

ORDINANCE NO.:

2017-26

SPONSOR:

MAYOR NEUGEBAUER

INTRODUCED:

NOVEMBER 28, 2017

ASSIGNED TO: FINANCE

AN ORDINANCE TO CONVEY CITY-OWNED LAND LOCATED AT 3492 ARLINGTON ROAD IN THE CITY OF GREEN, CONSISTING OF PERMANENT PARCEL NUMBERS 2804636 AND 2815831, TO THE GREEN COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY.

WHEREAS, the Green Community Improvement Corporation ("GCIC") is the City of Green's non-profit development corporation responsible for the purchase or sale of property for economic development purposes; and

WHEREAS, the City may convey to the GCIC any lands and interest in such lands owned by the City when determined by Council that such land is not required for municipal purposes, and the conveyance of such land and interest in such land will promote the welfare of the citizens of the City, stabilize the economy, increase employment opportunities in the City, all for the benefit of the citizens of the City; and

WHEREAS, 3492 Arlington Road is where the East Liberty Schoolhouse is located; and

WHEREAS, the City of Green has determined that the best possible use for the site would be for it to be sold and occupied as an office or retail use; and

WHEREAS, transferring 3492 Arlington Road to the Green Community Improvement Corporation allows for the GCIC to professionally market this property for sale and ensure the best possible sales price for the site; and

WHEREAS, the City has determined that the City-owned land located at 3492 Arlington Road, consisting of Permanent Parcel Numbers 2804636 and 2815831, is not needed for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

City-owned land located at 3492 Arlington Road in the City of Green, consisting of Permanent Parcel Numbers 2804636 and 2815831, is not needed for municipal purposes.

SECTION TWO:

Green City Council hereby authorizes and approves the conveyance of municipally-owned land located at 3492 Arlington Road, consisting of Permanent Parcel Numbers 2804636 and 2815831, with the legal description attached hereto as Exhibit "A" and incorporated herein as if fully rewritten, to the Green Community Improvement Corporation (GCIC).

SECTION THREE:

The funds received by the City from the GCIC from the sale of the land shall be deposited into the General Fund.

SECTION FOUR:

The Mayor is hereby authorized and directed to execute a quit-claim deed transferring such land to the GCIC in such form as approved by the Law Director, and all other documents necessary to consummate this transaction.

SECTION FIVE:

That the Planning Director is hereby authorized and directed to change the City records, and file with the Summit County Fiscal Officer the quit-claim deed transferring the land, and the City Engineer is hereby directed to change the official map of the City of Green relative to said conveyance.

SECTION SIX:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION SEVEN:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: November 28, 2017

Molly Kapeluck
Molly Kapeluck, Clerk

Chris Humphrey
Chris Humphrey, Council President

APPROVED: 11.28, 2017

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

COPIED
MAY FIN LAW PLAN ENG
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: November 28, 2017

ON ROLL CALL:

Ahlstrom -Aye
Speight -Aye

Dyer -Aye
Summerville Absent

Humphrey -Aye
Young -Aye

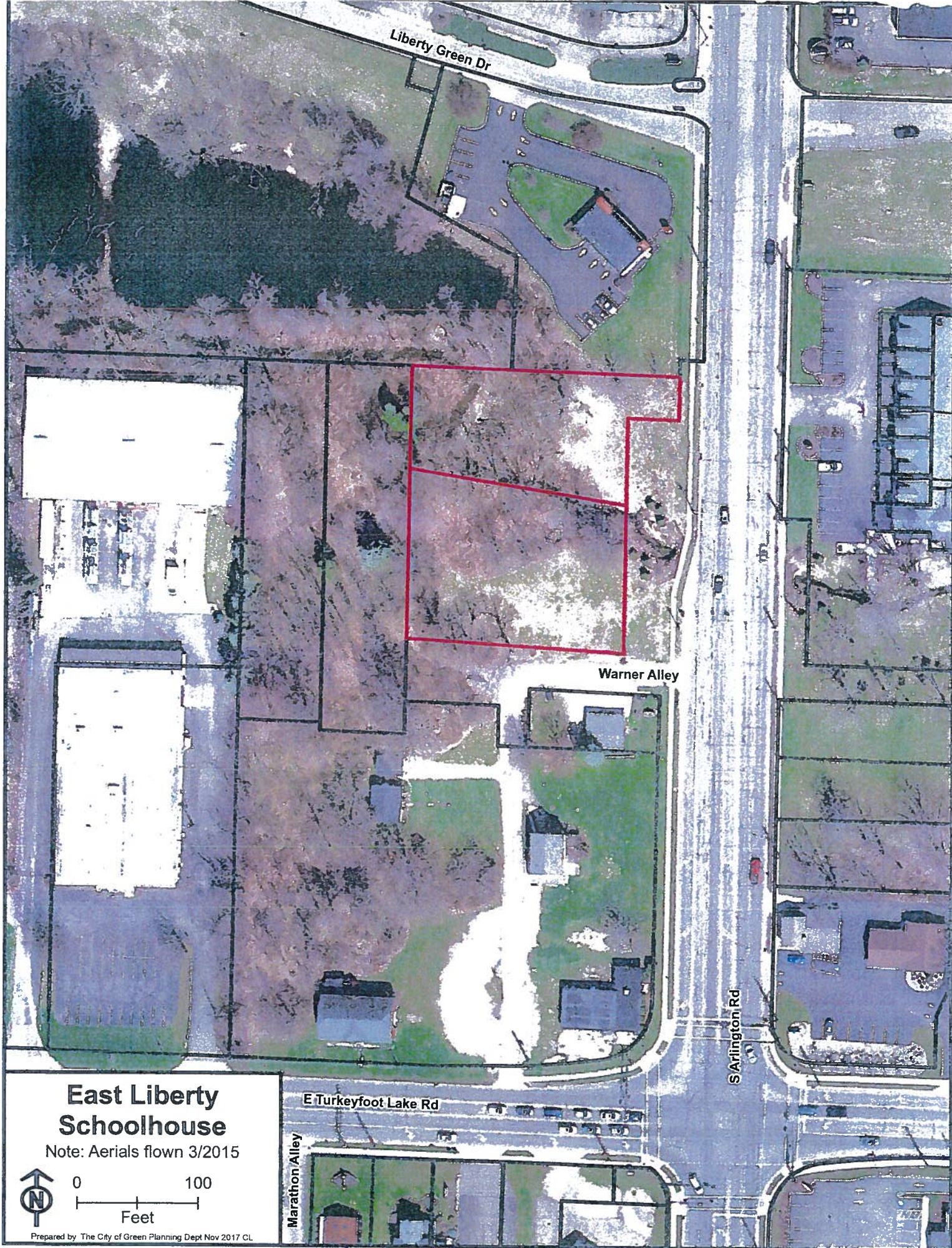
Knodel -Aye

Suburbanite publication on December 1 and December 8, 2017

Molly Kapeluck
Molly Kapeluck, Clerk

Adopted 6-0

11/20/2017 Approved as to form and content by Diane A. Calta, Director of Law



East Liberty Schoolhouse

Note: Aerials flown 3/2015



Prepared by The City of Green Planning Dept Nov 2017 CL

2017-26 Exhibit "A"

*Tony Livick
836-9111

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT Mitchell's Inc., the Grantor(s) herein, in consideration of the sum of Three Hundred Thirty Two Thousand One Hundred Fifteen Dollars (\$332,115.00), to be paid by the City of Green, the Grantee herein, does hereby grant, bargain, sell, convey and release, with general warranty covenants, to said Grantee, its successors and assigns forever, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 19-WD & E

SUM-SR 619/ARLINGTON ROAD

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Vol.O.R. 2160, Pg. 274 Summit County Recorder's Office.

And the said Grantor(s), for itself and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded

(PPN 2804636 GR0015101002000)


John A Donofrio, Summit Fiscal Officer

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property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) five years have passed since the property was appropriated, or acquired by Grantee.

IN WITNESS WHEREOF Mitchell's Inc. has caused its name to be subscribed by

DENNIS L. MITCHELL its duly authorized agent on the 3RD day of

JUNE, 2008.

Mitchell's Inc.

Dennis L. Mitchell Pres.

By:

STATE OF OHIO, COUNTY OF SUMMIT ss:

BE IT REMEMBERED, that on the 3RD day of JUNE, 2008, before me the subscriber, a Notary Public in and for said state and county, personally came the above named DENNIS L. MITCHELL, who acknowledged being the PRESIDENT DIRECTOR and duly authorized agent of Mitchell's Inc., and who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



NOTARY PUBLIC
My Commission



ANTHONY LIVICK
RESIDENT SUMMIT COUNTY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

This instrument prepared by or on behalf of the City of Green.



John A Denebrio, Summit Fiscal Officer

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EXHIBIT A

PID
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The area described above is part of Summit County Fiscal Officers Permanent Parcel Number 2804636.

All rebars to be set are 5/8"x 30" long with "URS" I.D. cap

The bearings used in this description are based on the Ohio State Plane Coordinate Grid System, North Zone NAD83

The above description is based on a survey made for the City of Green by URS Corporation in January, 2006 under the direct supervision of Dan Stankavich, Professional Surveyor No. 7122.

The above description was prepared and reviewed on April 18, 2007 by or under the direct supervision of Dan Stankavich, Professional surveyor No. 7122.

Description approved by Tax Maps
Approval good for 30 days from

Kapper 6-3-08 4/15

[Signature]

Dan Stankavich, P.S. No. 7122



April 15, 2008
Date

#9119
TRANSFER NOT NECESSARY
SEC. 319.202 REV. CODE COMPLIED WITH
[Signature] *A*
Consideration

JOHN A. DONOFRIO By *[Signature]*
Fiscal Officer Deputy Fiscal Officer
No. of pages *6*

TRANSFER NOT NECESSARY
John A. Donofrio, Fiscal Officer

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John A Donofrio, Summit Fiscal Officer

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SUM-SR 619-ARLINGTON RD.
Version Date 04/15/08

**PARCEL 19-E
SUM-SR 619-ARLINGTON RD.
EXCESS LAND**

The City of Green has determined the following described real estate to be excess land. Pursuant to law (R.C. 163.59 and other applicable statutes) such excess land may be acquired from a willing seller by the City of Green, for the use and benefit of the City of Green, although such excess land may not be appropriated.

[Surveyor's description of the premises follows]

Situated in the City of Green, County of Summit, Original Green Township, Section 8, T12N, R9W and being more fully described as follows:

Being a parcel of land lying on the left side of the centerline of right of way of Arlington Road per a survey made by URS Corporation for the City of Green and recorded as Image Number _____ of the Summit County Records.

Beginning at a ¾" iron bar in a monument box found at the intersection of the centerline of right of way of Arlington Road and the centerline of right of way of S.R. 619 at station 240+36.74 on the centerline of right of way of Arlington Road, thence North 01 degrees 05 minutes 14 seconds East along the centerline of right of way of Arlington Road and the easterly line of Section 8 a distance of 382.34 feet to Grantor's southeasterly property corner, said point being at station 244+19.08 on the centerline of right of way of Arlington Road;

Thence, North 88 degrees 15 minutes 07 seconds West along Grantor's southerly property line a distance of 30.00 feet to a point;

Thence, North 87 degrees 47 minutes 34 seconds West along Grantor's southerly property line a distance of 65.01 feet to a rebar to be set, said rebar being located 95.00 feet left of centerline of right of way station 244+20.75 of Arlington Road, said being on the north line of Warner Alley, 33 feet wide, said rebar also being the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence continuing North 88 degrees 15 minutes 07 seconds West along Grantor's southerly property line and the north line of Warner Alley, to a rebar to be set at the Grantor's southwest corner;

Thence, North 01 degrees 03 minutes 27 seconds East, 142.54 feet, along the Grantor's west line, to a rebar to be set;

Thence, South 81 degrees 44 minutes 39 seconds East, 177.59 feet, along Grantor's northerly property line, to a rebar to be set on the proposed west right of way line of Arlington Road;



John A. Donofrio, Summit Fiscal Officer

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Thence, South 01 degrees 03 minutes 19 seconds West, 113.49 feet, along the proposed west right of way line of Arlington Road, to the **TRUE PLACE OF BEGINNING** containing 0.538 acres, more or less.

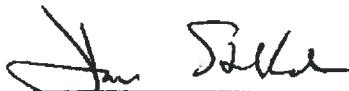
The area described above is part of Summit County Fiscal Officers Permanent Parcel Number 2804636.

All rebars to be set are 5/8"x 30" long with "URS" I.D. cap

The bearings used in this description are based on the Ohio State Plane Coordinate Grid System, North Zone NAD83

The above description is based on a survey made for the City of Green by URS Corporation in January, 2006 under the direct supervision of Dan Stankavich, Professional Surveyor No. 7122.

The above description was prepared and reviewed on April 15, 2008 by or under the direct supervision of Dan Stankavich, Professional surveyor No. 7122.



Dan Stankavich, P.S. No. 7122



April 15, 2008
Date



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**PARCEL 19-WD
SUM-SR 619/ARLINGTON RD
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for himself and his heirs, executors, administrators, successors, and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Green, County of Summit, Original Green Township, Section 8, T12N, R9W and being more fully described as follows:

Being a parcel of land lying on the left side of the centerline of right of way of Arlington Road per a survey made by URS Corporation for the City of Green and recorded as Image Number _____ of the Summit County Records.

Beginning at a ¾" iron bar in a monument box found at the intersection of the centerline of right of way of Arlington Road and the centerline of right of way of S.R. 619 at station 240+36.74 on the centerline of right of way of Arlington Road, thence North 01 degrees 05 minutes 14 seconds East along the centerline of right of way of Arlington Road and the easterly line of Section 8 a distance of 382.34 feet to Grantor's southeasterly property corner, said point being at station 244+19.08 on the centerline of right of way of Arlington Road and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

Thence, North 88 degrees 15 minutes 07 seconds West along Grantor's southerly property line a distance of 30.00 feet to a point;

Thence, North 87 degrees 47 minutes 34 seconds West along Grantor's southerly property line a distance of 65.01 feet to a rebar to be set;

Thence, North 01 degrees 03 minutes 19 seconds East along the proposed westerly right of way line of Arlington Road a distance of 123.82 feet to a rebar to be set;

Thence, South 81 degrees 44 minutes 39 seconds East along Grantor's northerly property line a distance of 95.76 feet to Grantor's northeasterly property corner;

Thence, South 01 degrees 03 minutes 19 seconds West along Grantor's easterly property line, the centerline of right of way of Arlington Road and the easterly line of Section 8 a distance of 113.49 feet to the **TRUE PLACE OF BEGINNING** containing 0.259 acres including the present road which occupies 0.079 acres more or less.



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