

**As Passed by the Senate**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. H. B. No. 274**

**Representative Letson**

**Cosponsors: Representatives Bulp, Antonio, Brenner, Combs, Derickson,  
Foley, Mallory, Milkovich, Murray, O'Brien, Okey, Ramos, Szollosi, Winburn,  
Yuko Speaker Batchelder  
Senators Obhof, LaRose, Wagoner**

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**A B I L L**

To amend section 5301.057 of the Revised Code to 1  
provide that a transfer fee for purposes of a 2  
transfer fee covenant does not include any payment 3  
required pursuant to a conservation easement or 4  
agricultural easement, to authorize the conveyance 5  
of the water rights of certain state-owned real 6  
estate to the Wayne County Board of County 7  
Commissioners, and to authorize the conveyance of 8  
state-owned real estate in Richland County to the 9  
Mansfield Reformatory Preservation Society. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5301.057 of the Revised Code be 11  
amended to read as follows: 12

**Sec. 5301.057.** (A) As used in this section: 13

(1) "Environmental covenant" means a 14

(a) A servitude that imposes activity and use limitations on 15

real property and meets the requirements of section 5301.82 of the Revised Code;

(b) A conservation easement or agricultural easement as defined in section 5301.67 of the Revised Code.

(2) "Transfer" means the sale, gift, conveyance, assignment, inheritance, or other transfer of an ownership interest in real property located in this state.

(3) "Transfer fee" means a fee or charge required by a transfer fee covenant and payable upon the transfer of an interest in real property, or payable for the right to make or accept such a transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer. The following are not transfer fees for purposes of this section:

(a) Any consideration payable by the grantee to the grantor for the interest in real property being transferred. For the purposes of division (A)(3)(a) of this section, an interest in real property includes a separate mineral estate and its appurtenant surface access rights.

(b) Any commission payable to a licensed real estate broker for the transfer of real property pursuant to an agreement between the broker and the grantor or the grantee, including any subsequent additional commission for that transfer payable by the grantor or the grantee based upon any subsequent appreciation, development, or sale of real property;

(c) Any interest, charges, fees, or other amounts payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property;

(d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor under a lease;

(e) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the property to another person;

(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority;

(g) Any fee, charge, assessment, fine, or other amount payable to a homeowners, condominium, cooperative, mobile home, or property owners association pursuant to a declaration or covenant or law applicable to the association;

(h) Any payment required pursuant to an environmental covenant.

(4) "Transfer fee covenant" means a declaration or covenant recorded against the title to real property that requires or purports to require the payment of a transfer fee to the declarant or other person specified in the declaration or covenant or to their successors or assigns upon a subsequent transfer of an interest in the real property.

(B) A transfer fee covenant recorded in this state on or after ~~the effective date of this section~~ September 13, 2010, does not run with the title to real property and is not binding on or enforceable against any subsequent owner, purchaser, or mortgagee of any interest in real property as an equitable servitude or otherwise.

(C) Any lien purporting to secure the payment of a transfer fee under a transfer fee covenant that is recorded in this state on or after ~~the effective date of this section~~ September 13, 2010, is void.

**Section 2.** That existing section 5301.057 of the Revised Code

is hereby repealed. 77

**Section 3.** (A) The Governor is authorized to execute a deed 78  
in the name of the state conveying to the Wayne County Board of 79  
County Commissioners, and its successors and assigns, the water 80  
rights in the following described real estate (hereinafter 81  
referred to as the "premises") as retained by the state in the 82  
deed filed on August 2, 1995, in the Official Record, Volume 720, 83  
Page 772, of the Wayne County Recorder's Office: 84

Parcel 1 85

Situated in the Township of East Union, County of Wayne, 86  
State of Ohio and known as parts of the Southeast and the 87  
Southwest Quarters of Section 16 and the Northwest Quarter of 88  
Section 21, T-16N, R-12W and more fully described as follows: 89

Beginning at an iron pin marking the Northwest Corner of the 90  
Southeast Quarter of Section 16 and in a public road T.R. 163 (Ely 91  
Road) thence North 89°20'43" East along the Quarter Section Line 92  
and in a public road T.R. 163 (Ely Road) a distance of 949.56 feet 93  
to a railroad spike; 94

Thence, South 00°50'35" East, a distance of 800.00 feet to an 95  
iron pin; 96

Thence, South 00°13'49" West, a distance of 1,225.83 feet to 97  
an iron pin; 98

Thence, South 17°31'23" West, a distance of 415.02 feet to an 99  
iron pin; 100

Thence, North 89°00'00" West, a distance of 291.03 feet to an 101  
iron pin; 102

Thence, South 00°36'26" West, a distance of 150.61 feet to an 103  
iron pin; 104

Thence, South 89°18'10" West, a distance of 521.12 feet to an 105  
iron pin on the Quarter Section Line; 106

Thence, South 00°23'47" East, a distance of 113.44 feet to a stone with an iron pin marking the Quarter Corner between Sections 16 and 21;

Thence, South 00°59'39" West, a distance of 240.00 feet to an iron pin;

Thence, South 89°18'59" West, a distance of 550.13 feet to an iron pin;

Thence, North 00°40'22" West, a distance of 240.00 feet to a stone marking the Quarter Section Line;

Thence, and continuing North 00°40'22" West, a distance of 2,676.16 feet to an iron pin on the Quarter Section Line and in a public road T.R. 163 (Ely Road);

Thence, North 89°20'43" East, along the Quarter Section Line and in a public road, T.R. 163 (Ely Road) a distance of 570.02 feet to the PLACE OF BEGINNING and containing 91.504 acres, more or less, of which 34.622 acres are in the Southwest Quarter of Section 16, and 53.833 acres are in the Southeast Quarter of Section 16, and 3.049 acres are in the Northwest Quarter of Section 21.

Basis of Bearings: Survey "JJ" 200, North 89°20'43" East on the Quarter Section Line and T.R. 163 (Ely Road).

All iron pins set are a 5/8 inch iron bar, 30 inches in length, with a yellow plastic cap marked "RUDOLPH 6449".

This description prepared from a field survey by: R.G. Rudolph Surveying, Inc. by: Ronald G. Rudolph P.S. 6449 on January 5, 1995.

Parcel 2

Situated in the Township of East Union, County of Wayne, State of Ohio and known as being part of the Southwest Quarter of Section 21 and part of the Northwest Quarter of Section 28, T-16N,

R-12W, and more fully described as follows: 137

COMMENCING at an iron pin marking the Southwest Corner of the 138  
Southwest Quarter of Section 21; 139

Thence, North 89°42'44" East along the Section Line, a 140  
distance of 882.84 feet to an iron pin and the TRUE PLACE OF 141  
BEGINNING; 142

Thence, North 13°49'14" East, a distance of 145.87 feet to an 143  
iron pin; 144

Thence, South 89°42'44" West, a distance of 471.42 feet to an 145  
iron pin; 146

Thence, North 00°57'10" East, a distance of 549.60 feet to an 147  
iron pin; 148

Thence, North 89°22'50" West, a distance of 442.14 feet to a 149  
railroad spike in a public road, C.R. 44 (Apple Creek Road) and on 150  
the Section Line; 151

Thence, North 00°57'10" East along the Section Line, a 152  
distance of 60.00 feet to a railroad spike; 153

Thence, South 89°22'50" East, a distance of 974.12 feet to an 154  
iron pin; 155

Thence, South 00°57'10" West, a distance of 742.57 feet to an 156  
iron pin on the Section Line; 157

Thence, and continuing South 00°57'10" West, a distance of 158  
69.34 feet to a railroad spike set in a public road (Church 159  
Street); 160

Thence, South 78°09'04" West and in a public road (Church 161  
Street) a distance of 117.39 feet to a railroad spike; 162

Thence, North 13°49'14" East, a distance of 95.74 feet to the 163  
PLACE OF BEGINNING and containing 8.441 acres, more or less, of 164  
which 8.251 acres are in the Southwest Quarter of Section 21 and 165

0.190 acres are in the Northwest Quarter of Section 28. 166

All irons pins set are a 5/8 inch iron bar, 30 inches in 167  
length, with a yellow plastic cap marked "RUDOLPH 6449". 168

Basis of Bearings: Survey "JJ" 200, North 89°42'44" East on 169  
the south line of the Southwest Quarter of Section 21, East Union 170  
Township. 171

This description prepared from a field survey by: R.G. 172  
Rudolph Surveying, Inc. by: Ronald G. Rudolph P.S. 6449 on January 173  
5, 1995. 174

Parcel 3 175

Situated in the Township of East Union, County of Wayne, 176  
State of Ohio and known as part of the Southeast Quarter of 177  
Section 16, T-16N, R-12W, and more fully described as follows: 178

Beginning at an iron pin marking the Northeast Corner of the 179  
Southeast Quarter of Section 16, and in a public road T.R. 163 180  
(Ely Road); Thence, South 89°20'43" West along the Quarter Section 181  
Line and in a public road T.R. 163 (Ely Road) a distance of 182  
1,819.86 feet to an iron pin; 183

Thence, South 00°50'35" East, a distance of 800.00 feet to an 184  
iron pin; 185

Thence, South 00°13'49" West, a distance of 1,225.83 feet to 186  
an iron pin; 187

Thence, North 80°39'10" East, a distance of 519.66 feet to an 188  
iron pin; 189

Thence, South 68°41'33" East, a distance of 462.20 feet to an 190  
iron pin; 191

Thence, South 86°41'11" East, a distance of 857.39 feet to an 192  
iron pin in a public road C.R. 142 (Millborne Road); 193

Thence, North 00°21'22" East along the Section Line and in a 194  
public road C.R. 142 (Millborne Road), a distance of 2,179.69 feet 195

to the PLACE OF BEGINNING and containing 86.019 acres, more or  
less. 196  
197

All iron pins set are a 5/8 inch iron bar, 30 inches in  
length, with a yellow plastic cap marked "RUDOLPH 6449". 198  
199

Basis of Bearings: Survey "JJ" 200, North 89°20'43" East on  
the Quarter Section Line and T.R. 163 (Ely Road). 200  
201

This description prepared from a field survey by: R.G.  
Rudolph Surveying Inc. by: Ronald G. Rudolph P.S. 6449 on January  
5, 1995. 202  
203  
204

Parcel 4 205

Situated in the Township of East Union, County of Wayne,  
State of Ohio and known as part of the Southwest Quarter of  
Section 21 and part of the Northwest Quarter of Section 28, T-16N,  
R-12W and more fully described as follows: 206  
207  
208  
209

COMMENCING at an iron pin marking the Southwest Corner of the  
Southwest Quarter of Section 21; 210  
211

Thence, North 89°42'44" East along the Section Line, a  
distance of 976.01 feet to an iron pin, the TRUE PLACE OF  
BEGINNING of the herein described tract; 212  
213  
214

Thence, North 00°57'10" East, a distance of 400.00 feet to an  
iron pin; 215  
216

Thence, South 89°22'50" East, a distance of 1,416.29 feet to  
an iron pin; 217  
218

Thence, South 00°17'16" East, a distance of 377.48 feet to an  
iron pin on the Section Line; 219  
220

Thence, South 89°42'44" West, along the Section Line a  
distance of 1,087.40 feet to a railroad spike; 221  
222

Thence, South 78°09'04" West, a distance of 345.89 feet to a  
railroad spike; 223  
224

Thence, North 00°57'10" East, a distance of 69.34 feet to the 225  
TRUE PLACE OF BEGINNING and containing 12.944 acres, more or less, 226  
of which 12.676 acres are in the Southwest Quarter of Section 21, 227  
and 0.268 acres are in the Northwest Quarter of Section 28. 228

All iron pins set are a 5/8 inch iron bar, 30 inches in 229  
length, with a yellow plastic cap marked "RUDOLPH 6449". 230

Basis of Bearings: Survey "JJ" 200, North 89°42'44" East on 231  
the south line of the Southwest Quarter of Section 21, East Union 232  
Township. 233

This description prepared from a field survey by: R.G. 234  
Rudolph Surveying, Inc. by: Ronald G. Rudolph P.S. 6449 on January 235  
5, 1995. 236

In preparing the deed, the Auditor of State, with the 237  
assistance of the Attorney General, may modify the foregoing 238  
descriptions insofar as necessary to bring each one into 239  
conformity with the actual bounds of the real estate being 240  
described. 241

(B) Conveyance of the premises to the Wayne County Board of 242  
County Commissioners shall be upon such consideration as shall be 243  
determined by the Director of Administrative Services to be fair 244  
and reasonable. 245

(C) The Wayne County Board of County Commissioners shall pay 246  
all costs associated with the purchase and conveyance of the 247  
premises, which costs shall include, but are not limited to, the 248  
following: surveying costs, title costs, preparation of metes and 249  
bounds property descriptions, appraisals, and recordation costs of 250  
the deed. 251

(D) The deed may contain any terms and conditions the 252  
Director determines to be in the best interest of the state. The 253  
deed may contain restrictions that the Director determines are 254  
reasonably necessary to protect the state's interest in any of its 255

remaining interests in the premises, including its gas and mineral 256  
rights. 257

(E) Upon receipt of the consideration, the Auditor of State, 258  
with the assistance of the Attorney General, shall prepare a deed 259  
to the premises. The deed shall state the consideration, and also 260  
shall state any terms or conditions and any restrictions. The deed 261  
shall be executed by the Governor in the name of the state, 262  
countersigned by the Secretary of State, sealed with the Great 263  
Seal of the State of Ohio, presented in the Office of the Auditor 264  
of State for recording, and delivered to the Wayne County Board of 265  
County Commissioners. The Board shall present the deed for 266  
recording in the Office of the Wayne County Recorder. 267

(F) This section expires two years after its effective date. 268

**Section 4.** (A) The Governor is authorized to execute a Deed 269  
in the name of the state conveying to the Mansfield Reformatory 270  
Preservation Society, its successors and assigns, all of the 271  
state's right, title, and interest in the following described real 272  
estate (hereinafter referred to as the "state premises"): 273

Situated in the Township of Madison, County of Richland, 274  
State of Ohio and being a part of the Northeast Quarter of Section 275  
15, Township 21, Range 18 and being more particularly described as 276  
follows: 277

1. Beginning at a 2" Mag Nail set at the intersection of the 278  
centerline of State Route 545 (width varies) and the centerline of 279  
Reformatory Road (60'); 280

2. Thence South 35°11'23" West along the centerline of State 281  
Route 545 (width varies), a distance of 130.40 feet to a drill 282  
hole found; 283

3. Thence South 34°41'11" West along the centerline of State 284  
Route 545 (width varies), a distance of 126.03 feet to a drill 285  
hole found; 286

4. Thence southwesterly along a curve to the left, along the centerline of State Route 545 (width varies), an arc length of 95.93 feet, delta angle of 00°02'53", a radius of 114,591.26 feet, a chord bearing South 34°39'44" West, a chord distance of 95.93 feet to a drill hole set;

5. Thence North 86°46'44" West along the north line of lands now or formerly owned by Ohio Edison Company as recorded in Deed Volume 342, Page 151 of the Richland County Recorder's records, passing thru a survey marker set at a distance of 93.73 feet, a total distance of 593.71 feet to a survey marker set on the east right of way line of Crawford Avenue (T,H. 1116) (60'), also being the west line of the Northeast Quarter of Section 15;

6. Thence North 04°07'51" East along the east right of way line of said Crawford Avenue (Tu. 1116) (60') and the west line of the Northeast Quarter of Section 15, passing thru a 2" Mag Nail set at a distance of 270.00 feet, a total distance of 300.00 feet to a 2" Mag Nail set on the centerline of Reformatory Road (60');

7. Thence South 86°46'44" East along the centerline of Reformatory Road (60'), a distance of 773.81 feet to the 2" mag nail set at the Point of Beginning and containing 4.705 acres of land, more or less, subject to all highways, easements and use restrictions of record.

This description is based on an actual field survey performed by Richland Engineering Limited in August 2011. Bearings are based on Official Record Volume 857, Page 788 and are for the determination of angular measurement only.

Survey markers set are 5/8" diameter by 30" long rebar with cap stamped "Richland Eng RLS 7209".

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, may modify the foregoing description insofar as necessary to bring it into conformity with

the actual bounds of the real estate being described. 318

The state premises shall be sold as an entire tract and not 319  
in parcels. 320

(B) Consideration for conveyance of the state premises is two 321  
parcels of land conveyed to the state by the grantee, the first 322  
parcel consisting of approximately 1.865 acres, and the second 323  
parcel consisting of approximately 2.037 acres, for an approximate 324  
total of 3.902 acres, described as follows: 325

**Parcel 1** 326

**LEGAL DESCRIPTION of 1.865 Acres** 327

Situated in the City of Mansfield, Township of Madison, 328  
County of Richland, State of Ohio and being part of the Northwest 329  
Quarter of Section 10, Township 21, Range 18 and being more 330  
particularly described as follows: 331

Commencing at a railroad spike set at the northeast corner of 332  
the Northwest Quarter of Section 10; 333

Thence South 00°11'58" East along the east line of the 334  
Northwest Quarter of Section 10 and the east line of lands now or 335  
formerly owned by J. & D. Building Enterprises as recorded in 336  
Official Record Volume 647, Pages 879 and 881 of the Richland 337  
County Recorder's records, passing through a "Cunning" survey 338  
marker found at 30.01 feet, a total distance of 355.04 feet to a 339  
"Cunning" survey marker found at the Point of Beginning of the 340  
parcel herein described; 341

1, Thence South 00°11'58" East continuing along the east line 342  
of the Northwest Quarter of Section 10, a distance of 325.03 feet 343  
to a survey marker found at the northeast corner of lands now or 344  
formerly owned by Studio 101 Inc. as recorded in Official Record 345  
Volume 840, Page 386 of the Richland County Recorder's records; 346

2. Thence South 88°31'37" West along the north line of said 347  
Studio 101 Inc. lands, a distance of 250.00 feet to a survey 348

marker set; 349

3. Thence North 00°11'58" West a distance of 325.03 feet to a 350  
survey marker set on the south line of said J. & D. Building 351  
Enterprises lands; 352

4. Thence North 88°31'37" East along the south line of said 353  
J. & D. Building Enterprises lands, a distance of 250.00 feet to 354  
the "Cunning" survey marker found at the Point of Beginning, and 355  
containing 1.865 acres of land, more or less, subject to all 356  
highways, easements, and use restrictions of record. 357

This description is based upon an actual field survey made in 358  
2011 by Richland Engineering Limited. All bearings are based on 359  
the O.D.O.T. centerline of State Route 13 bearings being North 360  
40°30'00" East as shown in Richland County Recorder's records Plat 361  
Book 16, Page 35 and are for the determination of angular 362  
measurement only. 363

The grantees, his heirs and assigns do hereby covenant and 364  
agree that the parcel of land described in this instrument or any 365  
portion thereof does not constitute a principal building site 366  
under applicable zoning and will not be conveyed by said grantees, 367  
heirs and assigns independent and separate from any adjoining or 368  
contiguous parcel fronting on a public highway or street. 369

Survey markets set and found are 5/8 inch in diameter by 30 370  
inch long rebar with a plastic cap stamped "RICHLAND ENG. 7209". 371

Deed Reference: Official Record Volume 364, Page 155 372

Official Record Volume 364, Page 160 373

**Parcel 2** 374

**LEGAL DESCRIPTION of 2.037 Acres** 375

Situated in the City of Mansfield, Township of Madison, 376  
County of Richland, State of Ohio and being part of the Northwest 377  
Quarter of Section 10, Township 21, Range 18 and being more 378  
particularly described as follows: 379

Beginning at a railroad spike set at the northeast corner of the Northwest Quarter of Section 10;

1. Thence South 00°11'58" East along the east line of the Northwest Quarter of Section 10 and the east line of lands now or formerly owned by J. & D. Building Enterprises as recorded in Official Record Volume 647, Pages 879 and 881 of the Richland County Recorder's records, passing through a "Cunning" survey marker found at 30.01 feet, a total distance of 355.04 feet to a "Cunning" survey marker found;

2. Thence South 88°31'37" West along the south line of said J. & D. Building Enterprises lands, a distance of 250.00 feet to a survey marker set;

3. Thence North 00°11'58" West passing through a survey marker set at 325.03 feet, a total distance of 355.04 feet to a 2 inch MAG Nail set on the centerline of Piper Road and the north line of the Northwest Quarter of Section 10;

4. Thence North 88°31'37" East along the centerline of Piper Road and the north line of the Northwest Quarter of Section 10, a distance of 250.00 feet to the railroad spike set at the Point of Beginning, and containing 2.037 acres of land, more or less, subject to all highways, easements, and use restrictions of record.

This description is based upon an actual field survey made in 2011 by Richland Engineering Limited. All bearings are based on the O.D.O.T centerline of State Route 13 bearing being North 40°30'00" East as shown in Richland County Recorder's records Plat Book 16, Page 35 and are for the determination of angular measurement only.

Survey markers set are 5/8 inch diameter by 30 inch long rebar with a plastic cap stamped "RICHLAND ENG. 7209".

Deed Reference: Official Record Volume 647, Pages 879 and 881

(C) The conveyance from the state to the grantee is subject 411  
to the following restrictions: 412

(1) The grantee agrees that it shall not use or develop the 413  
state premises such that it will interfere with the quiet 414  
enjoyment of the neighboring state-owned land. 415

(2) The grantee shall use, develop, and occupy the state 416  
premises for historic preservation purposes only, including a 417  
parking lot, public tours, and other uses incidental to these 418  
purposes. If the grantee ceases to use the state premises for 419  
these purposes, all right, title, and interest in the state 420  
premises revert back to the state, at the state's discretion, and 421  
without the need for any further action by the state. If reversion 422  
of the state premises takes place, title to the land described in 423  
division (B) of this section simultaneously reverts back to the 424  
grantee. 425

(D) Upon receipt of the consideration, the Auditor of State, 426  
with the assistance of the Attorney General, shall prepare a deed 427  
to the state premises. The deed shall state the restrictions in 428  
division (C) of this section. The deed shall be executed by the 429  
Governor in the name of the state, countersigned by the Secretary 430  
of State, sealed with the Great Seal of the State, presented in 431  
the Office of the Auditor of State for recording, and delivered to 432  
the grantee. The grantee shall present the deed for recording in 433  
the Office of the Richland County Recorder. 434

(E) The grantee shall pay all costs associated with the 435  
purchase and conveyance of the state premises, as well as all 436  
costs associated with the sale and conveyance of the real estate 437  
described in division (B) of this section, which costs include, 438  
but are not limited to, the following: surveying costs; title 439  
costs; preparation of metes and bounds property descriptions; 440  
appraisals; environmental studies, assessments, and remediation; 441  
and recordation costs. 442

(F) This section expires two years after its effective date.

443