

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2023- __

By: _____

Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE SALE OF PERMANENT PARCEL NO. 364-14-078, FURTHER DESCRIBED AS A LAND-LOCKED PARCEL OWNED BY THE BEREA LAND REUTILIZATION PROGRAM, TO ADJACENT PROPERTY OWNERS, FOR THE FAIR MARKET VALUE OF THE PROPERTY, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 195 OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA AND CHAPTER 5722 OF THE REVISED CODE, AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 195 of the Codified Ordinances of the City of Berea, Land Reutilization, was enacted pursuant to Ordinance No. 2007-06 to, in part, foster the return of non-productive land to tax revenue generating status; and

WHEREAS, on or about April 19, 2023, the Cuyahoga County Sheriff issued a Sheriff's Deed to the Berea Land Reutilization Program for Permanent Parcel No. 364-14-078, as a result of a tax foreclosure auction in Common Pleas Court Case No. CV-21-952802; and

WHEREAS, John T. Sweeny-Dent and Wayne Mark Dent, owners of 247 Clark Street, which is directly adjacent to land-locked Permanent Parcel No. 364-14-078, made application to the City to purchase the property for the purpose of expanding their exterior yard area; and

WHEREAS, Codified Ordinance Section 195.03 and Revised Code Section 5722.07 set forth procedures for the disposal of real property obtained by the City through its Land Reutilization Program; and

WHEREAS, Revised Code Section 5722.07 states in pertinent part that an electing subdivision may, without competitive bidding, sell any land acquired by it as a part of its land reutilization program at such times, to such persons, and upon such terms and conditions, and

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subject to such restrictions and covenants as it deems necessary or appropriate to assure the land's effective reutilization, at not less than its fair market value; and

WHEREAS, in accordance with the requirements set forth in RC 5722.03, the City obtained an independent appraisal of Permanent Parcel No. 364-14-078, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, which established a fair market price for said parcel at Fifteen Thousand Dollars (\$15,000.00); and

WHEREAS, read together, RC 5722.03 and Codified Ordinance 195.03, permits the sale of real property in the land bank without public bidding, at fair market value, upon application by a potential purchaser, with the condition that the purchaser(s) agree in writing to maintain the property in accordance with all the applicable Health, Building, Zoning and Exterior Maintenance Codes of the City of Berea; and

WHEREAS, the City wishes to return Permanent Parcel No. 364-14-078 to a tax-generating status by selling the property, in accordance with the requirements set forth in Codified Ordinance Chapter 195.03 and RC 5722.03 and in substantial conformance with the provisions set forth in the Purchase Agreement, attached hereto as Exhibit B and incorporated herein by reference.

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

SECTION 1. That the Director of Public Service is authorized to enter into a real estate purchase agreement for the sale of Permanent Parcel No. 364-14-078, in accordance with the provisions of Codified Ordinance Section 195.03 and RC Section 5722.07, and in substantial conformance with the terms and conditions set forth in the Purchase Agreement, attached hereto as Exhibit B and incorporated herein by reference, and authorizing the execution of all agreements necessary to effectuate the same.

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 action, 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

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reason that it is in the best interests of the community to return the property described herein to the tax duplicate. 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:

ATTEST: _____
Clerk of Council

APPROVED:

President of Council

APPROVED AS TO FORM:

Mayor

_____, Director of Law