



Legislation Details (With Text)

**File #:** O-515-19      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 10/15/2019      **In control:** Economic Development Department

**On agenda:** 10/29/2019      **Final action:** 10/29/2019

**Title:** Authorizing the mayor to enter into a Real Estate Purchase Agreement with Michael Cattell and to execute and deliver needed instruments for the sale and conveyance of 6.5 acres of city-owned real property at Triad Business Park, in Monclova Township, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds into the Property Management Fund; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Audio: Agenda Review 10/22/2019, 3. Audio: City Council October 29, 2019

Date	Ver.	Action By	Action	Result
10/29/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
10/29/2019	1	City Council	declare emergency	Pass
10/29/2019	1	City Council	passage	Pass

DNBDTriadSale  
 Department of Neighborhood and Business Development  
 Brandon Schlhorst (x1692)  
 (Revised)

**Authorizing the mayor to enter into a Real Estate Purchase Agreement with Michael Cattell and to execute and deliver needed instruments for the sale and conveyance of 6.5 acres of city-owned real property at Triad Business Park, in Monclova Township, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds into the Property Management Fund; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City of Toledo is the owner of certain real property located in Monclova Township known as Triad Business Park. Pursuant to the City’s desire to sell this surplus real property for development purposes, the City entered into a listing agreement with Miller Danberry Commercial Realty to market the real property for sale and development. Through their marketing efforts, Miller Danberry has procured and presented the City with an offer from Michael Cattell to purchase 6.5± acres in Triad Business Park Plat Two, Lot 7. The subject real property is located within the Maumee-Monclova-Toledo Joint Economic Development Zone.

Michael Cattell will develop the real property with a managed self-storage facility. The purchase offer reflects the negotiated price for the site of \$292,950. The purchase offer also calls for a \$10,000 earnest money deposit to be credited to the purchase price, or, should purchaser’s due diligence reveal real property deficiencies that prevent development, refunded. In the event of a refund, the purchaser will provide the City with of any surveys, environmental assessments, other studies or test results verifying the deficiencies that prevent development.

Development of this real property is further subject to the requirements of the Monclova Township Zoning Resolution and/or Lucas County Subdivision Regulations, and review and approval by the Monclova Township Zoning Commission and the Lucas County Plan Commission. Authorizations granted by this legislation expire 6 months from passage in the event closing and conveyance have

not occurred. The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): \$292,950
- Revenue budget line item (if any): 6080-16400-5661009STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? N/A
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) No
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) No
  - o Environment (yes/no) No

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into a real estate purchase agreement ("Agreement") with Michael Cattell or a special purpose entity organized by Mr. Cattell for the sale, conveyance and development of 6.5± acres at a sales price of \$292,950 consisting of Lot 7 in Triad Business Park Plat Two, in Monclova Township, Lucas County, Ohio (the "Real Property") under additional terms and conditions approved by the mayor, the Director of Law and the Department of Development as being in the best interests of this City, and in keeping with the findings, determinations and purposes of this Ordinance, with the execution by the mayor of the Agreement being conclusive evidence of such approvals, and no further action relating thereto shall be required by Council.

SECTION 2. That any and all reasonable and customary costs, fees, taxes and recoupment charges, sales commissions and expenses to be paid by the City pursuant to the Agreement and/or incidental to the closing are appropriated and authorized to be paid from the proceeds received by the City from the sale of said Real Property.

SECTION 3. That this Council finds and determines that the Real Property to be sold or otherwise disposed of pursuant to the terms of the Agreement is Real Property which is not needed by the City for any municipal purpose; that the disposition thereof to Michael Cattell in accordance with the Agreement is necessary to create or preserve jobs and other employment opportunities in the region and to improve the economic welfare of the people of the City of Toledo and is in the best interests of the City; that disposition of the said Real Property by negotiation pursuant to the Agreement is the appropriate method of making it available for development; that the negotiated sales price is a fair and reasonable value for said Real Property for the purposes of development in accordance with the terms of the Agreement.

SECTION 4. That this Council approves the Agreement, including the sale of said Real Property provided for therein, notwithstanding and as an exception to the competitive bidding and advertising provisions of Chapter 187 and other provisions of the Toledo Municipal Code. The reason therefore is that the Real Property, has been listed and held out for public sale for a sufficient period of time to generate fair market value as reflected in the Agreement.

SECTION 5. That the Finance Director is authorized to accept and deposit the net sale proceeds into the Property Management Fund, Account Code 6080-16400-5661009STDSTD

SECTION 6. That the mayor is authorized to execute and deliver such deeds, certifications and instruments necessary to carry out the terms of the Agreement; that the Director of Law, the Director of Finance, the Clerk of Council and other appropriate officials of this City are authorized 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 further implement the Agreement and to further evidence the various matters approved and authorized by this Ordinance.

SECTION 7. 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 8. 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 the 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 facilitate the execution and delivery of the Agreement and conveyance of the above described real property so that the development may commence and continue immediately, thereby creating or preserving jobs and other employment opportunities and improving the economic welfare of the residents of the City and surrounding area.

Vote on emergency clause: yeas 11, nays 0.

Passed: October 29, 2019, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 29, 2019  
Wade Kapszukiewicz  
Mayor