

**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
January 13, 2014 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Brady, J. Farrar, K. Grohe, D. Murray, W. Poole, J. Smith, N. Twine

APPROVAL OF MINUTES

December 23, 2013 & January 3, 2014

AUDIENCE PARTICIPATION

Agenda items listed below only (3 minute limit)

PRESENTATIONS

Lisa Beursken, Coordinator – Erie County Solid Waste District

RE: Recycling and Waste Hauling

COMMUNICATIONS

Motion to accept all communications submitted below

CURRENT BUSINESS

ITEM #1 – Submitted by Amanda Meyers, Paralegal

SALE OF PROPERTY THROUGH THE LAND REUTILIZATION PROGRAM, 727MEIGS STREET

Budgetary Information: The cost associated with this purchase agreement is the total amount of the title examination, deed preparation, recording and transfer fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The city will recoup the total cost of the expenses from the nonrefundable earnest money deposit of one hundred and ninety eight dollars (\$198) required to be paid by the purchaser. The taxing districts will begin collecting approximately one hundred forty four dollars and sixteen cents (\$144.16) per year in real estate taxes. The sale of this property will enhance the surrounding property values and the taxing districts will once again begin collecting real property taxes.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel #57-03982.000 located at 727 Meigs Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 – Submitted by Amanda Meyers, Paralegal

SALE OF PROPERTY THROUGH THE LAND REUTILIZATION PROGRAM, FOURTH STREET

Budgetary Information: The cost associated with this purchase and sale agreement is the selling real estate agent's commission fee of 5% of the sales price and the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The city will recoup these expenses from the proceeds of the sale. Although Porter's Memorial Christian Methodist Episcopal Church is exempt from paying real estate taxes, their provision of maintenance has saved the city approximately seven thousand dollars (\$7,000) per lot in maintenance fees since 2006 and will continue to save the city from expending taxpayer dollars to otherwise mow and maintain the parcels. The future expansion of the church will enhance the surrounding neighborhood.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel No's. 57-02299.000 and 57-02300.000 located on Fourth Street are no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Amanda Meyers, Paralegal

ACCEPTANCE OF SEVEN PARCELS THROUGH LAND REUTILIZATION PROGRAM

Budgetary Information: The cost of these acquisitions will be approximately seven hundred and fifty nine dollars (\$759) which includes title exams, title fees, recording fees and transfer fees, but the city will recoup them upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of fifty four thousand one hundred fifty four dollars and ninety three cents (\$54,154.93) of which twenty one thousand nine hundred two dollars and twelve cents (\$21,902.12) is owed to the city for assessments. Demolition of the structures will be paid for with either community development block grant funds or out of the city's nuisance removal fund and will not be recouped. By returning this non-productive land to tax producing status, the taxing districts will begin collecting approximately eight thousand two hundred forty seven dollars and fifty one cents (\$8,247.51) yearly in real estate taxes and assessments.

RESOLUTION NO. _____: It is requested a resolution be passed approving and accepting certain real property for acquisition into the land reutilization program; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Aaron M. Klein, P.E.

MEMORANDUM OF UNDERSTANDING FOR HAULING PERMIT WITH ERIE COUNTY FOR OVERSIZE AND/OR OVERWEIGHT VEHICLES

Budgetary Information: There is no cost to the city. All fees collected by Erie County for the permitting process would be retained by them for managing the program.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to enter into a memorandum of understanding with the Board of Erie County Commissioners for the issuance of hauling permits; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION

Open discussion on any item (5 minute limit)

EXECUTIVE SESSION(S)

ADJOURNMENT

Buckeye CableSystem broadcasts on Cable Channel 81:

Monday, January 13 at 8:30 p.m.

Tuesday, January 14 at 5 p.m.

Monday, January 20 at 7 p.m.



LAW DEPARTMENT

DONALD C. ICSMAN

LAW DIRECTOR

e-mail: dicsman@ci.sandusky.oh.us

222 MEIGS STREET

SANDUSKY, OHIO 44870

PHONE (419) 627-5852

FAX (419) 627-5912

TO: Nicole C. Ard, City Manager

FROM: Amanda Meyers, Paralegal

DATE: December 30, 2013

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for a parcel of land currently in the City of Sandusky's Land Reutilization Program, that is no longer needed for any municipal purpose formerly known as 727 Meigs Street and further identified by the Auditor as Erie County Parcel No. 57-03982.000.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City acquired this parcel by Sheriff's deed through delinquent real estate tax foreclosure.

The parcel is currently an unbuildable vacant lot. Robert and Diana Scheck, the north adjoining property owners, are the only adjoining property owners eligible for acquisition. Mr. and Mrs. Scheck would like to obtain the parcel for yard expansion pursuant to the City's "Mow to Own" Side Lot Disposition Program that was approved by the City Commission on July 11, 2011 and became effective on August 11, 2011.

Selling this nonproductive parcel to the adjoining property owners at the Auditor's appraised value will help protect the neighborhood property values and insurance ratings. By participating in the Mow to Own Program, the property owners are given an incentive to earn ownership, eliminating the City's need to mow and maintain the property, thereby reducing taxpayer costs, and simultaneously rewarding the adjacent property owner for the conscientious and continued maintenance of the property. The adjoining property owners can enhance their current property's value by utilizing the parcel for yard expansion. In addition, the taxing districts receive the ultimate reward because it places this currently nonproductive parcel back into tax producing status.

BUDGET IMPACT: The cost associated with this purchase agreement is the total amount of the title examination, deed preparation, recording and transfer fees and any other customary

fees that may be due and payable in the ordinary course of the sale and purchase transaction. The City will recoup the total cost of the expenses from the nonrefundable earnest money deposit of one hundred and ninety eight dollars (\$198.00) required to be paid by the Purchaser. The taxing districts will begin collecting approximately one hundred forty four dollars and sixteen cents (\$144.16) per year in real estate taxes. The sale of this property will enhance surrounding property values and the taxing districts will once again begin collecting real property taxes.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase agreement with Robert and Diana Scheck to sell the property no longer needed for any municipal purpose identified as Parcel No. 57-03982.000, formerly known as 727 Meigs Street. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Law Director

Nicole C. Ard, City Manager

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 57-03982.000, LOCATED AT 727 MEIGS STREET, SANDUSKY, IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, this City Commission previously authorized the acquisition of the property located at 727 Meigs Street, Parcel No. 57-03982.000 by Resolution No. 016-12R, passed on July 9, 2012, under said Land Reutilization Program which property is more specifically described in Exhibit "A", which is no longer needed for any municipal purposes; and

WHEREAS, a request was made on behalf of the adjoining property owner to acquire this property for yard expansion pursuant to the City's "Mow to Own" Side Lot Disposition Program that was approved by this City Commission by Resolution No. 024-11R, passed on July 11, 2011, and effective on August 11, 2011; and

WHEREAS, adjoining property owners, Robert and Diana Scheck, desire to purchase Parcel No. 57-03982.000, which is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase and Sale Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"); and

WHEREAS, the cost associated with this purchase and sale agreement is the total cost of the title examination, deed preparation, recording and transfer fees, and any other customary fees that may be due and payable in the ordinary course of the purchase and sale transaction and the City will recoup these expenses incurred from the nonrefundable earnest money deposit required to be paid by the Purchasers; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to promptly execute the closing; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds, determines and declares that the Property, Parcel No. 57-03982.000, located at 727 Meigs Street, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase and Sale Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase and Sale

Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase and Sale Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to the Purchase and Sale Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

PAGE 3 - ORDINANCE NO. _____

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2014

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ___ day of _____ 2013, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 222 Meigs Street, Sandusky, Ohio 44870, hereinafter referred to as the "Seller" and Robert J. and Diana L. Scheck, 5805 S. Columbus Avenue, Sandusky, Ohio 44870, hereinafter referred to as the "Purchasers".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchasers and the Purchasers agree to purchase from the Seller, an unimproved parcel of real property located on Meigs Street, formerly known as 727 Meigs Street, Erie County Parcel Number 57-03982.000, Sandusky, Ohio, more fully described in the legal description of the deed marked Exhibit "A", attached hereto and hereinafter referred to as the "Property." The Property is adjacent to and contiguous with real property that is owned by the Purchasers located at 725 Meigs Street, Erie County Parcel Number 57-04646.000.

2. The total purchase price for the Property is eight thousand and seventy dollars (\$8,070.00), which is not less than the fair market value as determined by the appraised valuation of the Erie County Auditor. Purchasers shall pay a non-refundable earnest money deposit of one hundred and ninety eight dollars (\$198.00) in cash, certified check or cashier's check made payable to Seller. The remaining balance of seven thousand eight hundred and seventy two dollars (\$7,872.00) shall be paid by in-kind service of the Purchasers by mowing and maintaining the Property in a nuisance free condition for a minimum of two (2) years

according to the terms of the City of Sandusky's "Mow to Own" Side Lot Disposition Program, a copy of which is attached hereto, marked as Exhibit B and specifically incorporated herein.

3. The following deed restrictions shall be included on the deed:

a) This parcel is not a building lot and is conveyed to an adjoining owner of a building lot pursuant to Sandusky Municipal Code Section 1177.01(31)(A). This parcel shall not be conveyed separate and apart from the adjoining building lot and before such conveyance, this parcel shall be combined with the Purchaser's adjoining building lot in order to form one parcel of real property.

b) Construction of additional separate dwelling units shall be prohibited. Construction shall be limited to ancillary facilities or building additions made to existing structures.

4. At closing, Seller shall execute and deliver to Purchasers a quit claim deed conveying marketable record title to the Property to Purchasers free and clear of all liens, delinquent real estate taxes and special assessments. Purchasers shall pay all of the taxes and assessments due and payable after the date of closing.

5. Seller shall not furnish a title insurance policy.

6. The closing date of this transaction shall be no later than January 31, 2016, or at such other time as may be mutually agreed upon, in writing, by the parties.

7. The Seller and the Purchasers represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.

8. On the closing date, the Purchasers shall file for record the deed, and other instruments, if any, required to be recorded pursuant to this Agreement.

9. Purchasers shall be entitled to possession of the Property upon the closing of this transaction.

10. The Purchasers have examined the Property, have had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Purchase Agreement and that there have been no representations by the Seller as to the condition of the Property.

11. In the event that the Purchasers breach this Agreement by not closing this transaction on or before January 31, 2016, Seller may sell the Property to another adjoining property owner or may retain the Property for devotion to public use.

12. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.

13. This Agreement shall be binding upon and inure to the benefit of Seller and Purchasers and their respective heirs, legal representatives, and assigns.

14. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

PURCHASERS:

Robert J. Scheck

Diana L. Scheck

State of Ohio)
) ss:
County of Erie)

On this _____ day of _____, 2013, before me, a Notary Public in and for said County and State, personally appeared Robert J. Scheck and Diana L. Scheck and acknowledged their execution of the foregoing instrument and that the same is their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

NOTARY PUBLIC

Transferred	
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.	
FEE \$	_____
Exempt:	<input checked="" type="checkbox"/>
R.E. TRANSFER:	_____
\$	_____
Richard H. Jeffrey Erie County Auditor	
Trans. Fees: \$	<u>50</u>
Date: <u>11/6/13</u> By: <u>[Signature]</u>	

RN: 201311631 Page 1 of 2 ERIE COUNTY OHIO
 RECORDER, Barbara A. Sessler
 Recording Fee: \$28.00 Recorded 11/06/2013 Time
 08:15:59AM

SHERIFF'S DEED
Revised Code Sec. 2329.36

Richard H. Jeffrey

I, Paul A. Sigsworth, Sheriff of Erie County, and pursuant to the Confirmation of Sale entered on October 18, 2013 and the statutory provisions of O.R.C. 5722, does hereby **GRANT, SELL AND CONVEY** unto the **CITY OF SANDUSKY** all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, case 2012-CV-0109, JoDee Fantozz, Erie County Treasurer vs. Sal Tripodi, et al., and all pleadings therein incorporated herein by reference in and to the following lands and tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose prior owner was Sal Tripodi, and whose Prior Deed Reference is Erie County Official Records Book 438, Page 115 and, is known and further described as follows:

Situated in the City of Sandusky, County of Erie and State of Ohio: Being the southerly 1/2 of the easterly 2/3 of Lot 37 Meigs Street in Southward Addition, Erie County, Ohio records.

Property Address: Meigs Street, Sandusky, Ohio 44870
 Tax ID No.: 57-03982.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870



LAW DEPARTMENT

DONALD C. ICSMAN

LAW DIRECTOR

e-mail: dicsman@ci.sandusky.oh.us

222 MEIGS STREET
SANDUSKY, OHIO 44870
PHONE (419) 627-5852
FAX (419) 627-5912

TO: Nicole Ard, City Manager
FROM: Amanda Meyers, Paralegal
DATE: December 31, 2013
RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a Purchase and Sale Agreement for two (2) parcels of non-productive land currently in the City of Sandusky's Land Reutilization Program, located on Fourth Street and identified by the Auditor as Erie County Parcel Nos. 57-02299.000 and 57-02300.000, which are no longer needed for any municipal purpose.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City has acquired this nonproductive land through delinquent tax foreclosure. The parcels were foreclosed upon by the Erie County Treasurer for delinquent real estate taxes and went through at least two (2) sheriff's sales with no bidders/no sale. The City Commission approved the acquisition on October 12, 2010 by adoption of Resolution No. 036-10R. The City Commission also approved a request by realtor Annette Wilcox of Mike Myers Realty to market the property with the agreement to waive the Listing Fee, allowing any realtor that sold the property the sole opportunity to earn commission upon the sale.

The City of Sandusky's Land Reutilization Policies and Procedures facilitate reutilization of nonproductive land situated within the City of Sandusky and supports neighborhood revitalization. The Properties are two (2) buildable vacant lots with a lot size of approximately 40' X 120' and are zoned CS (Commercial Service). Ms. Wilcox received one (1) offer to purchase the property and presented it to the Land Bank Committee on October 10, 2013. Porters Memorial Christian Methodist Episcopal Church submitted an offer of five hundred dollars (\$500.00) per parcel. Currently, the church wants to utilize the parcels for overflow parking needed primarily during funeral services and for building expansion in the future. The Land Bank Committee made a counter-offer of two thousand dollars (\$2,000.00) per parcel.

In a letter dated November 20th the Church made another counter-offer of seven hundred dollars (\$700.00) per parcel. The Church communicated that they have maintained the parcels for over 20 years saving the City thousands of dollars in maintenance. The City's mowing logs that date back to the year 2006 indicate that the City has not had to maintain these parcels. By estimation, it would have cost the City approximately a total of seven thousand dollars (\$7,000) per lot in maintenance fees to mow one lot 4 times a year from 2006 to the present. Based upon the years of maintenance that the Church has provided and giving deference to a non-profit organization, the Land Bank Committee

voted unanimously on December 20, 2013 to accept the Church's offer of seven hundred dollars (\$700.00) per parcel.

The Land Bank Administrator has verified that Porters Memorial Christian Methodist Episcopal Church qualifies to purchase the property pursuant to the requirements of the Land Reutilization Policies and Procedures. The Purchase Agreement shall require for any future improvements that all pertinent building and zoning codes be adhered to and proper permits and inspections be obtained.

BUDGET IMPACT: The cost associated with this purchase and sale agreement is the selling real estate agent's commission fee of 5% of the sales price and the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The City will recoup these expenses from the proceeds of the sale. Although Porters Memorial Christian Methodist Episcopal Church is exempt from paying real estate taxes, their provision of maintenance has saved the City approximately seven thousand dollars (\$7,000.00) per lot in maintenance fees since 2006 and will continue to save the City from expending taxpayer dollars to otherwise mow and maintain the parcels. The future expansion of the Church will enhance the surrounding neighborhood.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase and sale agreement and to sell the property no longer needed for any municipal purpose identified as Erie County Parcel Nos. 57-02299.000 and 57-02300.000 located on the north side of Fourth Street. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Law Director

Nicole C. Ard, City Manager

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NOS. 57-02299.000 AND 57-02300.000, LOCATED ON FOURTH STREET, ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE & SALE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, this City Commission previously authorized the acquisition of the property located on Fourth Street, Parcel Nos. 57-02299.000 and 57-02300.000 by Resolution No. 036-10R, passed on October 12, 2010, under said Land Reutilization Program, which property is more specifically described in Exhibits "A" and "B" (the "Property") attached to a certain Purchase & Sale Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase & Sale Agreement"), which property is no longer needed for any municipal purpose; and

WHEREAS, this City Commission approved a request by a Realtor to market the property located on Fourth Street with the agreement to waive the listing fee and allow any realtor that sold the property the sole opportunity to earn commission upon the sale; and

WHEREAS, the Realtor received one (1) offer from Porters Memorial Christian Methodist Episcopal Church to purchase the property to utilize for overflow parking needs and for building expansion in the future and subsequent to counter-offers, the Land Bank Committee voted unanimously to accept the offer of \$700.00 per parcel at their meeting on December 20, 2013; and

WHEREAS, the costs associated with this purchase and sale agreement is the real estate agent's commission fee of 5% of the sale price, the costs of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction and the City will recoup these expenses from the purchase price paid by the Purchaser; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to promptly execute the closing; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds, determines and declares that the Property, Parcel Nos. 57-02299.000 and 57-02300.000 located on Fourth Street, Sandusky, more specifically described in Exhibits "A" and "B", copies of which are attached to this Ordinance and are specifically incorporated as if fully rewritten herein, are no longer needed for any municipal purpose and that the execution of the Purchase & Sale Agreement providing for the sale, pursuant

to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase & Sale Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase & Sale Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to that Purchase & Sale Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

PAGE 3 - ORDINANCE NO. _____

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2014

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ___ day of _____ 2014, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 222 Meigs Street, Sandusky, Ohio hereinafter referred to as the "Seller" and Porters Memorial Christian Methodist Episcopal Church, a non-profit corporation, 1722 Third Street, Sandusky, Ohio 44870, hereinafter referred to as the "Purchaser".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, two (2) unimproved parcels of real property located on the north side of Fourth Street identified as Erie County Parcel Numbers 57-02299.000 and 57-02300.000, Sandusky, Ohio, and more fully described in the legal description of the deeds marked Exhibit "A", attached hereto and hereinafter referred to as the "Property." The Property is adjacent to and contiguous with real property that is owned by the Purchaser located at 1722 Third Street, Erie County Parcel Number 58-00384.000.

2. Seller shall furnish to Purchaser a quit claim deed conveying to Purchaser all of the Seller's interest in the Property. Property shall be free and clear of the liens, taxes, assessments, penalties and interest prior to the date of closing. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.

3. The closing date of this transaction shall be no later than February 25, 2014 or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be First American Title Insurance Company, 143 E. Water Street, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by

the Seller and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

6. On the closing date, the escrow agent shall file for record the deed, and any other instruments, if any, required to be recorded pursuant to this Agreement and thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.

7. The expenses of closing described in this Article shall be paid in the following manner:

- (a) The cost of securing a title insurance commitment shall be paid by Seller.
- (b) An Owner's Policy of Title Insurance is optional and may be obtained at Purchaser's sole expense.
- (c) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Purchaser in the manner described in this Agreement shall be paid by Seller.
- (d) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.
- (e) The cost of transfer and recording of the deed shall be paid by Purchaser.
- (f) Any tax imposed on the conveyance of title to the property to Purchaser shall be paid by Purchaser.
- (g) Any fee charged by the escrow agent shall be equally shared between the Seller and the Purchaser.

8. Purchaser shall be entitled to possession of the premises upon the closing of this transaction.

9. The Purchaser has examined the premises, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the property "AS IS" subject to no warranties as of the date of the execution of this Agreement and that there have been no representations by the Seller as to the condition of this property.

10. In the event that the Purchaser breaches this Agreement by not closing this transaction on or before February 25, 2014, earnest money deposited, if any, shall

be immediately paid to the Seller, which payment may be treated as liquidated damages (the precise amount of damages being difficult or impossible to ascertain).

11. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.

12. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.

13. This Agreement shall be binding upon and inure to the benefit of Seller and Purchaser and their respective heirs, legal representative, and assigns.

SIGNATURE PAGES TO FOLLOW

SELLER:

CITY OF SANDUSKY

Nicole Ard
City Manager

STATE OF OHIO)

) ss:

ERIE COUNTY)

On this _____ day of _____, 2014, before me, a Notary Public in and for said County and State, personally appeared Nicole Ard, City Manager of the City of Sandusky, Ohio, and acknowledged her execution of the foregoing instrument as said officer of said City on behalf of said City and by its authority and that the same is her voluntary act and deed as said officer on behalf of said City and the voluntary act and deed of said City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

NOTARY PUBLIC

PURCHASER:

Porters Memorial Christian Methodist Episcopal Church

Rev. Ian S. Gibson
Pastor

STATE OF OHIO)
) ss:
ERIE COUNTY)

On this _____ day of _____, 2014, before me, a Notary Public in and for said County and State, personally appeared Rev. Ian S. Gibson of Porters Memorial Christian Methodist Episcopal Church and acknowledged his execution of the foregoing instrument as said pastor of said Porters Memorial Christian Methodist Episcopal Church on behalf of said Porters Memorial Christian Methodist Episcopal Church and by its authority and that the same is his voluntary act and deed as said pastor on behalf of said Porters Memorial Christian Methodist Episcopal Church and the voluntary act and deed of said Porters Memorial Christian Methodist Episcopal Church.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

NOTARY PUBLIC

Approved as to Form:

Donald C. Icsman
Ohio Supreme Court #0021435
Law Director
City of Sandusky

Transferred
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.
FEE \$ _____
Exempt: <input checked="" type="checkbox"/>
R.E. TRANSFER: _____
\$ _____
Richard H. Jeffrey Erie County Auditor
Trans. Fees: \$ 50
Date: 7/13/12 By: [Signature]
Richard H. Jeffrey

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4739-37-07 of the
Ohio Administrative Code only. No Field
Verifications for Accuracy made.

[Signature]
Erie County Engineer 7/13/12

SHERIFF'S DEED
Revised Code Sec. 2329.36

I, Terry M. Lyons, Sheriff of Erie County, and pursuant to the Confirmation of Sale entered on December 20, 2011 and the statutory provisions of O.R.C. 5722, does hereby **GRANT, SELL AND CONVEY** unto the **CITY OF SANDUSKY** all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, case 2010-CV-0507, JoDee Fantozz, Erie County Treasurer vs. Daniel Johnson, et al., and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose Prior Owner was Daniel Johnson and whose Prior Deed Reference is Erie County Deed Volume 242, Page 448 and, is known and further described as follows:

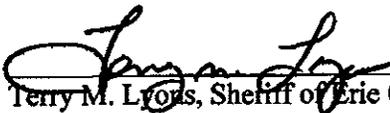
Situated in the City of Sandusky, County of Erie and State of Ohio: Being Lot 310 Fourth Street in the Second Ward of Sandusky, Ohio.

Property Address: 1725 Fourth Street, Sandusky, Ohio 44870
Tax ID No.: 57-02299.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

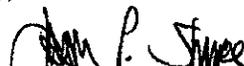
This deed does not reflect any restrictions, conditions or easements of record.

Executed this 30th day of May, 2012.


Terry M. Lyons, Sheriff of Erie County, Ohio

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

The foregoing was acknowledged before me this 30th day of May 2012 by Terry M. Lyons, Sheriff of Erie County, Ohio.


Notary Public Jason P. Shupe
State of Ohio
My Commission Expires: 12/13/2016

This instrument was prepared by:
Jason R. Hinnars 0077051
Assistant Prosecutor, Erie County
247 Columbus Ave. Suite 319
Sandusky, Ohio 44870



Transferred In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.
FEE \$ _____
Exempt: <input checked="" type="checkbox"/>
R.E. TRANSFER: \$ _____
Richard H. Jeffrey Erie County Auditor
Trans. Fees: \$ 1.50
Date: 7/13/12 By: <i>[Signature]</i>

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the
Ohio Administrative Code only. No Field
Verifications for Accuracy made.

[Signature]
Erie County Engineer 7/13/12

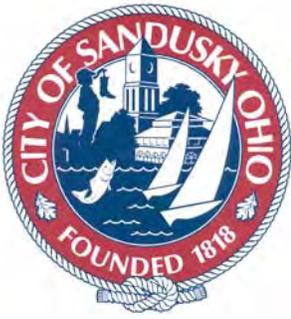
SHERIFF'S DEED
Revised Code Sec. 2329.36

I, Terry M. Lyons, Sheriff of Erie County, and pursuant to the Confirmation of Sale entered on January 26, 2012 and the statutory provisions of O.R.C. 5722, does hereby **GRANT, SELL AND CONVEY** unto the **CITY OF SANDUSKY** all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, case 2010-CV-0508, JoDee Fantozz, Erie County Treasurer vs. Daniel Johnson, et al., and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose Prior Owner was Daniel and Louise Johnson and whose Prior Deed Reference was Erie County Deed Volume 241, Page 337 and, is known and further described as follows:

Situated in the City of Sandusky, County of Erie and State of Ohio: Being Lot 309 Fourth Street in the Second Ward of Sandusky, Ohio.

Property Address: Fourth Street, Sandusky, Ohio 44870
Tax ID No.: 57-02300.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870



LAW DEPARTMENT

DONALD C. ICSMAN

LAW DIRECTOR

e-mail: dicsman@ci.sandusky.oh.us

222 MEIGS STREET
SANDUSKY, OHIO 44870
PHONE (419) 627-5852
FAX (419) 627-5912

TO: Nicole Ard, City Manager

FROM: Amanda Meyers, Paralegal

DATE: December 31, 2013

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval to accept seven (7) parcels of nonproductive land situated within the City of Sandusky through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of the nonproductive land. Two (2) of the parcels are vacant lots, four (4) parcels with structures will be acquired by forfeiture, and one (1) parcel with a structure will be acquired by gift of deed. The parcels will be placed in the Land Reutilization Inventory until sold.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code to acquire vacant and abandoned tax delinquent property with the future goal of productive reuse of the land. The City's ability to assemble land for reuse and redevelopment is critical to stabilizing and rebuilding Sandusky's neighborhoods and is necessary for neighborhood revitalization.

The goal of the City of Sandusky's Land Reutilization Program is to return vacant and abandoned tax delinquent property to productive use that benefits the community. If a property is not producing tax revenues, less money is collected and available for enhancements back in to the community. Also, because the property is abandoned, it is not maintained and often becomes an illegal dumping ground. The City spends thousands of dollars a year maintaining weeds and nuisance conditions on abandoned properties. By returning the property back to a long-term tax producing status, more revenue is generated and available for community improvements and the City will not have to expend funds to maintain it.

The seven (7) parcels requested for acquisition have been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts and approved by the following quorum of the Land Bank Committee:

1. Julie Farrar – City Commissioner
2. John Orzech - Chief of Police

3. Paul Ricci – Fire Chief
4. Anna Enderle – Assistant Planner
5. Megan Stookey – Permit Technician
6. Dave Trent – Code Enforcement Officer

One (1) parcel is a two-family structure that is being offered to the Land Bank through gift of deed by U.S. Bank National Association, as Successor Trustee for Wells Fargo. The property located at 1503 Clinton Street was obtained by Wells Fargo on by Sheriff's Sale on November 1, 2012. It was listed for sale with Mike Myers Realty, but has not sold. It appears to be a good candidate for rehabilitation.

One (1) parcel is a buildable vacant lot located at 705 Walnut Ridge in the Cold Creek Development. It will be acquired through forfeiture and will be listed for sale at fair market value. One (1) parcel is an unbuildable vacant lot that is eligible for the Mow to Own Program.

Four (4) parcels with structures will be acquired by forfeiture. They will be evaluated for rehabilitation, however the exterior of the structures indicate that they will probably have to be demolished. Demolition of the structures will leave three (3) unbuildable vacant lots eligible for the Mow to Own Program and one (1) buildable lot that will be marketed for new development.

All of the parcels will be brought back to City Commission for approval of disposition and sale.

BUDGET IMPACT: The cost of these acquisitions will be approximately seven hundred and fifty nine dollars (\$759.00) which includes title exams, title fees, recording fees and transfer fees, but the City will recoup them upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of fifty four thousand one hundred fifty four dollars and ninety three cents (\$54,154.93), of which twenty one thousand nine hundred two dollars and twelve cents (\$21,902.12) is owed to the City for assessments. Demolition of the structures will be paid for with either Community Development Block Grant funds or out of the City's Nuisance Removal Fund and will not be recouped. By returning this nonproductive land to tax producing status, the taxing districts will begin collecting approximately eight thousand two hundred forty seven dollars and fifty one cents (\$8,247.51) yearly in real estate taxes and assessments.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to accept the seven (7) parcels of land through the City of Sandusky's Land Reutilization Program. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to allow the process of acquisition to continue in a timely manner.

Amanda J. Meyers
Paralegal

I concur with this recommendation:

Donald C. Icsman, Law Director

Nicole C. Ard, City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ACCEPTING CERTAIN REAL PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, it is requested that the City accept seven (7) parcels of nonproductive land situated within the City of Sandusky as further described in attached Exhibit "A", for placement in the Land Reutilization Program Inventory; and

WHEREAS, it is necessary to acquire the nonproductive land parcels in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City; and

WHEREAS, upon City Commission approval, one (1) parcel located at 1503 Clinton Street which contains a two-family structure will be accepted by gift of deed and appears to be a good candidate for rehabilitation; and

WHEREAS, upon City Commission approval, one (1) parcel which is a buildable vacant lot will be listed for sale at fair market value and one (1) parcel which is an unbuildable vacant lot will be offered to the adjoining property owners through the Mow to Own Program; and

WHEREAS, upon City Commission approval, four (4) parcels which have structures will be acquired through forfeiture and evaluated for rehabilitation, however, if it is determined that demolition is necessary, will leave three (3) unbuildable vacant lots eligible for the Mow to Own Program and one (1) buildable lot that will be marketed for new development; and

WHEREAS, the parcels requested for acquisition will be presented to the City Commission by Ordinance in the future for approval of disposition and sale for each of the parcels; and

WHEREAS, the cost for these acquisitions will be approximately \$759.00, which includes title exams, title fees, recording fees and transfer fees which will be recouped by the City upon sale of the properties and the cost for demolition of the structures, if necessary, will be paid with either Community Development Block Grant (CDBG) funds or the City's Nuisance Removal Funds; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the process of acquisition to continue in a timely manner; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and accepts for acquisition into the Land Reutilization Program seven (7) parcels of nonproductive land situated within the City of Sandusky, as further described in Exhibit "A", a copy of which is attached to this Resolution and specifically incorporated herein.

Section 2. This City Commission authorizes and directs the City Manager to acquire the nonproductive land in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2014

EXHIBIT A

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
58-01812.000	823 N. Depot	Irene Opp	3,708.89	5,234.51	899.83	9,843.23	545.20
<p>Proposed Use: This parcel is in foreclosure for delinquent property taxes. It is a one-story, residential structure. Due to the exterior condition of the structure, it is anticipated that there will be no bidders at the Sheriff's sale. It has been verified unoccupied with no water service. The structure will be evaluated for rehabilitation, but there is a high probability that it will require demolition. Demolition of the structure will leave an unbuildable lot, but all of the adjoining property owners are eligible for Mow to Own.</p>							

57-03707.000	1201 Parish	Mary Price	7,762.31	1,671.40	1,994.85	11,428.56	1,301.76
<p>Proposed Use: This parcel is in foreclosure for delinquent property taxes. It is a two-story, single family residential structure. Due to the exterior condition of the structure, it is anticipated that there will be no bidders at the Sheriff's sale. It has been verified unoccupied with no water service. The structure will be evaluated for rehabilitation, but there is a high probability that it will require demolition. Demolition of the structure will leave an unbuildable lot, but all of the adjoining property owners are eligible for Mow to Own.</p>							

58-02026.000	819 Hayes	Charles Reitz	4,932.66	0.00	966.12	5,898.78	951.08
<p>Proposed Use: This parcel is in foreclosure for delinquent property taxes. It is anticipated there will no bidders at Sheriff's sale. It is a two-story, commercial retail structure. It has been verified unoccupied with no water service. The structure will be evaluated for rehabilitation, but after reviewing Code Enforcement records, there is a high probability that it will require demolition. Demolition of the structure will leave an unbuildable lot, but all of the adjoining property owners are eligible for Mow to Own.</p>							

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
60-00043.046	705 Walnut Ridge	Schricket Development LLC	1,154.26	9,883.93	579.18	11,617.37	2,309.32
<p>Proposed Use: This parcel is in foreclosure for delinquent property taxes. It is a buildable vacant lot located in the Cold Creek Crossing residential development. There is a discrepancy in the total owed above because \$2,500 was paid in 2012 and applied to the 2013 taxes, but I am not sure how the payment was distributed to the taxing districts. The City will market this parcel for new residential development and try to recoup the assessments</p>							

57-02540.000	1105 Second	David Sullivan	6,675.24	4,439.33	1,421.80	12,536.37	1,103.72
<p>Proposed Use: This parcel is in foreclosure for delinquent property taxes. It is a bank walk away and has been been verified unoccupied with no water service. It is a one-story, single family residential structure and appears to be in good condition. It will be evaluated for rehabilitation. If demolition is required, it will leave an unbuildable</p>							

lot, but all of the adjoining property owners are eligible for Mow to Own.

57-03698.000	219 Arthur	Leo Pou	1,921.32	672.95	236.35	2,830.62	144.89
Proposed Use: The condemned structure on this parcel was recently demolished leaving an unbuildable lot. An adjoining property owner has requested that the City acquire the vacant lot it so that they may purchase it through the Mow to Own Program.							
58-02911.000	1503 Clinton	Wells Fargo Bank	0	0	0	0	1,891.54
Proposed Use: This parcel is being offered to the City by Gift of Deed. It is a residential two-family structure that will be marketed for rehabilitation with preference for conversion to a single-family structure with owner occupancy.							



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

AARON KLEIN, P.E.
DIRECTOR

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

aklein@ci.sandusky.oh.us

To: Nicole C. Ard, City Manager
From: Aaron M. Klein, P.E.
Date: December 31, 2013
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Approval to enter into an agreement titled Hauling Permit Memorandum of Understanding (MOU) with Erie County.

BACKGROUND INFORMATION: Changes to the Ohio Revised Code (ORC) dated July 1, 2013 require that local authorities **shall** issue a special heavy hauling permit authorizing an applicant to operate oversize and/or overweight vehicles within municipal limits. This is effective January 1, 2014. Erie County Engineer's Office, which has worked closely with townships and vehicle operators in the past, has offered to manage a proposed countywide permitting process. The attached MOU would have to be approved and signed by interested political subdivisions. An advantage is that this plan would make it easier for commercial vehicles to operate within the county because they would not have to obtain various permits to move between jurisdictions and it relieves the City's responsibilities to manage another permitting program. Enforcement would continue to be a joint effort.

BUDGETARY INFORMATION: There is no cost to the City. All fees collected by Erie County for the permitting process would be retained by them for managing the program.

ACTION REQUESTED: It is recommended that the Hauling Permit MOU be approved and the necessary legislation be passed in full accordance with Section 14 of the City Charter in order to enter into an agreement with Erie County as quickly as possible to be in compliance with State law.

I concur with this recommendation:

Nicole C. Ard
City Manager

Aaron M. Klein
Director of Engineering

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF ERIE COUNTY COMMISSIONERS FOR THE ISSUANCE OF HAULING PERMITS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Erie County and the City of Sandusky, both governmental agencies, recognize the need for interagency cooperation in regards to the issuance of Hauling Permits inasmuch as the movement of nonconforming (overweight, over dimensional or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code) vehicles / loads, because of their mobility, commonly cross jurisdictional boundaries, needs exist to address issues to ensure that local authorities comply with mandates specified in the Ohio Revised Code while, at the same time, meeting the needs of companies and individuals that must move nonconforming vehicle / loads on roadways within Erie County; and

WHEREAS, inherent with the movement of vehicles / loads that are not in compliance with Ohio law are risk factors generally not associated with the movement of vehicles / loads that are in compliance with the law and measures have been implemented within the permitting process to ensure that any liability associated with movement authorized by a permit is the sole responsibility of the party to whom the permit is issued; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the Memorandum of Understanding as soon as possible to be in compliance with State law; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a Memorandum of Understanding with the Board of Erie County Commissioners for the issuance of Hauling Permits, substantially in the same form as Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2014

HAULING PERMIT MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding (Agreement) is strictly limited to the issuing of "Hauling Permits" to vehicles/loads that may be operated/moved on roadways under the jurisdiction of the City of Sandusky, made and entered into this ___ day of _____, 2013, by and between the City of Sandusky, a municipal corporation organized and existing under the laws of the State of Ohio (hereinafter called the "political subdivision"), duly authorized by Ordinance/Resolution passed by its commission on _____, 2013, and the County of Erie, a political subdivision organized and existing under the laws of the State of Ohio (hereinafter called "Erie County"), duly authorized by Resolution adopted by its Board of County Commissioners on _____, 2013.

WITNESSETH:

WHEREAS, Erie County and the political subdivision, both governmental agencies, recognize the need for interagency cooperation in regards to the issuance of Hauling Permits. Inasmuch as the movement of nonconforming (overweight, over dimensional or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code) vehicles/loads, because of their mobility, commonly cross jurisdictional boundaries, needs exist to address issues to ensure that local authorities comply with mandates specified in the Ohio Revised Code while, at the same time, meeting the needs of companies and individuals that must move nonconforming vehicle/loads on roadways within Erie County; and

WHEREAS, inherent with the movement of vehicles/loads that are not in compliance with Ohio law are risk factors generally not associated with the movement of vehicles/loads that are in compliance with the law. Measures have been implemented within the permitting process to ensure that any liability associated with movement authorized by a permit is the sole responsibility of the party to whom the permit is issued; NOW, THEREFORE,

In consideration of these premises and of the mutual covenants hereinafter set forth, and other good and valuable consideration, Erie County and the political subdivision do hereby agree as follows:

1. Erie County, through the Erie County Engineer's Office, agrees to the following:
 - a. Issue written permits for roadways under the jurisdiction of the political subdivision.
 - b. Requests for permits to authorize the operation/movement of vehicles/loads that are strictly "Over Dimensional" (not overweight) may be issued without prior authorization of the political subdivision.

HAULING PERMIT MEMORANDUM OF UNDERSTANDING

- c. Requests for permits authorizing the operation/movement of vehicles/loads that weight in excess of 80,000 pounds will be issued after receiving approval from the political subdivision to issue the "Overweight" permit.
 - d. Requests for permits authorizing the operation/movement of vehicles/loads greater than 13 feet wide, greater than 13 feet 6 inches high, greater than 90 feet long, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Ohio Revised Code will be issued after receiving approval from the political subdivision
 - e. Keep records of all permits issued and supply copies of any permits requested to the political subdivision.
 - f. Pay for the administrative costs incurred in issuing the permit.
2. The political subdivision agrees to the following:
 - a. Supply the Erie County Engineer's Office with a list of two individuals that are authorized to grant permission to issue a permit. List must contain current work telephone number and telephone numbers that can be used after normal business hours.
 - b. Respond timely to all requests from the Erie County Engineer's Office regarding the issuance of permits.
 - c. All fees collected by the Erie County Engineer's Office related to the administrative costs associated with the issuance of permits are property of the Erie County Engineer's Office.
 - d. Each agency recognizes that the other is self-insured. Nothing in this agreement shall be construed as an indemnification by one party of the other for liabilities of the other party or third parties for property loss or damage or personal injury or death arising out of and/or during the term of this agreement. Any liability or claim for property loss or damage or personal injury or death by an agency, its employees, agents, invitees, or by third persons, arising out of and during the activities associated with this agreement shall be determined in accordance with the laws of the State of Ohio.
 3. This Agreement may only be amended in writing.
 4. This Agreement will be reviewed and modified where determined mutually beneficial on an annual basis. This Agreement may be terminated by either Erie County or the political subdivision at any time.

HAULING PERMIT MEMORANDUM OF UNDERSTANDING

IN WITNESS WHEREOF, Erie County and the political subdivision have caused this Agreement to be executed by their respective duly authorized officers or officials on the day and year first above written.

APPROVE AS TO CONTENT:

CITY OF SANDUSKY

John D. Farschman
Erie County Engineer

BOARD OF COUNTY COMMISSIONERS
OF ERIE COUNTY, OHIO

William J. Monaghan

Patrick J. Shenigo

Thomas M. Ferrell, Jr.

Date: _____

