



Legislation Text

File #: O-315-21, Version: 1

DEDAmendmenttoNasbyRealEstatePurchaseAgreement
Department of Economic Development
B. Schlorst (x1692) / P. Syring (x1025)
Revised

Authorizing the Mayor to enter into an Amendment to a Real Estate Purchase Agreement with Nasby LLC for the purpose of adjusting the purchase price to \$185,000 for sale of the former TARTA Park Station property located at 611 and 617 Madison Avenue; making certain findings with respect thereto; authorizing the deposit of net sale proceeds into the Capital Improvement Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

On October 20, 2017, pursuant to Ordinance 433-17, the City entered into a Real Estate Purchase Agreement (“Agreement”) with Nasby LLC for the sale and redevelopment of the city-owned Nasby building. As a condition of the sale of the Nasby building, the City agreed to acquire the adjacent former Park Station property (“Subject Property”) from Toledo Area Regional Transit Authority (“TARTA”) and convey it to Nasby LLC as a critical component to the redevelopment of the Nasby building.

Since the date of the Agreement, TARTA has been working with the Federal Transit Administration (“FTA”), in accordance with applicable federal regulations, to secure approval to sell the Subject Property to the City. TARTA now has the FTA’s approval to sell the Subject Property to the City for its appraised value of \$185,000. In order to satisfy the condition of acquiring the Subject Property as set forth in the Agreement, the City wishes to amend the Agreement to adjust the Purchase Price for the sale of the TARTA Property to \$185,000 to accurately reflect and provide for the City’s recoupment of the City’s acquisition cost.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: None
- New revenue generated (operational revenue, grants, if any): \$185,000
- Revenue budget line item (if any): 5040-16400-8CP2133TARTAP
- 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) No
 - o Quality Community Investment (Livable City, Development) (yes/no) Yes
 - o Workplace Culture & Customer Service (yes/no) No
 - o Environment (yes/no) Yes

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

SECTION 1. That the Mayor is authorized to enter into an Amendment to a Real Estate Purchase Agreement with Nasby LLC and to execute and deliver the needed instruments to facilitate the sale and conveyance of 611 and 617 Madison Avenue, Toledo, Ohio, as more particularly described in Exhibit A attached hereto. The Amendment shall contain such additional terms and conditions not otherwise inconsistent with this Ordinance as approved by the Mayor and the Director of Law as being in the best interests of the City.

SECTION 2. That Council finds and determines that the Subject Property is no longer needed by the City for a municipal purpose and further finds and determines that it is in the best interests to waive the competitive disposition requirements of Toledo Municipal Code Chapter 187 for the reason that the Subject Property is integral to the redevelopment of the adjacent Nasby Building, which sat dormant and was held out to the development community by the City as available for sale and redevelopment for many years. And further, that the proposed rehabilitation of this historical property is found to be the highest and best use to return the property to a tax producing status.

SECTION 3. That the Finance Director is authorized to accept and deposit the net sale proceeds into the Capital Improvement Fund, Account Code 5040-16400-8CP2133TARTAP.

SECTION 4. 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.

SECTION 5. 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 Subject Property so that redevelopment of the Nasby building may commence immediately, thereby creating an opportunity to create or preserve 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: June 8, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Cerssandra McPherson
President Pro Tempore of Council

Approved:

June 8, 2021
Wade Kapszukiewicz
Mayor