxes and assessments now due and owing for the parcels of property included in the Hospital Site is in excess of Two Million Dollars (\$2,000,000.00); and

WHEREAS, during the prior demolition of a portion of the structures located upon the Hospital Site, numerous parcels constituting a significant portion of the Hospital Site became contaminated with hazardous materials that must be removed from the Hospital Site and the property must be remediated before the Hospital Site can be redeveloped; and

WHEREAS, the Ohio Department of Development (“ODOD”) has entered into a grant agreement with the Lorain County Land Reutilization Corporation (“LCLRC”) through its Brownfield Remediation Program to provide funding for the remediation of the Hospital Site, including, but not limited to the demolition and removal of the existing multi story parking facility located upon the Hospital Site; and

WHEREAS, the ODOD and the LCLRC have authorized the City of Lorain to be subrecipient of the Brownfield Remediation Grant that will enable the City of Lorain to contract for and administer the project for the remediation of the Hospital Site; and

WHEREAS, the ODOD requires that LCLRC and the City of Lorain have legal access to the Hospital Site in order for the City of Lorain to be confirmed as the subrecipient of the grant and for the grant funds to be released and the remediation work performed; and

WHEREAS, Tran has conditioned his willingness to transfer ownership of the Hospital Site to the LCLRC, or in the alternative, to grant the City of Lorain access to the Hospital Site upon the County of Lorain and the City of Lorain releasing Tran from any and all claims that the County of Lorain and the City of Lorain may have against Tran arising from his ownership of the Hospital Site; and

WHEREAS, it is likely to take several months, at a minimum, before a judgment for foreclosure of the Hospital Site will be obtained in the pending Tax Foreclosure; and

WHEREAS, the City of Lorain, for the health and safety of the citizens of Lorain, belief that it will be in best interest of the interest of the residents of and visitors to the City of Lorain that the Hospital Site be remediated as soon as possible and without any further delay; and

WHEREAS, the City of Lorain's release of any claims it may have against Tran, and Tran's transfer of his ownership to LCLRC and/or his issuance of an access agreement to the City of Lorain, will enable the City of Lorain to negotiate the terms of an agreement for the transfer of the Hospital Site to LCLRC and/or the grant of an access agreement to the City of Lorain which will enable the City to be named as subrecipient of the ODOD grant and to enter into contracts for the performance of the work necessary to remediate the Hospital Site.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That the Council of the City of Lorain hereby finds and determines that for the health and safety of the citizens, residents, business owners, customers and guests of the City of Lorain it is in the best interest of the City of Lorain and its citizens, residents, business owners, customers and guests that the City of Lorain take such action as is reasonable to obtain the remediation of the Hospital Site, including, but not limited to, the release of the City of Lorain's claims against An Hoai Tran arising from his ownership of the parcels of real property comprising the Hospital Site, upon such terms and conditions as the Safety Service Director deems appropriate.

SECTION II. That the Safety/Service Director of the City of Lorain is hereby authorized to negotiate and enter into an agreement with An Hoai Tran, or an agreement with An Hoai Tran and the County of Lorain, for the release the City of Lorain's claims against An Hoai subject to the condition that An Hoai Tran transfer his ownership of the parcels of land comprising the Hospital Site to the Lorain County Reutilization Corporation and/or the immediate grant of an access agreement for the City of Lorain's access to the Hospital Site upon such terms and conditions as the Safety Service Director deems appropriate, subject to the consent and approval of the Lorain Law Director.

SECTION III. That 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 and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VI. That this ordinance is declared to be an emergency, the emergency being the immediate need for the transfer the real property to the Lorain County Reutilization Corporation and/or the immediate grant of an access agreement to the City of Lorain so that the City of Lorain can obtain immediate access to the Hospital Site, timely comply with the terms of the grant agreement between ODOD and the Lorain County Reutilization Corporation and to protect the health, welfare and safety of the residents of, and visitors to, the City of Lorain.

PASSED: _____, 2026

PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

MAYOR

APPROVED: _____, 2026