ORDINANCE NO. 115-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A WARRANTY DEED FOR 0.629 ACRES OF THE BOARD OF EDUCATION OF THE MEDINA SCHOOL DISTRICT OWNED REAL PROPERTY LOCATED AT 347 N. HUNTINGTON STREET AND TO EXECUTE A WARRANTY DEED ON BEHALF OF THE CITY OF MEDINA FOR 0.629 ACRES OF CITY OWNED REAL PROPERTY LOCATED AT 625 BOWMAN LANE FOR THE MUTUALLY BENEFICIAL PURPOSE OF EXPANDING RAY MELLERT PARK ON THE N. HUNTINGTON STREET PARCEL OF LAND AND OPERATING A HOME BASED PROGRAM FOR STUDENTS WITH SPECIAL NEEDS AT THE BOWMAN LANE PARCEL, AND DECLARING AN EMERGENCY.

WHEREAS: The Board of Education of the Medina School District has approached the City of Medina to approve the land exchange of 0.629 acres of the Board of Education owned real property located on N. Huntington Street for 0.629 acres of City of Medina owned real property located on Bowman Lane for the mutually beneficial purpose of expanding Ray Mellert Park on the N. Huntington Street parcel of land and operating a home based program for students with special needs at the Bowman Lane parcel; and

WHEREAS: It is deemed in the best interest of the community to exchange said properties for the mutually beneficial purpose of expanding a city park and providing a program location for students with special needs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to accept a Warranty Deed for 0.629 acres of the Board of Education of the Medina School District owned real property located on N. Huntington Street and being further described as being part of Medina City Lot No 3488. A copy of the Warranty Deed from the Medina City Board of Education is marked Exhibit A, attached hereto and incorporated herein.

SEC. 2: That the Mayor is hereby authorized and directed to execute a Warranty Deed on behalf of the City of Medina for 0.629 acres of Medina City owned real property located on Bowman Lane and being further described as being part of Medina City Lot No 9269. A copy of the Warranty Deed from the City of Medina is marked Exhibit B, attached hereto and incorporated herein.

SEC. 3: That the Schools are responsible for all filing and closing costs associated with this property exchange. In addition, the School District assumes all costs associated with the demolition of the house located on the N. Huntington Street property unless another arrangement to relocate the house to another parcel of land within a reasonable amount of time is successful.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to complete said land exchange as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: July 22, 2019

SIGNED: _____
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: July 23, 2019

SIGNED: Don Harwell
Mayor

8255474
Tx:8174066

2019OR014385

JOSEPH F. SALZGEBER
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
07/24/2019 04:12 PM

REC FEE: 28.00
PAGES: 3
DOC TYPE: WD

ORD. 115-19

MEDINA COUNTY RECORDER

JOSEPH F. SALZGEBER

(DO NOT REMOVE THIS COVER SHEET.
THIS IS THE FIRST PAGE OF THIS DOCUMENT)

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code. 7/24/2019

.50 FEE $ _____

EXEMPT A

Michael Kovack, Dsg Medina County Auditor

WARRANTY DEED

Ord. 115-19

KNOW ALL BY THESE PRESENTS

THAT, THE BOARD OF EDUCATION OF THE MEDINA CITY SCHOOL DISTRICT, the Grantor, for the consideration of Ten and more Dollars ($10.00+) received to its full satisfaction of the **CITY OF MEDINA**, the Grantee, do **Give, Grant, Bargain, Sell and Convey** unto the said Grantee, its successors and assigns, the following described premises:

Situated in the City of Medina, County of Medina, and State of Ohio:
And known as being the whole of City Lot 3488.

Prior Instrument Reference: Document No. 2001OR027873 of Medina County Recorder's Records; Document No. 2014OR018325 of Medina County Recorder's Records.

Permanent Parcel No.: 028-19A-17-005

Tax Mailing Address: 132 North Elmwood Avenue, P.O. Box 703, Medina, OH 44258

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, its successors and assigns forever.

And that, **THE BOARD OF EDUCATION OF THE MEDINA CITY SCHOOL DISTRICT**, the said Grantor, does for itself and its successors and assigns, covenant with the said Grantee, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the above-described premises, as a good and indefeasible estate in FEE SIMPLE, and has good right to bargain and sell the same in manner and form as above written, and that the same are **free from all encumbrances whatsoever** except subject to all legal highways, zoning ordinances, easements and rights-of-way of record, if any; restrictions of record, if any; oil and gas leases of record, if any; and taxes and assessments for tax year 2018 and thereafter, which are to be prorated, and thereafter all taxes and assessments are assumed by the Grantee, and that

it will **Warrant and Defend** said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever except as hereinabove excepted.

IN WITNESS WHEREOF, I have hereunto set my hands, the 24th day of July, 2019, at Medina, Ohio.

THE BOARD OF EDUCATION OF THE MEDINA CITY SCHOOL DISTRICT

By: _____
JON BURKHART

Its: Director of Business Affairs

STATE OF OHIO)
COUNTY OF MEDINA)ss:

BEFORE ME, a Notary Public in and for the State and County aforesaid, personally appeared **THE BOARD OF EDUCATION OF THE MEDINA CITY SCHOOL DISTRICT** by Jon Burkhart, its Director of Business Affairs, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said Board of Education and his voluntary act, individually and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 24th day of July, 2019, at Medina, Ohio.

Sherry A. Crow
NOTARY PUBLIC

This Instrument Prepared By:
Gregory A. Huber
Law Director
City of Medina
132 North Elmwood Avenue
Medina, OH 44256
(330)722-9070

SHERRY A. CROW
Notary Public
State of Ohio, Medina County
My Commission Expires 5-27-24

8 2 5 5 4 7 5
Tx:8174066

2019OR014386

JOSEPH F. SALZGEBER
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
07/24/2019 04:12 PM

REC FEE: 36.00
PAGES: 4
DOC TYPE: WD

ORD 115.19

MEDINA COUNTY RECORDER

JOSEPH F. SALZGEBER

(DO NOT REMOVE THIS COVER SHEET.
THIS IS THE FIRST PAGE OF THIS DOCUMENT)

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code. 7/24/2019
FEE $ _____
.50 EXEMPT A
Michael E. Kovack, eay Medina County Auditor

WARRANTY DEED

Ord. 115-19

KNOW ALL BY THESE PRESENTS

THAT, the **CITY OF MEDINA**, the Grantor, for the consideration of Ten and more Dollars ($10.00+) received to its full satisfaction of **THE BOARD OF EDUCATION OF THE MEDINA CITY SCHOOL DISTRICT**, the Grantee, do **Give, Grant, Bargain, Sell and Convey** unto the said Grantee, its successors and assigns, the following described premises:

See Legal Description attached hereto as "Exhibit A."

Permanent Parcel No.: 028-19B-11-104

Tax Mailing Address: 739 Weymouth Road, Medina, Ohio 44256

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, its successors and assigns forever.

And that, the **CITY OF MEDINA**, the said Grantor, does for itself and its successors and assigns, covenant with the said Grantee, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the above-described premises, as a good and indefeasible estate in FEE SIMPLE, and has good right to bargain and sell the same in manner and form as above written, and that the same are **free from all encumbrances whatsoever** except subject to all legal highways, zoning ordinances, easements and rights-of-way of record, if any; restrictions of record, if any; oil and gas leases of record, if any; and taxes and assessments for tax year 2018 and thereafter, which are to be prorated and thereafter all taxes and assessments are assumed by the Grantee, and that it will **Warrant and Defend** said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever except as hereinabove excepted.

IN WITNESS WHEREOF, I have hereunto set my hand, the 23 day of July, 2019, at Medina, Ohio.

CITY OF MEDINA

By: Dennis Hanwell
DENNIS HANWELL, Mayor

STATE OF OHIO)
COUNTY OF MEDINA)ss:

BEFORE ME, a Notary Public in and for the State and County aforesaid, personally appeared the **CITY OF MEDINA** by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and his voluntary act, individually and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 23rd day of July, 2019, at Medina, Ohio.

Sherry A. Crow
NOTARY PUBLIC

SHERRY A. CROW
Notary Public
State of Ohio, Medina County
My Commission Expires 5-27-24

This Instrument Prepared By:
Gregory A. Huber
Law Director
City of Medina
132 North Elmwood Avenue
Medina, OH 44256
(330)722-9070

EXHIBIT A

ORD 115-19

ROLLING & HOCEVAR
A Geo Innovation Group Affiliate

Engineering and Surveying
257 S. Court St. • Suite 6
Medina, Ohio 44256
Phone: 330-723-1828 • 800-723-1870
Fax: 330-723-6637
E-mail: info@rh-inc.com

Legal Description for MCL No. 9269
Project No. 31,788
July 8, 2019

Situated in the City of Medina, County of Medina and State of Ohio, known as the whole of Medina City Lot No. 9269, as recorded in Plat Document No. 2019PL000033 of Medina County Recorder's Records, containing 0.6290 acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

ORD. 53-19
113-19
115-19

AGREEMENT

This Agreement is made this 4th day of September, 2019, by and between the **CITY OF MEDINA**, an Ohio municipal corporation, 132 North Elmwood Avenue, Medina, Ohio 44256, as "Owner," and **BUILDING BLOCKS PRESERVATION GROUP, INC.,** an Ohio non-profit corporation, **SUZANNE SHARPE, JOHN SHARPE,** and **GEORGE (SKIP) BARAN,** 326 West Washington Street, Medina, Ohio 44256, as "Purchaser."

W I T N E S S E T H:

ARTICLE I. PURCHASE OF RESIDENCE HOME STRUCTURE

Purchaser agrees to purchase the residence home structure located at 347 North Huntington Street, Medina, Ohio 44256, from the Owner for a sum of Five Dollars ($5). The parties agree that the Purchaser is not purchasing the underlying real estate upon which the residence home structure is located. The legal description where the residence home structure is located is described as follows:

> Situated in the City of Medina, County of Medina, and State of Ohio: And known as being the whole of City Lot 3488.
>
> Prior Instrument Reference: Document No. 2019OR014385 of Medina County Recorder's Records; Document No. 2014OR018325 of Medina County Recorder's Records; and Document No. 2001OR027873 of Medina County Recorder's Records.
>
> Permanent Parcel No. 028-19A-17-005

Transfer of ownership of the residence home structure shall be accomplished by way of a signed Bill of Sale, a copy of which is attached hereto and incorporated herein as "Exhibit A."

ARTICLE II. REMOVAL OF THE RESIDENCE HOME STRUCTURE

The parties agree that the Purchaser shall remove the residence home structure in its entirety from the property known as 347 North Huntington Street, Medina, Ohio 44256, to a new location on vacant property known as 529 West Friendship Street, Medina, Ohio. Removal of the subject residence home structure shall be accomplished by no later than November 1, 2019.

ARTICLE III. BILL OF SALE

A Bill of Sale, a copy of which is attached hereto as "Exhibit A," will constitute the formal transfer of the residence home structure from the Owner to the Purchaser. The Bill of Sale will be executed in full upon the signing of this Agreement.

ARTICLE IV. MOVING COSTS

Building Blocks Preservation Group, Inc., and its signatories agree to be responsible for all moving costs and related costs that pertain to moving utilities on city streets between 347 North Huntington Street and 529 West Friendship Street. Building Blocks Preservation Group, Inc., and its signatories agree to provide insurance covering any liability losses associated with the cost of moving utilities and related damage costs associated with the move of the residence home structure. Building Blocks Preservation Group, Inc., and its signatories agree to indemnify and hold the Owner harmless for any of the costs associated with removing the residence home structure, moving the residence home structure, and any associated damages that accompany the moving and/or removal of the residence home structure.

ARTICLE V. FEES

Building Blocks Preservation Group, Inc., agrees to submit an application and pay any required fees to the Medina City Engineer for the special hauling permit necessary to the removal and movement of the residence home structure on city streets, and further agrees to pay any associated costs with any other required permits.

ARTICLE VI. TERMINATION

The parties agree that if the residence home structure is not removed by November 1, 2019, this Agreement will terminate and the Owner may remove the residence home structure on the property located at 347 North Huntington Street, Medina, Ohio, as the Owner deems appropriate and necessary. If the residence home structure is removed from 347 North Huntington Street, Medina, Ohio 44256, as of November 1, 2019, and the residence home structure is not yet located at 529 West Friendship Street, the Purchaser shall be responsible for the residence home structure.

Signed and acknowledged by the parties hereto the day and year first above written.

SIGNED IN THE PRESENCE OF:

OWNER:

CITY OF MEDINA,
an Ohio Municipal Corporation

By: _____
DENNIS HANWELL, Mayor

PURCHASER:

BUILDING BLOCKS PRESERVATION GROUP, INC., an Ohio Non-profit Corporation

By:_____

Its:_____

SUZANNE SHARPE

JOHN SHARPE

GEORGE (SKIP) BARAN

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

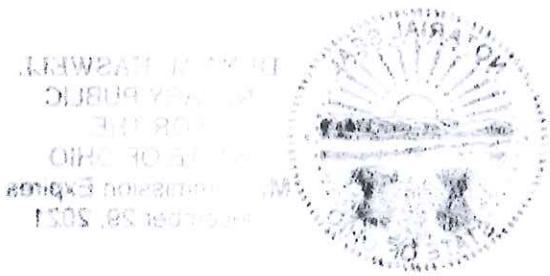
BEFORE ME, a Notary Public in and for said County and State, personally appeared the **City of Medina, by Dennis Hanwell, its Mayor**, who acknowledged that he did sign the foregoing instrument on behalf of the City of Medina, and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Medina, Ohio, this 4th day of September, 2019.

NOTARY PUBLIC

NOTARIAL SEAL STATE OF OHIO

DENA M. HASWELL
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
December 29, 2021



STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared **Building Blocks Preservation Group, Inc., by _____, its _____, Suzanne Sharpe, John Sharpe, and George (Skip) Baran,** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Medina, Ohio, this 4th day of September, 2019.

_____
NOTARY PUBLIC

NOTARIAL SEAL STATE OF OHIO

DENA M. HASWELL
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
December 29, 2021

This instrument prepared by:
Gregory A. Huber
Law Director
City of Medina
132 North Elmwood Avenue
Medina, OH 44256
Tel: (330) 722-9070

EXHIBIT A
BILL OF SALE

The undersigned Seller, City of Medina, an Ohio municipal corporation, for the sum of Five Dollars ($5) sells to the undersigned Buyer, Building Blocks Preservation Group, Inc., an Ohio non-profit corporation, Suzanne Sharpe, John Sharpe, and George (Skip) Baran, the following property:

> The residence home structure located at 347 North Huntington Street, Medina, Ohio 44256.

The undersigned Seller affirms that the above information about this property is accurate to the best of its knowledge.

The undersigned Buyer accepts receipt of this Bill of Sale and understands that the above property is sold in "as is" condition with no guarantees or warranties, either expressed or implied, for the property.

Seller's Name: City of Medina

By: Dennis Hanwell

Dennis Hanwell, Mayor

Address: 132 North Elmwood Avenue
Medina, OH 44256
Tel: (330) 722-9070

Buyer's Name: Building Blocks Preservation Group, Inc., Suzanne Sharpe, John Sharpe, and George (Skip) Baran

Buyer's Signatures: Building Blocks Preservation Group, Inc.

By:_____

Its:_____

Suzanne Sharpe — John Sharpe

Suzanne Sharpe — John Sharpe

George Skip Baran

George (Skip) Baran

326 West Washington Street
Medina, OH 44256
Tel: 216-538-1395