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Bill Analysis
Legislative Service Commission

Sub. S.B. 234

125th General Assembly
(As Reported by H. State Government)

Sen. Mumper

BILL SUMMARY

- Authorizes the conveyance of a parcel of state-owned real estate that is located in Bellfontaine 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 Director of Administrative Services to offer for sale, to a buyer or buyers to be determined at a later date, specified state-owned real estate located in Wayne County that the Department of Mental Retardation and Developmental Disabilities has determined is no longer required for state purposes.
- Authorizes the conveyance of specified state-owned real estate located in Union County to the Association for the Developmentally Disabled, Ohio.
- 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 Youngstown.
- Authorizes the conveyance of specified state-owned real estate located in Pickaway County to 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 bill 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 bill. 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 bill 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).)

The provisions described in the preceding paragraph expire five years after their 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 bill 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 the 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 is required to 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 is required to 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. The provisions described above regarding the 12 parcels of land expire five years after their effective date (Section 2(H)).

Conveyance in Gallia County to Robert Wiley

The bill 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 Gallipolis 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, 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 Robert Wiley; he then must present the deed for recording in the office of the Gallia County Recorder. Mr. Wiley

must pay the costs of the conveyance. All of these provisions expire one year after their effective date. (Section 3.)

Conveyance in Gallia County to the Board of County Commissioners

The bill 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 Gallipolis 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, 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 the Board of County Commissioners; it then must present the deed for recording in the office of the Gallia County Recorder. The Board of County Commissioners must pay the costs of the conveyance. All of these provisions expire one year after their effective date. (Section 4.)

Conveyance in Wayne County

The bill authorizes the Governor to execute a deed in the name of the state conveying to a buyer or buyers to be determined 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 specified real estate in the Township of Wooster in Wayne County that has been determined as no longer being required for state purposes. The Director of DAS, pursuant to the procedures described in the next paragraph, is to assist the Department of Mental Retardation and Developmental Disabilities (DMRDD) in the sale of the real estate. DAS is authorized to conduct a public auction and is required to sell the real estate to the highest bidder at a price acceptable to the Director; the Director may reject any and all bids for any reason whatsoever. If the public auction does not generate a price acceptable to the Director, the auction may be deemed "no sale," and the process described in the next paragraph may be repeated. (Section 5(A) and (B).)

DAS must advertise the auction of the real estate in a newspaper of general circulation within Wayne County once a week for three consecutive weeks prior to the auction. The terms of the sale are to be payment of 10% of the purchase price, as bid by the highest bidder, in cash, a bank draft, or certified check on the date of the sale, with the balance payable within 60 days after the date of sale. A purchaser who does not complete the prescribed conditions of the sale forfeits the



10% of the purchase price to the state as liquidated damages. If the Director declares an auction to be "no sale," DAS must return the deposit submitted by the highest bidder. DMRDD must pay the advertising and other costs of the sale. (Section 5(C) and (D).)

Upon payment of the 10% 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, 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 then must present the deed for recording in the office of the Wayne County Recorder. (Section 5(E).)

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 5(F)).

All of these provisions expire two years after their effective date (Section 5(G)).

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

The bill 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 Marysville 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 then 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, in the event of the Association's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 6(K)).

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

Glenedge Lane property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 7(K)).

Woolper Avenue property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 8(K)).

6129 Madison Road property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 9(K)).

Greenland Place property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 10(K)).

Congreve Avenue property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)



All of these provisions expire one year after their effective date (Section 11(K)).

Teakwood Court property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 12(K)).

5524 Madison Road property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 13(K)).

Edwood Avenue property. The bill 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 then 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, in the event of ORE's

default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 14(K)).

Plantation Way property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 15(K)).

Scottwood Avenue property. The bill 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 then 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, in the event of ORE's default on, or breach of, 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).)

All of these provisions expire one year after their effective date (Section 16(K)).

Conveyance in Scioto County to the Northwest Local School District

The bill 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 Rush Township 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 bill'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 for the conveyance, 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, 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 the District; the District then 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).)

All of these provisions expire one year after their effective date (Section 17(H)).

Conveyance in Jefferson County to the Edison Local School District

The bill 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 bill'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 for the conveyance, 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, 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 the District; the District then 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).)

All of these provisions expire one year after their effective date (Section 18(H)).

Conveyance in Mahoning County to Youngstown

The bill authorizes the Governor to execute a deed in the name of the state conveying to 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 for the conveyance, 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, which must state the consideration (see discussion above). 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 Youngstown; the city then must present the deed for recording in the office of the Mahoning County Recorder. The city must pay the costs of the conveyance. (Section 19(G) and (H).)

All of these provisions expire one year after their effective date (Section 19(I)).

Conveyance in Pickaway County to Orient

The bill authorizes the Governor to execute a deed in the name of the state conveying to 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, 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 Orient; the village then must present the deed for recording in the office of the Pickaway County Recorder. The village must pay the costs of the conveyance. (Section 20(E) and (F).)

All of these provisions expire one year after their effective date (Section 20(G)).

Conveyance in Montgomery County to Barry K. Humphries

The bill 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 Dayton in Montgomery County. The bill 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. The bill 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 the bill. 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 Mr. Humphries; Mr. Humphries then must present the deed for recording in the office of the Montgomery County

Recorder. Mr. Humphries must pay the costs of the conveyance. (Section 21(B) to (D).)

All of these provisions expire one year after their effective date (Section 21(E)).

Conveyance in Portage County to the Board of County Commissioners

The bill 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 Ravenna 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, 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 the Board of County Commissioners of Portage County; the Board then must present the deed for recording in the office of the Portage County Recorder. (Section 22(C).)

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. And, the Board of County Commissioners must pay the costs of the conveyance. (Section 22(D) and (E).)

All of these provisions expire one year after their effective date (Section 22(F)).

Conveyance in Summit County to a purchaser

The bill 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 the Village and Township of Richfield 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, 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 the purchaser; the purchaser then must present the deed for recording in the office of the Summit County Recorder. The purchaser 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).)

All of these provisions expire three years after their effective date (Section 23(G)).

Conveyance in Madison County to the Kirkwood Cemetery Association

The bill 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 Union Township 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 a different specified parcel of real estate in Union Township. The state must pay the costs of both conveyances. (Section 24(A) to (C).)

Upon the conveyance to the state of the specified 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, 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 the Association; the Association then must present the deed for recording in the office of the Madison County Recorder. (Section 24(D).)

All of these provisions expire one year after their effective date (Section 24(E)).

Tax abatement for "qualified property"

The bill 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 current law*. Under the bill, 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 bill'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 bill, 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 bill permits the Tax Commissioner to apply its provisions (1) to any qualified property that is the subject of an application for exemption pending on the bill'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 bill'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

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