



Legislation Details (With Text)

**File #:** O-040-20      **Version:** 1      **Name:**

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

**File created:** 1/14/2020      **In control:** Economic Development Department

**On agenda:** 2/11/2020      **Final action:** 2/11/2020

**Title:** Authorizing the mayor to enter, execute and deliver a Purchase Agreement and other needed instruments for the sale and conveyance of 11.89 acres in the southern portion of Willy’s Park for \$75,000 to the Woodlawn Cemetery Historical Association. Inc.; authorizing the deposit of net sale proceeds; making certain findings with respect thereto; waiving the notice and competitive bidding provisions of T.M.C. 187.19; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Project Summary, 3. Audio: Agenda Review 1/21/2020, 4. Audio: City Council January 28, 2020, 5. Audio: City Council February 11, 2020

Date	Ver.	Action By	Action	Result
2/11/2020	1	City Council		
2/11/2020	1	City Council		
1/28/2020	1	City Council		

Willy’s/Woodlawn  
 Department of Economic Development / Real Estate  
 Doug Johnson (x1431)  
 (Revised)

**Authorizing the mayor to enter, execute and deliver a Purchase Agreement and other needed instruments for the sale and conveyance of 11.89 acres in the southern portion of Willy’s Park for \$75,000 to the Woodlawn Cemetery Historical Association. Inc.; authorizing the deposit of net sale proceeds; making certain findings with respect thereto; waiving the notice and competitive bidding provisions of T.M.C. 187.19; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Woodlawn Cemetery is requesting to purchase 11.897 acres (“Subject Property”) south of the developed area of Willy’s Park to complete a \$3.8 million restoration project to the cemetery’s waterbodies. Currently, storm water drains from Woodlawn Cemetery to the Ottawa River using a streambed located in an unimproved portion of the Subject Property. This restoration project will re-establish the stream channel and remove sediment caused by on-site and upstream erosion with the goals of preventing flooding, improving water quality, and enhancing wildlife habitat for Ottawa River watershed.

As depicted in Exhibit C, the Subject Property is located south of the developed, frequently used, portions of the park and does not include the track, ball diamonds, playground areas, tennis courts or pool. These assets will be retained by the City. The Subject Property will be purchased and improved using a Clean Ohio grant from the Ohio Environmental Protection Agency (OEPA). As a condition to be eligible for this grant, applicants must control the real property to which improvements will be made.

The Subject Property will be protected as greenspace in perpetuity. As a condition of sale Woodlawn will enter into a conservation easement with the Black Swamp Conservancy, which will prevent development and ensure the Subject Property is used as parks and open space. This Ordinance waives the competitive bidding requirements of the TMC and authorizes the sale of this property to the aforementioned entities.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0.00
- The expenditure budget line item: Not Applicable
- New revenue generated (operational revenue, grants, if any): \$75,000
- Revenue budget line item (if any): 1001-16500-408920-8999999STDSTD
- Are funds budgeted in the current fiscal year (yes/no)?: Not Applicable
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? Not Applicable
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) Yes
  - o Quality Community Investment (Livable City, Development) (yes/no) Yes
  - o Workplace Culture & Customer Service (yes/no) No
- Environment (yes/no) Yes

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

SECTION 1. That the mayor and the real estate section of the Department of Economic Development are authorized to enter into a purchase agreement and execute the needed instruments for the sale and conveyance of the real estate more fully described in Exhibit A, to the Woodlawn Cemetery Historical Association for Seventy Five Thousand Dollars (\$75,000).

SECTION 2. That the purchase agreement and needed instruments shall contain such terms and conditions therein as the mayor, Director of Law, Director of Economic Development, and Director of Public Service may approve as being in the best interest of the City of Toledo, and in keeping with the findings, determinations and purposes of this Ordinance, with the execution by the mayor of the purchase agreement being conclusive evidence of such approvals, and no further action relating thereto shall be required by Council.

SECTION 3. That it is found and determined that the subject real estate is real estate which is not needed for municipal purposes, or for any other public use other than as provided for in the Agreement; that the conveyance is in the best interest of the City of Toledo, and that the negotiated consideration set forth in the Agreement is a fair and reasonable value for said real estate for development in accordance with terms of the Agreement.

SECTION 4. That this Council approves the agreement, including the disposition of a portion of Willy's Park, notwithstanding and as an exception to, the provisions of Toledo Municipal Code Chapters 187, 1183, and any other relevant provisions, if any, of the Municipal Code that may apply to the transactions contemplated in the Agreement

SECTION 5. That the Finance Director is authorized to accept and deposit the net sale proceeds into the General Fund, Account Code 1001-16500-408920-8999999STDSTD

SECTION 6. 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 Economic Development, Director of Law, Director of Finance 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 fully implement the Agreement.

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 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 conveyance of the property to Woodlawn for maintenance, improvement and re-use with their adjacent property.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council