

First Reading: March 9, 2015
Second Reading: April 13, 2015
Third Reading: May 11, 2015

PASSED: May 11, 2015
BY: Bardach

ORDINANCE NO. 2015-3

ORDINANCE FOR THE DISPOSITION OF REAL PROPERTY

WHEREAS, Section 721.01 et seq. of the Ohio Revised Code authorizes municipal corporations to sell property pursuant to a competitive bidding process when such real estate is not needed for any municipal purpose;

WHEREAS, Article XVIII of the Ohio Constitution authorizes a municipal corporation to dispose of property owned by the municipal corporation as provided within the powers of local self-government;

WHEREAS, Article II of the Village Charter provides the Village with authority to exercise all powers of local self-government;

WHEREAS, the ordinances of the Village are currently silent as to those procedures to be used for the disposition of real property;

WHEREAS, Council finds and determines it is in the best interest of the Village to establish procedures for the disposition of real property that provides more flexibility and efficiency than existing Ohio statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, six (6) members elected thereto concurring:

SECTION 1: Chapter 39, commencing with Section 39.01 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, read as follows:

CHAPTER 39: PROPERTY

§ 39.10 DISPOSITION OF REAL PROPERTY.

(A) *Purpose.* This section governs the sale or conveyance of real property by the Village, whether the interest possessed by the Village is in fee or any lesser interest, and whether the interest is to be conveyed in whole or in part.

(B) *Council action.* The disposition of real property shall be by ordinance approved by a vote of at least two-thirds of the members of Council. Proceeds from the conveyance of real property, if any, shall be paid into the General Fund unless otherwise required by law or directed by Council.

(C) *Method of conveyance.*

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(1) Real property may be sold, donated, disposed of, transferred, leased, or otherwise conveyed. Council is authorized to exchange real property, in whole or in part, if the property being obtained by the Village is equally or more suitable to municipal purposes than the property being conveyed by the Village, as determined by Council.

(2) The Village may use any reasonable means to advertise or convey property as determined by Council to be in the best interest of the Village, including, but not limited to, competitive bid, auction, market listing with or without a broker or agent, appraisal, direct conveyance to a third party, by using the Internet or other electronic means, or by any other means as determined by Council.

(D) *Consideration for property.* The Village shall achieve a fair return in consideration for the conveyance of real property. The fair return shall be determined by Council, and may include obtaining fair market value for the property. Council may also consider factors other than, or in addition to, obtaining fair market value, which may include, but are not limited to, economic development objectives, the facilitation of development or other improvements to the Village, the creation of jobs, the creation of revenue to the Village, avoiding costs to maintain or own the property, and fulfillment of objectives regarding the planning and development of the Village.

SECTION 2: That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 11th day of May, 2015.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Bardach Second: Conway

Muething	Aye
Bardach	Aye
Conway	Aye
Doering	Aye
Hattenbach	Aye
Warren	Aye

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I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of May, 2015 the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council