

1 ORDINANCE NO. 2009-467

2
3 SPONSOR Mr. Pry

4
5 DATE November 30, 2009

6 COMMITTEE Rules

7 **An Ordinance amending Section 177.16 of the Codified Ordinances of the County of**
8 **Summit, entitled "Sale of County Real Property," to provide for the sale of parcels of land**
9 **with a value of \$2,500.00 or less, as set forth on the tax duplicate by the Fiscal Officer,**
10 **without an appraisal and advertisement, for the Executive's Department of Law, and**
11 **declaring an emergency.**

12
13 WHEREAS, the county is the owner of certain small parcels of land, which have been
14 appraised by the Fiscal Officer to have minimum value; and

15
16 WHEREAS, the current version of Section 177.16 of the Codified Ordinances of the
17 County of Summit, entitled "Sale of County Real Property," provides that real property may only
18 be sold (with an exception for non-profit and government entities) after appraisal and
19 advertisement of the sale of the property in a newspaper of general circulation; and

20
21 WHEREAS, often times, the cost of the required appraisal and advertisement can
22 consume much of or exceed the value of the sums that the County could realize from the sale of
23 these small parcels of land; and

24
25 WHEREAS, by allowing for the sale of parcels of land with a value of \$2,500.00 or less,
26 as set determined on the tax duplicate by the Fiscal Officer, without an appraisal and
27 advertisement, the County will be able to maximize the amount of money it will realize on the
28 sale of these parcels; and

29
30 WHEREAS, for the aforementioned reason, this Council finds and determines that it is
31 necessary and in the best interest of the County of Summit to amend Section 177.16 of the
32 Codified Ordinances of the County of Summit, entitled "Sale of County Real Property," to
33 provide for the sale of parcels of land with a value of \$2,500.00 or less, as set forth on the tax
34 duplicate by the Fiscal Officer, without an appraisal and advertisement;

35
36 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of
37 Ohio, that:

38
39 SECTION 1

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41 Section 177.16 of the Codified Ordinances of the County of Summit, entitled "Sale of
42 County Real Property," is hereby amended as follows:

43
44 **"177.16 SALE OF COUNTY REAL PROPERTY.**

- 45
46 (a) Upon determination by the Executive that the sale of real property or any interest
47 therein is in the best interest of the County, the Executive shall obtain an appraisal of
48 the real property to be sold and submit to Council a proposed resolution authorizing the
49 Executive to advertise the sale of said real property or any part thereof and solicit
50 sealed bids for the purchase of the same. Said proposed resolution may set forth the
51 minimum bid, if any, and any necessary terms or conditions of the sale.

- 3
- 4 (b) Upon passage of the resolution authorizing the Executive to advertise the sale of the
- 5 real property and solicit sealed bids for the purchase of the real property, the Executive
- 6 shall advertise, in a newspaper of general circulation in the County at least once a week
- 7 for two weeks, the sale of the real property, a description of the real property to be sold
- 8 and an address and contact name for the submission of sealed bids for the purchase of
- 9 the property. The Executive shall submit a copy of the advertisement to the Clerk of
- 10 Council prior to publication.
- 11
- 12 (c) Following the receipt and review of sealed bids, the Executive shall present a proposed
- 13 real estate sales agreement, in writing, signed by the highest bidder, to the Board of
- 14 Control, together with a copy of the appraisal and copies of all other bids received by
- 15 the Executive. The Board of Control may approve the execution of the proposed sales
- 16 agreement by the Executive or may reject the proposed sales agreement.
- 17
- 18 (d) Upon approval by the Board of Control, as set forth above, the Council may authorize
- 19 the Executive, by resolution, to execute the proposed sales agreement. The Executive
- 20 shall also submit to Council a copy of the appraisal and copies of the proposed sales
- 21 agreement and all bids received by the Executive. No agreement for the sale of County-
- 22 owned real property, or any part thereof, shall be executed by the Executive without the
- 23 authorization of Council.
- 24
- 25 (e) County-owned real property, or any part thereof, that is not necessary for County
- 26 operations, may be sold, transferred or otherwise disposed of by the Executive, only
- 27 after authorization of Council, to any non-profit corporation for hospital, charitable,
- 28 scientific, educational, recreational, or low to moderate-income housing purposes or to
- 29 the United States, the State of Ohio or any of its agencies or political subdivisions,
- 30 municipal corporations, townships, or any other governmental subdivision, without
- 31 complying with the provisions of subsections (a) through (d) of this Section.
- 32
- 33 (f) The Executive may sell any real property owned by the County with a value of
- 34 \$2,500.00 or less, as appraised on the tax duplicate by the Fiscal Officer, without
- 35 complying with subsections (a) through (e), above. In the case of such property, the
- 36 Executive may solicit bids from the adjacent property owners for the purchase of the
- 37 property, with the minimum bid being the appraised value on the tax duplicate, and the
- 38 winning bid being the maximum amount bid. The method of soliciting said bids shall
- 39 be through written notice, by certified and regular mail to all adjacent property owners
- 40 at their tax mailing address, of the County's intent to sell said property, the adjacent
- 41 property owner's right to submit a bid for the property, the minimum allowable bid, the
- 42 method and location for submission of a bid and the date by which the adjacent
- 43 property owners must submit a bid, being no sooner than thirty (30) days from the date
- 44 of the mailing of the notice. Following submission and review of the bids, the
- 45 Executive shall obtain the approval of the Board of Control and the County Council to
- 46 complete the sale of said real property to the highest bidder.

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ORDINANCE NO. 2009-467
PAGE THREE

SECTION 2

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, and for the further purpose of immediately amending Section 177.16 of the Codified Ordinances to allow the sale of said properties in the manner provided.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

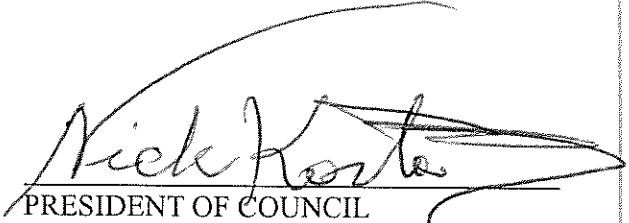
SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

INTRODUCED November 16, 2009

ADOPTED November 30, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED November 30, 2009


EXECUTIVE

ENACTED EFFECTIVE November 30, 2009

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith