

ORDINANCE NO. 02002-871

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE SALE OF CITY-OWNED REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Middletown from time to time owns real property which is not needed for any municipal purpose; and

WHEREAS, the City wishes to establish a standardized procedure for the sale of such real property; and

WHEREAS, City Council hereby determines that the requirements of Chapter 721 of the Ohio Revised Code for the sale of real property are unduly cumbersome, expensive and time consuming,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The following procedure is hereby established for the sale of City-owned real property.

- A. The City Manager, or his designee, shall estimate the value of any City-owned real property, which is proposed to be sold, or for which an offer has been made, as being less than five thousand dollars (\$5,000.00) or five thousand dollars (\$5000.00) or more.
- B. Any City-owned property, which is estimated to be worth less than five thousand dollars (\$5000.00), may be sold without advertisement, upon the consent of City Council. By approving such sale by either motion or as part of a consent agenda, City Council is authorizing the City Manager to sell the property, confirming that the property is not needed for a municipal purpose, and confirming the property is valued at less than five thousand dollars (\$5000.00).
- C. Any City-owned real property which is estimated to be worth five thousand dollars (\$5000.00) or more shall be sold in accordance with the procedure set forth in this paragraph C.
  - (1) If the City determines that real property should be sold, the City Manager, or his designee, shall cause the real property to be appraised. If the appraised value of the real property is less than five thousand dollars (\$5000.00), the real property may be sold in accordance with paragraph B of Section 1 of this ordinance. If the appraised value of the real property equals or exceeds five thousand dollars (\$5000.00), the City Manager, or his designee, shall cause the sale of the property to be advertised one (1) time in a newspaper of general circulation in the City. The real property shall be sold in an "as is" condition unless otherwise indicated by the advertisement. The City shall receive bids on the real property for a minimum of fifteen (15) calendar days from the date of the advertisement.
    - (a) Upon the opening of the bids, each bid shall be evaluated to determine whether, (1) it is the highest bid, (2) it equals or exceeds the appraised value of the real estate, and (3) it conforms to the advertisement, and more specifically, contains no contingencies

not specified in the advertisement. If a bid is the highest bid, equals or exceeds the appraised value of the property, and is free of contingencies not specified in the advertisement, the bid may be accepted, upon the consent of City Council. By approving such sale by motion or as part of a consent agenda, City Council is authorizing the City Manager to sell the property, confirming that the property is not needed for a municipal purpose, and confirming the bid as the highest and best bid.

- (b) If no bid is found to be the highest, above the appraised value of the property and contains no contingencies not specified in the advertisement, all of the bids shall be submitted to City Council for their review. City Council may reject all bids, or it may approve, by legislative action, the sale of the real property to the bid it determines, in its sole discretion, to be the "highest and/or best" bid.
- (2) If an offer is made to the City to purchase a parcel of City-owned real property, which has not been advertised for sale in accordance with paragraph C (1) of Section 1 of this ordinance, the City Manager, or his designee, shall cause the real property to be appraised. If the appraisal value is less than five thousand dollars (\$5000.00), the real property may be sold in accordance with paragraph B of Section 1 of this ordinance. In all other cases, the offer shall be compared to the appraised value of the real property.
  - (a) If the offer is more than ten percent (10%) below the appraised value, the offer may be rejected by the City Manager or his designee.
  - (b) If the offer equals or exceeds the appraised value, or is less than ten percent below the appraised value; or if the City Manager determines, in his sole discretion, that an offer not meeting these criteria should be considered, the real property will be advertised one (1) time in a newspaper of general circulation in the City. Offers to purchase the real property will be received by the City for a minimum of fifteen (15) days from the date of the advertisement.
    - (1) If, after advertisement, the City receives no other offers for the real property, and the original offer is equal to or greater than the appraised value of the property, the offer may be accepted and real property sold upon the consent of City Council. By approving such sale, either by motion or as part of a consent agenda, City Council is authorizing the City Manager to sell the real property, confirming that the real property is not needed for a municipal purpose, and confirming that the offer is the highest and best offer. If the offer is below the appraised value of the real property, it shall be submitted to City Council, which may reject the offer, or it may, by legislative action, approve the sale.

(2) If additional offers are received upon advertisement, the offers (including the original offer) shall be evaluated and acted upon in accordance with the procedures set forth in paragraph C (1) of Section 1 of this ordinance.

### Section 2

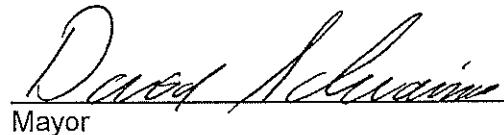
The City Council hereby determines that the procedure to be followed in the sale of City-owned real property shall be as set forth herein, and that provisions of Chapter 721 of the Ohio Revised Code, are hereby waived and shall not be applicable.

### Section 3

It is hereby determined that the subject matter of this legislation is not of a general and permanent nature, does not provide for a public improvement, and does not assess a tax or payment.

### Section 4

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to implement an orderly, consistent procedure for sale immediately, and shall take effect and be in force from and after its adoption.



David Schwain  
Mayor

Adopted: JUL 16 2002

Attest:   
Bettie J. Arthur  
Clerk of City Council

ps.H:\law\leg.0 sale of city owned property