

CHAPTER 149
Municipal Property

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CROSS REFERENCES

Procedure for sale or lease of real property - see ADM. 111.02

Sale or lease of property - see Ohio R.C. Ch. 721

149.01 ACQUISITION OF REAL PROPERTY.

The City may acquire real property by private or public sale, gift, devise, lease, dedication, eminent domain or any other lawful means as needed for Municipal purposes.

(Ord. 88-319. Passed 5-31-88.)

149.02 DISPOSAL OF REAL PROPERTY.

The City may convey real property owned by the City and which is not needed for Municipal purposes by private or public sale and with or without competitive bidding. The City may dispose of such real property only upon authorization and direction by ordinance of the City Commission.

(Ord. 88-319. Passed 5-31-88.)

149.03 DISPOSAL OF PERSONAL PROPERTY.

(a) The City may dispose of personal property owned by the City and no longer needed for municipal purposes by private or public sale and with or without competitive bidding.

(b) Personal property of the City not needed for municipal purposes, as determined by the City Manager, and having an estimated value not exceeding fifteen thousand dollars (\$15,000), may be sold or traded by the City Manager. The record of such sale or disposal shall be recorded in the City Manager's journal. All other personal property not needed for Municipal purposes may be sold or traded only upon authorization and direction by ordinance of the City Commission.

(Ord. 02-328. Passed 8-20-02.)

(c) Personal property of the City not needed for municipal purposes and which has no value, as determined by the City Manager, may be offered at no charge to non-

profit organizations serving the Springfield community on a first-come-first-served basis prior to such unneeded property being sent to a landfill or otherwise discarded.
(Ord. 00-194. Passed 5-16-00.)

149.04 DONATIONS.

Property, both real and personal, and services donated, devised, dedicated or otherwise given to the City without cost, excepting recording fees, may be accepted by the City Manager on behalf of the City, provided the value of the property or services does not exceed one thousand dollars (\$1,000), the estimated expenditures by the City related to the property or services for a period of twelve months will not exceed one thousand dollars (\$1,000) and the City Manager finds that acceptance of the property or services is in the best interest of the City. A record of property and services accepted by the City Manager shall be recorded in the City Manager's journal. All other property, both real and personal, and services donated, devised, dedicated or otherwise given to the City may be accepted by the City only by ordinance of the City Commission, which ordinance shall contain a finding by the City Commission that acceptance of the property or services is in the best interest of the City.
(Ord. 88-319. Passed 5-31-88.)

149.05 LEASE OF CITY PROPERTY.

(a) The City Manager is authorized to enter into lease agreements and license agreements to lease or issue a license for the use of the Municipal Swimming Pool, Municipal Stadium, public recreation areas owned by the City, Core Block Plaza, the Esplanade, and City-owned lands when exclusive occupancy by the City is not currently necessary to provide City services; when the lease or license is cancelable upon no more than thirty days advance notice. The City Manager is authorized to execute any and all documents necessary to fulfill the City's obligations under the agreements described in this section.
(Ord. 99-290. Passed 9-7-99.)

(b) The City Manager is authorized to grant, on behalf of the City, licenses to public utilities to use City property, including public thoroughfare right-of-way; provided, that such licenses may be revoked at any time and the City Engineer has made a determination that granting such license will not result in creating a nuisance within a public thoroughfare. The City Manager may impose such obligations and limitations upon a licensee as are necessary to prevent safety hazards, protect public property and ensure the licensee's compliance with law.
(Ord. 91-361. Passed 9-24-91.)

(c) The City Manager is authorized to grant and enter into, on behalf of the City, conduit lease and service agreements allowing the occupancy of space in City-owned conduit which the City Manager determines is not needed for municipal purposes. The City Manager is further authorized to establish fee structures for allowing the occupancy of space in City-owned conduit. The conduit lease and service agreements shall provide that the City shall have the right to terminate the lease and service agreement upon six (6) months written notice to the lessee if the leased space is needed in connection with the City's municipal purposes of a higher priority, as determined by the City Commission. At the time of such notice of termination, the City shall waive (or return to the lessee as the case may be) any unused portion of the payment made under the lease and service agreement that the City elects to terminate. In addition, the City shall have the right to terminate the lease and service agreement upon thirty (30) days written notice to the lessee if the lease and service agreement

creates an adverse impact upon the public health, safety, and welfare or the City's fiscal standing as an Ohio municipal corporation.
(Ord. 09-328. Passed 12-8-09.)

149.06 WATER UTILITY RENTAL.

Unless otherwise provided by the City Commission, and so long as the Water Fund utilizes and derives the benefit of the City Hall garage space and the light, heat, janitorial, maintenance and other facilities and services incident thereto, the Water Fund shall pay from revenue derived by it from its operations; namely, water rental assessments, to the Municipal government, for credit to the General Fund thereof, an annual rental, in the amount of thirteen thousand six hundred dollars (\$13,600), payable in quarterly installments of three thousand four hundred dollars (\$3,400) each, at the end of each three months.
(Ord. 88-319. Passed 5-31-88.)

149.07 WATER UTILITY RENTAL PAYMENT.

The Director of the Department of Utility Services shall issue a voucher approved by the City Manager and drawn against the Water Works Fund of the City to pay the quarterly amount due of the annual rental required by Section 149.06. Upon receipt of such voucher, the Director of Finance shall issue a warrant against the Water Works Fund and in favor of the General Fund of the City in the amount of the voucher.
(Ord. 88-319. Passed 5-31-88.)

149.08 PLUMBING MATERIALS AT MUNICIPAL GOLF FACILITIES.

Notwithstanding the provisions of Section 1361.02(b) of the Codified Ordinances, the City may use polyvinyl chloride (PVC), chlorinated polyvinyl chloride (CPVC), reinforced thermal-setting resin pipe (RTRP), polybutylene (PV), polyethylene (PE), and other plastic pipings or fittings permitted by the Ohio Plumbing Code in the construction of plumbing on golf facilities owned and operated by the City.
(Ord. 94-201. Passed 5-24-94.)

149.09 RECORDS SUBMITTED TO THE CITY; TRADE SECRETS.

(a) All records submitted to the City in performance of a contract with the City, as part of an application made to the City, as part of a bid or proposal made to the City, as part of an information submittal made to the City in compliance with licensing requirements of the City, or as part of a request or petition seeking any form of action by the City shall be the property of the City. All such records shall have the status of a public record available for inspection and copying by the public pursuant to Section 149.43 of the Ohio Revised Code, unless:

- (1) The submitter of the record identifies the specific record or portion of the record as a trade secret by clearly and conspicuously labeling the record or portion of the record with the legend "**TRADE SECRET**", or
- (2) The submitter of the record identifies the specific record or portion of the record as material the release of which is prohibited by state or federal law by clearly and conspicuously labeling the record or portion of the record with the legend "**NOT TO BE RELEASED TO THE PUBLIC**" and with a citation to the statute or other law prohibiting release of the record or portion thereof.

(b) The term "record" means all written or graphic matter, data processing media, sound recordings, and all other written or electronic mediums by which information is stored, however produced or reproduced and of every kind and description.

(c) The term "trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

- (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Ord. 03-382. Passed 11-25-03.)