(122nd General Assembly)
(Substitute House Bill Number 97)

AN ACT

To authorize the conveyance of two parcels of state-owned real estate located in Franklin County to the City of Columbus for construction of the West Columbus Local Protection Project, a k a the Franklinton Floodwall, to authorize the conveyance of any additional parcels of real estate necessary for the completion of the project, to authorize the conveyance of two parcels of state-owned real estate located in Mahoning County to the Mahoning County Mental Health Board, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Columbus in Franklin County and its successors and assigns all of the state's right, title, and interest in the following two parcels of real estate located beneath the waters of the Scioto River and necessary for the construction of the West Columbus Local Protection Project, a k a the Franklinton Floodwall:

Parcel Number 1, a parcel known as Tract No. 410-1:

Situated in the State of Ohio, County of Franklin, City of Columbus, and bounded and described as follows:

Being a part of the Scioto River adjacent to Survey No. 1393, Virginia Military Survey District, and adjacent to 17.386 acres conveyed to Paul R. Burge by Deed of Record in Official Record 08840 J08 all References being to the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point on the northerly line of the Thomas A. Nastoff tract described in Official Record 18150 D18, said Thomas A. Nastoff tract being a conveyance out of the said Paul R. Burge property, said point being 239.68 feet right of Souder Avenue Extension center line station 16+20.32 as shown on right-of-way plans FRA - SOUDER AVE. EXTENSION

RMERLY FRA - 670 - 1.25, A-3), designated corner 410-1-1, and being the TRUE POINT OF BEGINNING of the tract herein described;

thence, with said northerly line of Thomas A. Nastoff and the southerly bank of the Scioto River, North 36°39'42" West, a distance of 125.49 feet (125.486 feet grid) to a point, on the easterly right-of-way line of Souder Avenue Extension, designated corner 400-5;

thence, continuing with the southerly bank of the Scioto River, North 36°39'42" West, a distance of 116.53 feet (116.525 feet grid) to a point, designated corner 410-1-2;

thence, continuing with the southerly bank of the Scioto River, North 43°22'40" West, a distance of 89.59 feet (89.587 feet grid) to a point, designated corner 410-1-3;

thence, continuing with the southerly bank of the Scioto River, North 42°52'27" West, a distance of 32.57 feet (32.568 feet grid) to a point, on the westerly right-of-way of Souder Avenue Extension, also being on the northeasterly line of the said Paul R. Burge property, designated corner 211-8;

thence, continuing with the southerly bank of the Scioto river, and the northerly line of said Paul R. Burge property, North 42°52'27" West, a distance of 277.38 feet (277.367 feet grid), to an iron pin set and stamped 211-7;

thence, continuing with the southerly bank of the Scioto river, and the northerly line of said Paul R. Burge property, North 50°38'26" West, a distance of 92.80 feet (92.799 feet grid) to a point, designated corner COE 484;

thence, leaving the southerly bank of the Scioto River and the northerly line of said Paul R. Burge property, North 69°42'47" East, a distance of 53.77 feet (53.766 feet grid) to a point in the Scioto River, designated corner COE 483;

thence, South 35°30'11" East, a distance of 198.50 feet (198.486 feet grid) to a point in the Scioto River, designated corner COE 482;

thence, South 46°54'48" East, a distance of 139.96 feet (139.958 feet grid) to a point in the Scioto River, designated corner COE 481;

thence, South 43°25'41" East, a distance of 146.91 feet (146.898 feet grid) to a point in the Scioto River designated corner COE 485;

thence, South 37°33'25" East, a distance of 115.66 feet (115.655 feet grid) to a point in the Scioto River, designated corner COE 486;

thence, South 25°14'22" East, a distance of 118.66 feet (118.656 feet grid) to a point in the Scioto River, designated corner COE 585;

thence, South 53°20'18" West, a distance of 1.66 feet (1.662 feet grid) to

the point of beginning, CONTAINING 0.356 ACRES.

The preceding description is subject to all legal right-of-ways and easements of record.

Bearings, distances and coordinates are based on the Ohio State Plane Coordinate System, NAD 1927, South Zone (Page's Ohio Revised Code, Sec. 157.01 to 157.07 inclusive), Grid factor used to reduce distances for this description is 0.9999514. True North bears 00°21'00" West of Grid North.

A plat of survey of the tract described is on file with the Real Estate Office, City of Columbus, Ohio, and the Survey Section of the U.S. Army Corps of Engineers, Ohio River Division, Huntington District, Huntington, West Virginia.

This description is based on the actual field survey performed by Dodson-Lindblom Associates, Inc. in June 1991, January-February 1994 January 1995, September 1995 - January 1996 and May 1996. Dallas P. Morlan, Registered Surveyor No. 6540.

Parcel Number 2, a parcel known as Tract No. 410-2:

Situated in the State of Ohio, County of Franklin, City of Columbus, and bounded and described as follows:

Being a part of the Scioto River adjacent to Survey No. 1393, Virginia Military Survey District, and adjacent to tracts conveyed to Thomas A. Nastoff as described in Official Record 18150 D18 and The Board of County Commissioners of Franklin County, Ohio as described in Deed Book 1312 Page 289 and Deed Book 1680 Page 580, all References being to the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point on the northerly line of the Thomas A. Nastoff tract described in Official Record 18150 D18, and being 239.68 feet right of Souder Avenue Extension center line station 16+20.32 as shown on right-of-way plans FRA - SOUDER AVE. EXTENSION (FORMERLY FRA - 670 - 1.25, A-3), designated corner 410-1-1, and being the TRUE POINT OF BEGINNING of the tract herein described;

thence, leaving the southerly bank of the Scioto River and the northerly line of said Thomas A. Nastoff property, North 53°20'18" East, a distance of 1.66 feet (1.662 feet grid) to a point in the Scioto River, designated corner COE 585;

thence, South 40°52'51" East, a distance of 157.59 feet (157.580 feet grid) to a point, designated corner COE 586;

thence, South 62°59'31" East, a distance of 175.95 feet (175.942 feet grid) to a point, designated corner COE 1291;

thence, South 84°06'21" East, a distance of 150.82 feet (150.808 feet grid) to a point, designated corner COE 1341;

thence, North 78°48'19" East, a distance of 364.74 feet (364.717 feet grid) to a point, designated corner COE 1340;

thence, North 84°07'14" East, a distance of 410.37 feet (410.351 feet grid) to a point, designated corner COE 1327;

thence, North 75°38'34" East, a distance of 219.68 feet (219.665 feet grid) to a point at the southerly edge of water of the Scioto River and on the northerly line of the Board of County Commissioners, Franklin County, Ohio property, described in Deed Book 1680 Page 580, designated corner 410-2-1;

thence, with the southerly edge of water of the Scioto River and the northerly line of said Board of County Commissioners property, South 68°53'49" West, a distance of 43.70 feet (43.693 feet grid) to a point, designated corner 402-1-2;

thence, continuing with the southerly edge of water of the Scioto River and the northerly line of said Board of County Commissioners property, South 71°46'40" West, a distance of 349.03 feet (349.018 feet grid) to a point, designated corner 402-1-1;

thence, continuing with the southerly edge of water of the Scioto River and the northerly line of said Board of County Commissioners property, South 76°29'24" West, a distance of 173.20 feet (173.194 feet grid) to a point, designated corner 406-2-3, also being on the northeasterly corner of the State of Ohio property, Parcel 239WR, conveyed by Deed Book 3535 Page 678;

thence, with the southerly edge of water of the Scioto River and the northerly line of said State of Ohio Parcel 239WR, South 81°19'17" West, a distance of 48.69 feet (48.692 feet grid) to a point, designated corner 406-2-2, also being the northwesterly corner of said State of Ohio Parcel 239WR;

thence, with the southerly edge of water of the Scioto River and crossing the current and proposed alignment of State Route 315, South 68°07'41" West, a distance of 112.26 feet (112.253 feet grid) to a point, designated corner 410-2-2;

thence, with the southerly edge of water of the Scioto River, South 78°23'19" West, a distance of 263.41 feet (263.392 feet grid) to a point, designated corner 410-2-3;

thence, with the southerly edge of water of the Scioto River, North 73°31'37" West, a distance of 155.95 feet (155.943 feet grid) to a point, designated corner 410-2-4;

thence, with the southerly edge of water of the Scioto River, North 53°31'47" West, a distance of 132.23 feet (132.224 feet grid) to a point, being the eastern most corner of the Thomas A. Nastoff property described in Official Record 18150 D18, designated corner 400-7

thence, with the northerly line of said Thomas A. Nastoff property, North 52°02'27" West, a distance of 124.14 feet (124.130 feet grid) to a point, designated corner 400-6;

thence, continuing with the northerly line of said Thomas A. Nastoff property, North 36°39'42" West, a distance of 142.83 feet (142.820 feet grid) to the point of beginning, CONTAINING 1.829 ACRES.

The preceding description is subject to all legal right-of-ways and easements of record.

Bearings, distances and coordinates are based on the Ohio State Plane Coordinate System, NAD 1927, South Zone (Page's Ohio Revised Code, Sec. 157.01 to 157.07 inclusive), Grid factor used to reduce distances for this description is 0.9999514. True North bears 00°21'00" West of Grid North.

A plat of survey of the tract described is on file with the Real Estate Office, City of Columbus, Ohio, and the Survey Section of the U.S. Army Corps of Engineers, Ohio River Division, Huntington District, Huntington, West Virginia.

This description is based on an actual field survey performed by Dodson-Lindblom Associates, Inc. in June 1991, January-February 1994 January 1995, September 1995 - January 1996 and May 1996. Dallas P. Morlan, Registered Surveyor No. 6540.

(B) The conveyance of Parcel Number 2, a parcel known as Tract No. 410-2 and described in division (A) of Section 1 of this act, is subject to the condition of an easement the State of Ohio hereby reserves for the purpose of entry onto Parcel Number 2 as necessary for the construction, operation, and maintenance of State Route 315. The state's exercise of its right to entry onto Parcel Number 2 shall not interfere with the construction, operation, and maintenance of the West Columbus Local Protection Project, a k a the Franklinton Floodwall.

(C) Consideration for conveyance of the real estate described in division (A) of Section 1 of this act is the mutual benefit accruing to the state and the City of Columbus by the construction of the West Columbus Local Protection Project, a k a the Franklinton Floodwall.

(D) Within one year after the effective date of this act, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of Section 1 of this act. The deed shall

state the consideration and the condition of the easement described in division (B) of Section 1 of this act. The deed shall 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 Columbus. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

(E) The City of Columbus shall pay the costs of the conveyance.

SECTION 2. The Governor is hereby authorized to execute additional deeds in the name of the state conveying to the City of Columbus and its successors and assigns all of the state's right, title, and interest in any additional parcels of real estate that would change or broaden the parcels described in Section 1 of this act and that are necessary to complete construction of the West Columbus Local Protection Project, a k a the Franklinton Floodwall. As consideration for the conveyance of additional parcels pursuant to this section, the Governor may require the reconveyance of any or all of the real estate conveyed pursuant to Section 1 of this act that the City does not require to complete the project. Any conveyance made pursuant to this section shall be prepared and executed in accordance with the procedures set forth in division (D) of Section 1 of this act. The City of Columbus shall pay the costs of any conveyance made pursuant to this section.

SECTION 3. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Mahoning County Mental Health Board and its successors and assigns all of the state's right, title, and interest in the following described real estate:

Parcel 1:

Situated in the City of Youngstown, County of Mahoning, State of Ohio, being part of original City Out-Lot No. 1198, further bounded and described as follows:

Beginning at a 5/8" rebar found at the intersection of the north line of Indianola Avenue (50' R/W) with the east line of Homestead Street (50' R/W), said rebar being the True Place of Beginning for the parcel being described herein;

Thence, N 03°02'15" E, along the east line of Homestead Street, 527.00 feet to a 5/8" capped rebar set at the intersection of the east line of Homestead Street with the south line of Wilbur Avenue (40' R/W);

Thence, S 87°46'54" E, leaving the east line of Homestead Street, along the south line of Wilbur Avenue, 200.13 feet to a 5/8" capped rebar set;

Thence, S 03°02'15" W, leaving the south line of Wilbur Avenue, parallel with the east line of Homestead Street, 498.27 feet to a 5/8" capped rebar set on the north line of Indianola Avenue;

Thence, S 84°04'00" W, along the north line of Indianola Avenue, 202.59 feet to the True Place of Beginning and containing 2.3550 acres of land, but subject to all legal highways, easements, and restrictions, if any, as surveyed by Deron J. Millman, P.S., Number 7717 for Environmental Design Group, Inc. in May of 1996.

The basis of bearing for the above described parcel is the north line of Indianola Avenue (S 84°04'00" W) per Deed Volume 672, Page 26 of Mahoning County Records of Deeds.

Parcel 2:

Situated in the City of Youngstown, County of Mahoning, State of Ohio, being part of original City Out-Lot No. 1198, further bounded and described as follows:

Beginning at a 5/8" rebar found at the intersection of the north line of Indianola Avenue (50' R/W) with the east line of Homestead Street (50' R/W);

Thence, N 84°04'00" E, along the north line of Indianola Avenue, 652.86 feet to a 1/2" rebar found and the True Place of Beginning for the parcel being described herein;

Thence, N 03°02'15" E, leaving the north line of Indianola Avenue, parallel with the east line of Homestead Street, passing through a 5/8" capped rebar set at 434.42 feet, a total distance of 556.23 feet to a 5/8" capped rebar set on the south line of City Lot No. 58422 as shown by the Compton Lane Plat recorded in Volume 37, Pages 23-24 of Mahoning County Records of Maps;

Thence, S 88°25'38" E, along the south line of said plat, passing thru a 1" iron pipe found at 32.34 feet, a 5/8" rebar at 84.45 feet, a total distance of 190.30 feet to a 5/8" capped rebar set on the west line of Zedaker Street (50' R/W);

Thence, S 02°02'06" W, leaving the south line of said Plat, continuing along the west line of Zedaker Street, 529.68 feet to a drill hole set at the intersection of the west line of Zedaker Street with the north line of Indianola Avenue;

Thence, S 84°04'00" W, along the north line of Indianola Avenue, 201.98 feet to the True Place of Beginning and containing 2.4307 acres of land but subject to all legal highways, easements and restrictions, if any, as

surveyed by Deron J. Millman, P.S., Number 7717 for Environmental Design Group, Inc. in May 1996.

The basis of bearing for the above described parcel is the north line of Indianola Avenue (S 84°04'00" W) per Deed Volume 672, Page 26 of Mahoning County Records of Deeds.

(B) Consideration for conveyance of the real estate described in division (A) of Section 3 of this act is the mutual benefit accruing to the state and the Mahoning County Mental Health Board by enabling the Mahoning County Mental Health Board to expand its services and develop a Community Care Center.

(C) The Mahoning County Mental Health Board shall use the real estate described in division (A) of Section 3 of this act for mental health purposes. If the Mahoning County Mental Health Board ceases to use that real estate for mental health purposes, the state may reenter upon its former estate.

(D) The Mahoning County Mental Health Board shall pay the costs of the conveyance of the real estate described in division (A) of Section 3 of this act.

(E) Within one year after the effective date of this act, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of Section 3 of this act. The deed shall state the consideration and the right of reentry set forth in division (C) of Section 3 of this act. The deed shall 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 Mahoning County Mental Health Board. The Mahoning County Mental Health Board shall present the deed for recording in the office of the Mahoning County Recorder.

SECTION 4. This act expires one year after its effective date.

SECTION 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that immediate action is required for the City of Columbus to acquire the two parcels of real estate located beneath the Scioto River as soon as possible to commence construction of the next phase of the West Columbus Local Protection Project, a k a the Franklinton Floodwall. Therefore, this act shall go into immediate effect.

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Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____