

RESOLUTION NO. 63-05  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas C. Cline ON THE 21st  
DAY OF November, 2005.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL  
BIDS FOR THE SALE OF PROPERTY LOCATED AT 43 W. FRANKLIN  
STREET AND TO AUTHORIZE THE CITY MANAGER TO TAKE ANY AND  
ALL NECESSARY STEPS TO SELL THE PROPERTY LOCATED AT 43 W.  
FRANKLIN STREET TO MULAY HOLDINGS, INC. BY PRIVATE SALE**

WHEREAS, the City owns the property located at 43 W. Franklin Street in the City of Centerville. The property consists of a two-story building, ingress/egress and parking area; and

WHEREAS, the City purchased the property from a bankruptcy trustee paying the trustee \$80,000.00 for the property; and

WHEREAS, the City purchased the property in order to keep the ingress/egress and parking areas for the joint APD parking layout and intends to keep the ingress and egress and parking areas to contribute to the APD parking layout; but the City does not need the building; and

WHEREAS, the building on the property is in disrepair and is in need of rehabilitation; and

WHEREAS, the City has appraised the property at approximately \$45,000.00 in its current condition, and it is estimated that the property would require an estimated \$150,000.00 to bring the building up to Code; and

WHEREAS, the City duly advertised for bids for the sale of said property to the highest and best bidder and required a minimum bid of \$50,000.00; and

WHEREAS, there were approximately 16 bid packets obtained from the City and approximately six parties viewed the property; and

WHEREAS, the City received only one bid for the property from Mulay Holdings, LLC in the amount of \$40,000.00; and

WHEREAS, the City has had good history of ownership of properties in the APD by Mulay Holdings, LLC; and

WHEREAS, the City does not want to re-bid the property because Mulay Holdings, LLC has created a history of restoring properties in the APD to the satisfaction of the City; and

WHEREAS, the irregularity in the bidding procedure by not receiving any bids at the minimum requested can be cured by rejecting all bids and selling the property to Mulay Holdings, LLC; and

WHEREAS, the City Council is of the opinion that it is in the best interest of citizens to reject all bids and to have a private sale of the property to Mulay Holdings, LLC based upon its history of restoration of properties in the APD; and

WHEREAS, the City of Centerville, as a chartered municipality with full home rule powers as provided in Article XVIII, Section 3 of the Ohio Constitution, has the power and authority to authorize the City Manager to follow procedures provided for herein; and

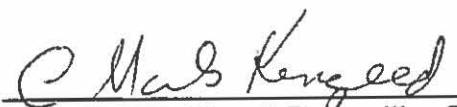
NOW THEREFORE, the Municipality of Centerville hereby resolves:

Section 1: That the City hereby rejects all bids and authorizes the City of enter into a private sale of the property.

Section 2: That the City Manager is hereby authorized and directed to do any and every thing and to execute all documents necessary to conclude the sale of the property at 43 W. Franklin Street, Centerville, Ohio to Mulay Holdings, LLC for the reasons set forth in the preamble hereof.

Section 3: This Resolution shall become effective at the earliest date allowed by law.

PASSED THIS 21st day of November, 2005

  
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Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 63-05, passed by the Council of the City of Centerville, Ohio on the 21st day of November, 2005

Debra A. James  
Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions.  
Department of Law  
Scott A. Liberman, Municipal Attorney