



## Legislation Text

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**File #:** O-133-19, **Version:** 1

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Waive Right of First Refusal - 3201 Stickney  
Neighborhoods & Bus. Development  
A. Odum (x-1400) / B. Burkett (x-1692)

**Authorizing the Mayor to execute and deliver needed instruments waiving the city’s reservation of a right of first refusal for the proposed sale of 3201 Stickney Ave. by the James C. Caldwell Community Center; and declaring an emergency.**

### SUMMARY & BACKGROUND:

In 1985, pursuant to Ordinance 300-85, the City of Toledo conveyed 3201 Stickney Ave., the former Fire Station 19 property, now known as the Caldwell Community Center, (“Property”) to the North Toledo Community House, subsequently the James C. Caldwell Community Center, a non-profit organization serving community needs of north Toledo residents. The 1985 deed conveying the Property includes a reservation by the city of a right of first refusal should the Community Center wish to subsequently convey the Property to a third party. The Community Center has now agreed to sell the property to the Toledo/Northwestern Ohio Foodbank, Inc. (“Foodbank”). The Foodbank plans to use the Property in furtherance of its charitable purpose. The purchase is being made at the Property’s appraised value as determined pursuant to an appraisal dated 12/23/15 obtained by the Toledo/Northwest Ohio Foodbank.

The city administration supports the purchase and use of the building by the Toledo/Northwest Ohio Foodbank and does not wish to exercise the city’s right of first refusal provided under the 1985 deed. This ordinance authorizes the Mayor to waive and elect not to exercise its right of first refusal and waive the 45-day notice period as specified in the deed reservation.

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

SECTION 1. That the Mayor is authorized to execute and deliver such documents as may be necessary to waive the city’s right of first refusal as reserved in the deed executed June 13, 1985 and recorded at 85-237B06 in the Lucas County Records (“Deed), which conveyed 3201 Stickney Ave., Toledo, Ohio from the City of Toledo to the North Toledo Community House.

SECTION 2. That Council acknowledges that notice of the proposed sale was given to the city as specified under the Deed reservation and waives the 45-day notice period thereunder.

SECTION 3. 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 were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. 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 for the current owner and proposed purchaser of 3201 Stickney to be able to timely complete the proposed conveyance.

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