

# City of Willoughby Hills

## ORDINANCE NO. 2009-2

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### **AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE CITY OF WILLOUGHBY HILLS, NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO OHIO REVISED CODE SECTION 721.03 – LEASE OR SALE OF REAL ESTATE – ADVERTISEMENT FOR BIDS.**

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**WHEREAS**, the City Council of the City of Willoughby Hills has determined that it is not necessary, appropriate or in the best interests of the City that it retain title to the real estate located at 35360 Martin (L323 A Sleepy Hollow 125), Willoughby Hills, Ohio, (Permanent Parcel No. 31A004C000150), described in “Exhibit A” consisting of (16) pages, attached hereto and referenced herein; and

**WHEREAS**, pursuant to Section 721.03 of the Ohio Revised Code: “No contract, except as provided in Section 721.28 of the Revised Code, for the sale or lease of real estate belonging to a municipal corporation shall be made unless authorized by an ordinance, approved by a two-thirds vote of the members of the legislative authority of such municipal corporation, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, and, except as provided in Section 721.27 of the Revised Code, only with the highest bidder, after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation. Such board or officer may reject any bids and re-advertise until all such real estate is sold or leased.”; and

**WHEREAS**, said real estate previously served as a waste water treatment plant and a pumping station which has since been abandoned and gravity sewers have been installed; and

**WHEREAS**, the City Engineer confirmed that there is no public purpose for ownership of this real estate by the City of Willoughby Hills.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO, AT LEAST TWO-THIRDS OF THE MEMBERS CONCURRING THAT:***

**SECTION 1.** The real estate located at 35360 Martin (L323 A Sleepy Hollow 125), Willoughby Hills, Ohio, (Permanent Parcel No. 31A004C000150) and as described in “Exhibit A” be offered for sale, pursuant to ORC Section 721.03 – *Lease or Sale of Real Estate – Advertisement for Bids*.

**SECTION 2.** The suggested minimum bid for said real estate shall be set at Ninety-Two Thousand Dollars \$92,000.00.

**SECTION 3.** Said real estate shall be subject to the following terms of sale:

1. There are no representations and/or warranties of any kind are made by the City of Willoughby Hills as to potential use and condition of the property. Said real estate is being sold in its present condition “as is” with a drainage channel existing traversing the property from north to south to the pond existing on the Cleveland Metro Parks property;

2. That the City of Willoughby Hills is hereby authorized and directed to execute and attest, respectively, a quit-claim deed conveying said real estate to the successful bidder upon the acceptance of any bid by Ordinance.

**SECTION 4.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 5.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: January 8, 2009

Submitted to the Mayor for his approval  
on this 8 day of January, 2009

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

Kevin D. Malecek  
Kevin D. Malecek  
President of Council

Approved by the Mayor

January 8, 2009  
Robert M. Weger  
Robert M. Weger  
Mayor