

ORDINANCE NO. 8- 2020

**AN ORDINANCE ESTABLISHING NON-COMPETITIVE BID
PROCEDURES FOR THE SALE OR LEASE OF REAL PROPERTY
OWNED BY THE VILLAGE OF MADISON WHEN SUCH
REAL PROPERTY IS NO LONGER NEEDED FOR ANY PUBLIC PURPOSE;
AND REPEALING ORDINANCE NUMBER 9-2012.**

WHEREAS, Article XVIII of the Ohio Constitution confers upon municipalities all powers of local self-governance;

WHEREAS, the Charter of the Village of Madison, at §§ 2.1 and 2.2, provides that the Council may by ordinance exercise all constitutional powers of local self-governance in a manner that may be different from the general laws of the State of Ohio;

WHEREAS, the power to dispose of municipally owned real property is judicially recognized to be a power of local self-governance;

WHEREAS, in regard to the sale of Village-owned real property which is no longer needed for any public purpose the statutory competitive bid procedures set forth in § 721.03 of the Ohio Revised Code do not adequately allow the Village to transfer property in furtherance of continued public purposes including, but not necessarily limited to, historic preservation, to advance public opportunities for civic, cultural, educational and recreational activities, and for purposes of economic development; and

WHEREAS, in full exercise of the Village's plenary powers as set forth in the Ohio Constitution and in accordance with its Charter, the Council deems that it is in furtherance of the public good to allow for the non-competitive sale or lease of Village-owned real property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. It is the intent of this Ordinance to adopt an alternate procedure from that contained in section § 721.03 of the Ohio Revised Code to be followed for the sale or lease of Village-owned real property.

SECTION 2. When the Council determines by ordinance that certain real property is no longer needed for any public purpose and should therefore be sold or leased, if a buyer or lessor, as applicable, will use the real property for purposes of benefit to the general public including, but not necessarily limited to, historic preservation, to advance public opportunities for civic, cultural, educational and recreational activities, and for purposes of economic development, the Council, having specified the exact nature of the public benefit, shall thereby sell or lease, as applicable, the real property without advertisement for competitive bids upon such terms and conditions as are in furtherance of the identified public benefit including, but not necessarily limited to, deed restrictions and reservations of specific legal interests in the property to be sold or leased.

SECTION 3. Nothing contained herein shall be interpreted as limiting in specific cases the offering for sale of real property based upon advertisement for competitive bids.

SECTION 4. No officer, employee, or agent of the Village, nor their immediate family members, and inclusive of their business associates and interests, may contract for the purchase or lease of real property so offered and, further, this prohibition shall extend for a period of one year from the date of the termination of their position or employment with the Village.

SECTION 5. Ordinance 9-2012, which set forth alternate procedures for disposal of Village-owned real property, is and shall be repealed of the effective date of this Ordinance.

SECTION 6. It is found and determined 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 and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

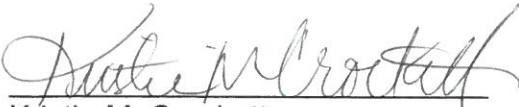
SECTION 7. This Ordinance shall take effect at the earliest time provided by law.

PASSED:
1st Reading: 2 / 24 2020



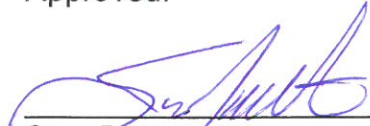
Mark V. Vest
President of Council

Attested:



Kristie M. Crockett
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.
Mayor

Date: 2 / 24/2020