

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-19

By Jim Maxwell Sponsored By Mayor Cyril M. Klem

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY, LOCATED AT 115 SEMINARY STREET, PERMANENT PARCEL NO. 364-11-038, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON OR ENTITY SUBMITTING THE HIGHEST AND BEST OFFER, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2016-84, the City acquired several non-owner-occupied residential properties, including that property located at 115 Seminary Street, in exchange for a municipal parking lot located at 102 Front Street; and

WHEREAS, in Ordinance No. 2016-84, the City recognized that investing in the renovation, remodeling and other work at residential properties in a concentrated area improves the values of properties in the college area and throughout the community; and

WHEREAS, the Council of the City of Berea unanimously passed Resolution No. 2019-58, supporting the plan of the Administration to improve or renovate the properties, including the property located at 115 Seminary Street; and

WHEREAS, Resolution No. 2019-58 established a Home Ownership Zone in or near the College District; and

WHEREAS, Resolution No. 2019-58 states that the public interest would be best served by requiring that City-owned properties be transferred subject to a permanent deed restriction requiring owner-occupancy; and

WHEREAS, the Administration and City Council expressed their mutual intent to allocate the proceeds from the sale of the properties to the acquisition of future residential properties; and

WHEREAS, Ordinance No. 2019-66 authorized the Mayor to enter into a contract with Wallmack Properties LLC, to provide design-build services for the improvement and renovation of the residential structure located at 115 Seminary Street, Permanent Parcel No. 364-11-038, for the ultimate purpose of selling the property in accordance with the conditions set forth in Ordinance No. 2016-84; and

WHEREAS, the renovations to the residential structure at 115 Seminary Street are complete and the City wishes to offer the property for sale to the general public for the highest and best price; and

WHEREAS, the Council of the City of Berea finds and determines that it is in the public interest to sell the property to the person or entity making the highest and best offer; and

WHEREAS, the real property, located at 115 Seminary Street, Berea, OH 44017, Permanent Parcel No. 364-11-038, is owned by the City of Berea and is no longer needed for any municipal purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the Mayor of the City of Berea, after approval of the Board of Control, be and is hereby authorized and directed to enter into a purchase agreement on behalf of the City with the individual or entity making the highest and best offer for the purchase of the property known as 115 Seminary Street, Berea, OH 44017, Permanent Parcel No. 364-11-038, which is no longer needed for any municipal purpose.

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-19

By Maxwell Sponsored By Mayor Klem

SECTION 2. That if the City, despite its best efforts, is unable to accept a suitable offer by May 31, 2020, the Mayor is hereby directed and authorized to enter into a standard form Realtor's listing agreement for the marketing and sale of the property.

SECTION 3. That the terms of any purchase agreement shall include at a minimum, the general terms and conditions as set forth in Exhibit A, attached hereto and incorporated by reference.

SECTION 4. That 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to engage in efforts to market and sell this property in order to benefit the economic interests of homeowners and to preserve City neighborhoods. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: April 20, 2020

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: April 21, 2020

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Director of Law

EXHIBIT A

GENERAL TERMS AND CONDITIONS OF SALE OF 115 SEMINARY

The sale of 115 Seminary Street shall be subject to the following general terms and conditions:

1. The purchaser shall receive a warranty deed.
2. The property shall be transferred subject to a permanent deed restriction requiring owner-occupancy.
3. The property shall be sold "as is."
4. The City reserves the right to reject any and all offers.
5. The transaction shall be complete within 45 days of the City's acceptance of an offer.
6. The purchaser's selection of the Title Company shall be subject to the City's approval.
7. Earnest money in the amount of \$1,000 shall be required.

The purchase agreement may be subject to additional terms and conditions so long as they do not conflict with the General Terms and Conditions listed above, and further provided that those additional terms and conditions are approved by the Board of Control.