

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 147

Senators Austria, Schuring, Armbruster, Grendell, Schuler

—

A BILL

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 True Place of Beginning 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

Situate 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 to a set Mag nail, the Point of Beginning of this description; thence along new lines of division the following three (3) courses: 1). N00°10'30"E, 560.61 feet to a set Cinergy concrete monument, passing a set Cinergy concrete monument in the north right-of-way line of Ohio State Route 63 @ 30.00 feet, 2). S55°13'30"E, 403.34 feet to a set Cinergy concrete monument, 3). S00°10'30"W, 331.58 feet to a set Mag nail in the centerline of Ohio State Route 63, passing a set Cinergy concrete monument in the north right-of-way line of Ohio State Route 63 @ 301.58 feet; thence along south line of Section 30 and the centerline of Ohio State Route 63, N89°49'30"W, 332.00 feet to the point of beginning, containing 3.400 acres, more or less.

The above described 3.400 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 division (E) 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 170
Administrative Services and Cincinnati Gas and Electric Company. 171

(D) The conveyance of the real estate described in division 172
(A) of this section shall be subject to the following conditions, 173
restrictions, and possibility of reverter: 174

(1) Cincinnati Gas and Electric Company shall construct and 175
operate an electrical substation on the real estate described in 176
division (A) of this section within five years after the execution 177
of the Governor's deed described in division (E) of this section, 178
and, if that construction is not completed within that five-year 179
period, all right, title, and interest in the real estate shall 180
revert to the state, for the use and benefit of the Ohio 181
Department of Rehabilitation and Correction, without the need for 182
any further action by the state. 183

(2) If Cincinnati Gas and Electric Company ceases to use the 184
real estate described in division (A) of this section for 185
substation purposes or if Cincinnati Gas and Electric Company 186
conveys or transfers the real estate described in division (A) of 187
this section to any non-utility owner, Cincinnati Gas and Electric 188
Company shall pay \$200,000.00 to the Ohio Department of 189
Rehabilitation and Correction, provided that the state has 190
continuously owned and maintained an uninterrupted property 191
interest in real estate contiguous to the real estate described in 192
division (A) of this section at the time of the subsequent 193
conveyance or transfer. 194

(E) Upon payment of the purchase price, the Auditor of State, 195
with the assistance of the Attorney General, shall prepare a deed 196
to the real estate described in division (A) of this section. The 197
deed shall state the consideration, conditions, restrictions, and 198
possibility of reverter specified in this section. The deed shall 199
be executed by the Governor in the name of the state, 200

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 231
distance of 188.69 feet to spike set in said centerline and being 232
the real point of beginning; 233

Thence with a division line through the original 3.84 acres, 234
S. 4 degrees 53' 00" W. passing an iron pin set at 20.00 feet, a 235
distance of 250.01 feet to an iron pin set in the line of Raymond 236
Maher as recorded in Volume 101, page 57; 237

Thence with said Maher's line, N. 84 degrees 32' 00" W. a 238
distance of 175.00 feet to an iron pin set in said Maher's line; 239

Thence with a division line through the original 3.84 acres, 240
N. 4 degrees 53' 00" E. passing an iron pin set at 230.01 feet, a 241
distance of 250.01 feet to a spike set in the centerline of the 242
aforementioned Park Road; 243

Thence with said centerline, S. 84 degrees 32' 00" E. a 244
distance of 175.00 feet to the beginning, containing 1.004 Acres 245
more or less, being a part of the original 3.84 acres of the 246
premises transferred to Richard E. Rankin and Mary M. Rankin in 247
Volume 200, page 618, and subject to all legal highways and 248
easements. Bearings are magnetic and based upon the S. 84 degrees 249
32' 00" E. line as surveyed Robert E. Satterfield in November 250
1983. 251

(B) Consideration for the conveyance of the real estate 252
described in division (A) of this section shall be a purchase 253
price acceptable to the State Library of Ohio, following an 254
appraisal by one or more disinterested persons. 255

(C) Upon payment of the purchase price by the purchaser, the 256
Auditor of State, with the assistance of the Attorney General, 257
shall prepare a deed to the real estate described in division (A) 258
of this section. The deed shall state the consideration. The deed 259
shall be executed by the Governor in the name of the state, 260
countersigned by the Secretary of State, sealed with the Great 261

Seal of the State, presented in the Office of the Auditor of State 262
for recording, and delivered to the purchaser. The purchaser shall 263
present the deed for recording in the Office of the Brown County 264
Recorder. 265

(D) Advertising costs, appraisal fees, and all other costs of 266
the sale of the real estate described in division (A) of this 267
section shall be paid by the purchaser. 268

(E) This section shall expire three years after its effective 269
date. 270

Section 4. (A) The Governor is hereby authorized to execute a 271
deed in the name of the state conveying to the Columbus Board of 272
Education, and its successors and assigns, all of the state's 273
right, title, and interest in the following described real estate: 274

Situated in the County of Franklin, in the State of Ohio, and 275
in the City of Columbus. 276

Parcel I: 277

Being Lot Numbers One (1), Two (2), Three (3), Four (4), Five 278
(5), and Six (6) of Leo Lesquereux' Subdivision of Lots Numbers 11 279
and 12 in William M. Awl's Addition to said City, as the same are 280
numbered and delineated upon the recorded plat thereof, of record 281
in Plat Book 2, Page 302, Recorder's Office, Franklin County, Ohio 282
and: 283

Being Lot Number Thirteen (13) in William M. Awl's Addition 284
to the City of Columbus, as the same is numbered and delineated 285
upon the recorded plat thereof, of record in Deed Book 26, Page 286
187, Recorder's Office, Franklin County, Ohio. 287

And together with all right, title and interest in and to 288
Zettler Alley between Mound and Engler Streets, vacated by City of 289
Columbus Ordinance No. 306-49, passed May 3, 1949. 290

Source of Title: D.B. 1261, Page 173, D.B. 1029, Page 672,	291
D.B. 756, page 294, D.B. 1286, page 179, and D.B. 3705, page 697.	292
Parcel No. 21302	293
<u>Parcel II:</u>	294
Being Lot Numbers Fourteen (14) and Fifteen (15) in William	295
M. Awl's Addition to the City of Columbus, as the same are	296
numbered and delineated upon the recorded plat thereof, of record	297
in Deed Book 26, Page 187, Recorder's Office, Franklin County,	298
Ohio.	299
Together with all right, title and interest in and to Fieser	300
Alley between Mound and Engler Streets, vacated by City of	301
Columbus Ordinance No. 1410-66, passed October 10, 1966.	302
Source of Title: D.B. 1926, Page 264, D.B. 2945, Page 12,	303
D.B. 2830, page 97, and D.B. 3705, page 697.	304
Parcel No. 13937 Parcel No. 14004	305
Parcel No. 14384 Parcel No. 41202	306
Parcel No. 13938 Parcel No. 14156	307
<u>Parcel III:</u>	308
Being Inlots Numbers Eight Hundred Thirty-five (835), Eight	309
Hundred Thirty-six (836), Eight Hundred Sixty-one (861) and the	310
easterly one-half of Inlot Number Eight Hundred Sixty-two (862) in	311
Crosby's Inlots, as the same are numbered and delineated upon the	312
recorded plat thereof, of record in Deed Book 11, Page 97,	313
Recorder's Office, Franklin County, Ohio.	314
Source of Title: D.B. 2830, Page 97, D.B. 2314, page 60, D.B.	315
2945, Page 12, and D.B. 3705, Page 697.	316
Parcel No. 41203 Parcel No. 41199 Parcel No. 46643	317
Parcel No. 16481 Parcel No. 21390 Parcel No. 45539	318
Parcel No. 5341 Parcel No. 4909 Parcel No. 49336	319
Parcel No. 3863	320

(B) Consideration for the conveyance of the real estate 321
described in division (A) of this section is the purchase price of 322
\$2,200,000.00. 323

(C) Prior to the execution of the Governor's deed described 324
in division (D) of this section, possession of the real estate 325
described in division (A) of this section shall be governed by an 326
existing lease between the Ohio Department of Administrative 327
Services and Franklin County. 328

(D) Upon payment of the purchase price, the Auditor of State, 329
with the assistance of the Attorney General, shall prepare a deed 330
to the real estate described in division (A) of this section. The 331
deed shall state the consideration. The deed shall be executed by 332
the Governor in the name of the state, countersigned by the 333
Secretary of State, sealed with the Great Seal of the State, 334
presented in the Office of the Auditor of State for recording, and 335
delivered to the Columbus Board of Education. The Columbus Board 336
of Education shall present the deed for recording in the Office of 337
the Franklin County Recorder. 338

(E) The Columbus Board of Education shall pay the costs of 339
the conveyance of the real estate described in division (A) of 340
this section. 341

(F) This section shall expire three years after its effective 342
date. 343

Section 5. (A) The Governor is hereby authorized to execute a 344
deed in the name of the state conveying to the purchaser, and the 345
purchaser's heirs and assigns or successors and assigns, all of 346
the state's right, title, and interest in the following described 347
real estate: 348
Situating in the State of Ohio, County of Clark and the Township of 349
Springfield, City of Springfield. 350

Being a part of the Southwest quarter of Section 351
twenty-three, Township five, Range nine and a part of the west 352
half of Section seventeen, Township five, Range nine, B.M.R.S. 353

Beginning at the intersection of the centerline of the Old 354
National Road (now the west bound lane of the New National Road) 355
with the East line of Section twenty-three; 356

thence with the centerline of said road S 86°30'W 20.0 feet; 357

thence parallel to the section line N 2°0'W 1000.0 feet to a 358
point; 359

thence N 86°30' E 20.0 feet to a point on the section line; 360

thence with the section line N 2°0' W 94.63 feet to a bar; 361

thence N 86°30' E 683.10 feet to a stake in the Ogden Road 362
right of way; 363

thence with said road S 2°0' E 525.05 feet to a point in the 364
road; 365

thence S 86°30' W 20.0 feet to a point; 366

thence parallel to the road S 2°0' E 569.58 feet to the 367
centerline of the Old National Road; 368

thence with said road S 86°30' W 663.10 feet to the place of 369
beginning, and containing seventeen and thirty-six hundredths 370
(17.36) Acres of land 371

Being a part of the same premises conveyed to said Board of 372
county commissioners of Clark County, Ohio, by the following: 373

Deed from Mary E. Kinnane dated August 20, 1920, and recorded 374
in Volume 170, page 464; Deed from the Board of County 375
Commissioners of Champaign County, Ohio dated January 30, 1925, 376
and recorded in Volume 239, Page 155; Deed from Board of 377
Commissioners of Greene County, Ohio dated January 30, 1925, and 378
recorded in Volume 239, Page 160; Deed from Board of County 379

Commissioners of Madison County, Ohio, dated January 30, 1925, and 380
recorded in Volume 239, page 153; all in the Deed Records of Clark 381
County, Prior Deed reference: Volume 568, Page 61. 382

(B) The Ohio Department of Mental Retardation and 383
Developmental Disabilities shall appraise the real estate 384
described in division (A) of this section or have it appraised by 385
one or more disinterested persons for a fee to be determined by 386
the Department. 387

(C) The Director of Administrative Services shall offer the 388
real estate described in division (A) of this section for sale as 389
follows: 390

(1) The Director shall review the appraisal, establish an 391
appraised value for the real estate, and provide notice to the 392
Ohio Department of Mental Retardation and Developmental 393
Disabilities of any interest expressed by any state entity in 394
acquiring the real estate at the appraised value. The Director 395
shall first offer the real estate at the appraised value to any 396
state entity that has expressed an interest in so acquiring the 397
real estate. 398

(2) If no state entity expresses an interest in acquiring the 399
real estate at the appraised value, or if a state entity accepts 400
the offer mentioned in division (C)(1) of this section but fails 401
to timely complete the purchase, the Director shall offer the real 402
estate to the Board of County Commissioners of Clark County at a 403
purchase price agreed upon by the Director and the Board of County 404
Commissioners. 405

(D) The real estate described in division (A) of this section 406
shall be sold as an entire parcel and not subdivided. 407

(E) Advertising costs, appraisal fees, and all other costs of 408
the sale of the real estate described in division (A) of this 409
section shall be paid by the Ohio Department of Mental Retardation 410

and Developmental Disabilities. 411

(F) Upon notice from the Director of Administrative Services 412
that the real estate described in division (A) of this section has 413
been sold in accordance with division (C) of this section, the 414
Auditor of State, with the assistance of the Attorney General, 415
shall prepare a deed to the real estate described in division (A) 416
of this section. The deed shall state the consideration. The deed 417
shall be executed by the Governor in the name of the state, 418
countersigned by the Secretary of State, sealed with the Great 419
Seal of the State, presented in the Office of the Auditor of State 420
for recording, and delivered to the purchaser. The purchaser shall 421
present the deed for recording in the Office of the Clark County 422
Recorder. 423

(G) The net proceeds of the sale of the real estate described 424
in division (A) of this section shall be deposited in the state 425
treasury to the credit of the Mental Health Facilities Improvement 426
Fund created in section 154.20 of the Revised Code and shall be 427
used to offset bond indebtedness for Springview Developmental 428
Center capital projects. 429

(H) This section shall expire two years after its effective 430
date. 431

Section 6. Sections 1, 2, 3, and 4 of this act shall take 432
effect on the ninety-first day after the effective date of this 433
act. 434

Section 7. This act is hereby declared to be an emergency 435
measure necessary for the immediate preservation of the public 436
peace, health, and safety. The reason for the necessity is that 437
immediate action is required to ensure the continued preservation 438
of the Springview Developmental Center real estate in Springfield 439
that is covered by one of the act's authorized conveyances. 440

Therefore, this act shall go into immediate effect.

441