

WarrenPark&WarrenElementarySiteSale
 Department of Development
 C. Lawshe (x1600)
 (Revised)

ORD. 520-15

Authorizing the Mayor to enter into a real estate purchase and development agreement and to execute and deliver needed instruments for the sale, conveyance and development of the City-owned properties known as Warren Park and the former Warren Elementary School sites for the purpose of the Warren A.M.E. Church Housing Project; authorizing the deposit of net sale proceeds; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; and declaring an emergency.

SUMMARY & BACKGROUND:

Pursuant to Ordinance 288-12 as amended by Ordinance 470-13 and Ordinance 471-13, Warren A.M.E. Church entered into a real estate purchase and development agreement for real property bounded by Woodruff Avenue, Putnam Street, Irving Street and Franklin Avenue for the purpose of developing an approximate 32 unit housing complex with a community center (the "Project") through its affiliate Warren A.M.E. Church Housing Opportunities, Inc. (WHO). The authorizations as stated and extended in those Ordinances expired on October 15, 2015. The entire site is now owned by the City of Toledo and this Ordinance is necessary to authorize a new agreement that will provide WHO additional time to develop and secure funding for the Project. The purchase price for the property is based on an Impact Fee of \$1,000 per housing unit with an estimated 32 housing units to be constructed. Any planned housing development will include a community center. The impact fee is intended to be used to relocate and replace the play equipment at the Warren Park to a new location at nearby Inez-Nash Park. In addition, at all times subsequent to the effective date and prior to the closing date, WHO at WHO's sole cost and expense shall maintain the Property free of any and all nuisances including tall grass and weeds, litter, junk and debris and removal of snow & ice. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor and the Real Estate Division of the Department of Development are authorized to execute needed instruments for the development and conveyance of the real estate identified in the attached Exhibit "A", to Warren A.M.E. Church Housing Opportunities, Inc.

SECTION 2. That the Development Agreement and needed instruments shall contain other terms and conditions deemed necessary and proper by the Mayor, the Department of Law and the Department of Development.

SECTION 3. That this Council approves the Agreement, including the sale and conveyance of said real estate provided for therein, notwithstanding and as an exception to the notice and bidding provisions of Chapter 187.19 of the Toledo Municipal Code.

SECTION 4. That the Mayor is authorized to execute and deliver such deeds, certifications and instruments as are necessary to carry out the Agreement and the Director of Development, Director of Law, Director of Finance, Clerk of Council and other appropriate officials of this City are hereby authorized and directed to enter into, execute and deliver such other agreements, instruments, documents and certificates and to take such other lawful action as may be necessary or appropriate in order to fully implement the Agreement and to such further approvals relating thereto as may lawfully be required by Council.

SECTION 5. That the Finance Director is authorized to accept and deposit the net sale proceeds into Account Code 2090-60300-5T71517STDSTD.

SECTION 6. That authorizations as stated herein shall expire twenty-four months (24) after passage of this Ordinance in the event conveyance of the subject property has not occurred.

SECTION 7. That it is found and determined that the subject real property is no longer needed for a municipal purpose.

SECTION 8. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 9. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective to maintain availability of the subject property for sale and conveyance for new housing development.

Vote on emergency clause: yeas 10, nays 0.

Passed: October 27, 2015, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Steven C. Steel
President of Council

Approved:

October 29, 2015
Paula Hicks-Hudson
Mayor

Exhibit "A"
LEGAL DESCRIPTIONS

WARREN PLAYGROUND

Lot 1 thru 6 in HILL'S ADDITION to the City of Toledo Volume 3 Page 52 of Lucas County Plats and 1/2 of vacated adjacent alley.

aka 2011 Franklin TD 07 Parcel 23694

Prior Deed Instrument References: Volume 1925 Pg 442, Volume 1925 Pg 450, Volume 1926 Pg 41, Volume 1926 Pg 42 and Volume 1926 Pg 43

FORMER WARREN ELEMENTARY SCHOOL SITE

Lot Numbers 33 through 45 and Lot Numbers 64 through 70 in Hill's Addition to the City of Toledo, Lucas County Ohio as recorded in Volume 3 page 52 of Lucas County Plats together with vacated roadways and alleyways more fully described as follows:

Parcel No. 1:

Lot Numbers 39, 40, 41, 42, 43, 66, 67, 68, 69, and 70 in Hills Addition to the City of Toledo, Lucas County, Ohio, in accordance with Volume 2A of Plats, page 6, together with vacated alley adjacent and West one-half (1/2) vacated Warren Street, adjacent to Lot 70.

Parcel No. 2:

(a) The East 39.09 feet of Lot Numbers 33, 34 and 35 in Hill's Addition to the City of Toledo, Lucas County, Ohio, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(b) The West 39.09 feet of the Easterly 78.18 feet of Lots Numbers 33, 34 and 35 in Hill's Addition to the City of Toledo, Lucas County, Ohio, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(c) Lot Number 33 the East 39.09 feet of the West 78.18 feet, and Lot 34 the East 39.09 feet of the West 78.18 feet and Lot 35 the East 39.09 feet of the West 78.18 feet of Hill's Addition, an Addition in the City of Toledo, Lucas County, Ohio, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(d) The Westerly 39.09 feet of Lots Numbers 33, 34 and 35 in Hill's Addition in the City of Toledo, Lucas County, Ohio, and 1/2 of vacated Warren Street adjacent thereto, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(e) The East 39 feet of Lots Numbers 36, 37 and 38 in Hill's Addition to the City of Toledo, Lucas County, Ohio, and 1/2 vacated alley adjacent thereto, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(f) The Westerly 41.36 feet of Lots Numbers 36, 37 and 38 in Hill's Addition to the City of Toledo, Lucas County, Ohio, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(g) The West 38 feet of the East 77 feet of Lots Numbers 36, 37 and 38 Hill's Addition to the City of Toledo, Lucas County, Ohio, and 1/2 vacated alley adjacent thereto, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(h) The Westerly 38 feet of the East 115 feet of Lots Numbers 36, 37 and 38 Hill's Addition to the City of Toledo, Lucas County, Ohio, and 1/2 vacated alley adjacent thereto, in accordance with the Plat thereof recorded in Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(i) That part of Lots Nos. 44 and 45 in Hill's Addition in the City of Toledo, Lucas County, Ohio, described as follows: Commencing at a point in the north line of Woodruff Avenue in said Hill's Addition, 32.35 feet east of the southwest corner of Lot No. 45 in Hill's Addition; thence north on a line parallel with the west line of said Lot No. 45 84.21 feet; thence east on a line parallel with the north line of said Woodruff Avenue 12 feet; thence north on a line parallel to the west line of said Lot No. 45 37.79 feet; thence east on a line parallel with the north line of said Woodruff Avenue 20 feet; thence south on a line parallel with the west line of said Lot No. 45, 122 feet to the north line of said Woodruff Avenue; thence west along the north line of said Woodruff Avenue 32 feet, to the place of beginning.

(j) The west 32.35 feet of the south 84.21 feet of Lot No. 45 in Hill's Addition to the City of Toledo, Lucas County, Ohio.

(k) The east 32 feet of Lot No. 44 in Hill's Addition in the City of Toledo, Lucas County, Ohio in accordance with Volume 2A of Plats, page 6, and 1/2 vacated alley adjacent thereto.

(l) That part of Lot No. 45 in Hill's Addition to the City of Toledo, Lucas County, Ohio, described as follows: Commencing at the intersection of the east line of Putnam Street with the north line of said Lot 45; thence East along the north line of said lot 44.35 feet to a point; thence south on a line parallel with the East line of Putnam Street 37.79 feet to a point; thence west parallel with the north line of said Lot 45 to the east line of Putnam Street; thence north along the east line of Putnam Street to the point of beginning, and 1/2 alley adjacent.

(m) Lots Nos. 64 and 65 in Hill's Addition in the City of Toledo, Lucas County, Ohio, and 1/2 alley adjacent.

aka TD 07 Parcels 23907, 23911, 23914, 23904, 23977, 23867, 23834, 23831, 23844 and 23864
Prior Deed Instrument Reference: 2015090200037045