



S.B. 332

123rd General Assembly
(As Introduced)

Sen. Drake

BILL SUMMARY

- Authorizes the conveyance of state-owned real estate in Wayne County, adjacent to the Apple Creek Developmental Center, to The Ohio State University for the use of its College of Food, Agriculture, and Environmental Sciences.
- Declares an emergency.

CONTENT AND OPERATION

Conveyance

The bill authorizes the Governor to execute a deed in the name of the state conveying to The Ohio State University, and its successors and assigns, all of the state's right, title, and interest in 20 parcels of land located in Wayne County, adjacent to the Apple Creek Developmental Center (Section 1).

Consideration

Consideration for the conveyance is \$1,200,000. The consideration must be paid in three installments. The first installment of \$500,000 must be paid within 60 days after the effective date of the bill. The second installment of \$500,000 must be paid on or before the first-year anniversary date of the first installment. The third installment of \$200,000 must be paid on or before the second-year anniversary date of the payment of the first installment. (Section 2.)

The net proceeds of the consideration received must be deposited as follows:

- (A) The net proceeds of the first and second installments must be deposited in Fund 152, Miscellaneous Revenue, the Department of Mental

Retardation and Developmental Disabilities. The funds must be used for the demolition of Macintosh Hall.

(B) The net proceeds of the third installment must be deposited in the trust account, the Apple Creek Developmental Center I and E Fund of the Department of Mental Retardation and Developmental Disabilities and be used for programs and projects to enhance the lives of the residents of the Apple Creek Developmental Center.

No moneys derived from the conveyance may be used for purposes of employment, staffing, salaries, or other employee benefits. (Section 5).

If The Ohio State University fails to make any of the consideration payments, all right, title, and interest in the transferred real estate must immediately revert to the state and the jurisdiction of the Department of Mental Retardation and Developmental Disabilities without the need for further action by the grantor. (Section 6.)

Conveyance procedures

The bill specifies the procedures for the preparation, execution, and recording of the deed to the real estate (Section 3). The Ohio State University must pay the costs of the conveyance (Section 4).

Buffer zone plan

The conveyance must not proceed until the Director of Mental Retardation and Developmental Disabilities has approved a plan for the buffer zone of the land, known as the "Buffer Zone Plan," which the College of Food, Agriculture, and Environmental Sciences of The Ohio State University must develop and present to the Director. The plan must consist of a comprehensive, detailed, and specialized landscaping plan for portions of the real estate that are adjacent to the Apple Creek Developmental Center. The "Buffer Zone Plan" must identify the area under the jurisdiction of the plan, inventory proposed tree and vegetation installations, and provide a timetable for completion of the plan, taking into account visual impact and scientifically sound odor management principles. (Section 7.)

The "Buffer Zone Plan" described above must be developed by the College of Food, Agriculture, and Environmental Sciences of The Ohio State University and implemented by the College at the College's sole expense within three years after the effective date of the bill. If the College has not implemented the plan as approved by the Director of Mental Retardation and Developmental Disabilities, all

right, title, and interest in the transferred real estate must immediately revert to the state and the jurisdiction of the Department of Mental Retardation and Developmental Disabilities without the need for further action by the grantor. (Section 8.)

Conditions and contingencies

The conveyance of the real estate is subject to the conditions that The Ohio State University and its College of Food, Agriculture, and Environmental Sciences accept the real estate subject to a former Indian burial ground that is believed to be located on the real estate in or near the wooded plot southeast of the intersection of Ely Road and Barnard Road in Wayne County, and that The Ohio State University and its College of Food, Agriculture, and Environmental Sciences assume all obligations associated with that former Indian burial ground. If The Ohio State University and its College of Food, Agriculture, and Environmental Sciences do not assume such responsibilities as provided in this section, all right, title, and interest in the transferred real estate must immediately revert to the state and the jurisdiction of the Department of Mental Retardation and Developmental Disabilities without the need for further action by the grantor. (Section 9.)

The conveyance is contingent upon The Ohio State University's satisfaction with the result of a due diligence investigation of the real estate, which The Ohio State University must conduct. If The Ohio State University is not satisfied with the result of its investigation, it may, as soon as reasonably feasible after the effective date of the bill, provide written notice of its intent not to proceed with the conveyance to the Director of Mental Retardation and Developmental Disabilities and must have no further obligation with respect to the conveyance. (Section 10.)

The conveyance is contingent upon The Ohio State University obtaining a title insurance commitment to issue a title insurance policy insuring the real estate satisfactory to The Ohio State University as soon as reasonably feasible after the effective date of the bill. If The Ohio State University does not obtain title insurance that it considers satisfactory, it may, as soon as reasonably feasible after the effective date of the bill, notify the Director of Mental Retardation and Developmental Disabilities that it does not intend to proceed with the conveyance and must be under no further obligation with respect to the conveyance. (Section 11.)

The conveyance is contingent upon the approval of the conveyance by the Board of Trustees of The Ohio State University, if the board determines that its approval is necessary. The Ohio State University may, if its Board of Trustees has failed to approve the conveyance, notify the Director of Mental Retardation and Developmental Disabilities as soon as reasonably feasible after the effective date of

the bill that it does not intend to proceed with the conveyance and must have no further obligation with respect to the conveyance. (Section 12.)

The conveyance described above is subject to the condition that The Ohio State University not convey any or all of the real estate conveyed to it pursuant to the bill to any nonstate entity for a period of ten years from the effective date of the bill. If The Ohio State University conveys the real estate contrary to the provisions of this section, all right, title, and interest in the transferred real estate must immediately revert to the state and the jurisdiction of the Department of Mental Retardation and Developmental Disabilities without the need for further action by the grantor. (Section 14.)

Easements

The conveyance is subject to all easements including an easement of the State of Ohio with regard to one producing water well that currently supplies the Apple Creek Developmental Center, which easement must be retained by the State of Ohio. The Department of Mental Retardation and Developmental Disabilities must maintain and repair, at its expense, this well and the lines transporting water to the Apple Creek Developmental Center. The Ohio State University and its College of Food, Agriculture, and Environmental Sciences is prohibited from taking action that would interfere with continued production of potable water from the identified well. The Department must maintain well head pumps or supply lines, or both, between the well location and the Apple Creek Developmental Center. (Section 13.)

Apple Creek water wells

If any of the four existing water wells serving the Apple Creek Developmental Center ceases to produce potable water, the Department of Mental Retardation and Developmental Disabilities must explore replacement of any such well that ceases to produce sufficient potable water and must seek a well site that is within the real property remaining under the jurisdiction of the Department. If the replacement water well is unable to be located within the real property remaining under the jurisdiction of the Department at the Apple Creek Developmental Center, the Department may seek, drill, and maintain a water well source on the real estate at a site mutually agreed upon by the Director of Mental Retardation and Developmental Disabilities and the Vice-President of the College of Food, Agriculture, and Environmental Sciences of The Ohio State University. Any replacement water wells must produce, in concert with the remaining well sources, potable water to the Apple Creek Developmental Center in an amount sufficient to adequately supply the needs of the Apple Creek Developmental Center as determined by the Director. (Section 15.)

Inter-Agency lease

Upon the conveyance of the real estate the Inter-Agency Lease between the Department of Mental Retardation and Developmental Disabilities, through the Department of Administrative Services, and The Ohio State University for approximately 1272.92 acres of the real estate for a period of 40 years to expire on January 31, 2025, and bearing file No. 3759-A (the "Lease"), must automatically terminate and have no further force or effect. If the Lease or a memorandum thereof has been recorded with the Office of the Wayne County Recorder, the State of Ohio, the Department of Administrative Services, the Department of Mental Retardation and Developmental Disabilities, and The Ohio State University must execute all documentation necessary to release or cancel, or both, the Lease of record on the date of the conveyance of the real estate. (Section 16.)

Expiration date

The bill expires one year after its effective date. (Section 17.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-12-00	p. 2052

S0332-I.123/nlr