



## Legislation Text

File #: O-253-19, Version: 1

### DNBDCapitalCommonsSale

Real Estate Division  
B. Burkett (x1692)  
Revised

**Authorizing the mayor to enter into a Real Estate Purchase Agreement with Estes Express Lines (“Estes”) and to execute and deliver needed instruments for the sale and conveyance of approximately 47.9 acres of city-owned real property at Capital Commons, in Toledo, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the acceptance and deposit of the net sale proceeds in the Capital Improvement Fund; authorizing the appropriation and expenditure of \$50,000 from the Capital Improvement Fund for roadway improvements;; authorizing the mayor to enter into a separate agreement with and to accept additional financial assistance from the State of Ohio, Department of Transportation (ODOT), in an amount not to exceed \$75,000 for improvement to Capital Commons Drive; authorizing deposit, appropriation, and expenditure of the grant proceeds in the Capital Improvements Fund; authorizing the mayor to accept bids and award contracts for said project; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

The City of Toledo is the owner of certain real property located in South Toledo known as Capital Commons located at 5600 Angola Road as shown in Exhibit A (“Real Property”). An offer from Estes to purchase approximately 47.9± acre Capital Commons property for \$424,760 or \$8,500 per acre has been presented and should be accepted.

Estes is a logistics and distribution company currently located in a 50,000 square foot terminal facility at 5330 Angola Road Toledo, Ohio 43615. As a result of Real Property sale, Estes has promised to expand its operations onto the property, retain 193 jobs, and create 15 new jobs.

As part of the sale of this property and the expansion of the company’s operations, improvements will be made to Capital Commons Drive. The State of Ohio through its Jobs and Commerce grant funding will assist with \$75,000.00 for improvements to Capital Commons Drive. The City should pay no more than \$50,000 from the sale proceeds for these road improvements. The City has also agreed to pay closing costs of approximately \$21,900.00 for Current Agricultural Use Valuation (“CAUV”) recapture expenses, and \$42,276 Reichle Klein Group in commission fees.

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 and Development Agreement (“Agreements”) with Estes for the sale, conveyance and development of approximately 47.9± acres at a sales price of \$424,760 or \$8,500 per acre of part of Parcel #2006137, located at 5600 Angola Road as outlined on the Exhibit A, and subject to final survey determination as shall be approved by the Director of Law and under additional terms and conditions approved by the Mayor, the Director of Law and the Department of Neighborhoods and Business 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 Agreements 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 Estes in accordance with the Agreements 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 Agreements 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 Mayor is authorized to accept and deposit proceeds from the sale of property as authorized in Section 1 into the Capital Improvement Fund, Account Code 5040-35000-8CP1920CCDIMP.

SECTION 6. That the appropriation of \$50,000 is authorized from the unappropriated balance of the Capital Improvement Fund to Account Code 5040-35000-8CP1920CCDIMP and the expenditure of same is authorized for roadway improvements to Capital Commons Drive.

SECTION 7. 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 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 the mayor is authorized to enter into, execute a cooperative agreement with, and accept financial assistance from the State of Ohio Department of Transportation (ODOT) for the roadway improvements to Capital Commons Drive upon terms and conditions approved by the Director of Public Utilities and the Director of Law.

SECTION 10. That the mayor is authorized to accept and deposit \$75,000 from the State of Ohio Department of Transportation into the Capital Improvement Fund Account Code 540G-35000-8GA9105STDSTD for roadway improvements to Capital Commons Drive.

SECTION 11. That the appropriation of \$75,000 is authorized from the unappropriated grant proceeds of the Capital Improvement Fund to Account Code 540G-35000-8GA9105STDSTD and the expenditure of same is authorized for roadway improvements to Capital Commons Drive.

SECTION 12. That the mayor is authorized to prepare plans and specifications, accept bids, and award contracts, for said project including such items as labor, materials, real estate incidentals, purchase of rights-of-way, and professional services necessary to undertake the roadway improvements to Capital Commons Drive.

SECTION 13. That the finance director is authorized to draw his warrant or warrants against the above account codes in amounts not to exceed those authorized above in payment of the above authorized obligations upon presentation of the proper voucher or vouchers.

SECTION 14. 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.

