

TEMPORARY ORDINANCE NO. 28-14

PERMANENT ORDINANCE NO. 18-14

AN ORDINANCE TO AUTHORIZE THE MAYOR TO DEED THE MITHOFF BUILDING, 162-168 WEST MAIN STREET, LANCASTER, FAIRFIELD COUNTY, OHIO (PARCEL NO. 0535803940) FOR ONE DOLLAR (\$1.00) TO THE LANCASTER PORT AUTHORITY AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE TRANSFER.

WHEREAS, the City owns the Mithoff Building located at 162-168 West Main Street, Lancaster, Fairfield County, Ohio (Parcel No. 0535803940) and more specifically described as Lot Fifty-Four (54) in the City of Lancaster, Fairfield County, Ohio being formerly known as Lot One (1), Square Seven in the City of Lancaster and being formerly known as Parcel No. 0535039400; and

WHEREAS, the City has no use or need of this property and its current condition seriously diminishes its marketability for sale by the City; and

WHEREAS, the Lancaster Port Authority has more flexibility in the marketing and sale of property to provide an opportunity for rehabilitation of this historic building while promoting economic development;

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, State of Ohio

SECTION 1. That the Mayor is hereby authorized to deed the Mithoff property as described above to the Lancaster Port Authority pursuant to the deed attached hereto as Exhibit "A" and is further authorized to execute any and all documents necessary for the transfer of the property to the Lancaster Port Authority.

SECTION 2. That the City no longer needs the property, created the Lancaster Port Authority to help facilitate economic development, and the Lancaster Port Authority has the ability to market and sell the property to ensure its historic preservation while promoting economic development.

SECTION 3. The Mayor is hereby authorized to execute any and all documents necessary to facilitate the transfer of the property.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 11/24/14 after 2nd reading. Vote: Yeas 9 Nays 0

Date Approved: 11/24/14

Clerk: Jerisa Lee Sandy

Cathy J. Pettit
President of Council

Offered by: Mr. [Signature]

[Signature]
Mayor

Second by: John E. Hale

Requested by Economic Development Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____,
2014 and _____, 2014 the Lancaster Eagle Gazette published the summary of this
ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

Exhibit A*
Temp Ord 28-14

LIMITED WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that the **City of Lancaster, a municipal corporation in the State of Ohio**, whose tax mailing address is 104 East Main Street, Lancaster, Ohio, hereinafter known as the "GRANTOR", for good and valuable consideration paid, does hereby GIVE, GRANT, BARGAIN, SELL and CONVEY to the **Lancaster Port Authority, a body corporate and politic created pursuant to the authority of Section 4582.02 of the Revised Code of the State of Ohio**, whose tax mailing address is 104 East Main Street, Lancaster, Ohio 43130, hereinafter known as the "GRANTEE", the following described REAL PROPERTY:

Situated in the State of Ohio, County of Fairfield, and City of Lancaster, being more fully described as follows:

Situated and known by being Lot Fifty-four (54) in said City; said lot being formerly known as Parcel No. 053-50394-00 in said City; said lot being formerly known as Lot One (1), Square Seven (7), in said City of Lancaster.

Parcel No. 053-58039-40

Address of Property: 162-168 West Main Street, Lancaster, Ohio 43130

Grantor claims title by instrument of record in Deed Volume 1485, Page 2600, as found in the records of the Office of the County Recorder, Fairfield County, Ohio.

TO HAVE AND TO HOLD the above premises, with the privileges and appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever so long as the property is renovated in a manner that preserves its historic significance in the downtown. Grantee shall have all rights of fee simple ownership of the property subject to public streets and highways, zoning ordinances and governmental regulations, conditions, restrictions, reservations, easements of record including, but not limited to the easements and rights of way set forth in this document, and the lien of real estate taxes and assessments now due or not yet due and payable.

AND THE SAID Grantor, for its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that said Grantor is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, subject to conditions, restrictions, easements and rights-of-way of record.

The Grantor does warrant and will defend the same to the Grantee and its heirs, assigns, and successors, forever, against any and all lawful claims and demands of all persons as to title and ownership.

IN WITNESS WHEREOF, the Grantor, **City of Lancaster, Ohio**, a municipal corporation, by Mayor David S. Smith, pursuant to ordinance duly adopted by the Lancaster City Council, hereunto set his hand the ____ day of _____, 2014.

City of Lancaster, Ohio

David S. Smith, Mayor

State of Ohio)
) ss.
Fairfield County)

Personally appeared before me, a Notary Public, in and for said County and State, David S. Smith, Mayor of the City of Lancaster, Ohio, who acknowledged that the signing of the foregoing instrument is authorized pursuant to Ordinance passed by Lancaster City Council and is his free act and deed and the free act and deed of said City Council.

In witness whereof, I have hereunto set my hand and affixed my seal this ___ day of _____, 2014:

(affix seal)

Notary Public, State of Ohio
Commission Expiration: _____

This Instrument Prepared By:

Randall T. Ullom
Law Director & City Prosecutor
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