

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. S. B. No. 259

Senator Sykes

**Cosponsors: Senators Maharath, Manning, Antonio, Blessing, Burke, Craig,
Fedor, Hottinger, Kunze, Lehner, O'Brien, Schuring, Thomas, Williams**

A BILL

To amend section 5709.91 of the Revised Code to
authorize the conveyance of state-owned real
property and to specify that tax increment
financing minimum service payment obligation
agreements are enforceable against subsequent
property owners.

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

Section 1. That section 5709.91 of the Revised Code be
amended to read as follows:

Sec. 5709.91. (A) Service payments in lieu of taxes
required under sections 725.04, 5709.42, 5709.46, 5709.74, and
5709.79 of the Revised Code, minimum service payment
obligations, and service charges in lieu of taxes required under
sections 1728.11 and 1728.111 of the Revised Code, shall be
treated in the same manner as taxes, as defined in section
323.01 of the Revised Code, for all purposes of the lien
described in section 323.11 of the Revised Code, including, but
not limited to, the priority and enforcement of the lien and the
collection of the service payments, minimum service payment

obligations, or service charges secured by the lien. ~~For~~ 19

(B) Any covenant or agreement in an instrument whereby a 20
property owner agrees to a minimum service payment obligation 21
shall be a covenant running with the land. Upon the proper 22
recording of the instrument with the county recorder, the 23
covenant is fully binding on behalf of and enforceable by the 24
county, township, or municipal corporation against the property 25
owner and any person acquiring an interest in the land and all 26
successors and assigns. If any such minimum service payment 27
obligation becomes delinquent according to such covenant or 28
agreement, the county, township, or municipal corporation may 29
enforce the delinquent minimum service payment obligation in the 30
manner provided under division (A) of this section or in the 31
manner otherwise provided in the instrument. A minimum service 32
payment obligation is an insurable interest with respect to 33
title insurance under Chapter 3953. of the Revised Code. 34

(C) A county, township, or municipal corporation may 35
certify a minimum service payment obligation that is a covenant 36
under division (B) of this section to the county auditor, who 37
shall enter the obligation on the tax list of real property 38
opposite the parcel against which it is charged, and certify the 39
minimum service payment obligation to the county treasurer. An 40
unpaid minimum service payment obligation is a lien on property 41
against which it is charged from the date the obligation is 42
entered on the tax list, and shall be collected in the manner 43
provided for collection of real property taxes. Once the minimum 44
service payment obligation is collected, it shall be paid 45
immediately to the county, township, or municipal corporation. 46

(D) For the purposes of this section, a "minimum service 47
payment obligation" is an obligation, including a contingent 48

obligation, for a ~~person~~ property owner to make a payment to a 49
county, township, or municipal corporation ~~to ensure sufficient~~ 50
~~funds to finance public infrastructure improvements or, if~~ 51
~~applicable, housing renovations,~~ pursuant to an agreement 52
between ~~that person~~ the property owner and the county, township, 53
or municipal corporation ~~for the purposes of to ensure~~ 54
sufficient funds to finance the expenditures authorized under 55
sections 725.04, 1728.11, 1728.111, 5709.40 to 5709.43, 5709.45 56
to 5709.47, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the 57
Revised Code. 58

Section 2. That existing section 5709.91 of the Revised 59
Code is hereby repealed. 60

Section 3. (A) The Governor may execute a Governor's Deed 61
in the name of the state conveying to the City of Akron, Ohio, 62
or an alternate grantee or grantees, and its successors and 63
assigns, all of the state's right, title, and interest in the 64
following described real estate: 65

Situated in the City of Akron, County of Summit and State 66
of Ohio and known as being a part of Lots 4 and 5, Tract 4, 67
formerly Springfield Township and more fully described as 68
follows: 69

Beginning at a drill hole found at the centerline 70
intersection of Triplett Boulevard with Hilbish Avenue and being 71
the northeast corner of Lot 4; Thence southwesterly along the 72
centerline of Hilbish Avenue and the easterly line of said Lot 73
4, S 0° 21' 00" W (bearings referenced to the Ohio Coordinate 74
System, North Zone), 1814.38 feet to the southeast corner of Lot 75
4; Thence northwesterly along the southerly line of Lot 4 and 76
northerly line of Lot 5, N 89° 43' 24" W, 305.44 feet to a 77
tangent line of the centerline of George Washington Boulevard 78

(100' R/W); Thence southwesterly along said tangent line, S 33° 39' 10" W, 221.77 feet to a lead center monument formed at a point of curve on the centerline of George Washington Boulevard (N 501, 243.54/E 2,288,089.60 Ohio Coordinate System, North Zone); Thence northeasterly along the centerline of George Washington Boulevard and along the arc of a circle curving to the left (central angle = 3° 36' 18", radius = 1199.76', chord = 75.48', chord bearing = N 31° 51' 02" E) 75.49 feet to a point; Thence radial to said centerline curve, N 59° 57' 08" W, 50.00 feet to the southeast corner of land owned by the State of Ohio (Deed Volume 5163, Page 45) and being the True Place of Beginning for the land hereinafter described;

Thence N 56° 39' 49" W, 263.45 feet to a point; Thence N 64° 33' 36" W, 97.32 feet to a number six rebar found; Thence N 6° 31' 53" E, 42.38 feet to a number six rebar found; Thence N 41° 16' 00" W, 47.38 feet to a number six rebar found; Thence N 35° 31' 10" W, 51.26 feet to a number six rebar found; Thence S 4° 33' 59" W, 87.75 feet to a number five rebar set; Thence S 18° 15' 14" W, 329.06 feet to a number five rebar set; Thence S 52° 38' 41" E, 345.69 feet to a number five rebar set on the westerly line of George Washington Boulevard; Thence northeasterly along said westerly line N 33° 39' 10" E, 291.04 feet to a number five rebar set at a point of curve; Thence northeasterly along the arc of a circle curving to the left (central angle = 3° 36' 18", radius = 1149.76', chord = 72.33', chord bearing = N 31° 51' 02" E) 72.34 feet to the True Place of Beginning for the land hereinbefore described and containing 3.1960 acres of land as surveyed by the Bureau of Engineering, City of Akron, Ohio, in May, 1988, and subject to all legal highways, easements and restrictions of record.

Summit County Parcel Nos. 6757940 and 6755127 109

Prior Instrument Reference No.: O.R. Volume 196, Pages 279	110
- 282	111
The foregoing legal description may be corrected or	112
modified by the Department of Administrative Services to a final	113
form if such corrections or modifications are needed to	114
facilitate recordation of the deed.	115
(B) (1) The conveyance shall include the improvements and	116
chattels situated on the real estate, and is subject to all	117
easements, covenants, conditions, and restrictions of record;	118
all legal highways and public rights-of-way; zoning, building,	119
and other laws, ordinances, restrictions, and regulations; and	120
real estate taxes and assessments not yet due and payable. The	121
real estate shall be conveyed in an "as-is, where-is, with all	122
faults" condition.	123
(2) The deed for the conveyance of the real estate may	124
contain restrictions, exceptions, reservations, reversionary	125
interests, or other terms and conditions the Director of	126
Administrative Services and the Board of Trustees of the	127
University of Akron determine to be in the best interest of the	128
state.	129
(3) Subsequent to the conveyance, any restrictions,	130
exceptions, reservations, reversionary interests, or other terms	131
and conditions contained in the deed may be released by the	132
state or the Board of Trustees of the University of Akron	133
without the necessity of further legislation.	134
(C) Consideration for the conveyance of the real estate	135
described in division (A) of this section shall be \$1.	136
The Director of Administrative Services shall offer the	137
real estate to the City of Akron, Ohio, through a real estate	138

purchase agreement. If the City of Akron, Ohio, does not 139
complete the purchase of the real estate within the time period 140
provided in the real estate purchase agreement, the Director of 141
Administrative Services may use any reasonable method of sale 142
considered acceptable by the Board of Trustees of the University 143
of Akron to determine an alternate grantee or grantees to 144
complete the purchase within three years after the effective 145
date of this section. In that case, consideration for the 146
conveyance of the real estate to an alternate grantee or 147
grantees shall be at a price and any terms and conditions 148
acceptable to the Director of Administrative Services and the 149
University of Akron. The Board of Trustees of the University of 150
Akron shall pay all advertising costs, additional fees, and 151
other costs incident to the sale of the real estate to an 152
alternate grantee or grantees. 153

(D) The real estate described in division (A) of this 154
section may be conveyed as an entire tract or as multiple 155
parcels. 156

(E) Grantee shall pay all costs associated with the 157
purchase, closing, and conveyance of the real estate described 158
in division (A) of this section, including surveys, title 159
evidence, title insurance and any other fees, assessments, and 160
costs that may be imposed, but not transfer costs and fees, 161
recording costs and fees, which shall be paid by the Board of 162
Trustees of the University of Akron. 163

The net proceeds of the sale shall be deposited into 164
university accounts for purposes to be determined by the Board 165
of Trustees of the University of Akron. 166

(F) Upon execution of the real estate purchase agreement, 167
the Auditor of State, with the assistance of the Attorney 168

General, shall prepare a Governor's Deed to the real estate 169
described in division (A) of this section. The Governor's Deed 170
shall state the consideration and shall be executed by the 171
Governor in the name of the state, countersigned by the 172
Secretary of State, sealed with the Great Seal of the State, 173
presented in the Office of the Auditor of State for recording, 174
and delivered to the grantee. The grantee shall present the 175
Governor's Deed for recording in the Office of the Summit County 176
Recorder. 177

(G) This section expires three years after its effective 178
date. 179

Section 4. The amendment by this act of section 5709.91 of 180
the Revised Code applies to any proceedings commenced or 181
instruments recorded after the amendment's effective date, and, 182
so far as the amendment supports the actions taken, also applies 183
to proceedings that on its effective date are pending, in 184
progress, or completed, or instruments that have previously been 185
recorded, notwithstanding the applicable law previously in 186
effect or any provision to the contrary in a prior resolution, 187
ordinance, order, advertisement, notice, instrument, or other 188
proceeding. Any proceedings pending or in progress on the 189
effective date of the amendment shall be deemed to have been 190
taken in conformity with the amendment. 191

The authority provided in the amendment by this act of 192
section 5709.91 of the Revised Code provides additional and 193
supplemental provisions for the subject matter that may also be 194
the subject of other laws, and is supplemental to and not in 195
derogation of any similar authority provided by, derived from, 196
or implied by the Ohio Constitution, or any other law, including 197
laws amended by this act, or any charter, order, resolution, or 198

ordinance, and no inference shall be drawn to negate the	199
authority thereunder by reason of express provisions contained	200
in the amendment by this act of section 5709.91 of the Revised	201
Code.	202