



Legislation Details (With Text)

**File #:** O-574-19      **Version:** 1      **Name:**

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

**File created:** 10/29/2019      **In control:** Office of the Mayor

**On agenda:** 12/10/2019      **Final action:** 12/10/2019

**Title:** Authorizing the mayor to enter into a development agreement with the Toledo City School District Board of Education for the transfer and maintenance of Bowman and Byrne Parks and the former Newberry School site; authorizing the mayor to transfer a portion of Bowman Park to Black Diamond Nursery; authorizing the mayor to take actions necessary to implement the agreement, including making and accepting all conveyances and easements thereunder; waiving the competitive bidding provisions of TMC Ch. 187 as it relates to transfers of municipal property; waiving fees; making certain findings with respect to Bowman Park and Byrne Park; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. TPS Proposed Development Agreement, 2. Toledo City Council Notification, 3. Audio: Agenda Review 12/3/2019

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council		
12/10/2019	1	City Council		
12/10/2019	1	City Council		

TPS Development Agreement  
 Mayor's Office  
 Abby Arnold (x2483)  
 (Revised)

**Authorizing the mayor to enter into a development agreement with the Toledo City School District Board of Education for the transfer and maintenance of Bowman and Byrne Parks and the former Newberry School site; authorizing the mayor to transfer a portion of Bowman Park to Black Diamond Nursery; authorizing the mayor to take actions necessary to implement the agreement, including making and accepting all conveyances and easements thereunder; waiving the competitive bidding provisions of TMC Ch. 187 as it relates to transfers of municipal property; waiving fees; making certain findings with respect to Bowman Park and Byrne Park; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

In the past, the City of Toledo has cooperated with the Toledo Public School District with respect to its building program and this development agreement is a continuation of that cooperation in a manner that will benefit both the District and the City. This legislation authorizes a development agreement that will result in the conveyance of Bowman and Byrne Parks to the TPS District, in exchange for the conveyance of the former Newberry School Site to the City. The City Division of Parks, Recreation & Forestry will continue to schedule and permit non-school events at Bowman Park. A portion the Bowman Park is already leased to Black Diamond Nursery and used by Black Diamond as an integral of their operations. A portion of the city-owned parcel will

be split and transferred to Black Diamond for \$150 prior to the transfer of remainder of the Bowman Park parcel to the Toledo Public School District, as shown in Exhibit B.

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): \$150
- Revenue budget line item (if any): 1001-16500-5000436STDSTD
- 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 development agreement with the Toledo City School District Board of Education (the "District") providing for the conveyance of properties between the City and Black Diamond and District and the City, in substantially the same form as attached hereto as Exhibit A, and including such revisions as may be approved by the Director of Law, 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 the mayor and the Department of Neighborhood and Business Development's Real Estate section are authorized to execute such necessary documents and instruments, subject to applicable terms and conditions as provided in Exhibit A and under terms approved by the Director of Law, to consummate the transactions for the conveyance and acceptance of property and property interests described in attached Exhibit A and for the transfer of property as described in Exhibit B to Black Diamond Nursery for \$150; and further that the Real Estate section is authorized to cause proper recording with the Recorder of Lucas County, Ohio of deeds and any other instruments necessary to complete the approved transactions.

SECTION 3. That it is found and determined that the real property and/or interests in real property, easements or right-of-way to be granted pursuant to the terms of the Development Agreement is real property which is not needed for municipal purposes; that the disposition to Black Diamond Nursery and the Toledo Public School District in accordance with the Development Agreement is in the best interest of the City; that disposition of the said real property without competitive bidding as a donation is appropriate considering the benefits this development will provide to the surrounding community.

SECTION 4. That this Council approves the transfer and acceptance of said real estate and real estate interests provided for in the Development Agreement notwithstanding and as an exception to the notice, publication and bidding provisions of Chapter 187 of the Toledo Municipal Code, and the same are waived.

SECTION 5. That the Finance Director is authorized to accept and deposit the net sale proceeds into the General Fund, Account Code 1001-16500-5000436STDSTD.

SECTION 6. 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 of the Ohio Revised Code.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall be in force and effect 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 the Ordinance must be immediately effective in order to provide for the timely development of Bowman and Byrne Parks and the former Newberry School site.

Vote on emergency clause: yeas 11 nays 0

Passed: December 10, 2019, 2019, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

December 11, 2019  
Wade Kapszukiewicz  
Mayor