

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-38

**DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05 EFFECTIVE FISCAL YEAR 2021**

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 3.03 POWERS OF COUNCIL, provides:

- (i) The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant, shall be in the manner provided by the ordinance authorizing the sale, conveyance, lease, or grant provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in a conspicuous location on such property and shall remain posted for four (4) consecutive weeks. The requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council provided, however, that the Council shall give notice of its intent to dispense with competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two consecutive regular Council meetings. Notwithstanding any other provision of this section, property may be sold or leased to the United States, the State of Ohio, or any governmental unit or agency thereof, without competitive bidding, by ordinance, upon the vote of at least five (5) members of Council. (Ord 17-17, 11-17-17; passed by electorate 11-17-17, eff. 1-1-18)

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 5.05 CONTRACTING POWERS, provides:

The City Manager shall be the chief administrative, operating and executive officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this Charter. He or she shall have the following powers, duties and functions: (O-08-27, 8-18-08 (EM) & O-08-32, 10-6-08, passed by the electorate 11-4-08, eff. 1-1-09)

- (a) To appoint and, when he or she deems it necessary for the good of the service, suspend, remove or otherwise discipline all City employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

- (b) To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter.
- (c) To attend all Council meetings and shall have the right to take part in discussion but may not vote.
- (d) To see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the City Manager or by officers subject to his or her direction and supervision, are faithfully executed.
- (e) To prepare and submit the annual budget and capital programs to the Council.
- (f) To submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the real properties and equipment of the City as of the end of each fiscal year.
- (g) To make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.
- (h) To keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City as he or she deems necessary.
- (i) To perform such other powers, duties and functions, as specified in this Charter, ordinances or resolutions, or as may be required by the Council.
- (j) The City Manager shall execute, on behalf of the City, all contracts, agreements, bonds, notes, conveyances, evidences of indebtedness, and any other instruments to which the City is a party, except as otherwise required or provided by this Charter or Ohio Law. (O-08-27, 8-18-08 (EM) & O-08-32, 10-6-08, passed by the electorate 11-4-08, eff. 1-1-09)

WHEREAS, from time to time, the City has opportunity, just like any other interested person, to bid on property being offered at auction at Warren County Sheriff's Sales. Notice is limited for these Sheriff's Sales and the amount needed for a winning bid will be unknown until the close of each sale.

WHEREAS, from time to time, the City has opportunity, just like any other interested person, to purchase foreclosure or other property from, for example, lending institutions or other property holders. Time is of the essence to strike these deals, which are for discounted purchase prices.

WHEREAS, the City benefits, as do its citizens, when the City purchases certain property situated in city limits that it deems desirable to accomplish the objectives established by Council and carried out by Staff.

WHEREAS, Council desires to re-visit this matter yearly, therefore, this Resolution will be effective immediately upon passage until December 31, 2021, and the Clerk of Council is directed to place this matter on the agenda for Council action in late 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to reduce blight, nuisance, and like conditions within the City;

Section 2. . It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to acquire certain property, regardless of whether such property in blighted or nuisance like condition, to accomplish the objectives established by Council and carried out by Staff to best serve its citizenry.

Section 3. The City Manager is hereby empowered and directed, by Council under Charter Section 3.03(i), to carry out the City's objectives by acquiring title to or interests in real property in transaction amounts consistent with Charter Section 5.05.

Section 4. This Resolution shall become effective immediately upon its passage and expires December 31, 2021.

ADOPTED: May 3, 2021

ATTEST: Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED: Brent W. 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 a resolution passed by that body on May 3, 2021

Khristi Dunn  
Khristi Dunn, Clerk of Council