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Ohio Auditor of State
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2016 Local Government Officials' Conference

Disposition of Public Property

Presented by:
Mark Altier
Chief Legal Counsel

County Disposal of Real Property/County Renewal Plans

Section 303.26

- Renewal of Slums and Blighted Areas
- County Sell, Lease, Otherwise Transfer Real Estate
- Under Approved County Renewal Plan
- Covenants, Conditions, and Restrictions
- With or Without Competitive Bidding




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County Disposition of Airport Real Estate-ORC 307.10

Section 307.10

- Sell or Lease
- Airport, Landing Field, Air Navigational Facility or Part
- Deed to:
 - Highest Responsible Bidder
 - Advertise Once a Week for 4 Consecutive Weeks; or ORC Section 7.16
- Public Auction:
 - Thirty Days Notice by Publication
- For Public Use to:
 - U.S. Government
 - State/Any Department or Agency
 - Municipal Corporation
 - Other Political Subdivision
 - County DD Board
 - County Land Reutilization Corp.




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Multiple Notices-Alternative Method-ORC 7.16

Section 7.16

- Any Political Subdivision-Definition 2744.01
- Two or More Times Publication Requirement
 - First published in entirety
 - Newspaper or preprinted insert
- Second-Abbreviated format and on newspaper web site
 - Published in same newspaper of general circulation
 - Posted on newspaper public notice site-ORC 125.182
 - No additional charge
 - Notice published in newspaper reprinted in entirety
 - Also MAY post on agency web site
 - Descriptive summary of offering
 - Identifies agency web site
 - Contact information of agency



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County Lease of Mineral Rights

Section 307.11

- When of Benefit to County
 - Contracts or Leases to Mine
 - Iron Ore-Up to 15 years
 - Stone-Up to 15 years
 - Coal-Up to 15 years
 - Petroleum-Up to 40 years
 - Gas-Up to 40 years
 - Salt-Up to 15 years
 - Other Minerals-Up to 15 years
 - Terms Deemed Advantageous to County



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Sale, Donation, Lease, Other Disposition by County

Section 307.12

- Sale, Donation, Lease, Other Disposition by County-ORC 307.12
 - Personal Property
 - Including motor vehicles
 - Including road machinery, equipment, tools, or supplies
 - Not needed for public use
 - Obsolete or unfit for use
 - Value over \$2,500.00
 - Public Auction or Sealed Bid
 - Newspaper Notice and Posting
 - At least ten days
 - Highest bidder



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Sale, Donation, Lease, Other Disposition by County cont.

Section 307.12



- Donate any motor vehicle \$4,000.00 or less
 - To meet transportation needs under ORC 5107 or Chapter 5108 program
- Value of \$2,500 or less
 - Private Sale without public notice
 - Donate to 501(c)(3)
 - Resolution of donation program
 - Guidelines and procedures
- Sell or donate to feds, state, or any state subdivision



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County Donation of Personal Property to 501(C)(3)-ORC 307.12(B)(2)

Section 307.12(B)(2)



- Value of \$2,500.00 or less
- Donate to 501(C)(3) within county
- Establish donation program
 - Register interested entities
 - Notice of program
 - Publish twice
 - Second not less than ten days nor more than twenty



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County Donation of Personal Property to 501(C)(3) cont.

Section 307.12(B)(2)

- Post conspicuously and continuously
- Post on web site if have one
- Maintain list of all registered entities
- Maintain list of all available property
 - Commissioners' Office
 - Auditor's Office
 - On County Web Site
- Priority may be given for specific public purposes
- Consult with Ethics on potential conflicts



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Internet Auction-ORC 307.12(E)

Section 307.12(E)

- By resolution
- Describe how conducted
- Number of days of bidding not less than ten
- County conduct or another
- Publish notice twice or ORC 7.16 publication
- Summary of resolution content
- May establish minimum price
- May set terms
 - Pick-up or delivery
 - Tax payment



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Personal property not needed immediately

Section 307.12

- Certified by county officer or department
- May lease to:
 - Municipal corporation
 - Township
 - Other Ohio subdivision
 - A county land reutilization corporation



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Trade-in of vehicles, equipment, or machinery-ORC

Section 307.12(G)

- Part of purchase
- Same advertisement



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Property of no Value

Section 307.12(I)

- Discard or salvage
- Scrap construction materials-County Engineer-307.12(J)
- Value of \$25,000 or less
- As engineer determines
- Keep records of disposition and terms.



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Bequests to County for Educational Purposes-ORC

Section 307.22



- Bequests, donations, gifts
- Real, personal property, and money
- To board of county commissioners
- To promote and advance education in county
- May pay to incorporated institution of learning in county
- Part may be used to defray expenses of teacher institute
- Such terms as commissioners decide

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Regional Transit Authority Exchanges

Section 306.51

- Real or Personal Property
- Legislative Authority of:
 - Municipality
 - County
 - Township
 - School District
 - Other political subdivision or taxing district
- Regional Transit Authority
- Convey, lease, exchange
- For public purpose
- No bidding
- Mutually agreeable terms



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Municipal Power to Acquire, Hold, Lease, Sell, Donate

Section 715.21

- Municipal corporation may:
 - Hold
 - Improve
 - Protect
 - Preserve
- Public grounds, parks, recreation centers, and boulevards
- Municipal corporation may:
 - Sell
 - Lease
 - Donate by deed to state for armory





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Municipal Real Authorization; Advertising for Bids

Section 721.03

- Sale or lease of municipal real estate
 - Authorized by legislative ordinance
 - Approved by 2/3 vote of legislative members
 - Approved by supervising board or officer
- Contract in writing
- Highest bidder
 - Except 721.27 or 721.28
- Notice-Publish one a week for five consecutive weeks or 7.16





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Municipal Real Estate Sale, Lease, or Exchange for Railroad Station

Sections 721.12 ; 721.13

- Municipal real estate suitable for railroad station
 - Legislative ordinance declaring necessity
 - May sell, lease, or exchange under ORC 721.13
- Legislation
 - Authorize transfer
 - Designate amount of land, interest, and consideration
 - Special election not less than thirty days after
- Majority approval required





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Transfer or Lease of Municipal Property for Library

Section 721.22

- Municipal legislative body by ordinance
 - Municipal real or personal property
 - Transfer , lease or permit use
 - By library serving municipality
 - Such terms as agreed
-



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Conveyance or Exchange of Municipal Land to USA

Section 721.26

- Municipal sell, lease, or dedicate land to USA for public health service
 - Ordinance of legislative body
 - Approved by 2/3 vote of members elected
- No requirement of advertising



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Lease or conveyance of municipal hospital property to county

Section 721.27



- No requirement of competitive bidding
 - Ordinance
 - Hospital real estate and personal property
 - To county commissioners under agreed terms
 - To any person providing health services
 - Determines reasonably related to hospital operation



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Transfer, Lease of Municipal Real Estate for Urban Redevelopment
ORC § 721.28

- No competitive bidding required
- Transfer, lease or conveyance
- For urban redevelopment or urban renewal
- Such terms as determined



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Sale of Municipal Real Estate to County
ORC § 721.29



Legislative authority

- Sell real estate to county
 - No longer needed by municipality
 - Such terms as agreed
 - No competitive bidding
- 2/3 vote of members
- Approval of board or officer having supervision



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Conveyance, Grant or Permit to Use Land Not Needed for Street or Highway Purposes
ORC § 723.121

- Legislative authority
 - Convey or grant real estate or permit to use
 - Real estate not needed for road or street
- Require plans for use
- Competitive bidding required
 - Except to:
 - USA
 - State of Ohio
 - Any political subdivision, taxing district, department, commission, board, institution, authority or agency of either.



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**Disposition of Unclaimed Municipal Property;
Proceeds
ORC § 737.32 and .33**

- Property unclaimed for 90 days or more
- No other statutory requirement for sale
- Authorized by legislative authority
- Sold by:
 - City chief of police
 - Village marshal
 - Licensed auctioneer



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**Disposition of Unclaimed Municipal Property;
Proceeds (cont'd)
ORC § 737.32 and .33**

- Advertise once a week for three consecutive weeks or ORC § 7.16
- May contribute to:
 - Public agencies
 - Nonprofit
 - Not engaged in politics
 - No personal benefit
 - ORC § 501(c)(3)



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**Disposition of Unclaimed Municipal Property;
Proceeds (cont'd)
ORC § 737.32 and .33**

- Registered mail, 30-day notice to owner and lien holder prior to sale
 - Last known address
- Expenses of storage and sale from proceeds



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Sale of Unused Municipal Park Land
ORC § 755.42

- Vacated park land of municipality
- Offer at public auction
- Legislative approval and notice of intention to sell
 - Notice once a week for four consecutive weeks or ORC § 7.16
- Proceeds of sale to general fund



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Sale or Lease of Municipal Property Acquired for Industrial or Economic Development Purposes
ORC § 761.02



- Property acquired for industrial or economic development
- Legislative body determine benefit
- Transfer to CIC
 - » No competitive bidding
 - » May require improvements to be made by Lessee

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Township Sale or Donation of Property and Equipment
ORC § 505.10

Township Personal Property:

- ✓ Including vehicles, road machinery and equipment, and tools
- ✓ Resolution
 - ✓ Not needed for public use;
 - ✓ Obsolete; or
 - ✓ Unfit for township use



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Township Sale or Donation of Property and Equipment (cont'd)
ORC § 505.10

Township may sell and convey:

- In excess of \$2,500
 - Public auction or sealed bid
 - » Sealed bid
 - > Form approved by trustees
 - > Bid include bidder's name
 - > Open and tabulate as noticed



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Township Sale or Donation of Property and Equipment - Public auction or sealed bid (cont'd)
ORC § 505.10



- Highest Bidder
 - Post at offices:
 - » 10 days
- Notice:
 - Public once a week for two weeks
 - May also insert in trade publications
 - Two weeks before
 - May post on township website
 - Posted on website
 - » Eliminates second publication
 - Internet address of website
 - How access notice

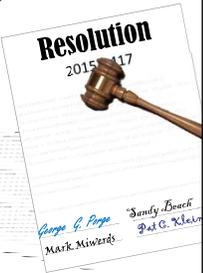
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Township Sale or Donation of Property and Equipment - Public auction or sealed bid (cont'd)
ORC § 505.10

- Board may utilize interest auction procedures:
 - Similar to counties
 - Resolution each calendar year
- If offered and not sold
 - Resolution for contract of sale
 - » Specify minimum price and terms
 - No notice of bidding



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Township Sale or Donation of Property and Equipment (cont'd)
ORC § 505.10

PRIVATE SALE

- In opinion of trustees \$2,500.00 or less
 - Private Sale
 - » No advertisement or notice
 - Donate to Ohio 501(c)(3)
 - » Procedure for notice and listing similar to counties
 - Trade-in provisions similar to counties

Donate

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Township Real Estate
ORC § 505.10



- Transfer to any other subdivision of State
 - Resolution
 - Terms and conditions as agreed
- Transfer to any person
 - Resolution
 - Unanimous vote
 - Terms and conditions agreed



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Lease of Township Real Property to Senior Citizens' Organization
ORC § 505.102

Real property not needed for public use

- Sell, lease or transfer
- Senior citizens' organization → Public purposes
 - ✓ Housing
 - ✓ Health
 - ✓ Social Services
 - ✓ Recreational activities
- Terms agreed upon

Organization report to trustees annually as to uses

Deed may include reversion if used for other purpose



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Exchange, Transfer, or Acquisition of Real Property
ORC § 505.104

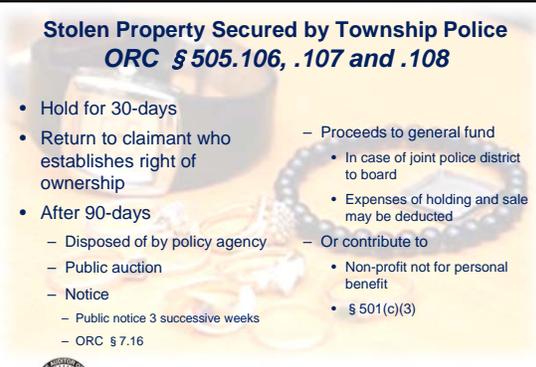
- By resolution
 - No bidding or advertising
 - Exchange and transfer township real estate
 - For real property of equal or greater value
 - As certified by the county auditor
 - The property is improved to township specifications
 - For same or similar use as property transferred



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Stolen Property Secured by Township Police
ORC § 505.106, .107 and .108

- Hold for 30-days
- Return to claimant who establishes right of ownership
 - Proceeds to general fund
 - In case of joint police district to board
 - Expenses of holding and sale may be deducted
- After 90-days
 - Disposed of by policy agency
 - Public auction
 - Notice
 - Public notice 3 successive weeks
 - ORC § 7.16
 - Or contribute to
 - Non-profit not for personal benefit
 - § 501(c)(3)



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Sale of Materials, Equipment or Supplies Without Notice or Bidding
ORC § 505.101

To any Ohio

- Department
- Agency
- Subdivision
- Resolution
 - Set amount to be paid
 - Describe items



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Lease Purchase Agreements
ORC § 505.267

- Permissible for townships and related districts
- Township may:
 - Assign rights to personal property under agreement
 - Grant the Lessor a security interest in a subject property
 - Assign real property leases, easements and licenses
 - To subject real property
 - Terms not to exceed 5 years
 - Beyond lease-purchase agreement



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Township Contributions to Parks
ORC § 511.37

- Trustees may contribute to any park board
 - Establish under § 511.18 or 1545
 - All or part in township
 - Planning, acquisition, management, improvement
- Money, land, personal property



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Township Participation in Community Improvement Corporation
ORC § 505.701

- Township may purchase real estate
 - Transfer to Community Improvement Corporation
 - May use general obligation bonds (ORC 133)



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Public Sale of Township Cemeteries
ORC § 517.22

- Township may sell cemetery
 - Public sale
 - Notice by publication
 - Determined to discontinue as burial ground
 - Remove remains and monuments (ORC § 517.21)



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Board of Education Sale or Donation of Property
ORC § 3313.41

Disposal Of Real Or Personal Property

- Value in excess of \$10,000
 - Public sale
 - Notice
 - 30- days publication
 - ORC § 7.16 or
 - » Posting five conspicuous places
 - » Real estate - in district of location
 - » Personalty - within school district
 - Offer at auction once-not sold
 - Private sale as determined best
 - Real estate - lots or parcels



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Board of Education Sale or Donation of Property (cont'd)
ORC § 3313.41

Disposal Of Real Or Personal Property

- Sale to:
 - Adjutant General
 - Any subdivision or taxing authority
 - Township park district
 - ORC 1545 park district
 - Tax supported college or university
 - Chapter 1713 non-profit educational institution
 - Charter school
 - School district library



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Board of Education Sale or Donation of Property (cont'd)
ORC § 3313.41



Disposal Of Real Or Personal Property

- May trade-in personal property
- First offer to community school within district
 - Not to exceed appraised value
 - Process – ORC § 3313.411
- Charitable donation process
 - Similar to county and township



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