

AN ACT

To authorize the conveyance of state-owned real estate located in Lorain County to Robert E. and Corrine E. Peak, to authorize the conveyance of approximately 6.863 acres of state-owned real estate in Wayne County to the Village of Apple Creek, to authorize the Department of Transportation to sell unneeded property associated with the current relocation and expansion of United States Route 68 in Champaign County to the previous owner of the unneeded property or to an owner of property adjacent to the unneeded property at fair market value, either as a direct sale or as consideration for additional property to be acquired, to authorize the conveyance of state-owned real estate in Franklin County to WMAE Realty, LLC, in exchange for the conveyance of specified real estate to the state, to contingently amend Section 2 of Am. H.B. 479 of the 123rd General Assembly, and to declare an emergency.

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

SECTION 1. The Governor is hereby authorized to execute a deed in the name of the state conveying to Robert E. and Corrine E. Peak and their heirs and assigns all of the state's right, title, and interest in the following described real estate:

Situated in the City of Avon, Avon Township, Lorain County, Ohio and in Section 15, Town 7N, Range 16-W and further described as follows:

Beginning at a P. K. nail found at the intersection of Garden Drive and State Route 254; thence North 59° 57' 28" East a distance of 1177.16 feet along the centerline of State Route 254 to a Mag nail set; thence South 30° 02' 32" East a distance of 45.00 feet to a 5/8" rebar with O. D. O. T. survey cap set on the westerly line of land owned by the State of Ohio as recorded

in D. V. 966, page 577 of the Lorain County Deed Records, said 5/8" rebar with O. D. O. T. survey cap being the Principal Place of Beginning;

1. Thence North 59° 57' 28" East a distance of 58.96 feet through said State of Ohio land to a 5/8" rebar with O. D. O. T. cap set on the westerly line of land owned by R. E. and C. E. Peak as recorded in volume 932, Pages 115 - 117 of the Lorain County Deed Records;

2. Thence South 30° 02' 32" East a distance of 187.39 feet along the westerly line of land owned by R. E. and C. E. Peak to a 5/8" rebar with O. D. O. T. cap set;

3. Thence South 59° 57' 28" West a distance of 58.96 feet along the southerly line of said State of Ohio land to a 1" dia. pipe found;

4. Thence North 30° 02' 32" West a distance of 187.39 feet along the westerly line of said State of Ohio land to the Principal Place of Beginning, containing 0.2536 acres.

This description was prepared under the supervision of William Lee Spencer, P. S. 6561 from a survey made by the Ohio Department of Transportation District Three in January of 2000.

Part of Lorain County Permanent Parcel Number 04-00-015-109-035

SECTION 2. Consideration for the conveyance of the real estate described in Section 1 of this act is a purchase price of \$101,000.

SECTION 3. Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in Section 1 of this act. 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 Robert E. and Corrine E. Peak. Robert E. and Corrine E. Peak shall present the deed for recording in the Office of the Lorain County Recorder.

SECTION 4. Robert E. and Corrine E. Peak shall pay the costs of the conveyance of the real estate described in Section 1 of this act.

SECTION 5. The Governor is hereby authorized to execute a deed in the name of the state conveying to the Village of Apple Creek in Wayne County, Ohio, and its successors and assigns, all of the state's right, title, and

interest in the following described real estate:

Being situated in the State of Ohio, County of Wayne, Township of East Union, Range 12 West, Township 16 North, Southeast Quarter of Section 20, presently in the name of State of Ohio as recorded in the Wayne County Records of Deeds Volume 207, page 228, and more fully described as follows:

Commencing for reference at a railroad spike set marking the northeast corner of the southeast quarter of Section 20 and in the center line of Apple Creek Road - C.R. 44;

1. Along the east line of said quarter Section and said center line S 00°57'10" W 200.00 feet to a railroad spike set and the true place of beginning;
2. Continuing along said lines S 00°57'10" W 460.00 feet to a railroad spike set;

Thence courses 3 through 5 subdividing land presently in the name of State of Ohio (V. 207, P. 228):

3. S 88°16'34" W 650.63 feet to a point referenced by an iron pin found N 81°28'59" W 0.20 feet and passing through an iron pin set at 30.03 feet;
4. N 00°57'10" E 460.00 feet to a point referenced by an iron pin found N 28°03'36" W 0.12 feet;
5. N 88°16'34" E 650.63 feet to the true place of beginning and passing through an iron pin found at 620.54 feet.

This survey contains 6.863 acres.

This survey is subject to all easements of record, its bearings are established from Survey "JJ"-200 and are to denote angular measurement only, and is a description of a field survey completed by Jim Shamp, Reg. Sur. No. S-6088, dated March 25, 1998. Iron pins set are 5/8" x 30" iron re-bars with plastic I.D. caps. Iron pins found are 5/8" re-bar unless otherwise noted.

SECTION 6. (A) Consideration for the conveyance of the real estate described in Section 5 of this act shall be an exchange of services and cash as provided under a sanitary sewer use agreement to be executed by the Village of Apple Creek and the State of Ohio and that is described in division (B) of this section.

(B) The sanitary sewer use agreement to be executed by the Village of Apple Creek and the State of Ohio shall provide for an exchange of services and cash in accordance with all terms and conditions set forth in Article 1 of the Offer to Purchase Real Estate that was made by the Village of Apple Creek on February 22, 2000, and that was accepted by the Director of

ministrative Services on February 28, 2000, and concurred in by the Director of Mental Retardation and Developmental Disabilities. Such terms and conditions shall be expressly stated in the sanitary sewer use agreement, including the term of twenty years as described in Article 1(a) of the Offer to Purchase Real Estate and the capital investment by the Village of Apple Creek of one hundred thousand dollars into a separate sewer maintenance fund as described in Article 1(i) of the Offer to Purchase Real Estate. The General Assembly finds that the estimated value accruing to the State of Ohio from the conveyance of the real estate under this act and the terms and conditions of the Offer to Purchase Real Estate is between 1.5 and 1.6 million dollars. The General Assembly also finds that the appraised value of the real estate described in Section 1 of this act is 5.595 million dollars.

SECTION 7. Upon the execution of the sanitary sewer use agreement in accordance with Section 6 of this act by the Village of Apple Creek and the State of Ohio, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in Section 5 of this act. 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 Village of Apple Creek. The Village of Apple Creek shall present the deed for recording in the office of the Wayne County Recorder.

SECTION 8. The Village of Apple Creek shall pay the costs of the conveyance of the real estate described in Section 5 of this act.

SECTION 9. Sections 1 through 8 and Section 11 of this act expire one year after the effective date of this act.

SECTION 10. (A) Notwithstanding sections 5501.32, 5501.34, 5501.37, and 5501.45 of the Revised Code, the Director of Transportation may acquire and dispose of real property associated with the United States Route 68 relocation and expansion project in Champaign County that is underway on the effective date of this act as provided in this act.

(B) The Director shall determine whether real property previously acquired for the project is no longer required for highway purposes and shall have any such property appraised by a Department prequalified appraiser.

Following the determination and appraisal, the Director may do either of the following:

(1) Sell the unneeded property to the previous owner of the unneeded property or to an owner of property adjacent to the unneeded property for the full fair market value as determined by the appraisals;

(2) Convey the unneeded property to the previous owner of the unneeded property or to an owner of property adjacent to the unneeded property as full or partial consideration for other property to be acquired from the property owner in connection with the United States Route 68 project for the full fair market value of the unneeded property as determined by the appraisals.

(C) The deed to the purchaser of land under Section 10 of this act shall be prepared by the Auditor of State, executed by the Governor, countersigned by the Secretary of State, and shall bear the Great Seal of the State.

(D) The authority granted in Section 10 of this act expires one year after completion of the particular relocation and expansion project involving United States Route 68 underway on the effective date of this act.

(E) This section does not prevent the Director from acquiring and disposing of real property associated with the United States Route 68 project in accordance with sections 5501.32, 5501.34, 5501.37, and 5501.45 of the Revised Code.

SECTION 11. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to WMAE Realty, LLC, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots Nos. Nine (9) through Seventeen (17), inclusive, in William A. Neil's Scioto Addition to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 95, Recorder's Office, Franklin County, Ohio.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the conveyance of the following described real estate to the state (Department of Rehabilitation and Correction) and its successors and assigns:

Tract 1

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in George W. Sinks Subdivision of the south part of Lot No. 11 of the partition of Wm. S. Sullivants Estate, as the same is shown in Plat

Book 5, Page 198, and being part of that tract of land as conveyed to Theodora A. Werner, by deed of record in Deed Book 2784, Page 254, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point in the southerly right-of-way line of McKinley Avenue at the northeasterly corner of said Theodora A. Werner tract, said point being located North 87°00'00" West, a distance of 356.56 feet from an iron pin where the southerly right-of-way line of said McKinley Avenue intersects the westerly right-of-way line of Yale Avenue;

thence South 2°59'00" West, with the easterly line of said Theodora A. Werner tract, also being the westerly line of the original 1.966 acre tract as conveyed to John E. Werner, by deed of record in Deed Book 3700, Page 865, a distance of 110.00 feet to an iron pin;

thence North 87°00'00" West, parallel with the southerly right-of-way line of said McKinley Avenue, a distance of 39.00 feet to an iron pin;

thence North 2°59'00" East, a distance of 110.00 feet to a P.K. Nail in the southerly right-of-way line of said McKinley Avenue;

thence South 87°00'00" East, with the southerly right-of-way line of said McKinley Avenue, a distance of 39.00 feet to the place of beginning, containing 0.098 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements of previous record.

Tract 2

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus:

Being located in George W. Sinks Subdivision of the south part of Lot No. 11 of the partition of Wm. S. Sullivants Estate, as the same is shown in Plat Book 5, page 198, and being part of that tract of land as conveyed to Oscar L. Thomas, Incorporated, by deed of record in Deed Book 3198, page 86, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin where the southerly right-of-way line of McKinley Avenue intersects the westerly right-of-way line of Yale Avenue, said iron pin also being the northeasterly corner of said Oscar L. Thomas tract;

thence south 2°52'24" West, with the westerly right-of-way line of said Yale Avenue, a distance of 239.97 feet to an iron pin;

thence North 87°00'00" West, (parallel with the southerly right-of-way line of said McKinley Avenue), a distance of 357.02 feet to an iron pin in the easterly line of the 0.147 acre tract as conveyed to Theodora A. Werner,

by deed of record in Deed Book 2784, page 254;

thence North 2°59'00" East, with the easterly line of said 0.147 acre tract, a distance of 239.97 feet to an iron pin in the southerly right-of-way line of said McKinley Avenue;

thence South 87°00'00" East, with the southerly right-of-way line of said McKinley Avenue, a distance of 356.56 feet to the place of beginning, containing 1.966 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements of previous record.

(C) Acceptance of the consideration described in division (B) of this section by the Department of Rehabilitation and Correction is subject to the determination of the Director of Rehabilitation and Correction that the structure situated on the real estate is suitable for use by the Department for the same purpose as the structure situated on the state-owned real estate described in division (A) of this section.

(D) Upon the conveyance to the state of the real estate described 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. The deed shall state the consideration and shall include the most current legal description of the real estate described in division (A) 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 WMAE Realty, LLC. WMAE Realty, LLC, shall present the deed for recording in the Office of the Franklin County Recorder.

(E) WMAE Realty, LLC, shall pay all costs of the conveyance of the real estate described in division (A) of this section.

SECTION 12. That Section 2 of Am. H.B. 479 of the 123rd General Assembly be amended to read as follows:

" Sec. 2. (A) Pursuant to section 5911.10 of the Revised Code, the Governor is hereby authorized to execute a deed in the name of the state conveying to a buyer or buyers to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described parcels of real estate that the Adjutant General has determined are no longer required for armory or military purposes:

Parcel No. 1

Toledo Secor Road Armory Property, Volume 766, Page 480, Lucas County Deed Records.

The North Six (6) acres of the North One-half (1/2) of the Northeast

ne Quarter (1/4) of the Southeast One Quarter (1/4) of Section Eighteen (18), Town Nine (9) South, Range Seven (7) East, in Washington Township, Lucas County, Ohio, except therefrom the South Forty-eight (48) feet of the East One Hundred and Fifty (150) feet thereof, said excepted premises being the premises conveyed by the Grantor to Samuel B. Wood and J. M. Wilson.

The above described parcel of land is subject to any and all easements and restrictions of record.

Parcel No. 2

Ravenna Armory Property, Volume 325, Page 64, Portage County Deed Records.

Situated in the Township and City of Ravenna, County of Portage and State of Ohio: Situated in Township Lot 21, south division of lots, Ravenna Township, Portage County, Ohio. Beginning at a point in the east line of Freedom Road at its intersection with the south line of Lot 21, said point being located 30 feet east of monument in the S.W. Corner of Lot 21; thence easterly along the south line of Lot #21 a distance of about 538 feet to the intersection with the west line of Maple Street extended; thence northerly a distance of 153 feet; thence westerly a distance of about 538 feet to the east line of Freedom Street; thence Southerly along the east line of Freedom Street a distance of 153 feet to the place of beginning, containing 1.89 acres more or less, but subject to all legal highways. Being the southwest corner of what has long been known as the Portage County fair ground property.

Parcel No. 3

Portsmouth Armory Property, Volume 380, Page 598, Scioto County Deed Records.

Situated in the City of Portsmouth, County of Scioto and State of Ohio (Formerly in Clay Township), to-wit: Beginning at a point in the north property line of 17th Street, said point being Two Hundred Ten Feet (210 ft.) east of the center line of High Street; said point being also Fifty Feet (50 ft.) east of the first alley east of High Street; thence in a northwardly direction parallel to the east property line of the first alley east of High Street with a line bearing North 5 deg. 30 min, east 450 feet to a point; thence in an eastwardly direction parallel to the north property line of 17th Street with a line bearing South 85 deg. 17 min. East 231 feet, more or less, to a point on the east property line of a 3.93 acre tract of the Grantor herein; thence in a southwardly direction with the east line of said tract and bearing South 2 deg. 12 min. West, 158 feet, more or less, to a corner of said tract; thence in an eastwardly direction with the lines of said tract as follows:- South 86 deg. 54 min. East, 152.4 feet to a point; thence in a southwardly direction with a line bearing South 2 deg., 53 min. West, 294 feet to a point;

said point being in the north property line of 17th Street; thence in a westwardly direction with the north property line of 17th Street, North 85 deg. 17 min. West, 400.4 feet to the point of beginning, containing 3.508 acres more or less, and being 3.147 acres off the 3.93 acre tract, known as the "First Tract," and 0.361 acres off the 1.715 acre tract known as the "Second Tract," in a deed made to Grantors herein, by Johnson and Duis Inc., dated July 1, 1938, and recorded in Deed Book 236, Page 291 of Scioto County Record of Deeds.

~~Together with an easement as means of ingress and egress to said premises from the first alley east of High Street in said city over the following described premises, to-wit:~~

~~Beginning at a point in the east property line of the first alley east of High Street, said point bearing North 5 deg., 30 min. East 450 feet North of the intersection of the east property line of the first alley east of High Street, with the north property line of 17th Street; thence in an eastwardly direction with a line bearing South 85 deg., 17 min. East, 50 feet to a point; said point being also the northwest corner of a tract herein conveyed to the City of Portsmouth, Ohio, for Armory Purposes; thence in a southwardly direction with the west line of said tract and parallel to the east property line of the first alley east of High Street; South 5 deg., 30 min. West, 30 feet to a point; thence in a westwardly direction with a line bearing North 85 deg., 17 min. West, 50 feet to a point in the east property line of aforesaid alley; thence in a northwardly direction with the east line of the aforesaid alley North 5 deg., 30 min. east, 30 feet to the point of beginning containing 0.0344 acres more or less.~~

Parcel No. 4

Shreve Armory Property, which consists of two parts: (A) Volume 198, Page 373, and (B) Volume 198, Page 372, Wayne County Deed Records. And being, respectively, parcel numbers 20-01148.000, 20-01146.000, and 20-01147.000 of the Wayne County Auditor's Duplicate.

Part A

Situated in the Village of Shreve, County of Wayne, and State of Ohio; and known as the East part of in-lots numbered Two Hundred and Nineteen (219) and Two Hundred and Twenty (220), bounded and described as follows: - Beginning at the Northeast corner of said Lot number Two Hundred and Twenty (220); thence South along the East lines of said Lots 220 and 219, to the South-east corner of said Lot No. 219; thence West on the South line of said Lot 219, Eighty-eight (88) Feet; thence North and parallel with the East line of said Lots, one hundred and Twenty (120) Feet to the North line of Lot 220; thence East on the North line of Lot 220

Eighty-eight (88) Feet to the North-east corner of said Lot, the place of beginning.

Part B

Situated in the Village of Shreve, County of Wayne, and State of Ohio: and known as the East half of In-Lot number Two Hundred and Eighteen (218).

Parcel No. 5

Fremont Armory Property, Volume 133, Page 180, Sandusky County Deed Records.

Situated in the City of Fremont, County of Sandusky, and State of Ohio, and known as a part of Outlot number fifty (50), more particularly described as commencing at a point on the north line of said Outlot and two hundred and thirty (230) feet northwesterly from the north-east corner of said Outlot; thence in a northwesterly direction, on the north line of said Outlot, one hundred (100) feet; thence southwesterly, at right angles to the north line of said Outlot, three hundred forty and one-half (340 1/2) feet; thence southeasterly, parallel with the north line of said Outlot, one hundred (100) feet; thence northeasterly three hundred forty and one-half (340 1/2) feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 6

Boston Mills Organizational Maintenance Shop and other related facilities, Volume 1540, Pages 411 & 412 and 413-415, Summit County Deed Records. And being parcel number 06-00493 of the Summit County Auditor's Records.

Part A

Situated in the Township of Boston, County of Summit, and State of Ohio; more particularly described as follows:

Being a part of Lot 2, Tract 1, in said Township, beginning at a southwest corner of 80.45 acres of land, deeded by George Kellogg to F.W. Kellogg March 9th, 1872, in the center of the Brewery Road, so-called, at a stake in the line between the north and south half of said Lot 2, and which point is southwesterly along the center line of the Brewery Road 28.22 1/2 chains from the north line of Lot 2, Tract No. 1, Boston Township; thence northeasterly along the center of said Road as now traveled, 26.33 1/2 chains to a stake at the center of the Culvert; thence south 26 degrees east 3 chains to a stake; thence southwesterly to a point in the division line between the north and south half of said Lot 2, 11.25 chains distant from the first mentioned stake in the center of the Brewery Road; thence north 89 3/4 degrees west along said division line 11 chains and 25 links to the place of

beginning, containing 10 acres of land, be the same more or less, but subject to all legal highways.

Being the same piece of property conveyed by Mary C. & W.H. Smith to Harry M. Farnsworth as shown by recorded deed in Volume 328, page 579 of Summit County Records being subsequently conveyed by said Harry M. Farnsworth and wife to The American Agricultural Chemical Company (of Connecticut) by deed dated November 18th, 1905, and recorded in Summit County Records in Volume 627, Page 432, and being subsequently conveyed by The American Agricultural Chemical Company (of Connecticut) to The American Agricultural Chemical Company (of Delaware) by deed dated June 30th, 1930, and recorded in Summit County Records in Volume 1352, Pages 420-421, and finally conveyed to the State of Ohio by Harvey J. Webster et ux by deed dated July 1, 1933.

Part B

Situated in the Township of Boston, County of Summit, and State of Ohio; and being part of Original Lot No. 2, Tract 1, in said Township and being further described as follows:

Beginning in the center line of Brewery Road at its intersection with the northerly line of Grantor's lands, said beginning point being distant southwesterly along the center line of Brewery Road 28.22 1/2 chains from the North line of said Lot 2, said beginning point being also the southwest corner of 80.45 acres of lands deeded by George Kellogg to F.W. Kellogg, March 9, 1872.

Thence South 89 degrees 45'00" East along the Northerly line of Grantor's lands, said Northerly line being the southerly line of lands conveyed to F.W. Kellogg as aforesaid a distance of 900 feet to a point.

Thence South 12 degrees 37'30" West a distance of 700 feet to a point.

Thence North 89 degrees 45'00" West along a line parallel with the first described line a distance of 650 feet to a point.

Thence northwesterly along a line that intersects the center line of Brewery Road at a point distance Southwesterly 400 ft. from the intersection of said center line with the Northerly line of Grantor's land as aforesaid.

Thence Northeasterly along the center line of Brewery Road 400 feet to the place of beginning containing 15.257 acres of land be the same more or less but subject to all legal highways, and being transferred by a deed from Gilbert Cassity et al to the State of Ohio, by a deed dated June 12th, 1933.

LESS THE FOLLOWING DESCRIBED PARCEL, GIVEN BY "DEPARTMENTAL TRANSFER OF STATE-OWNED LANDS" FROM THE ADJUTANT GENERAL'S DEPARTMENT TO THE OHIO DEPARTMENT OF HIGHWAYS, ON DECEMBER 1, 1966.

Situated in Boston Township, Summit County, State of Ohio, Lot 2, Town 4-North, Range 11 West, and bounded and described as follows:

Being a parcel of land lying on the left and right sides of the centerline of a survey made by the Department of Highways, and recorded in Book 68, Pages 5-14, of the records of Summit County and being located within the following described points in the boundary thereof:

Beginning at the intersection of the centerline tangent of Riverview Road (County Highway No. 9) with the north line of said Lot 2; said intersection being at right angles to and 599.99 feet left of Station 425 plus 95.97 on the centerline survey above referred to; thence along the centerline tangents of Riverview Road by the following bearings and distances: South $17^{\circ}37'18''$ East a distance of 349.59 feet to an angle point; South $48^{\circ}49'23''$ East a distance of 185.40 feet to an angle point on the proposed limited access line; thence along said limited access line by the following bearings and distances; South $54^{\circ}14'22''$ West a distance of 179.03 feet to an angle point; North $35^{\circ}45'38''$ West a distance of 232.83 feet to an angle point; South $54^{\circ}14'22''$ West a distance of 650.00 feet to an angle point; South $8^{\circ}48'58''$ West a distance of 140.09 feet to an angle point; South $55^{\circ}21'44''$ West a distance of 926.04 feet to the true place of beginning, said point of beginning being an angle break in the grantor's easterly property line on a radial line to an 173.44 feet left of Station 406 plus 50.07 on the centerline survey; thence South $11^{\circ}42'11''$ West along the grantor's easterly property line a distance of 534.33 feet to an angle point on the proposed southerly limited access line, and passing over the centerline survey at a distance of 224.33 feet, the intersection of which is at Station 405 plus 06.15 on the centerline survey; thence South $71^{\circ}05'06''$ West along the limited access line, a distance of 515.23 feet to an angle point; thence along the grantor's property line by the following bearings and distances: South $89^{\circ}22'52''$ West a distance of 193.53 feet to an angle point; North $42^{\circ}26'06''$ West a distance of 368.80 feet to an angle point on the limited access line, and passing over the centerline survey at a distance of 141.65 feet the intersection of which is at Station 395 plus 89.03 on the centerline survey; thence along the limited access line by the following bearings and distances: North $70^{\circ}22'18''$ East a distance of 388.57 feet to an angle point; North $60^{\circ}57'09''$ East a distance of 590.51 feet to an angle point; North $88^{\circ}56'05''$ East a distance of 156.00 feet to the true place of beginning and containing 390,674 square feet (8.969 acres) of land, more or less.

Station 425 plus 49.26 on the centerline survey (Proposed State Route 217) is Station 72 plus 99.30 on the centerline of right-of-way of Riverview Road (County Highway No. 9).

Description for the above parcel is based on a survey made by Bryan E. Moody, Registered Surveyor No. 4936.

Parcel No. 7

Property behind the Westerville Armory. Volume 1048, Page 206, Franklin County Deed Records.

Situated in the City of Westerville, County of Franklin, State of Ohio, Quarter Township 2, Township 2N, Range 17W, of the United States Military Lands, being part of a 0.3257 acre tract and bounded and described as follows:

Beginning at the Grantors northeasterly corner being 7.50 feet right of centerline Station 25+70.81 and the true point of beginning;

Thence South 03°25'16" West with said westerly property line of Board of Education of the Westerville School District (D.V. 1017, Page 135), a distance of 214.60 feet to the northerly property line of the United States Postal Service (OR 17103A-16) and being 7.50 feet right of centerline Station 23+56.21;

Thence North 85°04'44" West with the northerly line of said United States Postal Service tract, a distance of 15.01 feet to a point 7.50 feet left of centerline Station 23+56.61;

Thence North 03°25'16" East a distance of 214.77 feet to the Grantors northerly line and being 7.50 feet left of centerline Station 25+71.38;

Thence South 84°25'42" East, a distance of 15.01 feet to the true point of beginning and containing 0.074 acres of land more or less.

Basis of bearings is a graphic solution taken from the U.S.G.S. Quadrangle Map, Galena Quadrangle, for the old railroad between I.R. 270 and College Avenue having a bearing of North 03°25'16" East.

The above description was prepared from an actual survey by Maynard H. Thompson, Professional Surveyor No. 7128.

Grantor (City of Westerville) claims title by instrument(s) of record in O.R. 33186, Page D-08, Franklin County Deed Records.

(B) At the request of the Adjutant General, the Director of Administrative Services shall, pursuant to the procedures described in division (C) of this section, assist in the sale of any of the parcels described in division (A) of this section.

(C) The Adjutant General shall appraise the parcels or have them appraised by one or more disinterested persons for a fee to be determined by the Adjutant General and shall offer the real estate for sale as follows:

(1) The Adjutant General first shall offer the real estate at the appraised value to the village, township, or city in which the property is located;

(2) If, after sixty days, the village, township, or city has not accepted the

offer to purchase the real estate at the appraised value or if the village, city, or township has accepted the offer but has failed to complete the purchase, the Adjutant General shall offer the real estate at the appraised value to the county in which the real estate is located;

(3) If, after sixty days, the county has not accepted the offer to purchase the real estate at the appraised value or if the county has accepted the offer but has failed to complete the purchase, a public auction shall be held and the real estate shall be sold to the highest bidder at a price acceptable to the Adjutant General. The Adjutant General may reject any and all bids for any reason whatsoever.

The Adjutant General shall advertise each auction in a newspaper of general circulation within the county in which the real estate is located, once a week for two consecutive weeks prior to the date of the auction. The terms of sale shall be payment of ten per cent of the purchase price, as bid by the highest bidder, in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not complete the conditions of the sale as prescribed in this section shall forfeit the ten per cent of the purchase price to the state as liquidated damages.

(D) Advertising costs, appraisal fees, and other costs of the sales shall be paid by the Adjutant General's Department.

(E) Upon payment of ten per cent of the purchase price pursuant to division (C) of this section, or upon notice from the Adjutant General's Department that a parcel of real estate described in division (A) of this section has been sold in accordance with division (C) of this section, a deed shall be prepared for that parcel by the Auditor of State with the assistance of the Attorney General, to be executed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the state, and presented for recording in the Office of the Auditor of State. Upon the grantee's payment of the balance of the purchase price, the deed shall be delivered to the grantee. The grantee shall present the deed for recording in the office of the county recorder of the county in which the real estate is located.

(F) The net proceeds of the sales of the parcels described in this section shall be deposited in the State Treasury to the credit of the Armory Improvements Fund within the Adjutant General's Department, pursuant to section 5911.10 of the Revised Code.

(G) If a parcel of real estate is sold to a village, city, township, or county, and if that political subdivision sells the parcel within two years after its purchase, the political subdivision shall pay to the state, to the credit of the Armory Improvements Fund within the Adjutant General's

Department pursuant to section 5911.10 of the Revised Code, an amount representing one-half of any net profit. The net profit shall be computed by subtracting the price at which the political subdivision bought the real estate from the price at which the political subdivision sold the real estate, then subtracting from that remainder the amount of any expenditures the political subdivision made for improvements to the real estate.

(H) This section shall expire five years after its effective date."

SECTION 13. That existing Section 2 of Am. H.B. 479 of the 123rd General Assembly is hereby repealed.

SECTION 14. The amendment of Section 2 of Am. H.B. 479 of the 123rd General Assembly is contingent upon Am. H.B. 479 becoming law.

SECTION 15. 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 that: (1) the authority of the Director of Transportation to sell or convey unneeded property associated with the United States Route 68 project will facilitate critical negotiations necessary to advance the project, (2) the conveyance of real estate, as authorized by Sections 5 to 8 of this act, must be completed at the earliest possible time to enable the Village of Apple Creek to comply with the Environmental Protection Agency's mandate regarding the provision of waste water treatment services for the village, (3) the conveyance of the real estate described in Section 11 of this act is necessary at the earliest possible time to enable the Department of Rehabilitation and Correction to receive needed property as consideration for the conveyance and to avoid the costs and difficulties that would be incurred by delaying the conveyance, and (4) correction of a property description is needed so that a previously authorized conveyance can proceed as intended. Therefore, this act shall go into immediate effect.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Am. Sub. S. B. No. 250

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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 _____