

CHAPTER 123
Ordinances, Resolutions and Contracts

- 123.01 Legislative numbering system.
 123.02 Contract approval.
 123.03 Newspapers qualified for zoning notice publications.
 123.05 Sale or lease of municipal real property.

CROSS REFERENCES

- Mayor's approval and veto power - see CHTR. Art. II, Sec. 5(b)
 Enactment and amendment of zoning ordinances -
 see CHTR. Art. III, Sec. 13; DEV. Ch. 1181
 Procedure to enact ordinances and resolutions - see CHTR.
 Art. III, Sec. 15
 Effective date - see CHTR. Art. III, Sec. 16
 Emergency passage - see CHTR. Art. III, Sec. 17
 Adoption of ordinances by reference - see CHTR. Art. III, Sec. 18
 Board of Zoning and Building Appeals to hear zoning and
 building appeals - see CHTR. Art. VI, Sec 2(b)
 Public bidding - see CHTR. Art. VII, Sec. 4
 Annual appropriation ordinance - see CHTR. Art. VII, Sec. 6
 Initiative and referendum - see CHTR. Art. VIII, Sec. 1
 Conflict of Interest - see CHTR. Art. X, Sec. 1;
 Ohio R.C. 735.09, 737.03, 2921.42, 2921.43
 Contract restrictions - see Ohio R.C. 715.68, 731.48
 Contract power of Council - see Ohio R.C. 731.05
 Publication in book form - see Ohio R.C. 731.23
 Ordinances and resolutions as evidence - see Ohio R.C. 731.42
 Safety-Service Department contracts - see Ohio R.C. 735.05
 et seq., 737.02 et seq.
 Equal opportunity clause in contracts - see ADM. 153.22(e)

123.01 LEGISLATIVE NUMBERING SYSTEM.

All ordinances and resolutions introduced in Council shall be identified and numbered as follows:

The first number or numbers shall represent the numerical order in which the ordinance or resolution was introduced during the calendar year, and which number or numbers shall be followed by a dash (-), after which shall appear the last two numbers of the respective year during which such legislation was introduced. The first ordinance or resolution introduced in Council on or after January 1, 1957, shall be numbered 1-57.

(Res. 3339. Passed 12-26-56.)

123.02 CONTRACT APPROVAL.

No contract for the City in excess of five hundred dollars (\$500.00) shall be awarded except on the approval of the Board of Control.

(Ord. 58-68. Passed 4-22-68.)

123.03 NEWSPAPERS QUALIFIED FOR ZONING NOTICE.

Pursuant to and for the purposes of City Charter Article III, Section 13, the Sun Herald, West Life, and Cleveland Plain Dealer are each hereby determined to be a newspaper of general circulation within the City in which notices of public hearings on zoning can be published.

(Ord. 88-73. Passed 7-9-73.)

123.04 WAGES AND HOURS ON PUBLIC WORKS.

Section 4115.01 through 4115.16 of the Ohio Revised Code, as amended from time to time, referred to as the Prevailing Wage Law, is hereby expressly declared not applicable or binding on the City of Rocky River where not required by law.

(Ord. 2-81. Passed 1-26-81.)

123.05 SALE OR LEASE OF MUNICIPAL REAL PROPERTY.

(a) Each sale or lease of municipal real property of any value shall be provided for by ordinance or by one or more ordinances in series utilizing one of the following methods to be specified in such ordinances by Council:

1. Under the terms and circumstances provided by O.R.C. Chapter 721 or any section thereof or any other section of the Ohio Revised Code as such sections are now constituted or may be in effect in amended form by addition or modification hereafter;
2. By empowering the Mayor or his or her designee to advertise for bids in such form or manner as he may determine once a week for two consecutive weeks in a newspaper of general circulation in the City and in such other publications or places as he or she may deem necessary and proper, with Council reserving the right to reject any and all bids regardless of amount and without indicating any specific reason for such rejection, authorizing the Board of Control to receive, open and tabulate such bids, authorizing the Mayor to enter into a contract for the sale or lease of such property in a form to be approved by the Director of Law, and authorizing the Mayor to convey the property or to convey a leasehold interest in the property pursuant to such contract, subject to zoning conditions, restrictions and reservations of record. However, notwithstanding the above bidding requirement, the Mayor or his or her designee may negotiate with any entity for the location, construction, installation, co-location and/or leasing of a communications tower or pole and related equipment on City property without advertising for bids hereunder;
(Ord. No. 84-05. Passed 6/13/05.)

3. By empowering the Mayor or his or her designee to solicit proposals for sale and redevelopment or lease and redevelopment, a sale or lease may be authorized to a developer submitting the best proposal, in the

sole opinion of Council, or award under these circumstances may be eventually to a developer pursuant to bidding upon specification developed by the efforts of all developers submitting proposals, which bidding may be limited to the developers who have submitted proposals;

4. Upon negotiations ratified or authorized by Council to sell or lease a portion of City property at the appraised value to contiguous property owners for use with and enhancement of such contiguous property without restrictions other than zoning and conditions of record;
5. Upon negotiations ratified or authorized by Council to clear title, resolve contentions concerning encroachments, or otherwise resolve technical, clerical or procedural errors, defects or omissions in prior conveyances as the justice of each case requires in the sole judgment of Council.

(b) Ordinances authorizing final conveyance for a sale or lease by the Mayor shall specify:

1. The findings of Council that the property involved is no longer needed for a municipal purpose;
2. The intent of Council to sell or lease the property without restrictions on future use other than zoning and other conditions of record or with restrictions for redevelopment in the form of a development agreement;
3. The appraised value of the property being sold, leased or disposed of taking all restrictions of sale or lease into consideration and/or other basis relied upon to determine the sufficiency of consideration to be paid together with a finding that the consideration is sufficient and such finding shall be conclusive as determined in the sole opinion of Council;
4. All of the restrictions, terms and conditions of sale or lease specifically required by Council together with authorization for execution of the agreement, adopting additional terms deemed appropriate, submission to escrow, execution of deeds and any and all other acts necessary and proper to effectively convey or lease the property for the purposes and in the manner specified by Council.

(Ord. No. 101-04. Passed 9/13/04.)

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