



Legislation Details (With Text)

**File #:** 19-1754      **Version:** 1      **Name:** 9/16/19 Resolution to Waive Botsford Right of First Refusal

**Type:** Resolution      **Status:** Passed

**File created:** 9/16/2019      **In control:** City Council

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**Title:** Resolution to Waive a Right of First Refusal for a Pending Sale for \$395,000.00 on the Botsford Property (3015 Miller Road)

**Sponsors:** Jeff Hayner, Jane Lumm

**Indexes:**

**Code sections:**

**Attachments:** 1. Botsford Map.pdf, 2. Botsford and Pringle Map.pdf

Date	Ver.	Action By	Action	Result
9/16/2019	2	City Council	Approved	Pass

Resolution to Waive a Right of First Refusal for a Pending Sale for \$395,000.00 on the Botsford Property (3015 Miller Road)

The Botsford Property at 3015 Miller Road in Scio Township consists of two parcels totaling approximately 20 acres. The property is within the Greenbelt District. Scio Township presently holds a conservation easement over approximately one half of the property, which allows for public access. In the past, there had been discussion about acquiring fee title to the property, so the City obtained a right of first refusal.

Per the terms of the right of first refusal, the owner of the Botsford Property has informed the City of a pending sale. Under the right of first refusal, the City has the option to purchase the property upon the same terms as the pending purchaser. The current pending sale price is \$395,000.00. In 2017, the City obtained an appraisal valuing the property at \$345,000.00. GAC and PAC have not reviewed this proposed sale, but in two past instances where the property was offered to the City at \$450,000.00 and \$415,000.00, they have recommended not proceeding, as the price exceeded the appraised value.

The owner has requested that City Council waive the City’s right of first refusal so that they can close their pending sale.

Prepared by: Christopher Frost, Senior Assistant City Attorney

Whereas, The Botsford Property consists of two parcels in Scio Township, Tax Identification numbers H-08-24-225-001 and H-08-13-300-22;

Whereas, The City holds a right of first refusal on a portion of the Botsford Property;

Whereas, The owner of the Botsford Property has notified the City of a pending sale for \$395,000.00 for the entire property; and

Whereas, Under the terms of the right of first refusal, the City has the right to purchase the property upon the same terms as the pending sale, with the purchase to close within two weeks of the end a 150-day due diligence period;

RESOLVED, That City Council elects not to exercise its right of first refusal to purchase the Botsford Property upon the same terms as the pending sale; and

RESOLVED, That City Council directs the City Attorney to inform the owner of the Botsford Property of City Council's decision and authorizes the City Administrator to take all administrative actions necessary to implement this resolution.

Sponsored by: Councilmembers Hayner and Lumm