

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2022-9

By Mary K. Brown Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY, LOCATED AT 106 JACOB STREET, PERMANENT PARCEL NO. 364-06-022, A SINGLE-FAMILY HOME, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON OR PERSONS 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 106 Jacob Street, in exchange for a municipal parking lot located at 102 Front Street; and

**WHEREAS**, in Ordinance No. 2016-84, Council 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 106 Jacob 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**, 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 persons making the highest and best offer; and

**WHEREAS**, the real property, located at 106 Jacob Street, Berea, OH 44017, Permanent Parcel No. 364-06-022, a single-family home, 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 individuals making the highest and best offer for the purchase of the property known as 106 Jacob Street, Berea, OH 44017, Permanent Parcel No. 364-06-022, a single-family home, which is no longer needed for any municipal purpose.

**SECTION 2.** That if the City, despite its best efforts, is unable to accept a suitable offer within 60 days of the date in which the property was first offered for sale, the Mayor is hereby authorized to enter into a standard 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.

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**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: March 21, 2022

ATTEST: [Signature]  
Clerk of Council

[Signature]  
President of Council  
APPROVED: March 22, 2022  
[Signature]  
Mayor

APPROVED AS TO FORM:  
[Signature]  
Director of Law

## **EXHIBIT A**

### **GENERAL TERMS AND CONDITIONS OF SALE OF 106 JACOB STREET**

The sale of 106 Jacob Street, Parcel # 364-06-022. A two-story single-family residential structure with detached garage and a total living space of approximately 2,912 square feet 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. At title transfer the Property shall become part of the Century Home Garden District Home Owners' Association.
4. The property shall be sold "as is."
5. The City reserves the right to reject any and all offers.
6. The transaction shall be complete within 60 days of the City's acceptance of an offer.
7. The transaction shall be conducted by Erie Title Company.
8. 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.