

CITY OF FRANKLIN, OHIO
ORDINANCE 2023-03

AMENDING SECTIONS 115.01 AND 115.03 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES TO REMOVE COMPETITIVE BIDDING REQUIREMENTS FOR THE SALE OR LEASE OF CITY-OWNED REAL PROPERTY

WHEREAS, City of Franklin electors voted in the May 2022 primary election and November 2022 general election, respectively, to approve a number of amendments to the City Charter;

WHEREAS, certain voter-approved Charter amendments eliminated the requirement that the City of Franklin following a competitive bidding process to sell or lease interests in City-owned real property; and

WHEREAS, City Council desires to align the City's Codified Ordinances with the recent Charter amendments by similarly eliminating requirements that the City follow a competitive bidding process to sell or lease interests in City-owned real property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. Section 115.01 of the City's Codified Ordinances is hereby amended as set forth in Exhibit A, attached hereto.

Section 2. Section 115.03 of the City's Codified Ordinances is hereby amended as set forth in Exhibit B, attached hereto.

Section 3. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: February 6, 2023

ADOPTED: March 6, 2023

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-03 passed by that body on March 6, 2023.

Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Ben Yoder, Law Director

115.01 Conditions For Sale or Lease of Real Property

- (a) Conditions: Real property belonging to the City shall be sold or leased pursuant to an ordinance passed by Council authorizing such sale or lease **according to terms and conditions as Council determines fair and reasonable**, after a determination that such property is no longer needed for municipal purposes or, in those cases in which real estate is offered only for lease for a term, that it will not be needed for municipal purposes during the term of the proposed lease.
- (b) Advertising for Bids: The sale or lease of real estate pursuant to this section shall **may** be by competitive bid **or any other process Council deems reasonable and desirable**, ~~except as otherwise provided in this chapter. Bids shall be taken after advertising for four (4) weeks in a newspaper of general circulation in the City. In addition, written notice of intent to sell or lease shall be posted on the real property to be sold or leased in two (2) conspicuous locations on the property and shall remain posted for four (4) consecutive weeks.~~
- (c) Improvements Required; Forfeiture: In those cases where bids **offers** are accepted for the lease and development of real estate or the sale and development of real estate, the conveyances shall contain appropriate provisions requiring the construction of the improvements described in the bid **accepted offer or related contract, as applicable**, within the time limits set forth therein and a forfeiture of title to the City if such provisions are not complied with.
- (d) Form of Bids: ~~The~~ **An** ordinance authorizing the sale or lease of any real property **by competitive bid** may provide for the submission of bids in any one or more of the following forms:
- (1) For the purchase of the real property only;
 - (2) For the purchase and development of the real property, in which event each such bidder shall be required to describe the improvements to be constructed on the real property, the minimum cost thereof and the time for the beginning and completion of construction thereof;
 - (3) For leasing such real estate, either for a term or perpetually, with or without an option to purchase;
 - (4) For leasing such real estate, either for a term or perpetually, with or without an option to purchase, and the development thereof. Each such bidder shall be required to describe the improvements to be constructed on the real estate, the minimum cost thereof and the time for the beginning and completion of the construction thereof.

(e) Consideration of Bids; City's Rights Reserved:

- (1) In those cases in which bids for the purchase of real property are the only bids received, Council shall, after it deems the bid price acceptable, authorize the City Manager to enter into a contract with the highest and best bidder for the conveyance of such real estate to such bidder.
- (2) In all other cases, the bids submitted shall be referred to Council and Council shall accept the bid which it considers highest and best. In making the determination of the best bid, Council may take into consideration the improvements, if any, to be constructed on the real estate by the bidder, and/or the proposed use of the property by the bidder, and may designate as best that bidder whose plans Council considers most beneficial to the general public.
- (3) In any event, Council shall in all cases reserve the right to reject any and all bids. In the event Council rejects all bids, it shall have no duty to bid the property again.

115.03 Sale Or Lease Without Competitive Bidding

- (a) Real Property. Notwithstanding anything to the contrary in this chapter and regardless of the property's value, Council may, by resolution, at least five members of Council concurring, authorize the sale or lease of real property owned by the City, ~~without competitive bids. Upon the adoption of such a resolution, Council shall give notice of its intent to dispense with competitive bidding by publishing notice of such intent once a week for four consecutive weeks in a newspaper of general circulation within the City and by the reading of the notice of such intent at two consecutive regular Council meetings before such real property may be sold or leased.~~
- (b) Personal Property. Notwithstanding anything to the contrary in this chapter and regardless of the property's value, Council may, by resolution, authorize the sale of personal property owned by the City, that is not needed for a municipal purpose to the United States, to the State of Ohio, to any subdivision or agent of the United States or the State of Ohio, or to any corporation or quasi-corporation not for profit, organized for a public or charitable purpose, upon such terms as may be deemed proper by Council, without competitive bidding.