

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1990-14

Passed October 16, 1990

AN ORDINANCE ESTABLISHING A PROCEDURE AND GUIDELINE FOR THE SALE OF REAL ESTATE WHICH SHALL NOT BE USED FOR PUBLIC PURPOSES EITHER IN THE PRESENT OR IN THE ANTICIPATED FUTURE AND DECLARING AN EMERGENCY.

WHEREAS, the Municipality of Brookville, Ohio, has recently acquired real estate in the form of donations which has no public purpose, either in the present nor in the anticipated future; and

WHEREAS, it would appear to be in the best interest of the Municipality of Brookville, Ohio, if said real estate would be sold for the best price rather than retaining said real estate; and

WHEREAS, there is currently no procedure outlined in the Code of Ordinances of the Municipality of Brookville, Ohio regarding the sale of real estate; and

WHEREAS, it is deemed necessary for the public health, safety and general welfare of the citizens of the Municipality of Brookville, Ohio, to pass such an Ordinance establishing such guidelines and declaring an emergency.

NOW, THEREFORE, be it ordained by the Council of the Municipality of Brookville, Ohio, that:

SECTION I:

Any and all real estate owned by the Municipality of Brookville, Ohio which is not being held by the Municipality for public purposes may be sold by the Municipality after first being authorized by Motion of Council. At the time the Municipal Council entertains the Motion to sell real estate, Council shall include within its Motion the determination whether or not the property to be sold shall be sold through a competitive bidding process as outlined herein or by means of contractual negotiation.

SECTION II:

Upon passage of the Motion of Council to sell real estate, the Municipal Manager shall obtain an appraisal, in writing, of the real estate to be sold under the Motion in order to determine the reasonable value of the real estate to be sold.

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SECTION III:

In the event that the property to be sold is determined to be sold by contractual negotiation, the Municipal Council shall appoint in its' Motion the City Manager or some other officer of the Municipality to conduct such negotiations. Upon the completion of the negotiations, the Municipal Manager or the designated contract negotiator shall present the negotiated contract to the Municipality for approval. Upon approval of the negotiated contract by the Municipal Council by Motion, the Municipal Manager or such other designated Municipal officer shall execute the contract and complete the sale of real estate.

SECTION IV:

Should the Municipal Council determine in its' original Motion to sell real estate that the property to be sold shall be sold pursuant to competitive bidding, the Municipal Manager shall invite bids for a contract and shall advertise such bids for not less than two consecutive weeks in a newspaper or advertise in tabloid of general circulation in the Municipality. The bid shall be open and shall be publicly read by the Municipal Manager or person designated by him or her at the time, date and place as specified in the advertisement to bidders or in the specifications. The time, date and place of the bid openings may be extended to a later date by the Municipal Manager, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. Any bid on any contract for the sale of real estate shall contain the full name of every person or business interested in the bid and shall be accompanied by a certified check on a solvent bank as in escrow deposit for the completion of the contract of sale of real estate that will be entered into in an amount as set forth by the Municipal Manager. Upon closing, the deposit shall be applied towards the purchase price. Upon completion of the competitive bidding process, the Council of the Municipality of Brookville, Ohio, shall accept the best bid by Motion.

SECTION V:

Upon the acceptance of a sales agreement or sales contract for real estate as set forth in either the competitive bidding process or the contract negotiation, the Municipal Council shall appoint the Municipal Manager or such other officer as they

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choose to execute and complete any and all contracts so entered into.

SECTION VI:

This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, and Resolutions and parts of Resolutions that are in conflict herewith.

SECTION VII:

This Ordinance is hereby declared to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville, Ohio and this Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of council as provided for in the chart of Municipality of Brookville, Ohio.

PASSED this 16th day of October, 1990.

ATTEST:


E. EUGENE ROESER, Clerk


MICHAEL DUNCAN, Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1990-14 passed by the Council of said Municipality on the 16th day of October, 1990.


E. EUGENE ROESER, Clerk

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CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1990-14 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 19th day of October, 1990 to the 17th day of November, 1990, both days inclusive.


E. EUGENE ROESER