



Phil Mullin

Bill Analysis
Legislative Service Commission

Sub. H.B. 473

124th General Assembly
(As Reported by H. State Government)

Reps. Carey, Peterson, Trakas

BILL SUMMARY

- Authorizes the conveyance of two parcels of state-owned real estate located in Jackson County to the Jackson City Board of Education in exchange for the conveyance of a parcel of Board-owned real estate.
- Authorizes the conveyance of state-owned real estate located in Delaware County to Delaware County.
- Authorizes the conveyance of state-owned real estate located in Perry County to Hocking Technical College.
- Corrects a legal description in a previous conveyance of real estate in Scioto County that the Adjutant General has determined is no longer needed for armory or military purposes, the conveyance being to C-FORCE, Inc. under the bill.
- Authorizes the conveyance and transfer of state-owned personal property comprising part of the Flat Branch Sewage Treatment Plant located in Logan County to the Board of County Commissioners of Logan County.
- Declares an emergency.

CONTENT AND OPERATION

Conveyance of state-owned land in Jackson County

What conveyed

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Jackson City Board of Education, and its successors and assigns, all of the state's right, title, and interest in two parcels of real estate located in

Franklin Township in Jackson County. One parcel contains 9.665 acres, and the other contains 2.335 acres. (Section 1(A).)

Consideration for the conveyance

Consideration for the conveyance of these two parcels of real estate is the conveyance of real estate located in Lick Township in Jackson County from the Jackson City Board of Education to the state (The Ohio State University) and its successors and assigns. This real estate contains 12 acres. (Section 1(B).)

Procedure for the conveyance

Upon the conveyance to the state of the real estate owned by the Jackson City Board of Education, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the two parcels owned by the state. The deed must state the consideration and 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 Jackson City Board of Education. The Board of Education then must present the deed for recording in the office of the Jackson County Recorder. (Section 1(D).)

The bill requires the Board of Education to pay the costs of the conveyances (Section 1(C)).

Duration of the authority for the conveyance

Authority to convey the real estate will expire one year after the bill's effective date (Section 1(E)).

Conveyance of state-owned land in Delaware County

What conveyed

The bill authorizes the Governor to execute a deed in the name of the state conveying to Delaware County, and its successors and assigns, all of the state's right, title, and interest in a parcel of real estate located in Concord Township in Delaware County. The size of the parcel is approximately 2.117 acres, and the parcel is described as a highway easement to be used to replace a bridge and widen roadway on Home Road. (Section 2(A).)

Consideration for the conveyance

Consideration for the conveyance of the real state is a purchase price of \$20,074. Proceeds from the sale must be deposited in the state treasury to the



credit of the Department of Youth Services Building Development Fund. (Section 2(B).)

Procedure for the conveyance

Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must 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 Delaware County. Delaware County then must present the deed for recording in the office of the Delaware County Recorder. (Section 2(D).)

The bill requires Delaware County to pay the costs of the conveyance of the real estate (Section 2(C)).

Duration of the authority for the conveyance

Authority to convey the real estate expires one year after the bill's effective date (Section 2(E)).

Conveyance of state-owned land in Perry County

What conveyed

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Board of Trustees of the Hocking Technical College, and its successors and assigns, all of the state's right, title, and interest in a parcel of real estate located in Harrison Township in Perry County. The size of the parcel is approximately 16.62 acres. (Section 3(A).)

Consideration for the conveyance

Consideration for the conveyance of the real estate is \$1 and other valuable consideration (Section 3(B)).

Procedure for the conveyance

Upon payment of the consideration, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must state the consideration and 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 Board of Trustees of the Hocking Technical College. The Board of Trustees

then must present the deed for recording in the office of the Perry County Recorder. (Section 3(D).)

The bill requires the Board of Trustees to pay the costs of the conveyance of the real estate (Section 3(C)).

Duration of the authority for the conveyance

Authority to convey the real estate expires one year after the bill's effective date (Section 3(E)).

Correction of erroneous land description in a previous land conveyance

Background and error

The bill remedies an error in Am. Sub. S.B. 250 of the 123rd General Assembly, which went into effect on June 21, 2000, by adding language that was removed erroneously from the original legal description for the parcel of real estate in Scioto County designated as **Parcel No. 3**" in Section 12 of that act. The legal description was incorrect because it did not reflect an easement which, instead of being reserved to the original grantor, was actually part of the original grant of land to the state, Adjutant General's Department. Thus, the Adjutant General's Department could not properly transfer all of the land that it was originally granted.

The bill, then, authorizes the conveyance of the parcel of real estate in Scioto County, using the legal description contained in Am. Sub. S.B. 250, but with the addition of the legal description of the easement for ingress and egress to the real estate, originally granted to the state. (Section 4(A).)

What conveyed

The bill authorizes the Governor to execute a deed in the name of the state conveying to C-FORCE, Inc., and its successors and assigns, all of the state's right, title, and interest in this real estate and its improvements located in Scioto County and known as the Portsmouth Armory, motor vehicle storage building, and organizational maintenance shop, which the Adjutant General has determined are no longer required for armory or military purposes. The bill states that C-FORCE, Inc. purchased the real estate at a public auction held on August 29, 2001, for \$170,000, after the real estate was appraised at \$235,000 and both the City of Portsmouth and the Board of County Commissioners of Scioto County declined to purchase the real estate at the appraised value. C-FORCE, Inc. deposited 10% of the purchase price by certified check on that date, and the balance of the amount will be paid following the bill's correction of the erroneous legal description. (Section 4(B) and (C).)



Procedure for the conveyance

Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must state the consideration and 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 C-FORCE, Inc. C-FORCE, Inc. then must present the deed for recording in the office of the Scioto County Recorder. (Section 4(F).)

The bill requires C-FORCE, Inc. to pay the costs of the conveyance of the real estate (Section 4(D)). And, the net proceeds of the conveyance must be deposited in the state treasury to the credit of the Armory Improvements Fund created under current law (Section 4(E)).

Duration of the authority for the conveyance

Authority to convey the real estate expires five years after the bill's effective date (Section 4(G)).

Conveyance of state-owned personal property related to the Flat Branch Sewage Treatment Plant

What conveyed

The bill authorizes the Governor or the Governor's designee to execute and deliver bills of sale and other instruments of conveyance in the name of the state to the Board of County Commissioners of Logan County, and its successors and assigns, conveying and transferring all right, title, and interest of the state and its agencies, institutions, and instrumentalities in all personal property owned by the state at or used in connection with the Flat Branch Sewage Treatment Plant (e.g., machinery, equipment, furniture, fixtures, sewer lines and apparatus, tangibles and intangibles, and contract rights). The Governor or the Governor's designee also may enter into other agreements and take other actions, by self or through appropriate state agencies, institutions, and instrumentalities, that may be required to carry out the conveyances and transfers. (Section 5(A) and (B).)

Consideration for the conveyance

Consideration for the conveyance and transfer of the personal property is the mutual benefit accruing to the state and to Logan County by having the board of county commissioners of that county operate the Flat Branch Sewage Treatment Plant, which enables the extension of sewer services to additional residents and businesses in that county (Section 5(C)).

Payment of costs

The bill requires the Board of County Commissioners of Logan County to pay the costs of the personal property's conveyance and transfer (Section 5(D)).

Duration of the authority for the conveyance

Authority to convey the personal property expires one year after the bill's effective date (Section 5(E)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-16-02	p. 1241
Reported, H. State Gov't	02-27-02	p. 1472

H0473-RH.124/jc

