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Final Analysis
Legislative Service Commission

Am. Sub. S.B. 234
125th General Assembly
(As Passed by the General Assembly)

Sen. Mumper

Reps. Carmichael, C. Evans, Martin

Effective date: *

ACT SUMMARY

- Authorizes the conveyance of a parcel of state-owned real estate that is located in Bellefontaine and is no longer needed for armory or military purposes to the Board of County Commissioners of Logan County pursuant to the reversionary clause in the parcel's previous deed.
- Authorizes the conveyance of 12 parcels of state-owned real estate that the Adjutant General has determined are no longer required for armory or military purposes to a buyer or buyers to be determined at a later date.
- Authorizes the conveyance of specified state-owned real estate located in Gallia County to Robert Wiley.
- Authorizes the conveyance of specified state-owned real estate located in Gallia County to its Board of County Commissioners.
- Authorizes the conveyance of specified state-owned real estate located in Wayne County to its Board of County Commissioners.
- Authorizes the conveyance of specified state-owned real estate located in Union County to the Association for the Developmentally Disabled, Ohio.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Authorizes the conveyance of a series of ten specified parcels of state-owned real estate located in Hamilton County to Cincinnati's Optimum Residential Environments, Incorporated, Ohio.
- Authorizes the conveyance of specified state-owned real estate located in Scioto County to the Northwest Local School District.
- Authorizes the conveyance of specified state-owned real estate located in Jefferson County to the Edison Local School District.
- Authorizes the conveyance of specified state-owned real estate located in Mahoning County to the city of Youngstown.
- Authorizes the conveyance of specified state-owned real estate located in Pickaway County to the village of Orient.
- Authorizes the conveyance of specified state-owned real estate located in Montgomery County to Barry K. Humphries to correct an erroneous omission in a prior conveyance authorized by Sub. S.B. 332 of the 123rd General Assembly.
- Authorizes the conveyance of specified state-owned real estate in Portage County to its Board of County Commissioners.
- Authorizes the conveyance of specified state-owned real estate in Summit County to a purchaser.
- Authorizes the conveyance of specified state-owned land in Madison County to the Kirkwood Cemetery Association.
- Permits, for a limited time, the abatement of unpaid property taxes, penalties, and interest owed by the state or a board of education on property it owns that would have been tax-exempt except for a failure to comply with certain application for tax exemption procedures.

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CONTENT AND OPERATION

Land conveyances

Conveyance of state-owned land in Bellefontaine used by the Ohio National Guard for armory or military purposes

The Adjutant General has determined that a parcel of land in Bellefontaine is no longer needed by the Ohio National Guard for armory or military purposes and requests the Department of Administrative Services (DAS) to assist in transferring the property. The reversionary language in the relevant deed requires the property to revert to the Board of County Commissioners of Logan County if the property ceases to be used for armory or military purposes.

The act authorizes the Adjutant General to give proper effect to that language. The Auditor of State, with the assistance of the Attorney General (the AG), must prepare a deed to the parcel, which consists of two tracts described in the act. The deed must be executed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented for recording in the Auditor of State's office, and delivered to the original grantor of the property for recording in the Logan County Recorder's office. The act authorizes the Governor to execute the deed in the name of the state, conveying to the Board of County Commissioners of Logan County all of the state's right, title, and interest in the two tracts. The Board of County Commissioners is required to pay all costs associated with the transfer and conveyance of the tracts, including, but not limited to, recordation costs of the Governor's Deed. (Section 1(A) and (B).)



These provisions expire five years after the act's effective date (Section 1(C)).

Conveyance of 12 parcels of state-owned land used by the Ohio National Guard for armory or military purposes

In general. The act authorizes the Governor to execute a deed in the name of the state, conveying to a buyer or buyers to be determined by the Adjutant General as described below, and the buyer's or buyers' successors and assigns or heirs and assigns, all of the state's right, title, and interest in 12 parcels of real estate in the following counties that the Adjutant General has determined are no longer needed by the Ohio National Guard for armory or military purposes: one parcel in Henry County, one parcel in Wood County, one parcel in Hancock County, two parcels in Highland County, one parcel in Summit County, one parcel in Coshocton County, two parcels in Hamilton County, one parcel in Ross County, one parcel in Lawrence County, and one parcel in Franklin County (Section 2(A)).

Determination of the buyer. The Adjutant General's Department is required to appraise the parcels or have them appraised by one or more disinterested persons for a fee to be determined by the Adjutant General. The Adjutant General must offer the parcels for sale as follows (Section 2(C)):

(1) The Adjutant General first must offer a parcel for sale at its appraised value to the municipal corporation or township in which it is located.

(2) If, after 60 days, the municipal corporation or township has not accepted the Adjutant General's offer or has accepted the offer but has failed to complete the purchase, the Adjutant General must offer the parcel at its appraised value to the county in which it is located.

(3) If, after 60 days, the county has not accepted the Adjutant General's offer or has accepted the offer but has failed to complete the purchase, a public auction must be held, and the parcel must be sold to the highest bidder at a price acceptable to the Adjutant General. The Adjutant General may reject any and all bids.

Notice of public auction. The Adjutant General is required to advertise each public auction in a newspaper of general circulation within the county in which the parcel is located, once a week for two consecutive weeks prior to the date of the auction (Section 2(C)).

Terms of sale of the parcel pursuant to the public auction. The terms of sale of a parcel pursuant to the public auction are 10% of the purchase price in cash, bank draft, or certified check on the date of sale, with the balance payable

within 60 days after the date of sale. A purchaser who does not timely complete the conditions of the sale must forfeit to the state the 10% of the purchase price paid on the date of sale as liquidated damages. (Section 2(C).)

Costs. The Adjutant General's Department is required to pay advertising costs, appraisal fees, and other costs of the sale of the parcels (Section 2(D)).

Procedure for the conveyance. Upon the payment of 10% of the purchase price of a parcel described above, or upon notice from the Adjutant General's Department that a parcel of land has been sold to a municipal corporation, township, or county, the Auditor of State, with the assistance of the AG, must prepare a deed for that parcel. The deed must be executed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented in the Auditor of State's office for recording. Upon the grantee's payment of the balance of the purchase price, the deed must be delivered to the grantee. The grantee must present the deed for recording in the county recorder's office of the county in which the parcel is located. (Section 2(E).)

Net proceeds. The net proceeds of the sales of the parcels described above must be deposited in the state treasury to the credit of the Armory Improvements Fund (Section 2(F)).

Subsequent sale of parcel by municipal corporation, township, or county. If a parcel described above is sold to a municipal corporation, township, or county and that political subdivision sells the parcel within two years after its purchase, the political subdivision must pay the state, for deposit in the state treasury to the credit of the Armory Improvements Fund, an amount representing one-half of any net profit derived from that subsequent sale. The net profit is computed by first subtracting the price at which the political subdivision bought the parcel from the price at which the political subdivision sold the parcel, and then subtracting from that remainder the amount of any expenditures the political subdivision made for improvements to the parcel. (Section 2(G).)

Duration of the provisions. These provisions expire five years after the act's effective date (Section 2(H)).

Conveyance in Gallia County to Robert Wiley

The act authorizes the Governor to execute a deed in the name of the state conveying to Robert Wiley of Gallia County, and his successors and assigns, all of the state's right, title, and interest in specified real estate in Gallia County. Consideration for the conveyance is the purchase price of \$3,600. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to Robert Wiley. Robert Wiley must present the deed for recording in the office of the Gallia County Recorder and must pay the costs of the conveyance. These provisions expire one year after the act's effective date. (Section 3.)

Conveyance in Gallia County to the Board of County Commissioners

The act authorizes the Governor to execute a deed in the name of the state conveying to the Board of County Commissioners of Gallia County, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Gallia County. Consideration for the conveyance is the purchase price of \$26,000, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and the Board of County Commissioners. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the Board of County Commissioners. The Board of County Commissioners must present the deed for recording in the office of the Gallia County Recorder and must pay the costs of the conveyance. These provisions expire one year after the act's effective date. (Section 4.)

Conveyance in Wayne County to the Board of County Commissioners

The act authorizes the Governor to execute a deed in the name of the state conveying to the Board of County Commissioners of Wayne County, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Wayne County that has been determined as no longer being required for state purposes. Consideration for the conveyance is a purchase price equal to the appraised value of the real estate plus the cost of the appraisal. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the Board of County Commissioners of Wayne County. The Board of County Commissioners must present the deed for recording in the office of the Wayne County Recorder. The net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within the Department of Mental

Retardation and Developmental Disabilities (DMRDD). These provisions expire two years after the act's effective date. (Section 5.)

Conveyance in Union County to the Association for the Developmentally Disabled, Ohio

The act authorizes the Governor to execute a deed in the name of the state conveying to the Association for the Developmentally Disabled, Ohio, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Union County. Consideration for the conveyance is the purchase price of \$13,000, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and the Association. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to the Association. The Association must present the deed for recording in the office of the Union County Recorder. (Section 6(A) to (E).)

The deed for the conveyance must state the consideration and also contain (1) a deed restriction that the Association must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits the Association from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if the Association defaults on or breaches either deed restriction, the Association immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$117,000. (Section 6(E) to (H).)

The Association must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 6(I) and (J).)

These provisions expire one year after the act's effective date (Section 6(K)).



Conveyances in Hamilton County to Cincinnati's Optimum Residential Environments, Incorporated, Ohio

Glenedge Lane property. The act authorizes the Governor to execute a deed in the name of the state conveying to Cincinnati's Optimum Residential Environments, Incorporated, Ohio (hereafter, ORE), and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Glenedge Lane in Cincinnati). Consideration for the conveyance is the purchase price of \$10,720, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 7(A) to (E).)

The deed for the conveyance must state the consideration and also contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$96,482. (Section 7(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 7(I) and (J).)

These provisions expire one year after the act's effective date (Section 7(K)).

Woolper Avenue property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Woolper Avenue in Cincinnati). Consideration for the conveyance is the purchase price of \$10,920, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with



the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 8(A) to (E).)

The deed for the conveyance must state the consideration and also contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$98,282. (Section 8(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 8(I) and (J).)

These provisions expire one year after the act's effective date (Section 8(K)).

6129 Madison Road property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located at 6129 Madison Road in Cincinnati). Consideration for the conveyance is the purchase price of \$9,880, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 9(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or



breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$88,922. (Section 9(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 9(I) and (J).)

These provisions expire one year after the act's effective date (Section 9(K)).

Greenland Place property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Greenland Place in Cincinnati). Consideration for the conveyance is the purchase price of \$10,240, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 10(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$92,162. (Section 10(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 10(I) and (J).)

These provisions expire one year after the act's effective date (Section 10(K)).

Congreve Avenue property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County

(located on Congreve Avenue in Cincinnati). Consideration for the conveyance is the purchase price of \$10,116, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 11(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$91,046. (Section 11(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 11(I) and (J).)

These provisions expire one year after the act's effective date (Section 11(K)).

Teakwood Court property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Teakwood Court in Cincinnati). Consideration for the conveyance is the purchase price of \$9,600, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 12(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility

located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$86,400. (Section 12(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 12(I) and (J).)

These provisions expire one year after the act's effective date (Section 12(K)).

5524 Madison Road property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located at 5524 Madison Road in Cincinnati). Consideration for the conveyance is the purchase price of \$11,120, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 13(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$100,082. (Section 13(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 13(I) and (J).)

These provisions expire one year after the act's effective date (Section 13(K)).

Edwood Avenue property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Edwood Avenue in Cincinnati). Consideration for the conveyance is the purchase price of \$10,480, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 14(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$94,322. (Section 14(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 14(I) and (J).)

These provisions expire one year after the act's effective date (Section 14(K)).

Plantation Way property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Plantation Way in Cincinnati). Consideration for the conveyance is the purchase price of \$10,900, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate, which must state the 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 15(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$98,100. (Section 15(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 15(I) and (J).)

These provisions expire one year after the act's effective date (Section 15(K)).

Scottwood Avenue property. The act authorizes the Governor to execute a deed in the name of the state conveying to ORE, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Hamilton County (located on Scottwood Avenue in Cincinnati). Consideration for the conveyance is the purchase price of \$9,720, and the real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing interim lease between the state and ORE. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, 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 Auditor of State's office for recording, and delivered to ORE. ORE must present the deed for recording in the office of the Hamilton County Recorder. (Section 16(A) to (E).)

The deed for the conveyance must state the consideration and contain (1) a deed restriction that ORE must continue to operate an existing residential facility located on the real estate for individuals with mental retardation and developmental disabilities for a period of not less than five years from the date of closing, (2) a deed restriction that prohibits ORE from selling, conveying, or transferring ownership of the real estate for a period of not less than five years from the date of closing, and (3) a provision requiring that, if ORE defaults on or

breaches either deed restriction, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$87,482. (Section 16(E) to (H).)

ORE must pay the costs of the conveyance. And, the net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the Residential Facilities Support Fund 152 within DMRDD. (Section 16(I) and (J).)

These provisions expire one year after the act's effective date (Section 16(K)).

Conveyance in Scioto County to the Northwest Local School District

The act authorizes the Governor to execute a deed in the name of the state conveying to the Northwest Local School District, Scioto County, and its successors and assigns, all of the state's right, title, and interest in two specified parcels of real estate in Scioto County. Consideration for the conveyance is the purchase price of \$10. The property originally was conveyed from the District to the state as collateral for school construction facility bonds issued; once the construction project was completed, the state was to have returned title to the property to the District, and the purpose of the act's authorized conveyance is to correct this oversight. The real estate must be sold as an entire tract and not in parcels. The District must pay all costs associated with the purchase and conveyance of the real estate, including, but not limited to, recordation costs of the deed. (Section 17(A) to (D).)

Prior to the execution of the deed, possession of the real estate is to be governed by an existing interim lease between the state and the District. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the District. The District must present the deed for recording in the office of the Scioto County Recorder. The net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the General Revenue Fund. (Section 17(E) to (G).)

These provisions expire one year after the act's effective date (Section 17(H)).

Conveyance in Jefferson County to the Edison Local School District

The act authorizes the Governor to execute a deed in the name of the state conveying to the Edison Local School District, Jefferson County, and its successors and assigns, all of the state's right, title, and interest in specified real

estate in Jefferson County. Consideration for the conveyance is the purchase price of \$10. The property originally was conveyed from the District to the state as collateral for school construction facility bonds issued; once the construction project was completed, the state was to have returned title to the property to the District, and the purpose of the act's authorized conveyance is to correct this oversight. The real estate must be sold as an entire tract and not in parcels. The District must pay all costs associated with the purchase and conveyance of the real estate, including, but not limited to, recordation costs of the deed. (Section 18(A) to (D).)

Prior to the execution of the deed, possession of the real estate is to be governed by an existing interim lease between the state and the District. Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the District. The District must present the deed for recording in the office of the Jefferson County Recorder. The net proceeds of the sale of the real estate must be deposited in the state treasury to the credit of the General Revenue Fund. (Section 18(E) to (G).)

These provisions expire one year after the act's effective date (Section 18(H)).

Conveyance in Mahoning County to the city of Youngstown

The act authorizes the Governor to execute a deed in the name of the state conveying to the city of Youngstown, and its successors and assigns, all of the state's right, title, and interest in specified real estate in that city. Consideration for the conveyance is the use of the real estate and improvements constructed on it as outlined in an existing Operating and Maintenance Agreement between the city and the Department of Rehabilitation and Correction. The conveyance also is to be governed by an Offer to Purchase Real Estate document executed by the Board of Control on behalf of the city and DAS's Director on behalf of the state. (Section 19(A) and (B).)

The deed for the conveyance must contain reversionary language stipulating that title to any improvements and to the specified real estate, in the sole discretion of DAS's Director, may revert to the state if the city ceases to permanently use the real estate for police purposes. Further, the real estate must be sold as an entire tract and not in parcels, and its legal description was provided by the city as part of a "re-plat of state-owned lands encompassing the conveyance parcel." Prior to the execution of the deed, possession of the real estate is to remain with the state. (Section 19(C) to (F).)



The Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration (see discussion above) and 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 Auditor of State's office for recording, and delivered to the city of Youngstown. The city must present the deed for recording in the office of the Mahoning County Recorder and must pay the costs of the conveyance. (Section 19(G) and (H).)

These provisions expire one year after the act's effective date (Section 19(I)).

Conveyance in Pickaway County to the village of Orient

The act authorizes the Governor to execute a deed in the name of the state conveying to the village of Orient, and its successors and assigns, all of the state's right, title, and interest in specified real estate in that village. Consideration for the conveyance is the purchase price of \$4,233. The real estate must be sold as an entire tract and not in parcels. Prior to the execution of the deed for the conveyance, possession of the real estate is to be governed by an existing temporary and permanent easement between the state and the village. (Section 20(A) to (D).)

Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the village of Orient. The village must present the deed for recording in the office of the Pickaway County Recorder and must pay the costs of the conveyance. (Section 20(E) and (F).)

These provisions expire one year after the act's effective date (Section 20(G)).

Conveyance in Montgomery County to Barry K. Humphries

Am. Sub. S.B. 234 authorizes the Governor to execute a deed in the name of the state conveying to Barry K. Humphries, and his successors and assigns, all of the state's right, title, and interest in specified real estate in Montgomery County. It specifies that its provisions pertaining to this conveyance are remedial, with their purpose being to remedy an error in Sub. S.B. 332 of the 123rd General Assembly, passed by that General Assembly on December 5, 2000, approved by the Governor on January 4, 2001, and effective on January 4, 2001, by adding language that was omitted erroneously from the original legal description for the

parcel of real estate described in Section 2(A) of that act that authorized the conveyance of property to Mr. Humphries. The legal description contained in that act erroneously omitted a second parcel of land containing 0.282 acres more or less, that second parcel having been previously created to cure an encroachment by a building located on the real estate described in that act. The deed prepared pursuant to that act retained title of this "orphaned" parcel with the state for the use and benefit of the Department of Mental Health. Am. Sub. S.B. 234 states that it grants the authority to the Governor to convey the specified real estate to Mr. Humphries in order to fulfill the intent of Sub. S.B. 332. (Section 21(A).)

Consideration for the conveyance is the purchase price of \$1, in that Mr. Humphries consideration for the original conveyance anticipated inclusion of the parcel specified in Am. Sub. S.B. 234. The Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to Mr. Humphries. Mr. Humphries must present the deed for recording in the office of the Montgomery County Recorder and must pay the costs of the conveyance. (Section 21(B) to (D).)

These provisions expire one year after the act's effective date (Section 21(E)).

Conveyance in Portage County to the Board of County Commissioners

The act authorizes the Governor to execute a deed in the name of the state conveying to the Board of County Commissioners of Portage County, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Portage County. Consideration for the conveyance is the purchase price of \$32,625. (Section 22(A) and (B).)

Upon payment of the purchase price, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the Board of County Commissioners of Portage County. The Board of County Commissioners must present the deed for recording in the office of the Portage County Recorder and must pay the costs of the conveyance. (Section 22(C) and (E).)

Notwithstanding certain Unemployment Compensation Law deposit of moneys and use of moneys requirements, the net proceeds of the conveyance must



be deposited to the credit of the Unemployment Compensation Special Administrative Fund created by R.C. 4141.11 (Section 22(D)).

These provisions expire one year after the act's effective date (Section 22(F)).

Conveyance in Summit County to a purchaser

The act authorizes the Governor 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 specified real estate in Summit County. The AG is required to have the real estate appraised by a state certified or licensed appraiser. Consideration for the conveyance is a purchase price of at least two-thirds of the appraised value, that is acceptable to the AG. (Section 23(A) to (C).)

Upon payment of the purchase price by the purchaser, the Auditor of State, with the AG's assistance, must prepare a deed to the real estate. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the purchaser. The purchaser must present the deed for recording in the office of the Summit County Recorder and must pay advertising costs, appraisal fees, and all other costs of the sale. The net proceeds of the sale must be deposited in the state treasury as follows: 62% to the credit of Fund 4Z2, appropriation item 055-609, BCI Asset Forfeiture & Cost Reimbursement, and 38% to the credit of the General Revenue Fund. (Section 23(D) to (F).)

These provisions expire three years after the act's effective date (Section 23(G)).¹

Conveyance in Madison County to the Kirkwood Cemetery Association

The act authorizes the Governor to execute a deed in the name of the state conveying to the Kirkwood Cemetery Association, and its successors and assigns, all of the state's right, title, and interest in specified real estate in Madison County. Consideration for the conveyance is the conveyance from the Association to the state (Attorney General of Ohio, Ohio Peace Officer Training Academy), and its successors and assigns, of another specified parcel of real estate in Madison

¹ The same land conveyance provisions were contained in Section 3 of Sub. S.B. 115 of the 125th General Assembly. The effective date of those provisions is not known at the time of the preparation of this final analysis for Am. Sub. S.B. 234.

County. The state must pay the costs of both conveyances. (Section 24(A) to (C).)

Upon the conveyance to the state of the real estate that the Association is required to convey as consideration, the Auditor of State, with the AG's assistance, must prepare a deed to the state-owned real estate to be conveyed. The deed must state the consideration and 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 Auditor of State's office for recording, and delivered to the Association. The Association must present the deed for recording in the office of the Madison County Recorder. (Section 24(D).)

These provisions expire one year after the act's effective date (Section 24(E)).

Tax abatement for "qualified property"

The act provides a temporary procedure whereby certain "qualified property" may be exempted from taxation, and all past-due taxes, penalties, and interest may be abated, even if more than three years' worth of past-due taxes have accrued *because an exemption application was not filed as required under continuing permanent law*. Under the act, the "qualified property" eligible for the abatement and exemption includes (1) real or tangible personal property owned by a board of education and (2) real or tangible personal property owned by the state and used exclusively for a public purpose. (Section 25.)

To qualify for the special abatement and exemption, current owners of qualified property, or prior owners of qualified property requesting the exemption from prior taxes, are required to apply to the Tax Commissioner within 12 months after the act's effective date. The application must include the name of the county in which the property is located; a legal description of the property; its taxable value; the amount of the unpaid taxes, penalties, and interest; the date of acquisition of title to the property; the use of the property during the time the unpaid taxes accrued; and any other information required by the Tax Commissioner. Upon the request of the applicant, any of this information must be supplied by the county auditor. Property owners also must obtain and include with the application a certificate from the county treasurer indicating that all special assessments have been paid in full, and that any taxes, penalties, and interest that were charged before the property was used for the exempt purpose have been paid in full. (Section 25.)

If the Tax Commissioner determines that the applicant qualifies for the special abatement and exemption under the terms of the act, the Tax Commissioner must issue an order directing that the property be placed on the list



of exempt property and that all unpaid taxes, penalties, and interest be abated for every year the property qualified for exemption (Section 25).

If, however, the Tax Commissioner determines that the property currently is being used for a purpose that would foreclose its right to exemption, the Tax Commissioner must deny the application. And, if the Tax Commissioner finds that the property is not entitled to the special abatement and exemption for any of the years for which the abatement and exemption are sought, the Tax Commissioner is required to order the county treasurer to collect all of the taxes, penalties, and interest due on the property for those years. (Section 25.)

The act permits the Tax Commissioner to apply these provisions (1) to any qualified property that is the subject of an application for exemption pending on the act's effective date, without requiring the property owner to file an additional application, and (2) to qualified property that is the subject of an application for exemption filed on or after the act's effective date, and within 12 months after the effective date, even if the application does not expressly request abatement of unpaid taxes, penalties, and interest (Section 25).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-29-04	p. 1827
Reported, S. Judiciary	11-10-04	p. 2262
Passed Senate (31-0)	11-10-04	pp. 2262-2263
Reported, H. State Gov't	11-30-04	p. 2313
Passed House (96-0)	12-07-04	pp. 2367-2369
Senate concurred in House amendments (32-0)	12-08-04	pp. 2437-2438

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