Legislation Details (With Text)

File #:	O-395-19	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Approved
File created:	8/6/2019			**In control:**	Housing & Community Development Department
On agenda:	8/20/2019			**Final action:**	8/20/2019
Title:	Authorizing the Mayor to enter into a Real Estate Purchase Agreement with Midland Agency of Northwest Ohio, Inc. and to execute and deliver needed instruments for the sale and conveyance of 50.28 acres of city-owned real property at Triad Business Park, in Monclova Township, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds into the Property Management Fund; and declaring an emergency.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit A, 2. Audio: Agenda Review 8/13/2019, 3. Audio: City Council 8/20/2019				

Date	Ver.	Action By	Action	Result
8/20/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
8/20/2019	1	City Council	declare emergency	Pass
8/20/2019	1	City Council	passage	Pass

DEBDTriadSale
Real Estate Division
B. Sehlhorst (x1692)
Revised

Authorizing the Mayor to enter into a Real Estate Purchase Agreement with Midland Agency of Northwest Ohio, Inc. and to execute and deliver needed instruments for the sale and conveyance of 50.28 acres of city-owned real property at Triad Business Park, in Monclova Township, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds into the Property Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:
The city of Toledo is the owner of certain real property located in Monclova Township known as Triad Business Park (Exhibit A). The city has received an offer from Midland Agency of Northwest Ohio, Inc. to purchase 50.28± acres in Triad Business Park, part of Parcel #38-00934, #38-00694, and #38-0083, and wishes to sell the property, subject to final survey determination as shall be approval by the Director of Law. The subject real property is located within the Maumee-Monclova-Toledo Joint Economic Development Zone.

Midland Agency of Northwest Ohio, Inc. will acquire ownership on behalf of a Michigan-based company that is considering relocating its headquarters, fulfillment and manufacturing operations to Ohio. The company is a 60-year-old international company that has eight locations in the United States, three in Canada, three in Asia, and seven in Europe. The company primarily provides value added services for the Aerospace, Chemical

Processing, Medical, Oil/Gas, Power Generation and Thermal Processing industries. The company has shortlisted the city's Triad Business Park site and another location in the State of Michigan. As such, the prospective company wishes to remain anonymous until a final location is selected.

The prospective company intends to invest approximately $28 MM to construct a 200,000-225,000 square foot facility. The company would relocate 150 FTE jobs from Michigan to this site and would commit to hiring an additional 50 FTE jobs within two years of construction completion for a total annual payroll of $11 MM.

The purchase offer reflects the negotiated price for the combined site of $20,883 per acre with final acreage to be determined by survey. The purchase offer includes a provision in which the purchaser is eligible to receive an incentive in the event the purchaser submits to and obtains a building permit and a certificate of occupancy.

Development of this real property is further subject to the requirements of the Monclova Township Zoning Resolution and/or Lucas County Subdivision Regulations, and review and approval by the Monclova Township Zoning Commission and the Lucas County Plan Commission. Authorizations granted by this legislation expire 12 months from passage in the event closing and conveyance have not occurred. 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): $1,050,000
- Revenue budget line item (if any): 6080-16400-5661009STDSTD
- 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:
    - Excellence in Basic Services (yes/no) No
    - Quality Community Investment (Livable City, Development) (yes/no) yes
    - Workplace Culture & Customer Service (yes/no) No
    - 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 Real Estate Purchase Agreement ("Agreement") with Midland Agency of Northwest Ohio, Inc. for the sale, conveyance and development of 50.28± acres at a sales price of $20,883 per acre of part of Parcel #38-00934, #38-00694, and #38-0083, located at the intersection of N. Jerome Road and Monclova Road as described on Exhibit A, and subject to final survey determination as shall be approval by the City of Toledo Director of Law and under additional terms and conditions approved by the Mayor, the Director of Law and the Department of Development as being in the best interests of this City, and in keeping with the findings, determinations and purposes of this Ordinance, 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 any and all costs, fees, taxes and recoupment charges, sales commissions and expenses to be paid by the City pursuant to the Agreement and/or incidental to the closing are appropriated and authorized to be paid from the proceeds received by the City from the sale of said Real Property.

SECTION 3. That Council finds and determines that the Real Property to be sold or otherwise disposed of pursuant to the terms of the Agreement is Real Property which is not needed by the City for any municipal purpose; that the disposition thereof to Midland Agency of Northwest Ohio, Inc. in accordance with

the Agreement is necessary to create or preserve jobs and other employment opportunities in the region and to improve the economic welfare of the people of the City of Toledo and is in the best interests of the City; that disposition of the said Real Property by negotiation pursuant to the Agreement is the appropriate method of making it available for development; that the negotiated sales price is a fair and reasonable value for said Real Property for the purposes of development in accordance with the terms of the Agreement.

SECTION 4. That this Council approves the Agreements, including the sale of said Real Property provided for therein, notwithstanding and as an exception to the competitive bidding and advertising provisions of Chapter 187 and other provisions of the Toledo Municipal Code. The reason therefore is that the Real Property has been listed and held out for public sale for a sufficient period of time to generate fair market value as reflected in the Agreement.

SECTION 5. That the Finance Director is authorized to accept and deposit the net sale proceeds into the Property Management Fund, Account Code 6080-16400-5661009STDSTD.

SECTION 6. That the Mayor is authorized to execute and deliver such deeds, certifications and instruments necessary to carry out the terms of the Agreement; that the Director of Law, the Director of Finance, the Clerk of Council 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 further implement the Agreement and to further evidence the various matters approved and authorized by this Ordinance.

SECTION 7. That authorizations as stated herein shall expire twelve (12) months after passage of this Ordinance in the event that conveyance of the Real Property has not occurred.

SECTION 8. 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 9. 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 real property so that the development may commence and continue immediately, thereby creating or preserving jobs and other employment opportunities and improving the economic welfare of the citizens of the City and surrounding area.

Vote on emergency clause: yeas 12, nays 0.

Passed: August 20, 2019, as an emergency measure: yeas 12, nays 0.

Attest:	
Gerald E. Dendinger	Matt Cherry
Clerk of Council	President of Council
Approved:	August 20, 2019
	Wade Kapszukiewicz
	Mayor

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