

ORDINANCE NO. O-17-45

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS FOR THE SALE OF REAL ESTATE BELONGING TO THE CITY OF WILMINGTON, ESTABLISHING CRITERIA TO DETERMINE THE HIGHEST AND BEST BIDDER, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SELL SAID REAL PROPERTY TO THE HIGHEST AND BEST BIDDER OR REJECT ALL BIDS AND RE-ADVERTISE UNTIL SUCH REAL ESTATE IS SOLD, AND DECLARING AN EMERGENCY

WHEREAS, Article XVII, Section 3 of the Ohio Constitution provides that municipalities shall have authority to exercise all powers of self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, the Ohio Attorney General has opined in Opinion 69-130 and Opinion 98-014 that in exercising its home rule powers to sell or lease real estate pursuant to the Ohio Constitution, a municipal corporation that has not adopted a charter must follow the procedure for sale of real property set forth in Chapter 721 of the Ohio Revised Code; and

WHEREAS, Section 721.03 of the Ohio Revised Code provides that no contract, except as provided in section 721.28 of the Revised Code, for the sale or lease of real estate belonging to a municipal corporation shall be made unless authorized by an ordinance, approved by a two-thirds vote of the members of the legislative authority of such municipal corporation, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, and, except as provided in section 721.27 or 721.29 of the Revised Code, only with the highest bidder, after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation or as provided in section 7.16 of the Revised Code. Such board or officer may reject any bids and re-advertise until all such real estate is sold or leased; and

WHEREAS, consistent with Opinion 98-014 of the Ohio Attorney General, the determination of who is the "highest bidder," may be made for consideration other than money when the conveyance or lease serves a public purpose of interest and advantage to the inhabitants of the municipal corporation; and

WHEREAS, Council has determined that the real estate commonly known as 481 Columbus Street, described in "**Exhibit A**," and owned by the City of Wilmington is not necessary for municipal purposes and that it is in the best interests of the City to sell said real estate on the terms and conditions set forth hereinafter:

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

Section 1. That the Director of Public Service is hereby authorized and directed to enter into a contract to sell the aforementioned City-owned real estate to the highest and best bidder, after advertisement once a week for five consecutive weeks in a newspaper of general circulation with the City and in accordance with Section 721.03 of the Ohio Revised Code.

Section 2. That the Director of Public Service shall set a reserve price on the property prior to the sale by competitive bidding.

Section 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this 17th day of August, 2017.

ATTEST:

Maureen Spill
Clerk of Council

Randy Riley
President of Council

Approved by me this 17th day of August, 2017.

John M. Humphreys
Mayor