

ORDINANCE NO. 2000-40

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT  
TERMINATING FARMING RIGHTS AND SETTling ANY CLAIM AND  
DECLARING AN EMERGENCY**

WHEREAS it is in the best interest of the City of Mason, Ohio, to have immediate possession of the former Westerkamm property; and

WHEREAS Gene Honerlaw has certain farming rights which need to be terminated.

NOW, THEREFORE, BE IT ORDAINED by the Council and City of Mason, Ohio, members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into an agreement with Gene Honerlaw for termination of farming rights on the former Westerkamm properties and settling any claim per the attached agreement which is incorporated herein as Exhibit "A".


Section 2. That the Finance Director is hereby authorized and directed to pay the sum of \$50,000.00 to Gene Honerlaw for termination of said rights.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to have immediate possession of said property.

Passed this 27<sup>th</sup> day of March , 2000.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

# City of Mason

"Commitment to Excellence in Public Service"

202 West Main Street  
Mason, Ohio 45040-1699

(513) 398-8010  
Fax (513) 459-8784

## AGREEMENT

It is hereby agreed by and between Mr. Gene Honerlaw (Honerlaw) and the City of Mason (City) that upon the payment of \$50,000 by the City to Honerlaw said Honerlaw will relinquish all right to raise and harvest crops on the former Westerkamm/Nett properties. Further said Honerlaw waives any and all right he has pursuant to a contract to purchase between Betty Jane Westerkamm, Emily M. Nett and the City of Mason dated August 21, 1998 and the contract to exchange real property between Betty Jane Westerkamm and the City of Mason dated October 13, 1999.

Mr. Honerlaw agrees to give access to the City for the purpose of surveying and soil testing this property from and after the date of the execution of this agreement Honerlaw hereby authorizes the surveyors and soil testers to enter said property for the purpose of performing any surveying and making soil borings. Said \$50,000 payment stated above covers any incidental damage to crops.

Honerlaw will have the right to harvest the crops presently planted prior to the date of closing.

The parties agree that the City shall pay \$25,000 on the date of the signing of this agreement with the balance due on January 5, 2001.

Said closing and termination of right of Honerlaw shall occur on or before

~~August 1, 2000.~~

Dated: April 4, 2000

Signature: Eugene Honerlaw

Witness: Marianne Gulbertson

CITY OF MASON

Witness: Laura Schutte

By: Scot F. Lahrmer  
Scot F. Lahrmer, City Manager

