

*Village of Crooksville
Perry County, Ohio*

RESOLUTION No. 109-2023

**RESOLUTION AUTHORIZING CONVEYANCE OF MUNICIPAL PROPERTY
TO PERRY COUNTY BOARD OF COMMISSIONERS**

Whereas, Ohio Revised Code § 721.29 provides municipal corporations the special power to sell real estate belonging to the municipal corporation, without bidding, when such real estate is not needed for any municipal purpose, lawful terms are agreed upon between the municipal corporation and the board of county commissioners, and the sale is authorized by 2/3 vote of the members of the legislative authority; and

Whereas, the Board of County Commissioners initiated in February 2018, an action in Eminent Domain styled as Case No. 18-CV-00053, against Roger and Dorothy Sprankle, then-owners of property commonly known as 6 Main Street, Crooksville, for an approximate 0.0887 acre portion of land that was necessary to a Bridge Replacement Project for Main Street, Crooksville;

Whereas, while the action was pending, a sudden collapse of the Sprankle improvements at 6 Main Street necessitated emergency demolition action by the Village of Crooksville in order to preserve the safety of the inhabitants of Crooksville; Roger and Dorothy Sprankle filed for bankruptcy; the Commissioners' Eminent Domain action was stayed as a result of the Sprankle's bankruptcy filing; out of the bankruptcy matter and in lieu of the Sprankle's payment of the demolition costs incurred by the Village, the Sprankles conveyed all right, title and interest in the property at 6 Main Street to the Village of Crooksville; and thereafter, on September 19, 2023, the Bankruptcy Stay of the Commissioners' action was lifted; and the Ohio Department of Transportation, on behalf of the County Commissioners, sought conveyance from the now-owner Village of Crooksville of that property on 6 Main Street which had been the subject of the Eminent Domain;

Whereas, it was agreed and determined that the funds on deposit with the Court paid over in the amount of \$1,331.00 for the value of the real property required for the Bridge Replacement Project will be paid over to the Village of Crooksville upon its conveyance of the said property to the County Commissioners; and

Whereas, the Village of Crooksville does desire to cooperate in the conveyance of the property to the County and to receive the funds set aside therefore, as the Main Street Bridge Replacement Project wholly benefits the public safety and general welfare of the inhabitants of and visitors to the Village of Crooksville, and such property is no longer needed for any other public

purpose of the Village of Crooksville.

NOW THEREFORE, two thirds (2/3) of the members of the Council of the Village of Crooksville, Perry County, Ohio, concurring therein, **IT IS THEREFORE RESOLVED**:

Section 1: That that portion of the real property at 6 Main Street, Village of Crooksville, consisting of an approximate 0.0887 acres, more or less, being a part of Auditor's Parcel ID Number 110007600000, and more particularly described as set forth in the Deed appended to this Resolution is hereby approved for conveyance to the Perry County Board of County Commissioners as originally prayed for in the Complaint against the property's former owners, Roger and Dorothy Sprankle, in Case No. 18-CV-00053, Perry County Common Pleas Court.

Section 2: The Mayor is hereby authorized to execute the Deed, a copy of which is attached hereto as Exhibit A, and the Fiscal Officer is authorized to accept and deposit to the appropriate fund of the Village of Crooksville, the funds on deposit with the Court for the value of the property.


Section 3: That this Resolution is passed as an emergency necessary for the immediate preservation of the peace, health, safety and welfare of the Village of Crooksville and in order to timely effectuate the sale and conveyance for the benefit of the Board of County Commissioners, and resolution of the aforementioned Court Case and Main Street Bridge Replacement Project and therefore will have immediate effect upon passage.

1st Reading: November 6, 2023 ;

2nd Reading: Waived on 3/4 Vote ;

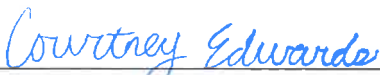
3rd Reading: Waived on 3/4 Vote ;

Passed: November 6, 2023 .



Chris Mohler, Mayor

ATTESTED:



Courtney Edwards, Fiscal Officer

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 14th day of November, 2023.

Courtney Edwards
Courtney Edwards, Fiscal Officer

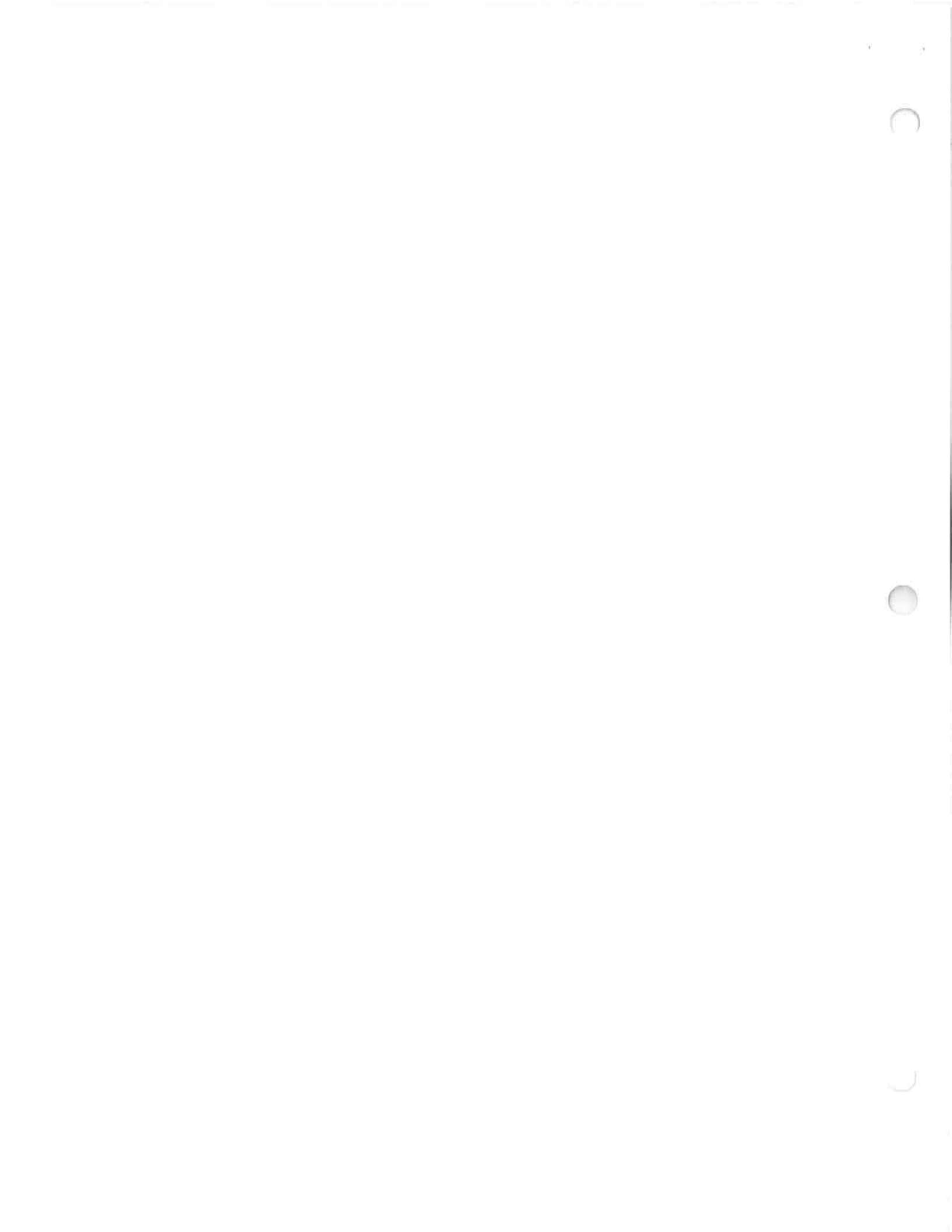


EXHIBIT A

ODOT LPA RE 803
Rev. 02/2021

QCD
LPA

QUIT CLAIM DEED

The Village of Crooksville, the Grantor(s), ~~AS A CITY DONATION~~ ^{for valuable consideration paid} to the Grantee named, does grant and forever Quit Claim to The Board of Perry County Commissioners, the Grantee, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 3-WD
PER-CR98-MAIN STREET
SEE EXHIBIT A ATTACHED

Perry County Current Tax Parcel No. 11-000760-0000
Prior Instrument Reference: Volume 466, Page 255 (Document No 202000002845), Perry County Recorder's Office.

To have and to hold said parcel(s) unto the Grantee, 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.

The above parcel(s) conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees as follows:

(A) All alternatives to a proposed alignment of the highway project shall be studied and considered pursuant to the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended.

(B) Acceptance of the donation shall not influence the environmental assessment of the highway project, including the decision relative to the need to construct the project or selection of its specific location.

(C) The donated interest shall revert to the grantor or his successors or assigns if the interest is not required for the alignment chosen for the highway project after public hearings, if hearings are required, and adoption of the environmental document.]

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees that if at anytime the property granted, or any part thereof, shall cease to be used for the purposes for which granted, namely as and for, or in connection with, a road that shall be open to the public without charge, then Grantee shall vacate its road over the property granted, or the relevant part thereof, to Grantor or Grantor's then current successor in interest of record at no cost.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF The Village Of Crooksville by and through Christopher Mohler, the Mayor of The Village Of Crooksville, has hereunto subscribed his name on the 6th day of November, 2023.

THE VILLAGE OF CROOKSVILLE

By: 
CHRISTOPHER MOHLER
MAYOR

STATE OF OHIO, COUNTY OF PERRY SS:

BE IT REMEMBERED, that on the 6th day of November, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Christopher Mohler, who acknowledged being the Mayor of The Village Of Crooksville, and who acknowledged the foregoing instrument to be the voluntary act and deed of said The Village Of Crooksville. No oath or affirmation was administered to Christopher Mohler with regard to the notarial act.

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



HEATHER TENNILLE CHAPMAN
Notary Public
State of Ohio
My Comm. Expires
May 24, 2028



NOTARY PUBLIC
My Commission expires: 5-24-2028

This document was prepared by or for the Board of Perry County Commissioners.

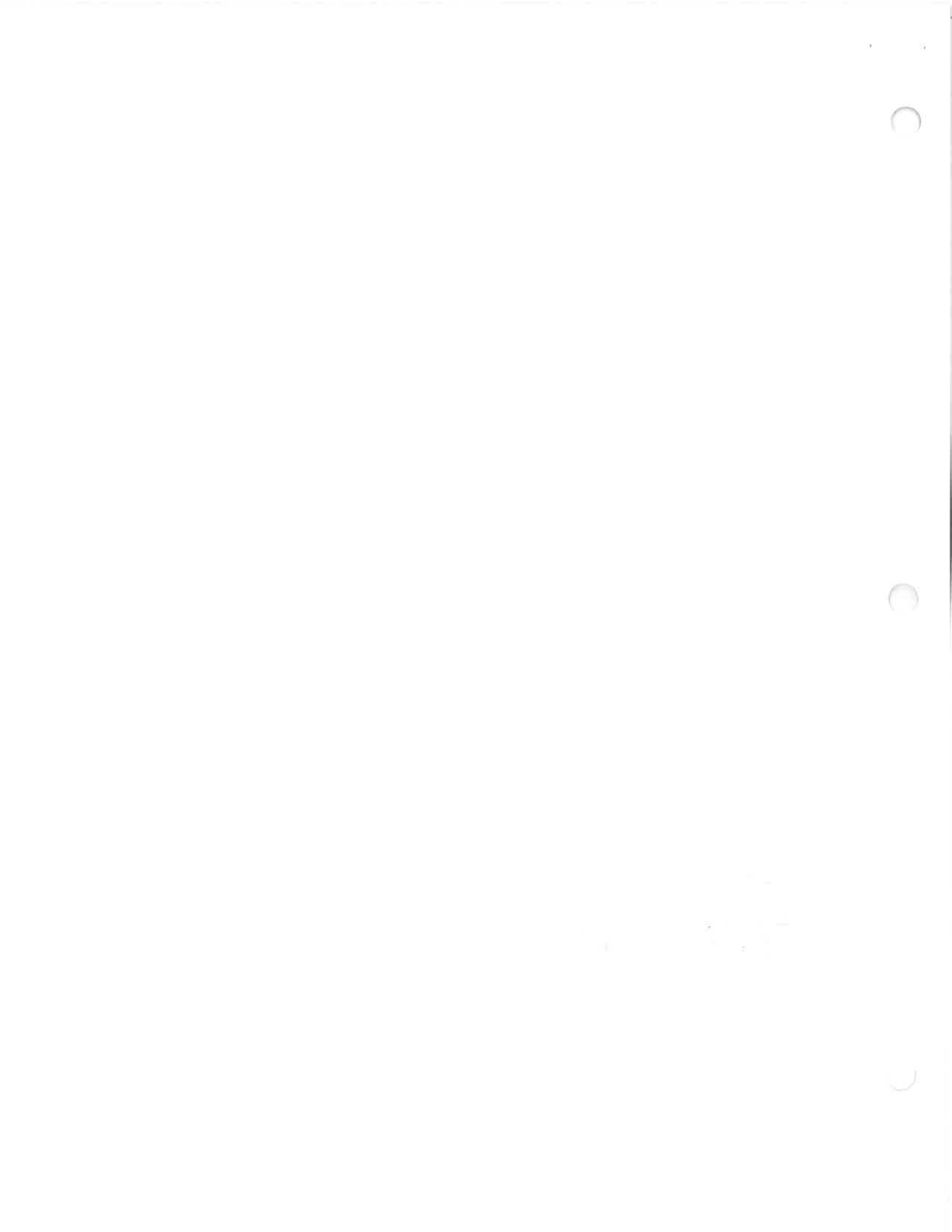


EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/30/2016

PID 84878

**PARCEL 3-WD
PER-CR 98 - MAIN STREET
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
PERRY COUNTY, OHIO**

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 northeast quarter of Section 20, Town 14, Range 14, the Village of Crooksville, Harrison Township, Perry County, State of Ohio, being part of real estate conveyed to Roger G. Sprankle and Dorothy L. Sprankle by deed recorded in Official Record Volume 12, Page 622 (all references to deeds, plats, surveys, etc. refer to the records of Perry County Recorder's Office, unless noted otherwise) and being more particularly described as follows:

Commencing at an iron pin found being the northwest corner of the northeast quarter of Section 20, Town 14, Range 14;

Thence South sixty-seven degrees fifty-four minutes forty seconds East (S 67°54'40" E) for a distance of two thousand six hundred twenty-one and 33/100 feet (2,621.33') to a 3/4" set iron pin with cap in the existing south right-of-way of County Road 98 (Main Street), being the northwest corner of the grantor's tract, also being the northeast corner of a tract of land conveyed to the City of Crooksville, Ohio by deed recorded in Official Record Volume 268, Page 2215, located 28.26 feet right of centerline station 5+22.61 of the centerline of construction for County Road 98 (Main Street), also being the **TRUE PLACE OF BEGINNING** for the land herein described;

Thence South sixty-six degrees one minute fifty-one seconds East (S 66°01'51" E), leaving the west line of the grantor's tract along the existing south right-of-way of County Road 98 (Main Street) for a distance of one hundred fourteen and 97/100 feet (114.97') to a 3/4" set iron pin with cap being in the proposed south right-of-way of County Road 98 (Main Street), located 27.76 feet right of centerline station 6+37.66 of the centerline of construction for County Road 98 (Main Street);

EXHIBIT A

LPA RX 851 WD

Page 2 of 3

Rev. 06/09

Thence leaving the existing south right-of-way of County Road 98 (Main Street) along the proposed south right-of-way of said County Road 98 (Main Street) the following three (3) courses:

- 1) South twenty-two degrees forty-four minutes thirty-three seconds West (S 22°44'33" W) for a distance of thirty-two and 24/100 feet (32.24') to a 3/4" set iron pin with cap located 60.00 feet right of centerline station 6+38.48 of the centerline of construction of County Road 98 (Main Street);
- 2) North sixty-five degrees fifty minutes six seconds West (N 65°50'06" W) for a distance of one hundred twenty-four and 99/100 feet (124.99') to a 3/4" set iron pin with cap located 60.00 feet right of centerline station 5+12.20 of the centerline of construction of County Road 98 (Main Street);
- 3) North twenty-two degrees fifty-eight minutes thirty-seven seconds East (N 22°58'37" E) for a distance of four and 55/100 feet (4.55') to a 3/4" set iron pin with cap being in the west line of the grantor's tract, located 55.45 feet right of centerline station 5+12.20 of the centerline of construction of County Road 98 (Main Street);

Thence North forty-three degrees zero minutes forty-six seconds East (N 43°00'46" E), leaving the proposed south right-of-way of County Road 98 (Main Street) along the west line of the grantor's tract for a distance of twenty-eight and 84/100 feet (28.84') to the **TRUE PLACE OF BEGINNING**.

The above described area contains a total of 887/10,000 (0.0887) acres of land more or less contained in Perry County, Ohio Auditor's Permanent Parcel Number 110007600000.

Prior Instrument Reference as of the date of this survey was prepared was Deed Book 255, Page 211 of the deed records of Perry County, Ohio.

Iron pins set are 3/4" diameter iron pins, 30" long, with a yellow plastic cap stamped "CEC".

Bearings for this project is the shown centerline of right-of-way from a referenced meridian.

EXHIBIT A


LPA RX 851 WD

Page 3 of 3

Rev. 06/09

The above description was prepared under the direction and supervision of Daniel J. Hornyak, Ohio Registered Professional Surveyor No. 7963 in October of 2015, and is based upon a field survey performed for Perry County, Ohio.

Columbus Engineering Consultants, Inc.

By:  09/21/16
Daniel J. Hornyak Date
Ohio Registered Professional Surveyor No. 7963



