

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 234

Senator Mumper

A B I L L

To authorize the Adjutant General to transfer a 1
specified parcel of state-owned real estate no 2
longer needed for armory or military purposes to 3
the grantor of the parcel pursuant to the 4
reversionary clause in the parcel's deed, and to 5
authorize the conveyance of ten parcels of 6
state-owned real estate that the Adjutant General 7
has determined are no longer required for armory 8
or military purposes to a buyer or buyers to be 9
determined at a later date. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) The Adjutant General has determined that the 11
following described property is no longer needed by the Ohio 12
National Guard for armory or military purposes and requests the 13
Department of Administrative Services to assist in transferring 14
the property. The reversionary language contained in the deed 15
whereby the property was acquired requires the property to revert 16
to the Board of County Commissioners of Logan County if the 17
property ceases to be used for armory or military purposes. The 18
Adjutant General is hereby authorized to give proper effect to the 19
reversionary language in the original deed. A Governor's Deed 20
shall be prepared by the Auditor of State with the assistance of 21

the Attorney General, to be executed by the Governor, 22
countersigned by the Secretary of State, sealed with the Great 23
Seal of the State, and presented for recording in the office of 24
the Auditor of State. The deed shall be delivered to the original 25
grantor of the property for recording in the office of the Logan 26
County Recorder. The Governor is hereby authorized to execute the 27
deed in the name of the state, conveying to the Board of County 28
Commissioners of Logan County all of the state's right, title, and 29
interest in the parcel described as follows: 30

Parcel No. 1 31

Bellefontaine Armory Property - Volume____, Page____, Logan County 32
Deed Records 33

Tract 1 - Situated in the City of Bellefontaine, Lake Township, 34
Logan County, Ohio, and being in Section 34, Town 4, Range 14: 35
Beginning at a monument at the intersection of the center line of 36
South Main Street with the center line of West Lake Avenue, the 37
center line of Carlisle Avenue and the present south corporation 38
line of Bellefontaine; thence with said corporation line, and 39
parallel with and 20 feet distant measured at right angles from 40
the north line of East Lake Avenue, S. 86 degrees 3' E. 30 feet to 41
a point in the east property line of Main Street; thence with the 42
east property line of Main Street N. 4 degrees 35' E. 104 feet to 43
an iron pin in the northwest corner of S. S. Johnson's 29/100 acre 44
tract, said point being the beginning point of this survey; thence 45
continuing with the east line of Main Street, N. 4 degrees 35' E. 46
170 feet to an iron pin; thence S. 86 degrees 3' E. 150 feet to 47
the west line of Logan County Fairgrounds; thence with the west 48
line of the Logan County Fairgrounds S. 4 degrees 35' W. 170 feet 49
to an iron pin in S. S. Johnson's northeast corner; thence with 50
Johnson's north line N. 86 degrees 3' W. 150 feet to the place of 51
beginning, containing 58/100 acres. 52

Tract 2 - Situated in the City of Bellefontaine, Lake Township, 53
Logan County, Ohio, and being in Section 34, Town 4, Range 14; of 54
the Between Miami Rivers Survey. 55

Commencing at a monument at the intersection of the center line of 56
South Main Street with the center line of West Lake Avenue, and 57
the center line of Carlisle Avenue; thence parallel with and 20 58
feet distant measured at right angles from the north line of East 59
Lake Avenue, S. 86 deg. and 03 min. E. 30.0 feet to a point in the 60
east property line of South Main Street; thence in the east 61
property line of South Main Street N. 4 deg. and 35 min. E. 274.0 62
feet to an iron pin in the northwest corner of the City of 63
Bellefontaine's 0.58 acre tract, said point being the beginning 64
point of this description; thence continuing with the east line of 65
South Main Street, N. 4 deg. and 35 min. E. 80.00 feet to an iron 66
pin; thence S. 86 deg. and 03 min. E. 210 feet to an iron pin; 67
thence S. 4 deg. and 35 min. W. 334.00 feet to the north line of 68
Lake Avenue, (passing an iron pin at 324 feet); thence with the 69
north line of Lake Avenue N. 86 deg. And 03 min. W. 60.0 feet to 70
S. S. Johnson's southeast corner; thence with Johnson's east line 71
and the east line of the City of Bellefontaine's 0.58 acre tract 72
N. 4 deg. and 35 min. E. 254.00 feet to an iron pin in the City of 73
Bellefontaine's tract northeast corner (passing an iron pin at 74
10.00 feet); thence with the City's north line N. 86 deg. and 03 75
min. W. 150 feet to the place of beginning, containing 0.74 acres. 76
Reserving however the right of way for public highway purposes 77
over a strip of land 10.00 feet in width immediately north of and 78
abutting on Lake Avenue. 79

The above tract is a portion of a 3.89 acre tract belonging to 80
Logan County Commissioners and being a portion of the Logan 81
County, Fairground. The bearings used in the above description are 82
true bearings. 83

(B) The Board of County Commissioners of Logan County shall 84

pay all costs associated with the transfer and conveyance of the 85
property described in division (A) of this section, including, but 86
not limited to, recordation costs of the Governor's Deed. 87

(C) This section expires five years after its effective date. 88

Section 2. (A) Pursuant to section 5911.10 of the Revised 89
Code, the Governor is hereby authorized to execute a deed in the 90
name of the state, conveying to a buyer or buyers to be determined 91
in the manner provided in division (C) of this section, and the 92
buyer's or buyers' successors and assigns or heirs and assigns, 93
all of the state's right, title, and interest in the following 94
described parcels of real estate that the Adjutant General has 95
determined are no longer needed by the Ohio National Guard for 96
armory or military purposes: 97

Parcel No. 1 - Napoleon Armory Property - Volume 97, Page 122, 98
Henry County Deed Records 99

Lot No. one hundred (100) in the original plat of the Village of 100
Napoleon, County of Henry and State of Ohio. 101

Parcel No. 2 - Bowling Green Armory, MVSB Property - Volume 158, 102
Page 81, Wood County Deed Records 103

Lots numbered Two hundred and Eight (208) and Two hundred and Nine 104
(209) in Alfred Thurstin's Addition to the Village, now City of 105
Bowling Green in the County of Wood and State of Ohio 106

Parcel No. 3 - Findlay Armory - Volume 178, Page 106, Hancock 107
County Deed Records 108

Situated in the City of Findlay, County of Hancock and State of 109
Ohio, and known as Lots numbered One Hundred and Forty-one (141) 110
and One Hundred and forty-two (142) in the Original Plan to the 111
said City of Findlay. 112

Parcel No. 4 - Hillsboro MVSB Property - Volume____, Page____, 113
Highland County Deed Records 114

Situated within the corporate limits of the Village of Hillsboro, 115
on the north side of John Street, being a part of the 116
"Fairgrounds", and being more particularly described as follows: 117
Beginning at an iron pipe in the north line John St., said iron 118
pipe being west a distance of 200 ft. from a post marking the 119
southeast corner of aforesaid "Fairgrounds"; thence running in a 120
northerly direction and at right angles to aforesaid Street, a 121
distance of 300 ft. to an iron pipe; thence running a westerly 122
direction and parallel to said Street a distance of 150 ft. to an 123
iron pipe; thence running in a southerly direction and at right 124
angles to said Street, a distance of 300 ft. to an iron pipe in 125
the north line of said Street; thence running in an easterly 126
direction and with the north line of said Street, a distance of 127
150 ft. to the place of beginning; the parcel of land containing a 128
calculated area of 1 acre and 5 sq. rds. More or less. 129

Parcel No. 5 - Hillsboro Armory Property - Volume 113, Page 143, 130
Highland County Deed Records 131

Being situated in the Village of Hillsboro, Highland County, State 132
of Ohio, being a part of the Inlot Number Forty-four, described as 133
follows: Beginning at the south-west corner of said Inlot No. 44, 134
at the intersection of High and Beech Streets; thence with the 135
west line of said Inlot No. 44, and the east line of High Street, 136
99 feet, the full width of said Inlot, to the north-west corner 137
thereof; thence eastwardly with the north line of said Inlot 125 138
feet; thence southwardly, parallel with High Street, across said 139
Inlot, 99 feet to the south line of said Inlot and the north line 140
of Beech Street; thence westwardly with the south line of said 141
Inlot and the north line of Beech Street, 125 feet to the 142
beginning. 143

Parcel No. 6 - Barberton Armory, MVSB, MCOFT Property - Volume 144
2619, Page 529, Summit County Deed Records 145

Situated in the City of Barberton, and formerly part of O.D. 581, 146
Norton Township, County of Summit and state of Ohio and more fully 147
described as follows: 148

Beginning at the intersection of the east right of way line of The 149
Akron & Barberton Belt Line Railway with the south line of Norton 150
Ave.; Thence easterly along the said south line of Norton Ave. a 151
distance of 785.5 feet to the center of Decker Ditch, said point 152
being 64 feet westerly from the west line of Firth St. N.W.; 153
Thence southwesterly on the center line of said Decker Ditch a 154
distance of 1428 feet to a point on the east right of way line of 155
the Akron & Barberton Belt Line Railway; Thence northeasterly 156
along said east right of way line a distance of 1025 feet to the 157
place of beginning and containing 8.96 acres. 158

Parcel No. 7 - Coshocton Armory, MVS&B & Unit Storage Building 159
Property - Volume____, Page____, Coshocton County Deed Records 160

Situated in the County of Coshocton in the State of Ohio, and in 161
the City of Coshocton and bounded and described as follows: 162

Lots numbered 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 163
2290, 2291, 2292, 2293, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 164
2311, 2312, and 2313, as shown on the plat of said City of 165
Coshocton. 166

Parcel No. 8 - Cincinnati - Shadybrook Drive Armory, OMS #6, Unit 167
Storage Building Property - Volume 129, Page 422, Hamilton County 168
Deed Records 169

Situated in Springfield Township, Section 7, Town 3, Entire Range 170
1, Miami Purchase, Hamilton County, Ohio, and more fully described 171
as follows: 172

Beginning at a point N. 85 degrees 39' W., 1,106.14 feet from the 173
center line of Vine Street along the center line of Shadybrook 174
Drive, thence at right angles N. 4 degrees 21" E., 30.00 feet to 175

the S.W. corner of the herein described property; thence from the 176
stake at this corner N. 4 degrees 21' E., 556.50 feet to a stake 177
in the N.W. corner; thence S. 85 degrees 39' E., 586.40 feet to a 178
stake located 1.00 foot West of an existing chain link fence; 179
thence S. 1 degree 13' W., 557.35 feet parallel with the fence to 180
a stake which is 30.04 feet from the center line of Shadybrook 181
Drive; thence N. 85 degrees 39' W., 617.02 feet parallel with 182
Shadybrook Drive to the point of beginning. Being a tract of 7.69 183
acres. 184

Being part of the premises conveyed to Lessor herein in Deed Book 185
No. 1248, Page 86, Hamilton County, Ohio, Records. 186

Parcel No. 9 - Cincinnati - Reading Road, MVS & MCOFT Property - 187
Volume 1710, Page 172, Hamilton County Deed Records 188

All that tract of land in the City of Cincinnati, Hamilton County, 189
Ohio, being part of Lots 48 and 49 on the plat of 190
Mitchell-Armstrong Syndicate 2nd Subdivision, as recorded in Plat 191
Book No. 13 page 131 Hamilton County Records, beginning at the 192
northeast corner of Reading Road and Asmann Avenue (formerly 193
Hopkins Avenue); thence east along the north line of Asmann Avenue 194
(formerly Hopkins Avenue) nine hundred and fifty (950) feet more 195
or less to the west line of property conveyed to The City of 196
Cincinnati for street, boulevard, and park purposes, by Eugenia H. 197
Bragg, by deed dated April 23, 1912, and recorded in Deed Book No. 198
1065 page 255 Hamilton County Ohio Records; thence north along 199
said west line three hundred and eighty-five (385) feet more or 200
less to the north line of said lot 49; thence west along the north 201
line of said lot four hundred and ninety-five (495) feet more or 202
less to the east line of Reading Road; thence southwestwardly 203
along said easterly line five hundred (500) feet more or less to 204
the place of beginning, containing five and 92/100 (5.92) acres 205
more or less; Being the same property conveyed to the Grantor by 206
Caleb S. Bragg et al by deed dated January 15, 1920 and recorded 207

in Deed Book 1206, page 346, Records of Hamilton County, Ohio. 208

Parcel No. 10 - Chillicothe Armory - Volume 201, Page 177, Ross 209
County Deed Records 210

Situate in the City Park in the City of Chillicothe, County of 211
Ross, and state of Ohio, be, and the same is hereby donated to the 212
State of Ohio: - Beginning at a point 628.88' on the center line 213
of Paint Street extended, (which has a bearing of N. 11 degrees 8 214
minutes W.) from the intersection of the North property line of 215
Riverside Street with the center line of Paint Street; thence N. 216
28 degrees 46 minutes E. 102.73' to a stake; thence N. 14 degrees 217
20 minutes W. 300' to a stake in the south side of a cinder path; 218
thence with the path S. 82 degrees 40 minutes W. 201.50' to a 219
stake; thence S. 14 degrees 20 minutes E. 324.56' to a stake near 220
the north side of the Park roadway; thence S. 47 degrees 43 221
minutes E. 150.20' to a steel flag pole in the concrete foundation 222
of the Park cannon; thence N. 28 degrees 46 minutes E. 69.02' to 223
the beginning, containing 1.67 acres of land more or less. 224

(B) At the request of the Adjutant General, the Director of 225
Administrative Services shall, pursuant to the procedures 226
described in division (C) of this section, assist in the sale of 227
any of the parcels described in division (A) of this section. 228

(C) The Adjutant General's Department shall appraise the 229
parcels described in division (A) of this section or have them 230
appraised by one or more disinterested persons for a fee to be 231
determined by the Adjutant General. The Adjutant General shall 232
offer the parcels for sale as follows: 233

(1) The Adjutant General first shall offer a parcel for sale 234
at its appraised value to the municipal corporation or township in 235
which it is located. 236

(2) If, after sixty days, the municipal corporation or 237
township has not accepted the Adjutant General's offer to sell the 238

parcel at its appraised value or has accepted the offer but has 239
failed to complete the purchase, the Adjutant General shall offer 240
the parcel at its appraised value to the county in which it is 241
located. 242

(3) If, after sixty days, the county has not accepted the 243
Adjutant General's offer to sell the parcel at its appraised value 244
or has accepted the offer but has failed to complete the purchase, 245
a public auction shall be held, and the parcel shall be sold to 246
the highest bidder at a price acceptable to the Adjutant General. 247
The Adjutant General may reject any and all bids. 248

The Adjutant General shall advertise each public auction in a 249
newspaper of general circulation within the county in which the 250
parcel is located, once a week for two consecutive weeks prior to 251
the date of the auction. The terms of sale of the parcel pursuant 252
to the public auction shall be payment of ten per cent of the 253
purchase price in cash, bank draft, or certified check on the date 254
of sale, with the balance payable within sixty days after the date 255
of sale. A purchaser who does not timely complete the conditions 256
of the sale as prescribed in this section shall forfeit to the 257
state the ten per cent of the purchase price paid on the date of 258
the sale as liquidated damages. 259

(D) Advertising costs, appraisal fees, and other costs of the 260
sale of the parcels described in division (A) of this section 261
shall be paid by the Adjutant General's Department. 262

(E) Upon the payment of ten per cent of the purchase price of 263
a parcel described in division (A) of this section in accordance 264
with division (C)(3) of this section or upon notice from the 265
Adjutant General's Department that a parcel described in division 266
(A) of this section has been sold to a municipal corporation, 267
township, or county in accordance with division (C) of this 268
section, a deed shall be prepared for that parcel by the Auditor 269
of State with the assistance of the Attorney General, be executed 270

by the Governor, countersigned by the Secretary of State, sealed 271
with the Great Seal of the State, and presented for recording in 272
the office of the Auditor of State. Upon the grantee's payment of 273
the balance of the purchase price, the deed shall be delivered to 274
the grantee. The grantee shall present the deed for recording in 275
the office of the county recorder of the county in which the 276
parcel is located. 277

(F) The net proceeds of the sales of the parcels described in 278
division (A) of this section shall be deposited in the state 279
treasury to the credit of the Armory Improvements Fund pursuant to 280
section 5911.10 of the Revised Code. 281

(G) If a parcel described in division (A) of this section is 282
sold to a municipal corporation, township, or county and that 283
political subdivision sells the parcel within two years after its 284
purchase, the political subdivision shall pay to the state, for 285
deposit in the state treasury to the credit of the Armory 286
Improvements Fund pursuant to section 5911.10 of the Revised Code, 287
an amount representing one-half of any net profit derived from 288
that subsequent sale. The net profit shall be computed by first 289
subtracting the price at which the political subdivision bought 290
the parcel from the price at which the political subdivision sold 291
the parcel, and then subtracting from that remainder the amount of 292
any expenditures the political subdivision made for improvements 293
to the parcel. 294

(H) This section shall expire five years after its effective 295
date. 296