



ORDINANCE 2025-01

AN ORDINANCE AMENDING SECTION 133.01 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL, OHIO.

WHEREAS, the City of Powell has identified the need to amend and update Section 133.01 of the Codified Ordinances to update the City's procedures for the disposition of municipally owned property.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:

Section 1: The City of Powell Council hereby amends Section 133.01 of the Codified Ordinances, consistent with the changes provided in the attached Exhibit A.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest date permitted by law.

[Signature]
Tom Counts
Mayor
Date 2/18/25

[Signature]
Elaine McCloskey
City Clerk
Date 2/18/25

EFFECTIVE DATE: 3/20, 2025

This legislation has been posted in accordance with the City Charter on this date 2/19/2025.
[Signature] City Clerk.



Powell C.O. 133.01 Proposed Amendments

(a) *Disposition Procedure.* The following procedures shall be utilized when disposition of Municipally-owned property either by sale or lease:

- (1) The head of the department who is responsible for the property and the City Manager shall declare the same to be surplus and no longer needed for Municipal purposes.
- (2) Upon the property being declared surplus, the City Manager, after having obtained authority from Council by Resolution, shall advertise the surplus property for sale or lease in a newspaper of general circulation within the Municipality 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.
 - B. The City's opinion of the value of the property if the same is being offered for sale.
 - C. The minimum and maximum term of years if the property is being offered for lease.
 - D. In the alternative to the notice requirements outlined above, the City Manager may instead utilize the abbreviated publication requirements authorized by Ohio Revised Code Section 7.16, which is adopted and incorporated by reference herein.
- (3) The notice shall direct bidders to submit their proposals to the Municipality within a given time period. Such proposals shall include at a minimum the bid price offered for the property, and any other specific information either the City or the bidder believes necessary to evaluate the proposal.
- (4) Upon receipt of the proposals, the City Manager shall 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 City Manager shall report all bids received to Council, together with his recommendations.
- (6) No property belonging to the Municipality shall be sold or leased except pursuant to the terms of an ordinance adopted by the 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 surplus and not needed for municipal purposes.
- (7) The Municipality shall be under no obligation to accept any of the proposals submitted. The Municipality through its City Manager may accept, reject, or accept with additional conditions deemed appropriate by the City Manager and in the best interest of the Municipality.

(b) *Sale or Lease if no Proposal is Received.* If after following the procedure set forth above, no proposal is received, the Municipality Administrator may sell or lease such property at public or private sale upon the best terms available subject to approval of the same by duly enacted ordinance of Council.

(c) *Alternative Procedure.* Notwithstanding the provisions aforementioned, Council may, by ordinance, approve a specific agreement for sale or lease of municipal property that has been declared to be surplus as otherwise set forth herein.

(d) *Sale of Municipal Personal Property of Minimal Value.* The City Manager may, in the City Manager's discretion, with or without solicitation for competitive bids sell any item of municipal personal property having a value of \$1,000.00 or less by means of public or private sale, including by internet sale, upon such term as the City Manager deems appropriate.

(e) Sale of Municipal Personal Property by Internet Auction. In the alternative to the procedures outlined in subsection (a) of this section, Council may, by resolution, authorize the City Manager to sell municipal personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. This subsection shall apply regardless of the value of the municipal personal property. The following procedures shall be utilized when acting under this subsection:

(1) Resolution Authorizing Internet Sale. Council shall adopt, during each calendar year, a resolution expressing its intent to sell the aforementioned property by internet auction. The resolution shall:

A. Describe how the auctions will be conducted;

B. Specify the number of days for bidding on the property, which shall be no less than ten days, including Saturdays, Sundays, and legal holidays;

C. Indicate whether the City will conduct the auction or whether the City will contract with a representative to conduct the auction; and

D. Establish the general terms and conditions of sale. The terms and conditions for sale of the personal property may include a minimum price that will be accepted for specific items, requirements for pick-up or delivery, method of payment, and sales tax. Any terms and conditions shall be provided on the internet auction site at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the City.

(2) Notice. After adoption of the resolution, Council shall publish a summary of the information provided in the resolution and post the summary continually throughout the year on the City's website.

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