



*Lisa Sandberg*

*Final Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 139**

126th General Assembly  
(As Passed by the General Assembly)

- Reps. Harwood, Carano, Patton, S., Law, Williams, Domenick, Chandler, Wolpert, Mitchell, Beatty, Boccieri, Book, Cassell, Distel, Evans, C., Fende, Flowers, Hughes, Miller, Oelslager, Otterman, Patton, T., Skindell, Stewart, J., Wagoner, Yuko**
- Sens. Dann, Hagan, Carey, Harris, Prentiss, Roberts, Schuring, Zurz, Fedor, Stivers, Goodman, Wilson, Gardner, Armbruster, Spada**

**Effective date: Emergency, January 10, 2006; Sections 1, 2, 3, and 5 effective April 11, 2006; certain provisions effective January 10, 2011**

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### **ACT SUMMARY**

- Authorizes the conveyance to Liberty Township of the state's interest in specified real estate in Trumbull County.
- Authorizes the conveyance of the state's interest in specified real estate in Wayne County to a purchaser to be determined.
- Authorizes the conveyance of the state's interest in specified real estate in Wayne County to the Wayne County Fire Rescue Association.
- Amends Am. Sub. S.B. 147 of the 125th General Assembly regarding the conveyance to the Columbus Board of Education of the state's interest in specified real estate in Franklin County to add a parcel to the conveyance that was omitted from that act.
- Authorizes the conveyance of the state's interest in specified real estate in Mahoning County held for the use and benefit of Youngstown State University to purchasers to be determined.

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## CONTENT AND OPERATION

### Conveyance to Youngstown State University

#### Operation of the act

The act provides that for five years from the effective date of this provision, the Governor may execute deeds in the name of the state conveying to one or more purchasers and the purchaser's heirs and assigns or successors and assigns all of the state's right, title, and interest in any or all parcels of real estate held for the use and benefit of Youngstown State University and located in the city of Youngstown, Mahoning County, in an area known as "Smokey Hollow." The parcels of real estate may be transferred individually or as a group or multiple groups to a single purchaser or multiple purchasers.

The consideration for conveyance of the real estate described above is a purchase price and any terms and conditions acceptable to the Board of Trustees of Youngstown State University. The consideration may include in whole or in part the benefit that will inure to the University and the students attending the University from development of a mixed-use urban neighborhood that will provide convenient housing, retail outlets, parks, and employment opportunities on a site adjacent to the University's core campus.

All costs of the conveyance of the real estate described above must be paid by the Board of Trustees of the University unless otherwise specified in the agreement for the transfer of property.

Upon adoption of a resolution by the Board of Trustees specifically identifying the parcel or parcels of real estate to be conveyed, the purchaser or purchasers of the real estate, and identifying the consideration paid or to be paid, the State Auditor, with the assistance of the Attorney General, must prepare a deed or deeds to the real estate described above and identified in the resolution. The deed or deeds must state the consideration specified in the resolution. The deed or deeds must be executed by the Governor in the name of the state, countersigned by the Secretary of State, presented in the office of the State Auditor for recording, and delivered to the purchaser or purchasers. The purchaser or purchasers must present the deed or deeds for recording in the office of the Mahoning County Recorder.

Each deed to any property described above must contain any exceptions, reservations, or conditions and any right of reentry or reverter clause specified in the resolution adopted by the Board of Trustees. Any exceptions, reservations, or conditions or any right of reentry or reverter clause contained in any deed authorized by this section may be released by the University without the necessity

of further legislation, provided such release is specifically authorized by the Board of Trustees.

The net proceeds of the sale of the real estate described above must be paid to Youngstown State University and deposited in University accounts for purposes to be determined by the Board of Trustees. (R.C. 3356.10.)

The above provisions will be repealed effective five years after the effective date of the act (Section 2).

### **Authorization and consideration**

The act authorizes the Governor to execute a deed in the name of the state conveying to Liberty Township in Trumbull County, and its successors and assigns, *all of the state's right, title, and interest* in certain state-owned real estate in Trumbull County that the state originally conveyed to Liberty Township on August 29, 1978, except for .067 acres that the state will retain for the maintenance and repair of a state highway. That original deed was authorized by Sub. S.B. 324 of the 112th General Assembly, required, in accordance with that act, that the property be used solely for public purposes, and specified that, upon termination of the property being used solely for public purposes, all right, title, and interest in the property must revert to the state. (Section 3(A) and (B).)

The conveyance authorized in the act does not contain that condition or possibility of reverter. The consideration for the conveyance is the mutual benefit accruing to the state and Liberty Township by the use of the real estate for economic development by Liberty Township. (Section 3(A) and (C).)

### **Preparation of the deed and costs of the conveyance**

The act specifies the procedures for the preparation, execution, and recording of the deed to the real estate within 30 days after the act's effective date. The deed must state the consideration mentioned above. (Section 3(D).) The act also requires Liberty Township to pay the costs of the conveyance (Section 3(E)).

### **Expiration date**

The above provisions dealing with Trumbull County real estate expire one year after their effective date (Section 3(F)).

## Apple Creek Developmental Center

### Authorization and consideration

The act authorizes the Governor to execute a deed in the name of the state conveying to a buyer or buyers to be determined *all of the state's right, title, and interest* in certain state-owned real estate in Wayne County that the Director of Administrative Services has determined is no longer required for state of Ohio purposes (Section 4(A)). The Director must offer the real estate, improvements, and chattels located on the parcel for sale "as is," in its present condition according to the following process (Section 4(C)):

(1) The real estate must be sold as an entire parcel and not subdivided.

(2) The Director must offer the real estate to any state entity expressing an interest in obtaining the real estate. Any state entity expressing interest in the real estate must obtain occupancy and possession through execution of a Transfer of Jurisdictional Control Affecting State Owned Lands document and thereafter assume operational control and financial responsibility for the real estate.

(3) Should the Director provide notice to the Department of Mental Retardation and Developmental Disabilities (hereafter "MRDD") that no state entity has expressed an interest in acquiring the real estate, MRDD, with the assistance of the Department of Administrative Services, must have the parcel appraised by one or more disinterested persons for a fee to be determined by and paid by MRDD. The Director must then offer the real estate at the appraised value to the Board of County Commissioners of Wayne County.

(4) If, after 30 days, the Board of County Commissioners of Wayne County has declined the offer to purchase the real estate at the appraised value, or if the Board of County Commissioners of Wayne County has accepted the offer but has failed to complete the purchase, the Director must offer the real estate at the appraised value to the Board of Trustees of East Union Township.

(5) If, after 30 days, the Board of Trustees of East Union Township has declined the offer to purchase the real estate at the appraised value, or if the Board of Trustees of East Union Township has accepted the offer but has failed to complete the purchase, the Director must offer the real estate at the appraised value to the Village of Apple Creek.

(6) If, after 30 days, the Village of Apple Creek has declined the offer to purchase the real estate at the appraised value, or if the Village of Apple Creek has accepted the offer but has failed to complete the purchase, the Director must offer

the real estate at the appraised value to the Board of Education of the Southeastern Local School District.

(7) If, after 30 days, the Board of Education of the Southeastern Local School District has declined the offer to purchase the real estate at the appraised value, or if the Board of Education of the Southeastern Local School District has accepted the offer but has failed to complete the purchase, the Director must conduct a public auction with a required sale price of not less than two-thirds of the established appraised value.

(8) If, after the public auction no bids for at least two-thirds of the appraised value are received, a second public auction must be held, and the real estate must be sold to the highest bidder at a price acceptable to both the Director of Administrative Services and the Director of MRDD. The Director of Administrative Services may reject any and all bids, and must advertise each auction in a newspaper of general circulation within the county in which the real estate is located once a week for three consecutive weeks prior to the date of each auction. The terms of sale must be 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 complete the conditions of the sale must forfeit the 10% of the purchase price presented at the time of sale to the state as liquidated damages. If a purchaser does not complete the conditions of sale, the Director of Administrative Services is authorized to accept the next highest bid by collecting 10% of the purchase price from that bidder and proceed to close the sale, providing the secondary bid meets all other criteria provided for in this provision.

(9) Advertising costs, appraisal fees, and other costs incident to the sale of the real estate must be paid by MRDD.

(10) The net proceeds of the sale must be deposited in the state treasury to the credit of the Fund 33 Mental Health Improvement Fund and must be used to offset bond indebtedness for Apple Creek Developmental Center capital projects.

### **Preparation of the deed**

The act specifies that upon notice from the Director of Administrative Services that the parcel of real estate has been sold, the State Auditor, with the assistance of the Attorney General, must prepare a deed to the real estate to the purchaser identified by the Director of Administrative Services. The deed must be executed by the Governor, countersigned by the Secretary of State, presented in the office of the State Auditor for recording, and delivered to the grantee at closing and upon the grantee's payment of the balance of the purchase price. The grantee must present the deed for recording in the Wayne County Recorder's Office.



**Expiration date**

This provision expires three years after its effective date (Section 4(D)).

**Wayne County Fire Rescue Association**

**Authorization and conveyance**

The act authorizes the Governor to execute a deed in the name of the state to the Wayne County Fire Rescue Association, their successors and assigns or heirs and assigns, *all of the state's right, title, and interest* in certain state-owned real estate. The real estate must be sold as an entire tract and not in parcels. (Section 5 and 5(B).)

The Governor's deed must state that consideration for the conveyance of the real estate must be at a price acceptable to both the Director of Administrative Services and the Director of MRDD.

**Preparation of the deed and costs of the conveyance**

The act specifies that once the act becomes effective, the State Auditor, with the assistance of the Attorney General, must prepare a Governor's deed to the real estate. The deed must state the consideration and must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the state, presented in the office of the State Auditor for recording, and delivered to the Wayne County Fire Rescue Association. The Fire Rescue Association must present the deed for recording in the office of the Wayne County Recorder. Any title evidence desired by the Fire Rescue Association must be at the Fire Rescue Association's expense. The risk of loss or damage to the real estate remains with and is expressly assumed by the state until title passes at the time of the delivery of the Governor's deed. The Fire Rescue Association must pay the costs of the conveyance of the real estate, including recordation costs of the Governor's deed. The Fire Rescue Association has the right to examine the premises, but must agree to accept the property, in its present condition, as is, where is, and both parties agree that the condition of the property and improvements will not be changed, altered, or modified between the time of executing the agreement and the date of closing. (Section 5(C), (D), (E), (F), (G), and (H).)

**Expiration date**

This provision expires one year after its effective date (Section 5(I)).

**Sale of property to the Columbus Board of Education**

The act amends Section 6 of Am. Sub. H.B. 147 of the 126th General Assembly, a bill that included a conveyance of land to the Columbus Board of Education. The act includes an additional parcel of land to be conveyed to the Columbus Board of Education. (Section 6.)

**Effective date**

The act provides that Sections 1, 2, 3, and 5 take effect on the 91st day after the effective date of the act.

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**HISTORY**

| ACTION   | DATE     |
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| Introduced   | 03-16-05 |
| Reported, H. Local & Municipal Gov't &<br>Urban Revitalization | 10-11-05 |
| Passed House (94-0)  | 10-18-05 |
| Reported, S. Judiciary on Civil Justice                        | 12-13-05 |
| Passed Senate (32-0)   | 12-13-05 |
| House concurred in Senate amendments (93-0)                    | 12-14-05 |

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