

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022- __

By: _____ Sponsor: _____

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BEREAL CITY SCHOOL DISTRICT AND THE LONGBROOKE HOMEOWNERS' ASSOCIATION TO ASSIST THE DISTRICT IN THE SOLICITATION OF REQUESTS FOR PROPOSALS FOR THE DEVELOPMENT AND SUBSEQUENT SALE OF THE PROPERTY LOCATED AT 535 WYLESWOOD DRIVE, PERMANENT PARCEL NO. 364-35-009, (SMITH SCHOOL) TO THE CITY OF BEREAL FOR THE PURPOSE OF TRANSFERRING THE PROPERTY TO A DEVELOPER, AND DECLARING AN EMERGENCY.

WHEREAS, due to newly constructed elementary schools coupled with enrollment declines, Smith School is no longer needed to educate the District's students; and

WHEREAS, the District has been using the Smith Building for storage and has leased portions of it to the City of Berea for its purposes; and

WHEREAS, the District has been expending its limited resources maintaining Smith School which does not enhance the education of a single student and the District desires to dispose of Smith School; and

WHEREAS, Ohio Revised Code Section 3313.41 generally provides for the auctioning of property no longer needed for School District purposes which provides for transparency in the sale but does not take into account other stakeholders; and

WHEREAS, an open auction may result in new ownership of the property whose interests are adverse to both the Homeowners' Association (HOA) and the City; and

WHEREAS, Ohio Revised Code Section 3313.41(C) permits the District to sell its property to a political subdivision on whatever terms they agree to; and

WHEREAS, the City, the District and the HOA share a common interest in controlling how the property is redeveloped; and

WHEREAS, the District does not have experience in preparing and evaluating Requests for Proposals (RFP), as it relates to the development of land; and

WHEREAS, the District requested that the City provide assistance in preparing the RFP and participating in the evaluation of submissions from potential developers; and

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WHEREAS, it is the intent of the City, District and HOA to reach a consensus in the selection of a proposal and developer, and that upon such selection, and in order to comply with Ohio Revised Code Section 3313.41(C), for the District to sell the property to the City, who shall then assign the purchase rights to the selected developer.

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

SECTION 1. That the Mayor is hereby authorized to enter into a Memorandum of Understanding with the Berea City School District and the Longbrooke Homeowners' Association to assist the District in the solicitation and evaluation of Requests for Proposals for the development and subsequent sale of Permanent Parcel No. 364-35-009 (Smith School) to the City of Berea who shall assign the purchase rights to a developer, in accordance with the terms and conditions set forth in Exhibit "A", attached hereto and incorporated by reference.

SECTION 2. 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 3. 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, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to assist the Berea City School District, with the cooperation of the Longbrooke Homeowners' Association, in the development, sale and subsequent transfer of a dilapidated property in a manner that serves to benefit the economic and community interests of homeowners and to further preserve a vibrant City neighborhood. 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:

President of Council

ATTEST: _____

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law