



Pamela Goshay

Final Analysis
Legislative Service Commission

Am. Sub. S.B. 250
123rd General Assembly
(As Passed by the General Assembly)

Sens. Armbruster, Drake, Cupp

Reps. Mead, Amstutz

Effective date: *

ACT SUMMARY

- Authorizes the conveyance of state-owned real estate located in Lorain County to Robert E. and Corrine E. Peak.
- Authorizes the conveyance of state-owned real estate located in Wayne County to the Village of Apple Creek.
- Authorizes the Department of Transportation to sell unneeded property associated with the current relocation and expansion of U.S. Route 68 in Champaign County either to the previous owner of the unneeded property or to an owner of property adjacent to the unneeded property at fair market value, either as a direct sale or as consideration for additional property to be acquired.
- Authorizes the conveyance of state-owned real estate located in Franklin County to WMAE Realty, LLC, in exchange for the conveyance of specified real estate to the state.
- Corrects an error in the description of the Portsmouth Armory in Am. H.B. 479 of the 123rd General Assembly.
- Declares an emergency.

CONTENT AND OPERATION

** The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

Conveyance of state-owned real estate located in Lorain County

The act authorizes the Governor to execute a deed in the name of the state conveying to Robert E. and Corrine E. Peak and their heirs and assigns all of the state's right, title, and interest in 0.2536 acres of state-owned real estate in Lorain County (Section 1).

The consideration for the conveyance is \$101,000 (Section 2).

The act specifies the procedures for the preparation, execution, and recording of a deed to the real estate (Section 3).

Robert E. and Corrine E. Peak must pay the costs of the conveyance of the real estate (Section 4).

The above-described provisions of the act expire one year after the act's effective date (Section 9).

Conveyance of state-owned real estate located in Wayne County

The act authorizes the Governor to execute a deed in the name of the state conveying to the Village of Apple Creek, and its successors and assigns, all of the state's right, title, and interest in state-owned real estate located in Wayne County. The conveyance involves real estate consisting of approximately 6.863 acres. (Section 5.)

The consideration for the conveyance is the exchange of services and cash as provided under a sanitary sewer use agreement that is executed by the Village of Apple Creek and the state (Section 6(A)).

The sanitary sewer use agreement to be executed by the Village of Apple Creek and the state must provide for an exchange of services and cash in accordance with all terms and conditions set forth in Article 1 of the Offer to Purchase Real Estate that was made by the Village of Apple Creek on February 22, 2000, and that was accepted by the Director of Administrative Services on February 28, 2000, and concurred in by the Director of Mental Retardation and Developmental Disabilities. Such terms and conditions must be expressly stated in the sanitary sewer use agreement, including the term of 20 years as described in Article 1(a) of the Offer to Purchase Real Estate and the capital investment by the Village of Apple Creek of \$100,000 into a separate sewer maintenance fund as described in Article 1(i) of the Offer to Purchase Real Estate. (Section 6(B).)

The General Assembly finds that the estimated value accruing to the state from the conveyance of the real estate under this act and the terms and conditions

of the Offer to Purchase Real Estate is between \$1.5 and \$1.6 million. The General Assembly also finds that the appraised value of the described real estate is \$1.595 million.** (Section 6(B).)

The act specifies the procedures for the preparation, execution, and recording of a deed to the real estate upon the execution of the sanitary sewer use agreement (Section 7).

The Village of Apple Creek must pay the costs of the conveyance (Section 8).

The above-described provisions of the act expire one year after the act's effective date (Section 9).

Conveyance of state-owned real estate located in Champaign County

The act authorizes the Director of Transportation to acquire and dispose of real property associated with the U.S. Route 68 relocation and expansion project in Champaign County that is currently underway (Section 10(A)).

The act permits the Director to determine whether real property previously acquired for the project is no longer required for highway purposes and requires the Director to have any such property appraised by a Department of Transportation prequalified appraiser. Following the determination and appraisal, the act permits the Director to do either of the following: (1) sell the unneeded property to the previous owner or to an owner of property adjacent to the unneeded property for the full fair market value as determined by the appraisals, or (2) convey the unneeded property to the previous owner or to an owner of property adjacent to the unneeded property as full or partial consideration for other property to be acquired from the property owner in connection with the U.S. Route 68 project for the full fair market value of the unneeded property as determined by the appraisals. (Section 10(B).)

The act specifies the procedures for the preparation, execution, and recording of a deed to the real estate (Section 10(C)).

The authority of the Director of Transportation to acquire and dispose of real property associated with the U.S. Route 68 relocation and expansion project expires one year after completion of the particular relocation and expansion

** *The amount of "\$1.595 million" is based on the corrected version of Am. Sub. S.B. 250 (As Passed by the House).*

project involving U.S. Route 68 underway on the effective date of the act (Section 10(D)).

Conveyance of state-owned real estate located in Franklin County

The act authorizes the Governor to execute a deed in the name of the state conveying to WMAE Realty, LLC, and its successors and assigns all of the state's right, title, and interest in state-owned real estate located in Franklin County (Section 11(A)).

The consideration for the conveyance is the conveyance to the state (Department of Rehabilitation and Correction) and its successors and assigns real estate located in Franklin County and further described in the act (Section 11(B)).

The act states that acceptance of the consideration by the Department of Rehabilitation and Correction is subject to the determination of the Director of Rehabilitation and Correction that the structure situated on the real estate is suitable for use by the Department for the same purpose as the structure situated on the state-owned real estate being conveyed to WMAE Realty, LLC (Section 11(C)).

The act specifies the procedures for the preparation, execution, and recording of a deed to the real estate (Section 11(D)).

WMAE Realty, LLC, must pay the costs of the conveyance (Section 11(E)).

The above-described provisions of the act expire one year after the act's effective date (Section 9)

Correction of error in Am. H.B. 479

The act corrects an error in the description of the Portsmouth Armory in Section 2 of Am. H.B. 479 of the 123rd General Assembly. Am. H.B. 479 approved the conveyance of a number of armories located throughout the state that the Adjutant General had determined were no longer required for armory or military purposes. The description of the Portsmouth Armory, located in Scioto County, in that act was inadequate because it included a description of an easement to the parcel that was not owned by the National Guard. The City of Portsmouth owns the easement. (Sections 12 (A) and 13.)

The above-described amendment to Section 2 of Am. H.B. 479 of the 123rd General Assembly is contingent upon that act becoming law (Section 14).

Emergency clause

The act declares an emergency. It states that (1) the authority of the Director of Transportation to sell or convey unneeded property associated with the U.S. Route 68 project will facilitate critical negotiations necessary to advance the project, (2) the conveyance of real estate to the Village of Apple Creek as authorized by the act must be completed at the earliest possible time to enable the Village of Apple Creek to comply with the Environmental Protection Agency's mandate regarding the provision of waste water treatment services for the village, (3) the conveyance of real estate to WMAE Realty, LLC, must be completed at the earliest possible time to enable the Department of Rehabilitation and Correction to receive needed property as consideration for the conveyance and to avoid the costs and difficulties that would be incurred by delaying the conveyance, and (4) the correction of a property description is needed so that a previously authorized conveyance can proceed as intended. As a result of its declaration of an emergency, the act takes immediate effect. (Section 15.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-08-00	p. 1372
Reported, S. Judiciary	04-11-00	p. 1579
Passed Senate (33-0)	04-11-00	pp. 1582-1583
Reported, H. Housing & Public Lands	05-17-00	pp. 1999-2002
Passed House (96-0)	05-23-00	pp. 2033-2042
Senate concurred in House amendments (33-0)	05-24-00	pp. 1819-1820

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