

ORDINANCE NO. 2009-007

SPONSOR Mr. Pry

DATE January 26, 2009

COMMITTEE Rules

An amended Ordinance amending §177.16 of the Codified Ordinances of the County of Summit, entitled “Real property Sale,” for the purpose of clarification and consistency and to provide for the leasing of County-owned real property to certain non-profit corporations without advertisement and solicitation of bids, for the Executive’s Department of Law, and declaring an emergency.

WHEREAS, on May 22, 2000, this Council enacted §177.16 of the Codified Ordinances of the County of Summit, entitled “Real Property Sale,” to establish a procedure that must be followed by the County in selling County-owned real property; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to amend §177.16 to clarify and make consistent the provisions of §177.16 regarding the sale of County-owned real property and to permit the County to lease to certain non-profit corporations without advertisement and solicitation of bids;

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

SECTION 1

Section 177.16 of the Codified Ordinances of the County of Summit, entitled “Real Property Sale” is hereby repealed in its entirety and replaced as follows:

177.16 SALE OF COUNTY REAL PROPERTY

- (a) Upon determination by the Executive that the sale of real property or any interest therein is in the best interest of the County, the Executive shall obtain an appraisal of the real property to be sold and submit to Council a proposed resolution authorizing the Executive to advertise the sale of said real property or any part thereof and solicit sealed bids for the purchase of the same. Said proposed resolution may set forth the minimum bid, if any, and any necessary terms or conditions of the sale.
- (b) Upon passage of the resolution authorizing the Executive to advertise the sale of the real property and solicit sealed bids for the purchase of the real property, the Executive shall advertise, in a newspaper of general circulation in the County at least once a week for two weeks, the sale of the real property, a description of the real property to be leased and sold and an address and contact name for the submission of sealed bids for the purchase of the property. The Executive shall submit a copy of the advertisement to the Clerk of Council prior to publication.

SECTION 1 (Cont.)

- (c) Following the receipt and review of sealed bids, the Executive shall present a proposed real estate sales agreement, in writing, signed by the highest bidder, to the Board of Control, together with a copy of the appraisal and copies of all other bids received by the Executive. The Board of Control may approve the execution of the proposed sales agreement by the Executive or may reject the proposed sales agreement.
- (d) Upon approval by the Board of Control, as set forth above, the Council may authorize the Executive, by resolution, to execute the proposed sales agreement. The Executive shall also submit to Council a copy of the appraisal and copies of the proposed sales agreement and all bids received by the Executive. No agreement for the sale of County-owned real property, or any part thereof, shall be executed by the Executive without the authorization of Council.
- (e) County-owned real property, or any part thereof, that is not necessary for County operations, may be sold, transferred or otherwise disposed of by the Executive, only after authorization of Council, to any non-profit corporation for hospital, charitable, scientific, educational, recreational, or low to moderate-income housing purposes or to the United States, the State of Ohio or any of its agencies or political subdivisions, municipal corporations, townships, or any other governmental subdivision, without complying with the provisions of subsections (a) through (d) of this Section.

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 reason to immediately clarify and make consistent the provisions of §177.16 in order to ensure continued efficient operations of the County.

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.

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INTRODUCED January 5, 2009

ADOPTED January 26, 2009

Shirley P. Green
CLERK OF COUNCIL

Niall Kostandaras
PRESIDENT OF COUNCIL

APPROVED January 27, 2009

Russell W. P.
EXECUTIVE

ENACTED EFFECTIVE January 27, 2009

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras,
Poda, Prentice, Rodgers, Schmidt, Shapiro ABSENT: Smith