(122nd General Assembly)
(Substitute Senate Bill Number 90)

AN ACT

To authorize the Board of Trustees of the Medical College of Ohio at Toledo to convey two parcels of real estate or portions of two parcels of real estate located in Lucas County, to authorize the Governor to convey a parcel of real estate or portions of a parcel of real estate located in Lucas County and owned by the Medical College of Ohio at Toledo Foundation, to authorize the Governor to convey two parcels of state-owned real estate in Columbiana County to George W. Morris, and to declare an emergency.

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

SECTION 1. (A) The Board of Trustees of the Medical College of Ohio at Toledo is hereby authorized to execute deeds in the name of the Board of Trustees conveying to purchasers and the purchasers' heirs and assigns or successors and assigns all of the Board of Trustees' right, title, and interest in any portion of the following described parcels of real estate, located in an area known as The Advanced Technology Park of Northwest Ohio:

Parcel 1. Northerly Parcel

A parcel of land being part of Section Nine (9), in Town Three (3) in the United States Reserve, in the City of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Beginning at the intersection of the centerline of Detroit Avenue, as it now exists, with the centerline of Arlington Avenue, as it now exists; thence in a westerly direction along said centerline of Arlington Avenue, as it now exists, having an assumed bearing of North eighty-two (82) degrees, forty-seven (47) minutes, fifty-eight (58) seconds West, a distance of one thousand three hundred thirty-eight and ninety hundredths (1,338.90') feet to an angle point in said centerline of Arlington Avenue, as it now exists; thence North eighty-one (81) degrees, twenty-three (23) minutes, zero (00) seconds West along said centerline of Arlington Avenue, as it now exists, a

distance of one hundred sixty-eight and seventy-four hundredths (168.74') feet to the intersection of a line drawn one thousand one hundred sixty and zero hundredths (1,160.00') feet easterly of and parallel with the West line of the Southwest quarter (1/4) of said Section Nine (9); thence North eight (08) degrees, nine (09) minutes, twelve (12) seconds East along said line drawn one thousand one hundred sixty and zero hundredths (1,160.00') feet easterly of and parallel with the West line of the Southwest quarter (1/4) of Section Nine (9), a distance of four hundred forty-eight and fifty-three hundredths (448.53') feet to the intersection of the centerline of Swan Creek, as it now exists, the following six (6) courses follow on and along said centerline of Swan Creek, as it now exists; thence North fifty-four (54) degrees, thirty-four (34) minutes, forty-two (42) seconds East, a distance of three hundred ninety-four and ninety-six hundredths (394.96') feet; thence North thirty-six (36) degrees, thirty-eight (38) minutes, fifty-one (51) seconds East, a distance of three hundred forty-four and forty-seven hundredths (344.47') feet; thence South seventy-four (74) degrees, twenty-seven (27) minutes, fifty (50) seconds East, a distance of four hundred fourteen and thirty-seven hundredths (414.37') feet; thence North forty-two (42) degrees, two (02) minutes, six (06) seconds East, a distance of eight hundred forty and fifty-four hundredths (840.54') feet; thence South eighty (80) degrees, eleven (11) minutes, thirteen (13) seconds East, a distance of four hundred forty and forty-five hundredths (440.45') feet; thence South fifty-two (52) degrees, forty-one (41) minutes, twenty-five (25) seconds East, a distance of four hundred eighty-seven and sixty-seven hundredths (487.67') feet to the intersection of said centerline of Detroit Avenue as it now exists; thence South thirty-four (34) degrees, twenty-three (23) minutes, fifty-four (54) seconds West along said centerline of Detroit Avenue, as it now exists, a distance of one thousand five hundred fifty-seven and thirty-eight hundredths (1,557.38') feet to the Point of Beginning.

Said parcel of land containing an area of 50.87 acres of land, more or less. Less and excepting therefrom, those lands described in a Transfer of Jurisdiction from the Medical College of Ohio at Toledo to the Ohio Department of Transportation, containing 0.193 Acres, more or less, and further defined as being File No. 5016, on file in the records of the Ohio Department of Administrative Services, General Services Division, Real Estate Services, 4200 Surface Road, Columbus, Ohio 43228-1395. Subject to legal highways.

Parcel 2. Southerly Parcel

A parcel of land being part of Sections Eight (8), Nine (9), Sixteen (16)

and Seventeen (17), all being in Town Three (3) in the United States Reserve, in the City of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Arlington Avenue, as it now exists, with the centerline of Detroit Avenue, as it now exists; thence in a southwesterly direction along said centerline of Detroit Avenue, as it now exists, having an assumed bearing of South thirty-four (34) degrees, eighteen (18) minutes, twenty (20) seconds West, a distance of one thousand five hundred fifty-eight and fifteen hundredths (1,558.15') feet to the True Point of Beginning; thence continuing South thirty-four (34) degrees, eighteen (18) minutes, twenty (20) seconds West along said centerline of Detroit Avenue, as it now exists, a distance of eight hundred one and seventy-nine hundredths (801.79') feet to an angle point in said centerline of Detroit Avenue, as it now exists; thence South twenty-nine (29) degrees, fifty-five (55) minutes, thirty-nine (39) seconds West along said centerline of Detroit Avenue, as it now exists, a distance of one thousand three hundred seventeen and fifty-six hundredths (1,317.56') feet to the intersection of the North line of a parcel of land as described in Microfiche 80-495B12, Lucas County Deed Records, said northerly line of a parcel of land as described in Microfiche 80-495B12, Lucas County Deed Records, also being a line drawn seven hundred thirty-seven and seven hundredths (737.07') feet northerly of and parallel with the centerline of Glendale Avenue, as it now exists; thence North eighty (80) degrees, thirty-three (33) minutes, two (02) seconds West along said northerly line of a parcel of land as described in Microfiche 80-495B12, Lucas County Deed Records, a distance of one thousand one hundred thirty-five and thirty-eight hundredths (1,135.38') feet to the intersection of the West line of the Northwest quarter (1/4) of the Southwest quarter (1/4) of said Section Sixteen (16) thence North eight (08) degrees, one (01) minute, twenty-four (24) seconds East along said West line of the Northwest quarter (1/4) of the Southwest quarter (1/4) of Section Sixteen (16), a distance of five hundred ninety-four and thirty-seven hundredths (594.37') feet to the Intersection of the South line of the Northeast quarter (1/4) of said Section Seventeen (17); thence North seventy-nine (79) degrees, fifty-seven (57) minutes, twenty-six (26) seconds West along said South line of the Northeast quarter (1/4) of Section Seventeen (17), a distance of one thousand three hundred twenty-nine and seventy-three hundredths (1,329.73') feet to the intersection of the West line of the East half (1/2) of said Northeast quarter (1/4) of Section Seventeen (17); thence North eight (08) degrees, one (01) minute, thirty-four (34) seconds East along said West line of the East half (1/2) of

the Northeast quarter (1/4) of Section Seventeen (17), a distance of two thousand one hundred nine and twenty-one hundredths (2,109.21') feet to the intersection of said centerline of Arlington Avenue, as it now exists, the following six (6) courses follow on and along said centerline of Arlington Avenue, as it now exists; thence South eighty-nine (89) degrees, zero (00) minutes, nine (09) seconds East, a distance of ninety-two and sixty-three hundredths (92.63') feet to a point of curve; thence along an arc of curve to the left, an arc distance of three hundred fifty-three and fifteen hundredths (353.15') feet to a point of tangency, said arc of curve to the left having a radius of seven hundred sixteen and twenty hundredths (716.20') feet, a central angle of twenty-eight (28) degrees, fifteen (15) minutes, seven (07) seconds, a chord distance of three hundred forty-nine and fifty-eight hundredths (349.58') feet and a chord bearing of North seventy-six (76) degrees, fifty-two (52) minutes, seventeen (17) seconds East; thence North sixty-two (62) degrees, forty-four (44) minutes, forty-four (44) seconds East, a distance of four hundred twenty-nine and fifty-two hundredths (429.52') feet to a point of curve; thence along an arc of curve to the right, an arc distance of three hundred eighty seven and seventy-one hundredths (387.71') feet to a point of tangency, said arc of curve to the right having a radius of seven hundred sixteen and twenty hundredths (716.20') feet, a central angle of thirty-one (31) degrees, one (01) minute, one (01) second, a chord distance of three hundred eighty-three and zero hundredths (383.00') feet and a chord bearing of North seventy-eight (78) degrees, fifteen (15) minutes, fourteen (14) seconds East; thence South eighty-six (86) degrees, fourteen (14) minutes, fifteen (15) seconds East, a distance of four hundred eighty-seven and seventy-eight hundredths (487.78') feet; thence South eighty-one (81) degrees, twenty-three (23) minutes, zero (00) seconds East, a distance of nine hundred seventy-five and twenty-nine hundredths (975.29') feet; thence South nineteen (19) degrees, fifty-nine (59) minutes, thirty-six (36) seconds West along a line, a distance of nine hundred ninety-three and fifty-one hundredths (993.51') feet to a point; thence South fifty-eight (58) degrees, fifteen (15) minutes, forty-one (41) seconds east along a line, a distance of one thousand eleven and twelve hundredths (1,011.12') feet to the True Point of Beginning.

Said parcel of land containing an area of 182.19 acres of land, more or less. Subject to legal highways,

Less and excepting the following described:

Commencing at the intersection of the North line of the Northwest quarter of Section 16 with the centerline of Detroit Avenue, said North line of the Northwest quarter of Section 16 also being the centerline of Old

Arlington Avenue, said point of intersection being marked with a cross on a manhole rim; thence southwesterly along the centerline of Detroit Avenue having an assumed bearing of S 34° 18'20" W, a distance of 1535.53 feet to the True Point of Beginning; thence continuing S 34° 18' 20" W along the centerline of Detroit Avenue a distance of 801.79 feet to a point of deflection in the centerline of Detroit Avenue, said deflection point being marked by a cross cut in a brass plate; thence S 29° 55' 39" W continuing along the centerline of Detroit Avenue a distance of 100.00 feet to a point; thence N 60°04'21" W and perpendicular to the centerline of Detroit Avenue a distance of 489.06 feet to a point; thence S 52°03'57" W a distance 394.29 feet to a point; thence S 65°48'40" W a distance of 350.00 feet; thence N 24° 11' 20" W a distance of 588.00 feet to a point of curvature; thence northwesterly along a curve to the right having a radius of 1839.86 feet an arc distance of 327.00 feet to a point, said arc having a chord distance of 326.57 feet and a chord bearing of N 19°05'50" W; thence N 65°48'40" E a distance of 375.00 feet; thence N 8°23'00" E a distance of 212.00 feet; thence N 81° 23'00" W a distance of 437.88 feet; thence N 4° 30' 16" W a distance of 61.06 feet to a point of curvature; thence northwesterly along a curve to the left having a radius of 1979.86 feet an arc distance of 786.13 feet to a point of tangency, said arc having a chord distance of 780.97 feet and a chord bearing of N 15° 52' 46" W; thence N 27° 15' 16" W a distance of 340.00 feet to a point on the existing southerly right of way line of Relocated Arlington Avenue; thence N 62° 44' 44" E along said southerly right of way line a distance of 23.06 to a point; thence N 67° 00' 46" E along said southerly right of way line distance of 97.15 feet to a point; thence N 75° 17' 26" E along said southerly right of way line a distance of 90.85 feet to a point; thence N 88° 15' 40" E along said southerly right of way line a distance of 163.38 feet to a point; thence S 86° 14' 52" E along said southerly right of way line a distance of 119.37 feet to a point; thence S 78° 22' 26" E along said southerly right of way line a distance of 109.64 feet to a point; thence S 86° 14' 15" E along said southerly right of way line a distance of 141.39 feet to a point; thence S 88° 22' 31" E along said southerly right of way line a distance of 244.11 feet to a point; thence S 81° 23' 00" E along said southerly right of way line a distance of 697.67 feet to a point; thence N 86° 53' 49" E along said southerly right of way line a distance of 25.81 feet to a point; thence S 82° 47' 58" E along said southerly right of way line a distance of 109.40 feet to a point on the easterly property line; thence S 19° 59' 36" W along said easterly property line a distance of 935.31 feet to a point; thence S 58° 15' 41" E along a northeasterly property line a distance of 1011.12 feet to the True Point of Beginning.

Said parcel of land contains an area of 72.25 acres, more or less.

(B) Prior to executing a deed to convey the real estate described in division (A) of this section or any portion of that real estate, the Board of Trustees of the Medical College of Ohio at Toledo shall survey the real estate to be conveyed, prepare a legal description of that real estate, and deliver the description to the Auditor of State for preparation of the deed.

(C) The consideration for the real estate described in division (A) of this section or any portion of that real estate shall be a purchase price acceptable to the Board of Trustees of the Medical College of Ohio at Toledo following a survey, or a review of a legal description, by a licensed surveyor and an appraisal by one or more disinterested persons.

(D) The real estate described in division (A) of this section or any portion of that real estate shall be conveyed only to persons whose intended use of the real estate is consistent with the purposes of The Advanced Technology Park of Northwest Ohio. Those purposes are to facilitate the commercialization and adoption of inventions and innovations of the faculty and staff of the Medical College of Ohio at Toledo; to create an environment where biomedical and other technology-oriented enterprises would enjoy higher levels of creativity, productivity, and efficiency; and to facilitate the broadening of the economic base and creation of jobs for the city of Toledo and Northwest Ohio. Each offeror shall demonstrate that the proposed use of the real estate is consistent with the purposes of The Advanced Technology Park of Northwest Ohio.

(E) Any offer to purchase the real estate described in division (A) of this section or any portion of that real estate must be accompanied by a deposit of one per cent of the purchase price in money order, bank draft, or certified check. The balance of the purchase price must be paid within sixty days after the Board of Trustees of the Medical College of Ohio at Toledo has sent to the offeror notification that the offer has been accepted, or at such later time as is specified in the contract of sale. If an offer has been accepted and the offeror does not pay the balance within the time limits provided in this division, the offeror shall forfeit the one-per-cent deposit to the Board of Trustees as liquidated damages.

(F) Upon payment of the purchase price by a purchaser, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described pursuant to division (B) of this section. The deed shall state the consideration, be executed by the Board of Trustees of the Medical College of Ohio at Toledo, be presented in the Office of the Auditor of State for recording, and be delivered to the purchaser. The purchaser shall present the deed for recording in the Office of the Lucas County Recorder.

(G) Advertising costs, appraisal fees, and all other costs of the conveyance of the real estate described in division (A) of this section or any portion of that real estate shall be paid by the Board of Trustees of the Medical College of Ohio at Toledo unless otherwise specified in the contract of sale.

(H) The net proceeds of the conveyance of the real estate described in division (A) of this section or any portion of that real estate shall be deposited in the appropriate accounts for purposes determined by the Board of Trustees of the Medical College of Ohio at Toledo.

SECTION 2. (A) The Governor and the Board of Trustees of the Medical College of Ohio at Toledo Foundation (the Foundation) are hereby authorized to execute deeds in the name of the Foundation conveying to purchasers and the purchasers' heirs and assigns or successors and assigns all of the Foundation's and the State's right, title, and interest in any portion of the following described real estate located in an area known as Foundation Park:

Lots 2, 3, 4, 5, 6, 7-A, and 7-B in Foundation Park, a Subdivision in the City of Toledo, Lucas County as per plat thereof recorded in Volume 76 of Plats, Page 45, Lucas County Records; containing 31.8034 acres more or less.

(B) Prior to executing a deed to convey the real estate described in division (A) of this section or any portion of that real estate, the Board of Trustees of the Foundation shall survey the real estate to be conveyed, prepare a legal description of that real estate, and deliver the description to the Auditor of State for preparation of the deed.

(C) The consideration for the real estate described in division (A) of this section or any portion of that real estate shall be a purchase price acceptable to the Board of trustees of the Foundation following a survey, or a review of a legal description, by a licensed surveyor and an appraisal by one or more disinterested persons.

(D) Any offer to purchase the real estate described in division (A) of this section or any portion of that real estate must be accompanied by a deposit of not less than one per cent of the purchase price in money order, bank draft, certified check, or wire transfer. The balance of the purchase price must be paid within sixty days after notification of acceptance of the offer has been sent by the Foundation's Board of Trustees to the offeror, or at such later time as is specified in the contract of sale. If an offer has been accepted and the offeror does not pay the balance within the time limits provided in this division, the offeror shall forfeit the deposit to the Board of

Trustees as liquidated damages, in addition to other remedies that may be contained in the contract of sale.

(E) After acceptance of a contract of sale by the Foundation's Board of Trustees, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described pursuant to division (B) of this section. The deed shall state the consideration, be executed by the Governor and the Foundation's Board of Trustees, be presented in the Office of the Auditor of State for recording, and be delivered to the purchaser. The purchaser shall present the deed for recording in the office of the Lucas County Recorder.

(F) Advertising costs, appraisal fees, and all other costs of the conveyance of the real estate described in division (A) of this section or any portion of that real estate shall be paid by the Board of Trustees of the Foundation unless otherwise specified in the contract of sale.

(G) The net proceeds of the conveyance of the real estate described in division (A) of this section or any portion of that real estate shall be deposited in the appropriate Foundation accounts as determined by the Foundation's Board of Trustees for the charitable and educational purposes of the Foundation.

(H) Each deed signed by the Governor and the Board of Trustees of the Foundation pursuant to division (E) of this section shall contain the following recital:

"By the Governor's signature hereon, the State of Ohio hereby releases its reversionary interest and any other restrictions set forth in the Governor's Deed recorded at Volume 2458, Page 244 of the Lucas County, Ohio Records, and in Am. S.B. 410 of the 110th General Assembly, effective September 30, 1974."

SECTION 3. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to George W. Morris and his heirs and assigns all of the state's right, title, and interest in the following described two parcels of real estate:

Parcel 1

Situated in the City of Salem, County of Columbiana and State of Ohio, and being those lands conveyed to the State of Ohio, Department of Public Works by Deed of Record in Deed Book 1276, Page 538, Recorder's Office, County of Columbiana, State of Ohio, and being more particularly described as follows: Being Lot No. 127 in the Tolerton and Kidd Addition to the said City of Salem, fronting 50 feet on the East side of Penn Avenue with an even depth of 150 feet.

Parcel 2

Situated in the City of Salem, County of Columbiana and State of Ohio, and being those lands conveyed to the State of Ohio, Department of Public Works by Deed of Record in Deed Book 1276, page 536, Recorder's Office, County of Columbiana, State of Ohio, and being more particularly described as follows: Known as and being Lot No. One Hundred Twenty-two (122) in Tolerton and Kidd's Addition of Lots to the City of Salem, Ohio.

(B) Consideration for the conveyance of the two parcels of real estate described in division (A) of this section is a purchase price of two hundred five thousand dollars and no cents ($205,000).

(C) The proceeds of the conveyance of the real estate described in division (A) of this section shall be deposited into the Building Consolidation Fund in the state treasury, which is hereby created in the state treasury. At the request of the Administrator of the Ohio Bureau of Employment Services, the Treasurer of State shall transfer funds from the Building Consolidation Fund to the OBES Building Enhancement Fund, which is hereby created in the state treasury. The proceeds of the conveyance, less any amount that may be deducted pursuant to this section for the costs of the conveyance, shall be used to enhance other facilities owned by the Ohio Bureau of Employment Services in which the United States Department of Labor has full equity. If any amount of the proceeds cannot be used for this purpose, the Administrator shall return that unusable portion of the proceeds, less any amount deducted pursuant to this section for the costs of the conveyance, to the United States Department of Labor. An amount may be deducted from the proceeds to cover the costs of the conveyance. The amount of the proceeds that is deducted for that purpose shall be credited to the Unemployment Compensation Special Administration Fund created under section 4141.11 of the Revised Code.

(D) Upon the payment of the purchase price by George W. Morris, 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 George W. Morris. George W. Morris shall present the deed for recording in the Office of the Columbiana County Recorder.

(E) George W. Morris shall pay the costs of the conveyance of the property described in division (A) of this section.

(F) Divisions (A), (B), (D), and (E) of this section expire one year after

the effective date of this act.

SECTION 4. 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 such necessity is to enable the development of The Advanced Technology Park of Northwest Ohio, described in Section 1 of this act, and to maximize the proceeds of the sale of real estate described in Section 2 of this act by enabling the conveyances to take place in a manner competitive with other real estate transactions as soon as willing and able purchasers make offers, which will result, at the earliest possible times, in the availability of revenues for support of the academic institution's teaching and research programs and the development of The Advanced Technology Park of Northwest Ohio; and to enable the conveyance described in Section 3 of this act to take place as soon as practicable so that the grantee can make urgently needed repairs in the roof of the building located on the property so that the property will not incur additional damage while under state control. Therefore, this act shall go into immediate effect.

_____

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 _____