

AN ACT

To authorize the conveyance of a parcel of real estate located in Clark County and known as the Springfield Post of the State Highway Patrol to the Community Improvement Corporation of Springfield and Clark County, to authorize the conveyance of a parcel of real estate located in Trumbull County to Clifton W. Brewster and Darla M. Brewster, to authorize the conveyance of approximately 1.5 acres of real estate of the Department of Natural Resources in Erie County to the Kelleys Island Board of Education, 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 Community Improvement Corporation of Springfield and Clark County (the Community Improvement Corporation) and its successors and assigns all of the state's right, title, and interest in the following described real estate located in Clark County and known as the Springfield Post of the State Highway Patrol:

Situated in the State of Ohio, County of Clark, and in Springfield Township, and being part of the Southwest Quarter of Section 5, Town 5, Range 9, M.R.S. and bounded and described as follows:

Beginning at a concrete marker in the South right of way line of United States Route Number Forty (40) Sixty (60) feet south of and at right angles to Station Nine Hundred Twenty-six (926) plus Fifty-three and nine tenths (53.9) feet in the centerline of a Survey made by the Ohio State Department of Highways and recorded in Book seven (7) Page Seventy-four (74) of the Clark County Records. Said marker also being the intersection of the Section Line between Section 5, Town 5, Range 9, and Section 11, Town 5, Range 9 with said South Right of Way line of United States Route Number Forty (40).

Thence in a northerly direction with the Section line between Section 5,

own 5, Range 9 and Section 11, Town 5, Range 9, for a distance of One Hundred twenty-five and two tenths (125.2) feet to a point in the Centerline of the old U.S. Route forty (40) as it existed prior to the construction of State Highway Project No. 570 in 1948 and which is now the centerline of the West Bound traffic lanes of U.S. Route forty (40) said point being Sixty-five (65) feet north of and at right angles to Station nine hundred twenty-six (926) plus Sixty-one and four tenths (61.4) feet in the centerline of the aforesaid Survey; thence in an Easterly direction with the old Centerline of USR forty (40) Two Hundred (200) feet to a point in said Old Centerline of USR forty (40) said point being Sixty-five (65) feet North of and at right angles to Station nine hundred twenty-eight (928) plus Sixty-one and four tenths (61.4) feet in the centerline of the aforesaid Survey; thence in a Southerly direction and parallel to the said Section line between Section 5, Town 5, Range 9 and Section 11, Town 5, Range 9 for a distance of Three hundred forty-four (344) feet to a concrete monument, said line intersecting the present South Right of Way line of USR Forty (40) at a concrete monument in said Right of Way line Sixty (60) feet South of, and at right angles to, Station Nine Hundred Twenty-eight (928) plus fifty-three and nine tenths (53.9) feet in the centerline of said Survey; thence in a Westerly direction parallel to the said South Right of Way line of USR forty (40), for a distance of Two hundred (200) feet to a concrete monument in the said Section Line between Section 5, Town 5, Range 9 and Section 11, Town 5, Range 9, said point being two hundred and eighteen and eight tenths (218.8) feet south of the point of beginning; thence in a Northerly direction with said Section Line for a distance of Two Hundred eighteen and eight tenths (218.8) feet to the point of beginning.

Containing One and Fifty-seven hundredths (1.57) Acres, more or less, of which the present highway USR 40 occupies Fifty seven hundredths (0.57) acres leaving One (1) Acre, more or less.

All stationing referred to in the foregoing being the station numbers as stipulated in the hereinbefore mentioned Survey as shown by plans on file in the Department of Highways, Columbus, Ohio.

Being part of the same premises conveyed to Gustavus C. Titus by deed of Harley L. Titus et al dated January 31, 1902 and recorded in volume 136, page 283, Deed Records, Clark County, Ohio.

(B) The State Highway Patrol may, at its discretion, prior to the conveyance of the real estate described in division (A) of this section, remove from that real estate the generator, plus any other equipment to which the State Highway Patrol and the Community Improvement Corporation agree in writing.

(C) The State Highway patrol shall, following the conveyance of the real estate described in division (A) of this section, remove any and all underground storage tanks on the real estate and provide the Community Improvement Corporation with a no further action letter issued for the real estate under Chapter 3746. of the Revised Code and rules adopted under that chapter.

(D) Consideration for the conveyance of the real estate described in division (A) of this section is the conveyance to the state of a parcel of real estate together with improvements located thereon, including a building to be constructed as specified in division (E) of this section, and further described as follows:

Situate in the State of Ohio, County of Clark, and within the corporate limits of the City of Springfield, and being part of lot #18320, as numbered and designated on the plat of PrimeOhio Corporate Park recorded book 15 page 24 of the plat records of Clark County, Ohio and being described as follows:

Beginning at a 5/8" re-bar (found) at the original northwesterly corner of lot 18320, as numbered and designated on PrimeOhio Corporate Park recorded book 15 page 24 of the plat records of Clark County, Ohio;

thence with the south line of Gateway Boulevard, North 50 degrees 06 minutes 22 seconds East, 15.18 feet to a point of curvature;

thence continuing with the south line of said Gateway Boulevard, and along a curve to the right having a radius of 612.03 feet and a chord which bears North 69 degrees 42 minutes 10 seconds East, at 410.53 feet, an arc distance of 418.65 feet to a 5/8" re-bar with metal cap (set);

thence, South 0 degrees 42 minutes 27 seconds West, 910.51 feet to a 5/8" re-bar with metal cap (set) at the original southwesterly corner of said lot 18320;

thence with the original westerly line of said lot 18320, North 26 degrees 56 minutes 38 seconds West, 850.63 feet to the point of beginning and containing 4.374 acres, subject, however, to all rights-of-way, easements, and restrictions of record;

Being the westerly part of lot 18320, as numbered and designated on the plat of PrimeOhio Corporate Park recorded book 15 page 24 of the plat records of Clark County, Ohio.

The above description is based on an actual field survey dated April 9, 1996 by Terry A. Hoppes, Professional Surveyor No. 6352. Basis of bearings is South 84 degrees 13 minutes 37 seconds East, on the centerline of Gateway Boulevard.

(E) The superintendent of the State Highway Patrol shall negotiate and

enter into a contract with the Community Improvement Corporation under which the Community Improvement Corporation shall construct on the real estate described in division (D) of this section a building containing approximately five thousand square feet to be used by the State Highway Patrol as a patrol post. The building shall be constructed and completed prior to the conveyance of that real estate and shall be conveyed as an improvement to that real estate pursuant to division (D) of this section.

(F) The Superintendent of the State Highway Patrol shall negotiate, pursuant to the authority granted the Superintendent in division (G) of section 5503.02 of the Revised Code, an amount that the State Highway Patrol shall pay to the Community Improvement Corporation upon the conveyance of the real estate described in division (D) of this section, and the amount shall represent the cost of the building to be constructed thereon as described in division (E) of this section.

(G) The State Highway Patrol shall pay to the Community Improvement Corporation the amount negotiated pursuant to division (F) of this section. The amount may be paid from unused funds that remain in the State Highway Safety Fund Group (036) within line items 036-CAP-052, 036-CAP-050, and 036-764-033. Transfers of funds shall be made by the Director of Budget and Management upon the request of the Superintendent of the State Highway Patrol from unused appropriations in the foregoing line items as are necessary for the State Highway Patrol to make payments to the Community Improvement Corporation pursuant to this division.

(H) The Community Improvement Corporation shall submit the construction of the building described in division (E) of this section for competitive bidding in accordance with the competitive bidding process as adopted by the Community Improvement Corporation.

(I) Upon conveyance to the state of the real estate described in division (D) of this section, to include the building described in division (E) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. 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 Community Improvement Corporation. The Community Improvement Corporation shall present the deed for recording in the office of the Clark County Recorder.

(J) The Community Improvement Corporation shall pay the costs of the conveyance of the real estate described in division (A) of this section.

SECTION 2. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Clifton W. Brewster and Darla M. Brewster, husband and wife, and their heirs and assigns all of the state's right, title, and interest in a parcel of real estate consisting of approximately 0.463 acres, located in Trumbull County, and further described as follows:

Situated in the State of Ohio, County of Trumbull, Township of Southington and being a part of Section 49 of said Southington Township and also being a part of lands owned by The Ohio State Highway Patrol as recorded in the Trumbull County Recorder's Official Record Volume 612, Page 221 and being further bounded and described as follows:

Beginning at the point of intersection of the centerline of U.S. Route 422 (200 feet in width) with the centerline of Barclay Messerly Road, T.H. 123 (60 feet in width);

Thence S 66° 00' 00" E, along the centerline of U.S. Route 422, a distance of 602.34 feet to a point at the southeasterly corner of lands owned by C. & D. Brewster as recorded in the Trumbull County Recorder's Official Record Volume 974, Page 826, said point being the TRUE PLACE OF BEGINNING for the herein described parcel of land;

Thence N 37° 08' 30" E, passing over an iron pin found at 68.82 feet and along the easterly line of said Brewster lands, a total distance of 170.66 feet to an iron pin set;

Thence S 52° 38' 30" E, a distance of 130.00 feet to an iron pin set;

Thence S 37° 08' 30" W, passing over an iron pin set at 71.13 feet, a total distance of 139.88 feet to a point in the centerline of U.S. Route 422;

Thence in a northwesterly direction, along the centerline of U.S. Route 422 and along the arc of a curve to the right, a distance of 41.74 feet to the P.C. of said curve, said curve having a radius of 14323.95 feet, a central angle of 0° 10' 01" and a chord of N 65° 54' 59" W, 41.74 feet;

Thence N 66° 00' 00" W, continuing along the centerline of U.S. Route 422, a distance of 91.74 feet to a point, returning to the True Place of Beginning and containing an area of 0.463 acres as surveyed by Danny L. Wilson, P.S. Ohio 7238 in October 1996.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is a purchase price of one thousand two hundred dollars.

(C) The grantees shall pay the costs of the conveyance.

(D) Upon payment of the purchase price specified in division (B) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this

section. The deed shall state the consideration. 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 Clifton W. Brewster and Darla M. Brewster. Clifton W. Brewster and Darla M. Brewster shall present the deed for recording in the Office of the Trumbull County Recorder.

SECTION 3. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Kelleys Island Board of Education in Erie County, Ohio, and its successors and assigns, all of the right, title, and interest of the State of Ohio, Department of Natural Resources, in the following described real estate, consisting of approximately 1.5 acres and located in an area known as the Kelleys Island State Park:

Being situated in the State of Ohio, County of Erie, Village of Kelleys Island, Original Lot 5, and being more definitely described as follows:

Beginning at a PK nail, set, on the centerline of Ward Road, marking the Northeast corner of a 2.0 acre parcel owned by the Board of Education for Kelleys Island (DV 33 PG 285), said point being located North 85°00'00" East along the centerline of Ward Road a distance of 285.37 feet from a railroad spike, found, marking its intersection with the centerline of Division Street, said point being the PRINCIPAL PLACE OF BEGINNING;

(1) Thence North 85°00'00" East continuing along the centerline of Ward Road a distance of 204.95 feet to a PK nail, set;

(2) Thence South 00°31'30" East passing through a 1/2" iron pin, set on the South right-of-way line of Ward Road, a distance of 330.82 feet to a 1/2" iron pin, set;

(3) Thence North 88°49'41" West a distance of 204.41 feet to a 3/4" iron pipe, found, marking the Southeast corner of said Board of Education parcel;

(4) Thence North 00°31'30" West along said Board of Education parcel, passing through a 3/4" iron pin, found, in concrete, on the South right-of-way line of Ward Road, a distance of 308.78 feet to a PK nail, set, on the centerline of said road and the PRINCIPAL PLACE OF BEGINNING, containing 1.5000 acres, more or less, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared from an actual survey by Daniel E. Hartung Jr., Professional Surveyor No. 5667 in July 1997. The bearings were assumed only for the purpose of indicating angles.

(B) Consideration for conveyance of the real estate described in division (A) of this section is the mutual benefit accruing to the state and to the Kelleys Island Board of Education by having the real estate used for educational purposes.

(C) The conveyance described in division (A) of this section is subject to the condition that the grantee shall use the real estate for public purposes. If the grantee ceases to use the real estate for public purposes, all right, title, and interest in the real estate shall immediately revert to the State of Ohio, Department of Natural Resources. This condition shall not preclude the Board of Education from using the real estate as a site for the construction of facilities related to the educational program or for construction of an addition to the existing school building.

(D) The conveyance described in division (A) of this section is subject to the condition that the real estate be available to the public without discrimination on the basis of nationality, race, religion, color, sex, age, or handicap, subject to the same rules and regulations under which the existing school grounds are governed and may be governed, pursuant to rules and regulations the Kelleys Island Board of Education has adopted or may at any time adopt.

(E) The costs of the conveyance described in division (A) of this section shall be paid by the Kelleys Island Board of Education.

(F) 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 this section. The deed shall state the consideration and shall state the conditions specified in divisions (C) and (D) of this section. 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 grantee. The grantee shall present the deed for recording in the Office of the Erie County Recorder.

SECTION 4. Section 1 of this act expires three years after its effective date. Sections 2 and 3 of this act expire 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 the negotiations and construction authorized by Section 1 of this act need to proceed at the earliest possible time to enable the Community Improvement Corporation to construct and the State Highway Patrol to receive the new building as soon as practicable to the benefit of the State Highway Patrol and the citizens of Ohio, so that the conveyance contemplated in Section 2 of this act can proceed at the earliest possible time to enable the State Highway Patrol to receive the funds as soon as practicable and the conveyance to proceed in a manner similar to real estate conveyances in the private market, and so that the conveyance contemplated in Section 3 of this act can proceed at the earliest possible time so the Kelleys Island Board of Education can receive the property as soon as practicable to enable the Board to prepare a bond levy for the May primary election to finance improvements on that property. Therefore, this act shall go into immediate effect.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Am. S. B. No. 188

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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 _____