



Dennis M. Papp

*Bill Analysis*  
*Legislative Service Commission*

**Sub. S.B. 234\***  
125th General Assembly  
(As Reported by S. Judiciary)

**Sen. Mumper**

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**BILL SUMMARY**

- Authorizes the conveyance of a parcel of state-owned real estate that is located in the City of 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 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 the Board of County Commissioners of Gallia County.
- Authorizes the Director of Administrative Services to offer for sale, to a buyer 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.

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\* *This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- 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, Scioto County.
- Authorizes the conveyance of specified state-owned real estate located in Jefferson County to the Edison Local School District, Jefferson County.
- 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 the Board of County Commissioners of Portage County.
- 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.

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## CONTENT AND OPERATION

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

The Adjutant General has determined that a parcel of land in the City of 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 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 owned by the state. 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 Office of the Auditor of State, 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 a 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 parcels of land. The Board of County Commissioners of Logan County is required to pay all costs associated with the transfer and conveyance of the parcels, 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 twelve 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: (1) one parcel in Henry County, (2) one parcel in Wood County, (3) one parcel in Hancock County, (4) two parcels in Highland County, (5) one parcel in Summit County, (6) one parcel in Coshocton County, (7) two parcels in Hamilton County, (8) one parcel in Ross County, (9) one parcel in Lawrence County, and (10) one parcel in Franklin County. (Section 2(A).)

**Determination of the buyer**

The Adjutant General's Department is required to appraise the parcels of real estate or have them appraised by one or more disinterested persons for a fee to be determined by the Adjutant General. The Adjutant General is required to 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 to sell the parcel at its appraised value 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 to sell the parcel at its appraised value 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 is 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 that 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 in "**Conveyance of twelve parcels of state-owned land used by the Ohio National Guard for armory or military purposes**" 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 owned by the state. 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 Office of the Auditor of State 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 in "**Conveyance of twelve parcels of state-owned land used by the Ohio National Guard for armory or military purposes**" 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 in "**Conveyance of twelve parcels of state-owned land used by the Ohio National Guard for armory or military purposes**" 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 of state-owned land 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 Gallia County. Consideration for the conveyance of the specified real estate 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 Office of the Auditor of State 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 of the real estate. All of these provisions expire one year after their effective date. (Section 3.)

### **Conveyance of state-owned land in Gallia County to the Board of County Commissioners of Gallia County**

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 Gallia County. Consideration for the conveyance of the specified real estate 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 Office of the Auditor of State for recording, and delivered to the Board of County Commissioners of Gallia County; it then must present the deed for recording in the Office of the Gallia County Recorder. The Board must pay the costs of the conveyance of the real estate. All of these provisions expire one year after their effective date. (Section 4.)



### **Conveyance of state-owned land 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, all of the state's right, title, and interest in specified real estate in Wayne County that has been determined as no longer 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 DAS's 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.

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 DAS's 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.

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 Office of the Auditor of State 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.

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

### **Conveyance of state-owned land 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 Union County. Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to the Association; the Association then must present the deed for recording in the Office of the Union County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, the Association immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$117,000.

The Association must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 6.)

**Conveyance of state-owned land in Hamilton County (Glenedge Lane property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$96,482.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 7.)

**Conveyance of state-owned land in Hamilton County (Woolper Lane property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Woolper Lane in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$98,282.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 8.)

**Conveyance of state-owned land in Hamilton County (6129 Madison Road property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 at 6129 Madison Road in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$88,922.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 9.)

**Conveyance of state-owned land in Hamilton County (Greenland Place property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Greenland Place in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$92,162.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 10.)

**Conveyance of state-owned land in Hamilton County (Congreve Avenue property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Congreve Avenue in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$91,046.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 11.)

**Conveyance of state-owned land in Hamilton County (Teakwood Court property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Teakwood Court in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered

to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$86,400.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 12.)

**Conveyance of state-owned land in Hamilton County (5524 Madison Road property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 at 5524 Madison Road in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$100,082.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 13.)

**Conveyance of state-owned land in Hamilton County (Edwood Avenue property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Edwood Avenue in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$94,322.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 14.)

**Conveyance of state-owned land in Hamilton County (Plantation Way property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Plantation Way in Cincinnati). Consideration for the conveyance of the specified real estate 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$98,100.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 15.)

**Conveyance of state-owned land in Hamilton County (Scottwood Avenue property) to Cincinnati's Optimum Residential Environments, Incorporated, Ohio**

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 Scottwood Avenue in Cincinnati). Consideration for the conveyance of the specified real estate 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, 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 Office of the Auditor of State for recording, and delivered to ORE; ORE then must present the deed for recording in the Office of the Hamilton County Recorder.

The deed for the conveyance must 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 time 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 time 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 described in this paragraph, ORE immediately will pay to DMRDD the sum equal to DMRDD's investment in the premises, \$87,482.

ORE must pay the costs of the conveyance of the real estate. 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. All of these provisions expire one year after their effective date. (Section 16.)

**Conveyance of state-owned land in Scioto County to the Northwest Local School District, Scioto County**

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 Scioto County. Consideration for the conveyance of the specified real estate is the purchase price of \$10. The property originally was conveyed from the District to the state of Ohio 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 this conveyance pursuant to the bill 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.

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 Office of the Auditor of State 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 State General Revenue Fund. All of these provisions expire one year after their effective date. (Section 17.)

**Conveyance of state-owned land in Jefferson County to the Edison Local School District, Jefferson County**

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 of the specified real estate is the purchase price of \$10. The property originally was conveyed from the District to the state of Ohio 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 this conveyance pursuant to the bill 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.

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 Office of the Auditor of State 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 State General Revenue Fund. All of these provisions expire one year after their effective date. (Section 18.)

**Conveyance of state-owned land in Mahoning County to the City of Youngstown**

The bill 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 Mahoning County. Consideration for the conveyance of the specified real estate is the use of the real

estate and improvements constructed on the real estate as outlined in an existing Operating and Maintenance Agreement between the City of Youngstown and the Department of Rehabilitation and Correction. The conveyance is to be governed by an Offer to Purchase Real Estate document executed by the Board of Control on behalf of the City of Youngstown and the DAS's Director, on behalf of the state of Ohio. The deed for the conveyance must contain reversionary language stipulating that title to any improvements and the specified real property, at the sole discretion of DAS's Director, may revert to the state of Ohio if the City of Youngstown ceases to permanently use the real estate for police purposes. The real estate must be sold as an entire tract and not in parcels. The legal description of the specified real estate was provided by the City of Youngstown as part of a plat of state owned lands encompassing said conveyance parcel. Prior to the execution of the deed for the conveyance, possession of the real estate is to remain with the state of Ohio.

*Upon payment of the purchase price* (note that it appears that there is no purchase price, and that this language is in error), 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 Office of the Auditor of State for recording, and delivered to the City of Youngstown; the City then must present the deed for recording in the Office of the Mahoning County Recorder. The City of Youngstown must pay the costs of the conveyance of the real estate. All of these provisions expire one year after their effective date. (Section 19.)

### **Conveyance of state-owned land in Pickaway County to the Village of Orient**

The bill 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 Pickaway County. Consideration for the conveyance of the specified real estate 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 of Orient.

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 Office of the Auditor of State for recording, and delivered to the Village of Orient; the Village then must present the deed for recording in the Office of the Pickaway County Recorder. The Village of Orient must pay the

costs of the conveyance of the real estate. All of these provisions expire one year after their effective date. (Section 20.)

**Conveyance of state-owned land 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 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, said 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 of Ohio 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 of the 123rd General Assembly.

Consideration for the conveyance of the specified real estate is the purchase price of \$1, in that Mr. Humphries consideration for the original conveyance anticipated inclusion of the parcel specified in the bill for this conveyance. 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 Office of the Auditor of State 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 of the real estate. All of these provisions expire one year after their effective date. (Section 21.)

**Conveyance of state-owned land in Portage County to the Board of County Commissioners of Portage County**

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 Portage County. Consideration for the conveyance of the specified real estate is the purchase price of \$32,625.

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 Office of the Auditor of State 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. Notwithstanding R.C. 4141.11 and 4141.131, the net proceeds of the conveyance of the real estate must be deposited to the credit of a special administrative fund created by R.C. 4141.11. The Board must pay the costs of the conveyance of the real estate. All of these provisions expire one year after their effective date. (Section 22.)

### **Conveyance of state-owned land 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 Summit County. The AG is required to have the specified real estate appraised by a state certified or licensed appraiser. Consideration for the conveyance of the specified real estate is a purchase price of at least two-thirds of the appraised value and acceptable to the AG.

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 Office of the Auditor of State 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 of the real estate. The net proceeds of the sale of the specified real estate 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. All of these provisions expire three years after their effective date. (Section 23.)

### **Conveyance of state-owned land 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 Madison County. Consideration for the conveyance of the specified real estate is the conveyance



from the Kirkwood Cemetery 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 Madison County. The State must pay the costs of both conveyances of the specified real estate.

Upon the conveyance to the State of the specified real estate that the Kirkwood Cemetery Association is required to convey as consideration for the state-owned real estate, 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 Office of the Auditor of State for recording, and delivered to the Kirkwood Cemetery Association; the Association then must present the deed for recording in the Office of the Madison County Recorder. All of these provisions expire one year after their effective date. (Section 24.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-29-04	p. 1827
Reported, S. Judiciary	---	---

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