



**Sub. S.B. 164**

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

**Sen. Jacobson**

**Reps. Peterson, Trakas, Carmichael, Oakar, Flowers, Sykes, Clancy, Patton**

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**BILL SUMMARY**

- Authorizes the conveyance of separate parcels of state-owned real estate to the Village of Grafton, the City of Columbus, the Medina County Joint Vocational School, the Hamilton County Alcohol and Drug Addiction Services Board, Forest City Enterprises, Inc., the Board of Ross County Commissioners, the Board of Ross County Mental Retardation and Developmental Disabilities, the Union Scioto School District, the City of London, the Oxford Bible Fellowship, Concord Township, and the United States government and, for one conveyance, a purchaser to be determined pursuant to the bill.
- Declares an emergency.

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**CONTENT AND OPERATION**

**Village of Grafton**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Village of Grafton, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in two separate parcels of land. The first parcel is a part of Original Grafton Township Lot 5, is located in the Village of Grafton in Lorain County, and contains 1.0032 acres. The second parcel is part of the Original Eaton Township Lot 58, is located in the Village of Grafton in Lorain County, and contains 1.8839 acres. The real estate must be sold as entire tracts and not in parcels. (Sections 1(A) and (C) and 2(A) and (C).)

The consideration for the conveyance of the first parcel is \$4,500, and for the conveyance of the second parcel is \$13,100 (Sections 1(B) and 2(B)). The

Village of Grafton must pay all costs associated with the conveyances (Sections 1(D) and 2(E)).

The above provisions expire one year after their effective date (Sections 1(G) and 2(H)).

### **City of Columbus**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the City of Columbus, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in 5.825 acres of real estate located in the City of Columbus in Franklin County. Columbus must pay the costs of the conveyance. (Section 3(A) and (E).)

The consideration for the conveyance is the mutual benefit and exchange of services provided under a Real Estate Purchase Agreement executed by Crewville, Ltd., on November 24, 1999, the City of Columbus on December 1, 1999, and the Director of Administrative Services on December 30, 1999, with the concurrence of the General Manager of the Ohio Expositions Commission and the Director of the Ohio Historical Society. The agreement expressly provided for Crewville, Ltd., upon conveyance of approximately 32.5 acres of land to the state, to construct a three-lane roadway connecting Velma Avenue and Silver Drive in Columbus. Once the roadway is completed, the state is to seek to transfer it to Columbus and dedicate it to the public's use. Columbus agrees to accept the Governor's deed and accept responsibility for all maintenance and upkeep of the roadway following its transfer. (Section 3(B).)

The bill specifically states that the General Assembly finds that the mutual benefit and exchange of services accruing to the state from the conveyance of the real estate is in the best interests of the state and specifically beneficial to the Ohio Expositions Commission and the Ohio Historical Center (Section 3(C)).

The above provisions expire two years after their effective date (Section 3(F)).

### **Medina County Joint Vocational School**

The bill states that the Adjutant General has determined that certain property located in the City of Medina in Medina County is no longer needed by the Ohio National Guard for armory or military purposes and has requested the Department of Administrative Services to assist in transferring it. The reversionary language contained in the deed whereby the Adjutant General acquired this property requires that it revert back to the Medina County Joint Vocational School if it ceases to be used for military purposes. (Section 4(A).)

The bill authorizes the Department to give proper effect to the reversionary language in the original deed and authorizes the Governor to execute a deed in the name of the state, granting all of the state's right, title, and interest in the property to the joint vocational school. The parcel contains 10.8154 acres. (Section 4(A).)

The Medina County Joint Vocational School must pay all costs associated with the conveyance (Section 4(B)).

The above provisions expire one year after their effective date (Section 4(C)).

### **Hamilton County Alcohol and Drug Addiction Services Board**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Hamilton County Alcohol and Drug Addiction Services Board and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in certain real estate located in the City of Cincinnati in Hamilton County. This real estate must be sold as an entire tract and not in parcels. (Section 5(A) and (C).)

The state stipulates in the bill that the Offer to Purchase has been made pursuant to Section 21.01 of Am. Sub. H.B. 640 of the 123rd General Assembly. Possession of the premises prior to transfer is governed by an existing lease between the state and the Board. (Section 5(D).)

The consideration for the conveyance is \$600,000 that must be paid to the state according to the following schedule derived by mutual agreement between the state and the Board through the executed Offer to Purchase (Section 5(B)):

- (1) \$60,000 deposit upon full execution of the Offer to Purchase;
- (2) \$135,000 at closing and transfer of title in accordance with the bill;
- (3) \$135,000 upon the first anniversary of the closing date;
- (4) \$135,000 upon the second anniversary of the closing date;
- (5) \$135,000 upon the third anniversary of the closing date.

The Board must pay all costs associated with the conveyance (Section 5(E)).

The above provisions expire one year after their effective date (Section 5(H)).

**Forest City Enterprises, Inc.**

The bill authorizes the Governor to execute a deed in the name of the state conveying to Forest City Enterprises, Inc., and its successors and assigns or heirs and assigns, the State's Lessor's remaining interest under a certain lease dated March 16, 2001, between the state and Forest City Enterprises affecting certain real estate located in the City of Cleveland in Cuyahoga County (Section 6(A)). The deed must state that, upon transfer at closing, the Lessor's interest must merge with the Lessee's interest. The deed must further state the restrictions regarding maintenance of an existing water tower as provided in the lease must be removed. (Section 6(D).)

The consideration for the conveyance is \$630,000 (Section 6(B)). Forest City Enterprises must pay all costs associated with the conveyance (Section 6(F)).

The bill also provides that the obligation of the Department of Administrative Services to convey the premises to Forest City Enterprises is also subject to and contingent upon (1) Forest City Enterprises obtaining a binding unconditional executed contract with the United States Department of Labor (the "Job Corps Contract") for the construction of a Federal Job Corps Center on or before the closing of the premises and (2) occurrence of simultaneous closings of the conveyance and the closing of the Job Corps Contract. Possession of the premises prior to transfer is governed by an existing lease between the state and Forest City Enterprises. (Section 6(E).)

The above provisions expire one year after their effective date (Section 6(I)).

**Board of Ross County Commissioners**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Board of Ross County Commissioners, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in 4.349 acres of real estate located in Union Township in Ross County. The real estate must be sold as an entire tract and not in parcels. (Section 7(A) and (C).)

The consideration for the conveyance is \$1 and other valuable consideration including improvements to the roadway previously completed by the Board (Section 7(B)). The Board must pay all costs associated with the conveyance (Section 7(D)).

The above provisions expire one year after their effective date (Section 7(G)).

### **Union Scioto School District**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Union Scioto School District, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in certain real estate located in Union Township and Scioto Township in Ross County. The real estate contains two parcels containing 14.409 and 5.046 acres. The real estate must be sold as an entire tract and not in parcels. (Section 8(A) and (C).)

The consideration for the conveyance is \$16,536.75 (Section 8(B)). The school district must pay all costs associated with the conveyance (Section 8(D)).

The above provisions expire one year after their effective date (Section 8(G)).

### **City of London**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the City of London, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in a 50 acre tract of real estate located in Union Township in Madison County. (Section 9(A).)

Consideration for the conveyance is the conveyance by the City of London to the state of a parcel of real estate located in Union Township in Madison County and containing about 63.9355 acres. The real estate must be transferred as entire tracts and not in parcels. (Section 9(B) and (C).)

The City of London must pay all costs associated with both conveyances (Section 9(D)).

The above provisions expire one year after their effective date (Section 9(F)).

### **Undetermined purchaser**

The bill authorizes the Governor to execute a deed in the name of the state conveying to a purchaser and the purchaser's successors and assigns, or the purchaser's heirs and assigns, all of the state's right, title, and interest in real estate located in Cuyahoga County, known as Subplot 27 in The Van Sweringen Company's Subdivision No. 14 or part of Original Warrensville Township Lots Nos. 34 and 35 (Section 10(A)). The bill does not state how the purchaser is to be determined.

Consideration for the conveyance of the real estate, which was purchased for \$380,000 in 1993, is a purchase price acceptable to the Board of Trustees of

Cleveland State University. The net proceeds of the sale of the real estate must be held in a restricted reserve fund of Cleveland State University and must be used only for housing and housing allowances of future Presidents of Cleveland State University. (Section 10(B) and (D).)

The above provisions expire one year after their effective date (Section 10(E)).

### **Board of Ross County Mental Retardation and Developmental Disabilities**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Board of Ross County Mental Retardation and Developmental Disabilities, and its successors and assigns or heirs and assigns, all of the state's right, title, and interest in 6.0640 acres of real estate located in Ross County. The real estate must be sold as an entire tract and not in parcels. (Section 13(A) and (C).)

The consideration for the conveyance is \$5,154.40 (Section 13(B)). The Board must pay all costs associated with the conveyance (Section 11(D)).

The above provisions of the bill expire one year after its effective date (Section 13(G)).

### **Oxford Bible Fellowship**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Oxford Bible Fellowship, and its successors and assigns, all of the state's right, title, and interest in 27,380 square feet of real estate located in the City of Oxford in Butler County. (Section 11(A).) The consideration for the conveyance is \$80,000 (Section 11(B)). The Oxford Bible Fellowship must pay the costs of the conveyance (Section 11(D)). The net proceeds of the sale of the real estate must be deposited in the Miami University General Fund (Section 11(E)).

The above provisions of the bill expire one year after its effective date (Section 11(F)).

### **Concord Township**

The bill authorizes the Governor to execute a deed in the name of the state conveying to Concord Township in Delaware County, and its successors and assigns, all of the state's right, title, and interest in 22.415 acres of real estate located in Concord Township. (Section 12(A).)

The consideration for the conveyance is \$47,100 (Section 12(B)). Concord Township must pay the costs of the conveyance (Section 12(C)). The net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Department of Youth Services Building Demolition Fund (Section 12(E)).

The above provisions of the bill expire one year after its effective date (Section 12(F)).

### **United States government**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the United States of America, and its successors and assigns, all of the state's rights, title, and interest in 1244.02 acres of real estate located in Ross County and under the jurisdiction of the Department of Rehabilitation and Correction (Section 14(A)).

The bill states that the obligation of the Department of Administrative Services to convey the real estate to the grantee *is subject to and contingent upon the occurrence of a simultaneous closing with the grantee to re-convey the real estate to the State of Ohio for the use and benefit of the Department of Rehabilitation and Correction.* The contemporaneous transfers of real estate must be conducted according to the regulations, guidelines, and reimbursement of funds established under the Federal Surplus Real Property Transfer Program authorized by federal law. (Section 14(C).) Upon the receipt of the net proceeds from the transaction, the Department of Rehabilitation and Correction must convey the proceeds to the Ohio Building Authority for deposit into the appropriate bond service account created pursuant to the trust agreement securing the state facilities bonds issued in connection with the land conveyances (Section 14(D)).

Within one year after the bill's effective date, upon the request of the Department of Administrative Services, 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 to be good and valuable consideration. 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 the United States of America, acting by and through the Administrator of General Services pursuant to the "Federal Property and Administrative Services Act of 1949," as amended, and pursuant to regulations and orders promulgated under that act. The Department of Rehabilitation and Correction must present the deed for recording in the office of the Ross County Recorder and pay the cost of the conveyance. (Section 14(B).)

The above provisions expire one year after their effective date (Section 14(E)).

**Preparation, execution, and recording of deed**

The bill requires the state to follow the procedure in codified law (R.C. 5301.13) for the preparation, execution, and recording of the deeds to the described real estate, generally following a respective grantee's payment of the consideration for the conveyance (Sections 1(E), 2(F), 3(D), 4(A), 5(F), 6(G), 7(E), 8(E), 9(E), 9(C), 11(E), and 13(E)).

**Proceeds of sales of real estate**

The net proceeds of the real estate sales to the Village of Grafton, the Hamilton County Alcohol and Drug Addiction Services Board, Forest City Enterprises, Inc., the Board of Ross County Commissioners, and the Union Scioto School District must be deposited in the state treasury to the credit of the General Revenue Fund (Sections 1(F), 2(G), 5(G), 6(H), 7(F), 8(F), 12(D), and 13(E)).

**Effective dates**

The bill contains an emergency clause and, thus, technically takes immediate effect (Section 16). However, only the bill's provisions that authorize the Governor to convey certain real estate to the City of Columbus and to Forest City Enterprises will take effect on the bill's effective date; the remaining land conveyance provisions will take effect on the 91st day after that date (Section 15).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	09-25-01	p. 902
Reported, S. Judiciary on Civil Justice	10-11-01	pp. 959-960
Passed Senate (32-0)	10-11-01	pp. 962-963
Reported, H. State Gov't	10-25-01	p. 994

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