

RESOLUTION R-2018-9

A RESOLUTION TO AUTHORIZE MAYOR TO ENTER INTO A DONATION AND ACCEPTANCE AGREEMENT WITH THE PORTAGE COUNTY REUTILIZATION CORPORATION TO ACCEPT 3 PARCELS OF PROPERTY LOCATED WITHIN THE VILLAGE AND DECLARING AN EMERGENCY.

WHEREAS, the Portage County Land Reutilization Corporation has been a partner with the Village by assisting in the enforcement activities against owners of nuisance properties, both in the Village and in other locations throughout Portage County; and

WHEREAS, 3 parcels of property located in the Village have been transferred to the Portage County Land Reutilization Corporation; and

WHEREAS, the Portage County Land Reutilization Corporation has offered a contract whereby the 3 parcels of property will be transferred, potentially without charge, to the Village; and

WHEREAS, by this resolution the Council authorizes the Mayor to execute the contract to accept the 3 parcels of property from the Portage County Land Reutilization Corporation.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Windham, County of Portage, State of Ohio, two thirds or more of its members thereto concurring that:

Section 1: The Mayor and the Fiscal Officer are hereby authorized to execute on behalf of the Village a Conditional Donation and Acceptance Agreement in substantial conformity with the agreement attached hereto as Exhibit 1.

Section 2: This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, for the reason that the Village has a prospective purchaser for the property who is proposing an economic development project in the Village.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

Passed by Council as an Emergency, March 27, 2018.

Vote of Council: Ayes: 5
 Nays: 0

Mayor, Deborah Blewitt

ATTEST:

Fiscal Officer, Cheree Taylor

Approved as to form:

Thomas Reitz, Solicitor

Conditional Donation and Acceptance Agreement

This Agreement is entered into this March 19, 2018, by the Portage County Land Reutilization Corporation (the "Land Bank"), an Ohio nonprofit corporation, and the Village of Windham, Portage County, Ohio ("Windham").

Whereas, the Land bank has acquired the parcels known as 9014, 9020, 9028 Maple Grove, Village of Windham, Ohio 44288, respectively PPNs 41-057-10-00-070, 41-057-10-00-069, 41-057-10-00-068, and collectively consisting of about 1.64 acres (the "Property");

Whereas, the Land Bank desires to transfer as a gift to Windham the Property and Windham desires to accept the Property as a gift, however, because the buildings on the Properties were removed under a grant, the Ohio Housing Finance Agency (OHFA) must agree to waive the demolition lien and approve this transfer;

Whereas, R.C. 1724.02(A)(3) allows the Land Bank to gift real property and R.C. 9.20 allows Windham to accept such real property for public purposes; and

NOW, THEREFORE, the Land Bank and Windham, intending to be legally bound by the terms of this Agreement, and for the purposes set forth, do declare and agree as follows:

(1) Condition. This Agreement and the transfer of the Property are conditioned on the Land Bank obtaining from the OHFA a waiver of the demolition lien and approval of this transfer as set forth in this Agreement, in a form acceptable to the Land Bank.

(2) If the condition is satisfied, at closing, the Land Bank agrees to give, as a gift, to Windham the Property. By signing below, Windham agrees to accept the Property and assume all rights and obligations of ownership of the Property.

(3) If the condition is satisfied, the Land Bank will cause this transfer to close through AMS Title Agency, Inc., 229 South Chestnut Street, Ravenna, Ohio 44266, 330-298-1071, as soon as practicable. At closing, the Land Bank will transfer the Property by quitclaim deed to Windham. The Land Bank will pay all closing costs (no real estate taxes are due), including the cost to create a recordable legal description for the Property, if required, except for (a) the recording of the deed, and (b) if Windham desires, any title work, which will be paid by Windham.

(4) At the time of closing, the Land Bank warrants that it is the true and lawful owner of the Property and no other person or entity has any ownership interest in the Property.

(5) Except as to the warranty in Section 4, this transfer is "as is" and "with all faults" with no warranties or representations, express or implied, by the Land Bank or its agents as to the condition of the Property or its fitness for any particular purpose.

(6) The Land Bank acknowledges that if Windham accepts this transfer as a gift that the gift is irrevocable and unconditional and Windham shall be free to use and convey the Property as it deems appropriate in its sole discretion and in accordance with law.

(7) This Agreement will inure to the benefit of and bind the successors and assigns of the respective parties. This Agreement constitutes the entire agreement between the parties regarding the Property and supersedes any other prior communications, representations, or statements regarding this transaction.

IN WITNESS WHEREOF, the parties have signed as of the date indicated above.

Portage County Land Reutilization Corporation:

Village of Windham:

By Stacy Brown
Stacy Brown, Authorized Representative

By _____
Deborah Blewitt, Mayor

This instrument was prepared for by Attorney Chad Murdock, 228 West Main Street, PO Box 248, Ravenna, Ohio 44266 330-297-5718

WC
LORICALCEI
PORTAGE CO. RECORDER

201705883 125

REC'D
AT 13:34:49
BY -0-

TRANSFERRED
Sec.319.54(F-2) 1.50
Sec.319.202

APR 12 2017

am
Janet Epworth
Portage County Auditor

INDEXED

SHERIFF'S DEED

Revised Code Sec. 2329.36

I, DAVID W. DOAK, Sheriff of Portage County, Ohio, pursuant to the Judgment Entry of Foreclosure and Order of Direct Transfer entered on March 3, 2017 and in the consideration for the sum of \$0 dollars, the receipt whereof is hereby acknowledged, does hereby **GRANT, SELL AND CONVEY** unto **The Portage County Land Reutilization Corporation**, all the rights, title and interest of the parties in the Court of Common Pleas, Portage County, Ohio, Case No. 2016CV00774, *Brad Cromes v. American Funding Associates, LLC et al*, and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Portage and State of Ohio, known and described as follows, to-wit:

Real Property in the Village of Windham, County of Portage, and State of Ohio, and is described as follows:

✓
41-057-10-00-068-000 known as being Sublot No. 26 Building 42 in the Maple Grove Park Plat No. 1 as recorded in Volume 30, Page 12 of the Portage County Records of Plats.

✓
41-057-10-00-069-000 situated in the Village of Windham, County of Portage and State of Ohio and further described as follows: known as being Sublot No. 27 Building 41 in the Maple Grove Park Plat No. 1 as recorded in Volume 30, Page 12 of the Portage County Records of Plats.

4-11-2017
TAX MAP DEPT.
LEGAL DESCRIPTION
 SUFFICIENT DEFICIENT
 NO DIVISION OF LAND



41-057-10-00-070-000 situated in the Village of Windham, County of Portage, and State of Ohio and further described as follows: known as being Sublot No. 28 Building 43 in the Maple Grove Park Plat No. 1 as recorded in Volume 30, Page 12 of the Portage County Records.

Premises commonly known as: 9028, 9020, 9014 Maple Grove Rd. Windham, OH 44288
Prior Owner: American Funding Associates, LLC
Prior Instrument Number: 200526804

This deed is subject to restrictions, conditions, covenants, agreements, limitations, reservations, right of ways and easements, if any, of record.

WHEREOF, I, DAVID W. DOAK as Sheriff of Portage County, Ohio, hereunto set my hand this 5th day of April, 2017

David W. Doak
DAVID W. DOAK, Sheriff
Portage County, Ohio

State of Ohio)
) SS:
County of Portage)

On this 5th day of April, 2017 personally appeared, DAVID W. DOAK, Sheriff of Portage County, Ohio who acknowledged that he did voluntarily and officially sign the foregoing Sheriff's Deed for the uses and purposes therein expressed.

BARBARA A. RUONAVAARA
Notary Public - State of Ohio
My Commission Expires Jan. 26, 2022

Barbara Ruonavaara
Notary Public

State of Ohio

My Commission Expires: 12/26/22 ^{PK}

This Instrument was prepared by:
Portage County Prosecuting Attorney's Office
241 South Chestnut Street
Ravenna, Ohio 44266