



## Legislation Text

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**File #:** O-058-23, **Version:** 1

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DPS Purchase Agreement 173 South Avenue  
Solid Waste  
R. Murphy (x2640) /D. Johnson (x1431)/Megan Robson (x2306)  
Revised

**Authorizing the Mayor to enter, execute, and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 173 South Avenue, Parcel # 18-72294 to Lucas County Economic Development Corporation; 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:

The City of Toledo is the owner of a parcel of land, 173 South Avenue (Parcel #18-72294) located between Interstate 75 and the Maumee River. The city acquired the 1.774 acre parcel in 1921 from the original owner of Hewitt's Addition, and this land has been vacant since acquisition. The Buyer will acquire property from other adjacent owners and assemble land to construct a materials recovery facility (MRF) that will process recyclable material from both the City of Toledo and Lucas County. The city has been working with the Lucas County Solid Waste Management District to develop a MRF inside city limits, and this development is a required component of the county's Solid Waste Management District Plan. Currently, the nearest facility with the needed capacity is located in Oberlin, Ohio, approximately 90 miles away, incurring significant transport costs. Locating the MRF, within city limits, will not only reduce transportation costs, but also give local control to the processing and marketing of the material and create additional business and employment opportunities inside the community. Lucas County Solid Waste Management District is planning to have the MRF operational by the end of 2025. The county's Solid Waste Management Plan update is currently underway and the specifics of the updated operation costs are being updated over the next several months.

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

SECTION 1. That the Mayor is authorized to enter into a Purchase Agreement and execute needed instruments for the sale and conveyance of the real estate located at 173 South Avenue, as more fully described in Exhibit "A", to Lucas County Economic Development Corporation for One Dollar (\$1.00).

SECTION 2. That the 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 Economic Development.

SECTION 3. That it is found and determined that the subject real property is not needed for any municipal purpose.

SECTION 4. That this Council finds and determines it is in the public interest to waive the competitive bidding requirements of Toledo Municipal Code Section 187.19 for the reason that the sale will result in

investment in the property, and improve the delivery of essential services to the residents of Toledo.

SECTION 5. That the Mayor, Director of Economic Development and Director of Law are authorized to execute and deliver such agreements, deeds, certifications and instruments and to take such other lawful action as may be necessary or appropriate in order to carry out the purposed authorization herein.

SECTION 6. That the Finance Director is authorized to accept and deposit the net sale proceeds into the General Fund, Account Code 1001-16400-5000436STDSTD.

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 sale and conveyance of the property.

Vote on emergency clause: yeas 12, nays 0.

Passed: February 21, 2023, as an emergency measure:  
yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved: February 22, 2023  
Wade Kapszukiewicz  
Mayor