



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

MONDAY, JULY 14, 2025, 6:00 PM

Recreation & Parks Committee

(Westfall [Chm.], Marshall, Whidden)

1. Provide a recommendation to Council regarding amending the deed restrictions for the sale of Brukner Park to the Troy-Miami County Public Library as recommended by the Board of Park Commissioners.

Streets & Sidewalks Committee

(Phillips [Chm.], Schilling, Westfall)

1. Regarding the Prouty Plaza design, reiteration and clarification of comments and questions answered at the February 24, 2025 Committee of the Whole meeting
 - A. Brick paver materials, placement, and design elements
 - B. Water feature design, operations, purpose
 - C. Permanent seating materials and guards against skateboarding and cycling
 - D. ADA considerations and accommodations

Other Committees/Items may be added.

7-11-2025

Cc: Council
Mayor
Mr. Titterington, Mr. Kerber
Mr. Frigge, Departments, Media

RECREATION & PARKS COMMITTEE



MEMORANDUM

TO: Mr. Rozell, President of Council
FROM: Patrick E. J. Titterington, Director of Public Service & Safety
DATE: July 10, 2025
SUBJECT: AMENDMENT REQUESTED BY TROY-MIAMI COUNTY PUBLIC LIBRARY FOR THE PURCHASE OF BRUKNER PARK

RECOMMENDATION:

That Council amends the legislation authorizing the sale of Brukner Park to the Troy-Miami County Public Library to amend one deed restriction as requested by the Troy-Miami County Public Library and as recommended by the Board of Park Commissioners

BACKGROUND:

In 1977, Clayton J. Brukner donated the land known as Brukner Park to the City of Troy. The Troy Rotary Club and The Troy Foundation provided funds to assist with the development of the park. The park was designed in 1977 and dedicated in Clayton Brukner's memory by the Troy Rotary Club in 1981 in recognition of Mr. Brukner's philanthropic work in Troy and his passion for aviation. Mr. Brukner was a past president of the Troy Rotary Club.

The Ohio Revised Code provides that a municipal corporation may, by ordinance, transfer, lease, or permit the use of any property, real or personal, suitable for library purposes, to the board of trustees of any free public library or any library association rendering free library service to the inhabitants of the municipal corporation, upon such lawful terms as are agreed upon between the municipal corporation and the trustees of such library or library association.

In early 2021 the Troy-Miami County Library requested that the City consider selling the park property to the library for use as greenspace and a potential future library expansion. This never came to fruition and the issue was dropped until early 2024 when the library contacted the City to reopen the discussion. The City agreed to conduct an appraisal of the property in February of 2024, which came back at a value of \$140,000. Because the City requested that deed restrictions be included in any potential sale of this property, it seemed appropriate to establish a purchase price of \$100,000, a discounted amount below the appraised value.

On August 19, 2024, by unanimous vote, the Board of Park Commissioners recommended that Troy City Council authorize the sale of Parcel No. D09-250190, known as Brukner Park, to the Troy-Miami County Public Library based on the following details as deed restrictions:

- 1) That the library shall compensate the City of Troy in the amount of \$100,000, with full payment made no later than December 31, 2025.
- 2) That the property shall be used for the use and purpose of promoting non-profit, library, educational, extra-curricular and interscholastic activities and other uses incidental and related thereto, but for no other purposes whatsoever, except as specifically provided herein, and in the case said premises shall cease to be used or occupied for such purposes, then said property will revert to and be vested in the City of Troy.
- 3) Should the library ever change locations/relocate their facility, they have agreed to provide the City with right of first refusal to purchase the land at fair market value.
- 4) That the library shall provide the City with any Rotary memorabilia for relocation.
- 5) That the wrought iron fence surrounding the park is included in the sale. However, the City shall remove two five (5) foot sections to keep for historical preservation.

On August 26, 2024, Council's Recreation & Parks Committee recommended that "legislation be prepared authorizing the sale of the approximately 0.46 acre parcel known as Brukner Park, Parcel No. D09-250190, located at 400 West Water Street, to the Troy-Miami County Public Library, based on all the terms and conditions contained in the recommendation of the Board of Park Commissioners and outlined in the detailed report." The entire committee report is attached.

Ordinance No. O-31-2024 was prepared for Council's September 3, 2024 agenda (see attached copy). When that legislation was prepared, Section I addressed the payment (item 1 above) and the Director of Law determined that items only items 2 and 3 mentioned above were appropriate to be actual deed restrictions and that items 4 and 5 should otherwise be discussed with the Troy-Miami County Public library.

In December, 2024, the City was advised that UVMC granted the library funds for the purchase price of the park, along with additional funds for park improvements (fencing, lighting, benches, etc.). The library was also agreeable to the City receiving two five foot sections of the old fence and the removal of the Rotary memorabilia from the park.

During discussions to close on the sale of the property, the Library Board objected to the deed restriction that reverts the property back to the City should the use or occupancy not fit with the specific purposes. We understand that the concern is that the wording could limit flexibility on library programming in the future as library uses may change or have someone object if it is felt a program does not fit the wording. Staff also noted that there already is control based on the zoning of the property. The library asked that the deed restriction be amended to read as follows:

"That the property shall be used for the use and purpose of promoting non-profit, library, educational, extra-curricular and interscholastic activities and other uses incidental and related thereto, but for no other purposes whatsoever, except as specifically provided herein."

The Director of Law has reviewed the proposed wording provided by the library and advised that if the Board of Park Commissioners and Council are willing to amend the deed restriction, the process is that there would need to be a recommendation by the Board and then Council legislation to so amend Ordinance No. O-31-2024.

The Board of Park Commissioners met on this issue first in June, but tabled any action until all three Board members were present. The Board then considered this request at their July 7 meeting, and enacted the following motion:

"That the Board of Park Commissioners recommends that Troy City Council approve the amended deed restriction for the sale of Brukner Park to the Troy-Miami County Public Library contingent upon the City Law Director's approving the wording changes and that there is a plan for solution worked out for the previously gifted plaques (i.e., Rotary plaques)."

Since that meeting, the Director of Law has advised the Board of Park Commissioners as follows:

"I was forwarded the Park Board's recommendation on Brukner Park. I see that the recommendation for the Library's proposed language was contingent upon the Law Director's approval. I can advise you of the legal effect of the change in language. As previously recommended, the land would revert ownership to the City if the Library used the property for a purpose other than a non-profit, educational, library, etc. purpose. Legally, ownership of the land would revert to the Park Board. With the suggested change in language, the prohibition against using the land for non-library purposes would act as a restrictive covenant. The land would not revert to the City. To enforce this provision, the City would have to seek injunctive relief. It is not my position to tell the Park Board or City Council what is best in this regard."

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of amending Ordinance No. O-31-2024, to amend the deed restrictions related to the sale of Brukner Park to the Troy-Miami County Public Library.

encl.

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Rozell, President of Council
FROM: Recreation & Parks Committee
SUBJECT: **SALE OF BRUKNER PARK TO THE TROY-MIAMI COUNTY PUBLIC LIBRARY**

DATE: August 26, 2024

SUMMARY REPORT: *(To be read at Council meeting)*

Committee members Marshall and Whidden met August 26 to consider the recommendation of the Board of Park Commissioners that Brukner Park be sold to the Troy-Miami County Public Library in the amount of \$100,000 based on specific terms and conditions. The Ohio Revised Code provides for the transfer of property between municipal corporations and public libraries.

RECOMMENDATION: *(To be read at Council meeting)*

This Committee supports the recommendation of the Board of Park Commissioners and recommends that legislation be prepared authorizing the sale of the approximately 0.46 acre parcel known as Brukner Park, Parcel No. D09-250190, located at 400 West Water Street, to the Troy-Miami County Public Library, based on all the terms and conditions contained in the recommendation of the Board of Park Commissioners and outlined in the detailed report.

Respectfully submitted,

Kristie L. Marshall

Jeffrey G. Whidden

Susan M. Westfall, Chairman
Recreation & Parks Committee

DETAILED REPORT:

Committee members Marshall and Whidden met August 26, 2024, to consider the recommendation of the Board of Park Commissioners that Brukner Park be sold to the Troy-Miami County Public Library. Also attending the meeting were Mayor Oda, Council Members Schilling and Phillips, the Director of Public Service and Safety, citizens, and members of the City staff.

The Board of Park Commissioners considered a request of the Troy-Miami Public Library to purchase the area known as Brukner Park, which is located at 400 West Water Street, north of the library. In 1977, Clayton J. Brukner donated the land known as Brukner Park to the City of Troy. The Troy Rotary Club and The Troy Foundation provided funds to assist with the development of the park, and in 1981 it was dedicated in honor and memory of Mr. Brukner.

The Ohio Revised Code (ORC) provides that a municipal corporation may, by ordinance, transfer, lease, or permit the use of any property, real or personal, suitable for library purposes, to the board of trustees of any free public library or any library association rendering free library service to the inhabitants of the municipal corporation, upon such lawful terms as are agreed upon between the municipal corporation and the trustees of such library or library association.

In early 2021, the Troy-Miami County Library first requested that the City consider selling Brukner Park to the library for use as greenspace and a potential future library expansion. This never came to fruition and the issue was dropped until early 2024 when the library contacted the City to reopen the discussion. The City then agreed to conduct an appraisal of the property, which came back at a value of \$140,000. Because the City will be requesting that deed restrictions be included in any potential sale of this property, it seemed appropriate to establish a purchase price of \$100,000, a discounted amount below the appraised value.

By unanimous vote, the Board of Park Commissioners has recommended that Troy City Council authorize the sale of Parcel No. D09-250190, known as Brukner Park, to the Troy-Miami County Public Library based on the following conditions and/or deed restrictions:

1. That the library shall compensate the City of Troy in the amount of \$100,000, with full payment made no later than December 31, 2025.
2. That the property shall be used for the use and purpose of promoting non-profit, library, educational, extra-curricular and interscholastic activities and other uses incidental and related thereto, but for no other purposes whatsoever, except as specifically provided herein, and in the case said premises shall cease to be used or occupied for such purposes, then said property will revert to and be vested in the City of Troy.

3. Should the library ever change locations/relocate their facility, they have agreed to provide the City with right of first refusal to purchase the land at fair market value.
4. That the library shall provide the City with any Rotary memorabilia for relocation.
5. That the wrought iron fence surrounding the park is included in the sale. However, the City shall remove two five-foot (5 ') sections to keep for historical preservation.

It was discussed that the net proceeds being deposited into Fund 228 (Park & Recreation Capital Improvement Fund). There was discussion that the final use of the land by the library has not been determined, and it is not known if the land will remain as green space.

RECOMMENDATION:

This Committee supports the recommendation of the Board of Park Commissioners and recommends that legislation be prepared authorizing the sale of the approximately 0.46 acre parcel known as Brukner Park, Parcel No. D09-250190, located at 400 West Water Street, to the Troy-Miami County Public Library, based on all the terms and conditions contained in the recommendation of the Board of Park Commissioners and outlined in the detailed report.

cc: Council, Mayor, Director of Law, Auditor, Clerk, Director of Public Service & Safety, Media, staff

ORDINANCE No. 0-31-2024

Doyken Legal Blank, Inc.

**ORDINANCE AUTHORIZING THE SALE OF THE
PROPERTY KNOWN AS BRUKNER PARK TO THE
TROY-MIAMI COUNTY PUBLIC LIBRARY**

WHEREAS, the Troy-Miami County Public Library seeks to purchase the property known as Brukner Park from the City of Troy, Ohio; and

WHEREAS, the Board of Park Commissioners of the City of Troy, Ohio, has recommended that such sale be authorized subject to specific terms and conditions; and

WHEREAS, the sale of Brukner Park to the Troy-Miami County Library is supported by the Council of the City of Troy, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, as follows:

SECTION I: That the property known as Brukner Park, Parcel No. D09-250190, located at 400 West Water Street, shall be sold to the Troy-Miami County Public Library for the amount of One Hundred Thousand Dollars and no/100 (\$100,000.00) provided such amount is paid to the City of Troy, Ohio, in full no later than December 31, 2025, based on all the terms and conditions contained in the recommendation of the Board of Park Commissioners.

SECTION II: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to execute a deed to transfer the real property described herein to the Troy-Miami County Public Library and take all such further necessary actions to effectuate the transfer.

SECTION III: That the Director of Law shall prepare the deed to transfer Parcel No. D09-250190, located at 400 West Water Street, to the Troy-Miami County Public Library, provided the purchase price is received in full by the City of Troy, Ohio no later than December 31, 2025.

SECTION IV: That the deed shall include the following deed restrictions:

1. That the property shall be used for the use and purpose of promoting non-profit, library, educational, extra-curricular and interscholastic activities and other uses incidental and related thereto, but for no other purposes whatsoever, except as specifically provided herein, and in the case said premises shall cease to be used or occupied for such purposes, then said property will revert to and be vested in the City of Troy.
2. Should the library ever change locations/relocate their facility, they have agreed to provide the City with right of first refusal to purchase the land at fair market value.

SECTION V: That the recording of the deed shall be the responsibility of the Troy-Miami County Public Library.

SECTION VI: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: September 3, 2024

William G. Rozell
President of Council

Approved: September 3, 2024

Attest: Sue G. Knight
Clerk of Council

Robin I. Oda
Mayor