

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 147

Senator Austria

—

A B I L L

To authorize the conveyance of state-owned real 1
estate in Stark County to the City of Massillon, 2
in Warren County to Cincinnati Gas and Electric 3
Company, in Brown County to a purchaser to be 4
determined, in Franklin County to the Columbus 5
Board of Education, and in Clark County to a 6
purchaser to be determined, and to declare an 7
emergency. 8

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

Section 1. (A) The Governor is hereby authorized to execute a 9
deed in the name of the state conveying to the City of Massillon, 10
and its successors and assigns, all of the state's right, title, 11
and interest in the following described real estate: 12

Situated in the State of Ohio, County of Stark and City of 13
Massillon and being part of Out Lot 560 and part of Out Lot 566 of 14
said City of Massillon now or formerly owned by the State of Ohio 15
(293:81) and being further described as follows: 16

Commencing for reference at a County Monument found at the 17
southwest corner of Out Lot 704 of said City of Massillon, 18
formerly known as the northeast corner of the Southeast Quarter of 19
Section 20 of Perry Township; 20

Thence S01°47'25"W along the east line of said Southeast
Quarter Section 20, a distance of 1299.65 feet to the True Place
of Beginning of the parcel herein described:

1. Thence N51°30'13"E, a distance of 16.21 feet to a "+" with
drill hole set;

2. Thence S66°46'01"E, a distance of 248.35 feet to a 5/8"
bar found;

3. Thence S53°12'31"E, a distance of 265.96 feet to a 5/8"
bar set;

4. Thence S73°18'57"E, a distance of 201.68 feet to a 5/8"
bar set;

5. Thence S03°10'50"W, a distance of 201.84 feet to a 5/8"
bar found;

6. Thence S21°23'33"W, a distance of 814.43 feet to a 5/8"
bar found;

7. Thence S00°09'28"W, a distance of 154.99 feet (passing
over a 5/8" bar found at a distance of 87.22 feet);

8. Thence along the arc of a curve to the right having a
radius of 2889.79 feet, a central angle of 00°23'05", a tangent of
9.70 feet, a chord of 19.40 bearing S89°50'09"W, a distance of
19.40 feet;

9. Thence N89°26'49"W along the south line of said State of
Ohio parcel, a distance of 343.31 feet;

10. Thence N02°01'19"E, a distance of 29.57 feet;

11. Thence N88°33'07"W along the south line of said State of
Ohio parcel, a distance of 20.00 feet;

12. Thence N88°33'07"W along the south line of said State of
Ohio parcel, a distance of 312.62 feet;

13. Thence N24°04'58"E, a distance of 428.05 feet (passing

over a 5/8" bar set at a distance of 32.50 feet) to a 5/8" bar set;	50 51
14. Thence along the arc of a curve to the left having a radius of 622.00 feet, a central angle of 25°00'00", a tangent of 137.89 feet, a chord of 269.25 feet bearing N 11°34'56"E, a distance of 271.40 to a 5/8" bar set;	52 53 54 55
15. Thence N06°53'39"E, a distance of 161.40 feet to a 5/8" bar set;	56 57
16. Thence N02°14'37"E, a distance of 171.99 feet to a mag nail set;	58 59
17. Thence N08°50'56"W, a distance of 185.42 feet to a 5/8" bar set;	60 61
18. Thence N25°26'32"E, a distance of 188.34 feet to a 5/8" bar set;	62 63
19. Thence N51°30'13"E, a distance of 62.06 feet to the <u>True Place of Beginning</u> and containing 19.962 acres of which 0.767 of an acre is in said Out Lot 566 and 19.205 acres are in said Out Lot 560 as surveyed by Ronald C. Hinton, S-6270 in November, 2000.	64 65 66 67
Subject to the right of way of Nave Street containing 0.767 of an acre. Basis of Bearings from State Plane Coordinate System.	68 69
(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$579,000.00. The purchase price shall be paid to the state according to the following schedule as derived by mutual agreement between the state and the City of Massillon through an executed Offer to Purchase:	70 71 72 73 74 75
(1) \$300,000.00 at closing and transfer of title in accordance with this section.	76 77
(2) \$69,750.00 due and payable on December 1, 2005.	78

(3) \$69,750.00 due and payable on December 1, 2006.	79
(4) \$69,750.00 due and payable on December 1, 2007.	80
(5) \$69,750.00 due and payable on December 1, 2008.	81
(C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.	82 83
(D) Prior to the execution of the Governor's deed under division (F) of this section, possession of the real estate described in division (A) of this section shall be governed by an existing interim lease between the Ohio Department of Administrative Services and the City of Massillon.	84 85 86 87 88
(E) The conveyance of the real estate described in division (A) of this section is subject to the following conditions and restrictions:	89 90 91
(1) The City of Massillon shall receive written approval from the Ohio Department of Mental Health to use or develop the real estate described in division (A) of this section for any purpose other than a municipal park, a municipal office space, or an educational or recreational use.	92 93 94 95 96
(2) The City of Massillon covenants that, during any period that any bonds issued by the state to finance or refinance all or any portion of the real estate described in division (A) of this section are outstanding, no portion of the real estate will be used for a private business use without the prior written consent of the state.	97 98 99 100 101 102
(3) The City of Massillon shall not sell, convey, or transfer ownership of the real estate described in division (A) of this section before January 1, 2010, or before receiving written confirmation from the state that all of the state's bonded capital indebtedness associated with any of the buildings located on the real estate described in division (A) of this section has been	103 104 105 106 107 108

fully retired.

109

(4) The City of Massillon agrees to execute at or before the execution of the Governor's deed described in division (F) of this section ingress/egress easements prepared by the Department of Administrative Services to permit continued use of existing driveways along the eastern boundary of the real estate described in division (A) of this section and to permit secondary access from adjacent state-owned property to Nave Road, a public, dedicated street.

110

111

112

113

114

115

116

117

(F) Upon the City of Massillon's payment of \$300,000.00 pursuant to division (B) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration, conditions, and restrictions specified in this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Massillon. The City of Massillon shall present the deed for recording in the Office of the Stark County Recorder.

118

119

120

121

122

123

124

125

126

127

128

(G) The City of Massillon shall pay the costs of the conveyance of the real estate described in division (A) of this section.

129

130

131

(H) This section shall expire one year after its effective date.

132

133

Section 2. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Cincinnati Gas and Electric Company, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

134

135

136

137

138

Situated in Section 30, Township 4, Range 3 between the Miami Rivers, Warren County, Ohio and being more particularly described as follows:

Commencing at the southwest corner of Section 30, Township 4, Range 3 in the centerline of Ohio State Route 63; thence along the south line of said section and said centerline, S89°49'30"E, 1931.13 feet; thence N00°10'30"E, 30.00 feet to a set Cinergy concrete monument in the north right-of-way line of Ohio State Route 63, the **Point of Beginning** of this description; thence continuing N00°10'30"E, 559.03 feet to a set Cinergy concrete monument in the northerly line of an electric transmission tower line easement, 150.00 feet in width, recorded in Deed Book 350, Page 283 of the Deed Records of Warren County, Ohio; thence continuing along said northerly line S55°13'30"E, 403.34 feet to a set Cinergy concrete monument; thence S00°10'30"W, 330.00 feet to a set Cinergy concrete monument in the north right-of-way line of Ohio State Route 63, said monument being N00°10'30"E 30.00 feet from the south line of the aforementioned Section 30; thence along the northerly right-of-way line of Ohio State Route 63, N89°49'30"W, 332.00 feet to the point of beginning, containing 3.388 acres, more or less.

The above described 3.388 acre tract of land is a portion of the 1001.93 acre tract of land owned by the State of Ohio and recorded in Deed Book 124, Page 109, Second Parcel, of the Deed Records of Warren County, Ohio. The above description is the result of a field survey performed in February 2005 under the direct supervision of Edward J. Schwegman, Registered Land Surveyor No. 6868, State of Ohio.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$70,000.00.

(C) Prior to the execution of the Governor's deed under 170
division (E) of this section, possession of the real estate 171
described in division (A) of this section shall be governed by an 172
existing interim lease between the Ohio Department of 173
Administrative Services and Cincinnati Gas and Electric Company. 174

(D) The conveyance of the real estate described in division 175
(A) of this section shall be subject to the following conditions, 176
restrictions, and possibility of reverter: 177

(1) Cincinnati Gas and Electric Company shall construct and 178
operate an electrical substation on the real estate described in 179
division (A) of this section within five years after the execution 180
of the Governor's deed described in division (E) of this section, 181
and, if that construction is not completed within that five-year 182
period, all right, title, and interest in the real estate shall 183
revert to the state, for the use and benefit of the Ohio 184
Department of Rehabilitation and Correction, without the need for 185
any further action by the state. 186

(2) If Cincinnati Gas and Electric Company ceases to use the 187
real estate described in division (A) of this section for 188
substation purposes or if Cincinnati Gas and Electric Company 189
conveys or transfers the real estate described in division (A) of 190
this section to any non-utility owner, Cincinnati Gas and Electric 191
Company shall pay \$200,000.00 to the Ohio Department of 192
Rehabilitation and Correction, provided that the state has 193
continuously owned and maintained an uninterrupted property 194
interest in real estate contiguous to the real estate described in 195
division (A) of this section at the time of the subsequent 196
conveyance or transfer. 197

(E) Upon payment of the purchase price, the Auditor of State, 198
with the assistance of the Attorney General, shall prepare a deed 199
to the real estate described in division (A) of this section. The 200

deed shall state the consideration, conditions, restrictions, and
possibility of reverter specified in this section. The deed shall
be executed by the Governor in the name of the state,
countersigned by the Secretary of State, sealed with the Great
Seal of the State, presented in the Office of the Auditor of State
for recording, and delivered to Cincinnati Gas and Electric
Company. Cincinnati Gas and Electric Company shall present the
deed for recording in the Office of the Warren County Recorder.

(F) Cincinnati Gas and Electric shall pay the costs of the
conveyance of the real estate described in division (A) of this
section.

(G) The net proceeds of the sale of the real estate described
in division (A) of this section shall be deposited in the state
treasury to the credit of the Department of Rehabilitation and
Correction Fund 148 Services and Agricultural Fund (Appropriation
Item 501-602) and shall be used to offset the loss of the
Department's agricultural croplands.

(H) This section shall expire one year after its effective
date.

Section 3. (A) The Governor is hereby authorized to execute a
deed in the name of the state conveying to the purchaser, and the
purchaser's heirs and assigns or successors and assigns, all of
the state's right, title, and interest in the following described
real estate:

Situated in the Village of Saint Martin, in the Township of
Perry, in the County of Brown, and the State of Ohio; and known as
being part of W. Hooper's Military Survey No. 1415, bounded and
described as follows:

Beginning at a reference point at a spike found at the
intersection of State Route No. 251 and Park Road;

Thence with the centerline of said Park Road, N. 84 degrees 32' 00" W. a distance of 198.06 feet to a spike found at the northeast corner of the original 3.84 acres;

Thence with said centerline N. 84 degrees 32' 00" W. a distance of 188.69 feet to spike set in said centerline and being the real point of beginning;

Thence with a division line through the original 3.84 acres, S. 4 degrees 53' 00" W. passing an iron pin set at 20.00 feet, a distance of 250.01 feet to an iron pin set in the line of Raymond Maher as recorded in Volume 101, page 57;

Thence with said Maher's line, N. 84 degrees 32' 00" W. a distance of 175.00 feet to an iron pin set in said Maher's line;

Thence with a division line through the original 3.84 acres, N. 4 degrees 53' 00" E. passing an iron pin set at 230.01 feet, a distance of 250.01 feet to a spike set in the centerline of the aforementioned Park Road;

Thence with said centerline, S. 84 degrees 32' 00" E. a distance of 175.00 feet to the beginning, containing 1.004 Acres more or less, being a part of the original 3.84 acres of the premises transferred to Richard E. Rankin and Mary M. Rankin in Volume 200, page 618, and subject to all legal highways and easements. Bearings are magnetic and based upon the S. 84 degrees 32' 00" E. line as surveyed Robert E. Satterfield in November 1983.

(B) Consideration for the conveyance of the real estate described in division (A) of this section shall be a purchase price acceptable to the State Library of Ohio, following an appraisal by one or more disinterested persons.

(C) Upon payment of the purchase price by the purchaser, the Auditor of State, with the assistance of the Attorney General,

shall prepare a deed to the real estate described in division (A) 261
of this section. The deed shall state the consideration. The deed 262
shall be executed by the Governor in the name of the state, 263
countersigned by the Secretary of State, sealed with the Great 264
Seal of the State, presented in the Office of the Auditor of State 265
for recording, and delivered to the purchaser. The purchaser shall 266
present the deed for recording in the Office of the Brown County 267
Recorder. 268

(D) Advertising costs, appraisal fees, and all other costs of 269
the sale of the real estate described in division (A) of this 270
section shall be paid by the purchaser. 271

(E) This section shall expire three years after its effective 272
date. 273

Section 4. (A) The Governor is hereby authorized to execute a 274
deed in the name of the state conveying to the Columbus Board of 275
Education, and its successors and assigns, all of the state's 276
right, title, and interest in the following described real estate: 277

Situated in the County of Franklin, in the State of Ohio, and 278
in the City of Columbus. 279

Parcel I: 280

Being Lot Numbers One (1), Two (2), Three (3), Four (4), Five 281
(5), and Six (6) of Leo Lesquereux' Subdivision of Lots Numbers 11 282
and 12 in William M. Awl's Addition to said City, as the same are 283
numbered and delineated upon the recorded plat thereof, of record 284
in Plat Book 2, Page 302, Recorder's Office, Franklin County, Ohio 285
and: 286

Being Lot Number Thirteen (13) in William M. Awl's Addition 287
to the City of Columbus, as the same is numbered and delineated 288
upon the recorded plat thereof, of record in Deed Book 26, Page 289
187, Recorder's Office, Franklin County, Ohio. 290

And together with all right, title and interest in and to 291
Zettler Alley between Mound and Engler Streets, vacated by City of 292
Columbus Ordinance No. 306-49, passed May 3, 1949. 293

Source of Title: D.B. 1261, Page 173, D.B. 1029, Page 672, 294
D.B. 756, page 294, D.B. 1286, page 179, and D.B. 3705, page 697. 295

Parcel No. 21302 296

Parcel II: 297

Being Lot Numbers Fourteen (14) and Fifteen (15) in William 298
M. Awl's Addition to the City of Columbus, as the same are 299
numbered and delineated upon the recorded plat thereof, of record 300
in Deed Book 26, Page 187, Recorder's Office, Franklin County, 301
Ohio. 302

Together with all right, title and interest in and to Fieser 303
Alley between Mound and Engler Streets, vacated by City of 304
Columbus Ordinance No. 1410-66, passed October 10, 1966. 305

Source of Title: D.B. 1926, Page 264, D.B. 2945, Page 12, 306
D.B. 2830, page 97, and D.B. 3705, page 697. 307

Parcel No. 13937 Parcel No. 14004 308

Parcel No. 14384 Parcel No. 41202 309

Parcel No. 13938 Parcel No. 14156 310

Parcel III: 311

Being Inlots Numbers Eight Hundred Thirty-five (835), Eight 312
Hundred Thirty-six (836), Eight Hundred Sixty-one (861) and the 313
easterly one-half of Inlot Number Eight Hundred Sixty-two (862) in 314
Crosby's Inlots, as the same are numbered and delineated upon the 315
recorded plat thereof, of record in Deed Book 11, Page 97, 316
Recorder's Office, Franklin County, Ohio. 317

Source of Title: D.B. 2830, Page 97, D.B. 2314, page 60, D.B. 318
2945, Page 12, and D.B. 3705, Page 697. 319

Parcel No. 41203 Parcel No. 41199 Parcel No. 46643 320

Parcel No. 16481	Parcel No. 21390	Parcel No. 45539	321
Parcel No. 5341	Parcel No. 4909	Parcel No. 49336	322
Parcel No. 3863			323

(B) Consideration for the conveyance of the real estate 324
described in division (A) of this section is the purchase price of 325
\$2,200,000.00. 326

(C) Prior to the execution of the Governor's deed described 327
in division (D) of this section, possession of the real estate 328
described in division (A) of this section shall be governed by an 329
existing lease between the Ohio Department of Administrative 330
Services and Franklin County. 331

(D) Upon payment of the purchase price, the Auditor of State, 332
with the assistance of the Attorney General, shall prepare a deed 333
to the real estate described in division (A) of this section. The 334
deed shall state the consideration. The deed shall be executed by 335
the Governor in the name of the state, countersigned by the 336
Secretary of State, sealed with the Great Seal of the State, 337
presented in the Office of the Auditor of State for recording, and 338
delivered to the Columbus Board of Education. The Columbus Board 339
of Education shall present the deed for recording in the Office of 340
the Franklin County Recorder. 341

(E) The Columbus Board of Education shall pay the costs of 342
the conveyance of the real estate described in division (A) of 343
this section. 344

(F) This section shall expire three years after its effective 345
date. 346

Section 5. (A) The Governor is hereby authorized to execute a 347
deed in the name of the state conveying to the purchaser, and the 348
purchaser's heirs and assigns or successors and assigns, all of 349
the state's right, title, and interest in the following described 350

real estate: 351

Situated in the State of Ohio, County of Clark and the Township of 352
Springfield, City of Springfield. 353

Being a part of the Southwest quarter of Section 354
twenty-three, Township five, Range nine and a part of the west 355
half of Section seventeen, Township five, Range nine, B.M.R.S. 356

Beginning at the intersection of the centerline of the Old 357
National Road (now the west bound lane of the New National Road) 358
with the East line of Section twenty-three; 359

thence with the centerline of said road S 86°30'W 20.0 feet; 360

thence parallel to the section line N 2°0'W 1000.0 feet to a 361
point; 362

thence N 86°30' E 20.0 feet to a point on the section line; 363

thence with the section line N 2°0' W 94.63 feet to a bar; 364

thence N 86°30' E 683.10 feet to a stake in the Ogden Road 365
right of way; 366

thence with said road S 2°0' E 525.05 feet to a point in the 367
road; 368

thence S 86°30' W 20.0 feet to a point; 369

thence parallel to the road S 2°0' E 569.58 feet to the 370
centerline of the Old National Road; 371

thence with said road S 86°30' W 663.10 feet to the place of 372
beginning, and containing seventeen and thirty-six hundredths 373
(17.36) Acres of land 374

Being a part of the same premises conveyed to said Board of 375
county commissioners of Clark County, Ohio, by the following: 376

Deed from Mary E. Kinnane dated August 20, 1920, and recorded 377
in Volume 170, page 464; Deed from the Board of County 378

Commissioners of Champaign County, Ohio dated January 30, 1925, 379
and recorded in Volume 239, Page 155; Deed from Board of 380
Commissioners of Greene County, Ohio dated January 30, 1925, and 381
recorded in Volume 239, Page 160; Deed from Board of County 382
Commissioners of Madison County, Ohio, dated January 30, 1925, and 383
recorded in Volume 239, page 153; all in the Deed Records of Clark 384
County, Prior Deed reference: Volume 568, Page 61. 385

(B) The Ohio Department of Mental Retardation and 386
Developmental Disabilities shall appraise the real estate 387
described in division (A) of this section or have it appraised by 388
one or more disinterested persons for a fee to be determined by 389
the Department. 390

(C) The Director of Administrative Services shall offer the 391
real estate described in division (A) of this section for sale as 392
follows: 393

(1) The Director shall review the appraisal, establish an 394
appraised value for the real estate, and provide notice to the 395
Ohio Department of Mental Retardation and Developmental 396
Disabilities of any interest expressed by any state entity in 397
acquiring the real estate at the appraised value. The Director 398
shall first offer the real estate at the appraised value to any 399
state entity that has expressed an interest in so acquiring the 400
real estate. 401

(2) If no state entity expresses an interest in acquiring the 402
real estate at the appraised value, or if a state entity accepts 403
the offer mentioned in division (C)(1) of this section but fails 404
to timely complete the purchase, the Director shall offer the real 405
estate at the appraised value to the Board of County Commissioners 406
of Clark County. 407

(3) If, after thirty days, the Board of County Commissioners 408
of Clark County does not accept such an offer to purchase the real 409

estate at the appraised value, or if the Board accepts the offer 410
but fails to timely complete the purchase, the Director shall 411
offer the real estate at the appraised value to the City of 412
Springfield. 413

(4)(a) If, after thirty days, the City of Springfield does 414
not accept such an offer to purchase the real estate at the 415
appraised value, or if the City of Springfield accepts the offer 416
but fails to timely complete the purchase, a public auction of the 417
real estate shall be held in accordance with division (C)(4)(c) of 418
this section and with a required sale price of not less than 419
two-thirds of the appraised value. 420

(b) If, after a public auction as provided for in division 421
(C)(4)(a) of this section, no bids for at least two-thirds of the 422
appraised value are received, a second public auction shall be 423
held in accordance with division (C)(4)(c) of this section, and 424
the real estate shall be sold, subject to that division, to the 425
highest bidder at a price acceptable to both the Director of 426
Administrative Services and the Ohio Department of Mental 427
Retardation and Developmental Disabilities. 428

(c) The Director may reject any and all bids at a public 429
auction under division (C)(4)(a) or (b) of this section. The 430
Director shall advertise each auction in a newspaper of general 431
circulation in Clark County once a week for three consecutive 432
weeks immediately prior to the date of the auction. The terms of 433
sale of the real estate at an auction shall be ten per cent of the 434
purchase price in cash, bank draft, or certified check on the date 435
of sale, with the balance payable within sixty days after the date 436
of sale. A purchaser who does not complete the conditions of the 437
sale as stipulated in this section shall forfeit the ten per cent 438
of the purchase price paid on the date of sale to the state as 439
liquidated damages. 440

(D) The real estate described in division (A) of this section 441
shall be sold as an entire parcel and not subdivided. 442

(E) Advertising costs, appraisal fees, and all other costs of 443
the sale of the real estate described in division (A) of this 444
section shall be paid by the Ohio Department of Mental Retardation 445
and Developmental Disabilities. 446

(F) Upon payment of ten per cent of the purchase price in 447
accordance with division (C) of this section, or upon notice from 448
the Director of Administrative Services that the real estate 449
described in division (A) of this section has been sold other than 450
at a public auction in accordance with division (C) of this 451
section, the Auditor of State, with the assistance of the Attorney 452
General, shall prepare a deed to the real estate described in 453
division (A) of this section. The deed shall state the 454
consideration. The deed shall be executed by the Governor in the 455
name of the state, countersigned by the Secretary of State, sealed 456
with the Great Seal of the State, presented in the Office of the 457
Auditor of State for recording, and delivered to the purchaser 458
upon the payment of the balance of the purchase price. The 459
purchaser shall present the deed for recording in the Office of 460
the Clark County Recorder. 461

(G) The net proceeds of the sale of the real estate described 462
in division (A) of this section shall be deposited in the state 463
treasury to the credit of the Mental Health Facilities Improvement 464
Fund created in section 154.20 of the Revised Code and shall be 465
used to offset bond indebtedness for Springview Developmental 466
Center capital projects. 467

(H) This section shall expire two years after its effective 468
date. 469

Section 6. Sections 1, 2, 3, and 4 of this act shall take 470

effect on the ninety-first day after the effective date of this 471
act. 472

Section 7. This act is hereby declared to be an emergency 473
measure necessary for the immediate preservation of the public 474
peace, health, and safety. The reason for the necessity is that 475
immediate action is required to ensure the continued preservation 476
of the Springview Developmental Center real estate in Springfield 477
that is covered by one of the act's authorized conveyances. 478
Therefore, this act shall go into immediate effect. 479