

## **ORDINANCE NO. 15-09**

### **ORDINANCE AMENDING SECTION 121.01 (DISPOSITION OF VILLAGE OWNED PROPERTY) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NORTH PERRY, OHIO TO MODIFY ITS LANGUAGE FOR CLARIFICATION PURPOSES AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village Council has determined that it is desirable and necessary to amend Section 121.01 of the Codified Ordinances of the Village of North Perry by modifying its language to clarify same.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NORTH PERRY VILLAGE, COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:**

**Section 1.** Section 121.01 of the Codified Ordinances of the Village of North Perry is hereby amended to read as follows:

#### **121.01 DISPOSITION OF VILLAGE OWNED PROPERTY.**

- (a) Except as provided for in subsection(s) (c), (d) and (e), the following procedure shall be followed when disposing of municipally owned property either by sale or lease:
  - (1) The Department Head, who is responsible for the property, or the Mayor, shall declare the same to be surplus to the needs of the Village.
  - (2) Upon the property being declared surplus the Fiscal Officer shall obtain authority from Council, by resolution, to advertise the surplus property for sale or lease in a newspaper of general circulation within the Village once a week for not less than two consecutive weeks. The notice shall contain the following information:
    - A. A description of the property to be sold or leased, which shall be sold in its "as is" condition.
    - B. The Village's appraised value of the property if the same is being offered for sale.
    - C. The minimum and maximum term if the property is being offered for lease.
    - D. The Village reserves the right to reject any and all proposals.
  - (3) The notice shall direct bidders to submit their sealed proposals to the Village within a given time period. Such proposals shall include at a minimum the bid price offered for the property, the bidder's proposed use of such property and any other specific information either the Village or the bidder believes necessary to evaluate the proposal.
  - (4) Upon receipt of the sealed proposals, the Mayor and Fiscal Officer shall jointly open and evaluate such bids. The factors to be considered in evaluating the proposals shall include price, proposed use of the property and all other relevant considerations including those criteria and information described in the notice.
  - (5) The Mayor shall report all bids received to Council, together with its recommendation.
  - (6) No property belonging to the Village shall be sold or leased except pursuant to an ordinance adopted by Council and setting forth the following:
    - A. The identity of the successful bidder.
    - B. A description of the property to be sold or leased.
    - C. A finding that the property is not needed for public use.
    - D. The term of the same or lease, which shall be "as is" in its present condition.
  - (7) The Village is under no obligation to accept any of the proposals submitted. The village may accept, with additional conditions, any proposal submitted that the Village Council determines to be in the best interest of the Village.
- (b) If, after following the procedure set forth in subsection (a) hereof, no proposal is received, the Mayor may sell or lease such property at public or private sale upon the best terms available, subject to the approval of the same by ordinance adopted by Village Council.
- (c) Notwithstanding the provisions of subsection (a) hereof, the Village Council may, by ordinance, approve a specific purchase agreement or lease of Municipally owned

property that has been declared by the Department Head in charge of the property or the Mayor to be surplus to the needs of the Village.

(d)

(1) Notwithstanding the provisions of subsection (a) hereof, any item or personal property, the estimated value of which is less than one thousand dollars (\$1,000) which is not needed for Municipal purposes and has been declared surplus by the Mayor or Department Head who is responsible for the property, may be sold by the Mayor at public or private sale, at a fixed price or for the best price obtainable or disposed of by the Village refuse hauler if the property has no value or salability. The Fiscal Officer shall provide Council with a yearly report of all personal property of the Village sold at private sale which shall specify each item sold, the purchaser and sale price.

(2) Public sales of personal property under this section shall be by the Mayor and shall be at public auction, unless otherwise approved by the resolution of Council. Notice of the sale of surplus personal property of the Village shall be given in a newspaper of general circulation with the Village once a week for not less than two consecutive weeks during a period fifteen days preceding the sale. The advertisement shall generally describe the property being sold and the date, place, time and terms of sale. The advertisement need not specifically describe each item of personal property.

(Ord. 00-001. Passed 1-6-00.)

(e) Notwithstanding the provisions of subsection (a) hereof, any item or personal property, the estimated value of which is less than five thousand dollars (\$5,000) which is not needed for Municipal purposes and has been declared a surplus by the Mayor or Department Head who is responsible for the property, may be sold by the Mayor through the use of govdeals.com.

**Section 2.** Upon the effective date of this Ordinance, the Clerk of Council of the Village of North Perry, Ohio shall make available to all members of Council, and any members of the public, when required, copies of this amendment to the Codified Ordinances of the Village of North Perry, Ohio.

**Section 3.** The severability provisions of the Codified Ordinances Section 101.08 shall be applicable to this Ordinance.

**Section 4.** That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its committees, which result in formal actions, were in meeting open to the public, in compliance with all requirements included in Section 121.22 of the Ohio Revised Code.

**Section 5.** This Ordinance shall be in full force and effect immediately upon its passage by Council.

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MAYOR

ADOPTED: September 3, 2015

ATTEST:

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FINANCE DIRECTOR

**Motion by Siegel, second by Reichard to amend as an emergency. Vote for motion 6-0 “aye”.**

**Motion to waive readings by Shreve, second by Callahan. Vote for waiver 6-0 “aye”.**

**Motion by Reichard, second by Cutler to adopt.**

**Council members Callahan, Cutler, L. Klco, Reichard, Shreve, and Siegel voted in favor of the resolution.**