

Ordinance 2020-02

AN ORDINANCE BY THE COUNCIL OF THE VILLAGE OF SWANTON, OHIO TO AUTHORIZE THE VILLAGE ADMINISTRATOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE MCNEILL PROPERTY ACQUISITION AND IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Swanton, Ohio desires to purchase real estate for park and recreational purposes; and

WHEREAS, the real estate is now available for said purposes and a purchase agreement is attached hereto.

BE IT ORDAINED, by the Council of the Village of Swanton, Ohio, two-thirds (2/3) of the members elected thereto concurring and as follows:

Section One. The Village Administrator is hereby authorized to enter into the attached purchase agreement (Exhibit A) with the McNeill property for \$38,250.00 to purchase the vacant land located at S. Main St., Swanton, Ohio 43558, tax parcel No. 28-054916-00.000 and parcel No. 28-054968-00.000 for park and recreational purposes.

Section Two: That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village 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 Ohio Revised Code.

Section Three: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the village peace, health and safety; wherefore this ordinance shall be in full force and effective immediately upon passage.

Motion to Suspend the Rules

Moved: Dzyak Second: Westhoven YEAS:6 NAYS:0

Vote on Passage

Moved: Dzyak Second: Westhoven YEAS:6 NAYS:0

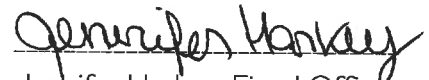
Date of Passage: January 13, 2020



Neil Toeppe, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2020-02, passed on January 13, 2020



Jennifer Harkey, Fiscal Officer

OFFER TO PURCHASE

Swanton Ohio Nov. , 2019

City State Date

The undersigned purchaser hereby offers to purchase property, located at S. Main St., Swanton, Ohio 43558 and described as follows, to-wit:

1.90 Acre parcels of land consisting of 1.74 A., Parcel No 28-054916-00.000 and .165 A., Parcel No. 28-054968-00.000, more particularly described on Exhibit A, attached hereto.

Located in the Village of Swanton, Fulton County, Ohio, at the price of \$38,250.00 payable as follows:

\$ 0.00 herewith and \$38,250 balance when warranty deed is furnished, together with Commitment for Title Guaranty, showing property clear and free from material encumbrance, subject to taxes and assessments for the year 2019 and thereafter; also subject to easements and restrictions of record and zoning regulations, if any.

If this proposition is accepted by the owner, it shall constitute a binding contract for the sale of said property upon these terms. Sale to be concluded on or before the 31st day of January 2020. Possession to be given at closing.

This property is to be sold AS IS, without warranties or guarantees of any kind.

Seller shall have the right to continue to use the garage on the premises for storage

Purchaser: The Village of Swanton, Ohio
by: Rosanna v. Hoelzle, Village Administrator
Address: 219 Chestnut St., Swanton, Ohio 43558
Phone No. 419-826-9515

Accepted this _____ day of _____, 2020.

BY: _____

Seller: Geraldine A. McNeill
Address: 123 Parkview Dr., Swanton, Ohio 43558
Phone No. 419-826-4756

AGREEMENT

This Agreement ("Agreement") is entered into this day of _____, 2020, between the Geraldine A. McNeill and the Village of Swanton, Ohio.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Village is the owner of a parcel of land located in the Village of Swanton, County of Fulton, State of Ohio located off South Main Street which was purchased from Geraldine A. McNeill. A copy of the legal description and survey are attached hereto as Exhibit A. Located on said property is a garage which has been used by Geraldine A. McNeill.
2. Under the terms of this Agreement, Geraldine A. McNeill or her agents shall be allowed to continue to use said garage and be allowed to access said garage by entering and driving across the property known as parcel 28-054698-00.000.
- Geraldine A. McNeill shall pay for any costs associated with said garage as long as she uses the same and for damage which may occur to the garage or property or any other person or entity as a result of the use of the garage and shall hold the Village of Swanton harmless from any claims relative to the use of the garage or the use of the property. Geraldine A. McNeill or her agents shall have the right of access to said garage to perform any maintenance. As a part of this agreement, Geraldine A. McNeill shall pay for and provide insurance for the contents of the garage as long as she uses the same.
3. The Village of Swanton shall allow Geraldine A. McNeill or her

agents to have access to said garage.

4. This agreement shall terminate at such time as Geraldine A. McNeill no longer uses said garage or upon written agreement of the parties.

5. This Agreement constitutes the entire Agreement and understanding between the parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. Any amendments to this Agreement must be in writing and executed by both parties. If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provisions to persons other than those to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

Executed this _____ day of _____, 2020 .

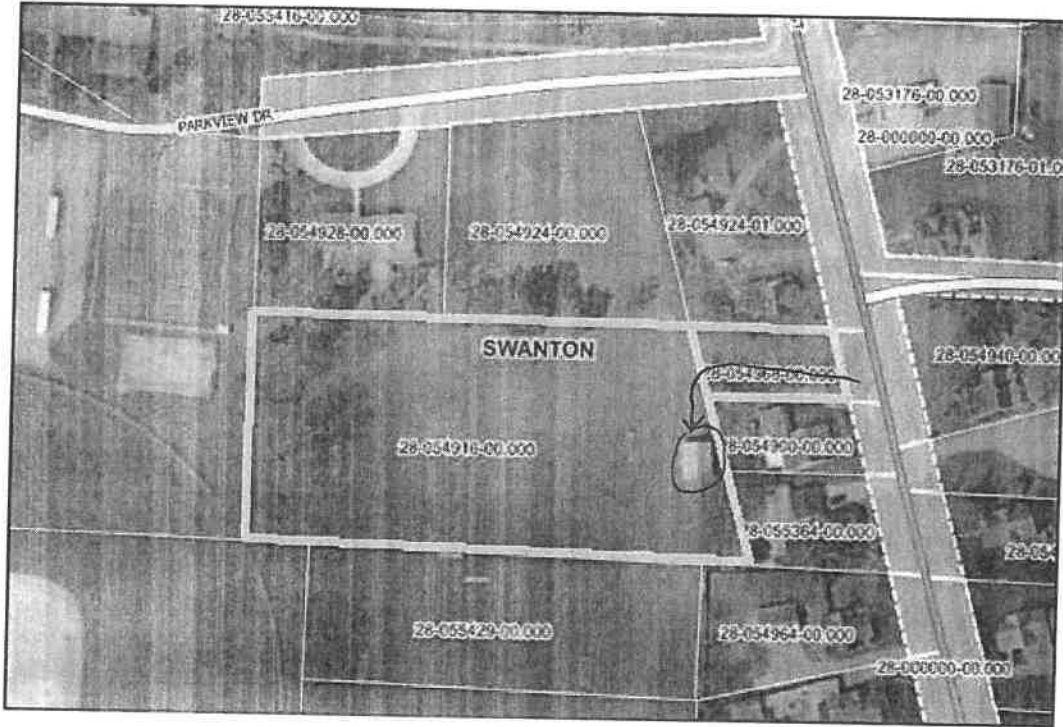
Witnesses:

Geraldine A. McNeill

Village of Swanton

By: _____

SUMMARY LAND/SITE DESCRIPTION: SUBJECT PROPERTY A
AERIAL VIEW



Identification:

Parcel "A"				
Parcel #	Land	Building	Total	RE Tax/Year
28-054916-00.000	\$8,200	\$2,900	\$11,100	\$236.84
28-054968-00.000	\$12,000	\$0	\$12,000	\$252.24
Total	\$20,200	\$2,900	\$23,100	\$489.08

The subject's estimated market value of \$38,000 is above the assessed value of \$23,100. Therefore the property appears to be under assessed, which is typical for these types of properties. However please note that our estimated market value is for the land only. The subject's taxes are current.

Site Description

Size: 1.905 Acres
 Dimensions: 60' x Irregular
 Shape: Irregular
 Accessibility: Average via S. Main Street
 Utilities: All Public
 Topography: Level

File No. MART-19-08-348; 112 S. Main Street & 0 S. Main Street, Swanton

EXHIBIT A

PARCEL 1: Situated in the Village of Swanton, County of Fulton and State of Ohio:

Being a part of the Southwest 1/4 of the Northeast 1/4 of Section 12, Town 7 North, Range 8 East, Swancreek Township, Fulton County, Ohio, and more fully described as commencing at the intersection of the centerline of Main Street and the centerline of the Toledo-Chicago Pike Road, State Route No.2; thence North 14° 30' West binding upon the centerline of Main Street a distance of 745.8 feet to an iron pipe on the South line of the H.S. Bassett property, the place of beginning; thence North 87° 56' West a distance of 567.8 feet to a point; thence North 01° 36' East a distance of 199.8 feet to a point; thence South 88° 04' East a distance of 360.1 feet to a point; thence South 14° 30' East a distance of 120 feet to a point; thence South 88° 04' East a distance of 150 feet to a point in the centerline of Main Street; thence South 14° 30' East binding upon the centerline of said Main Street a distance of 87.8 feet to a point, the place of beginning. Subject to legal highways.

EXCEPTING THEREFROM the following described parcel of land:

Being a part of the Southwest 1/4 of the Northeast 1/4 of Section 12, Town 7 North, Range 8 East, Village of Swanton, (Swancreek Township), Fulton County, Ohio, and more fully described as commencing at the intersection of the centerline of Main Street and the centerline of the Toledo-Chicago Pike Road, State Route No. 2; thence North 14° 30' West binding upon the centerline of Main Street a distance of 745.8 feet to an iron pipe on the South line of the H.S. Bassett property; thence North 87° 56' West a distance of 150 feet to a point, the place of beginning; thence South 87° 56' East a distance of 150 feet; thence North 14° 30' West binding upon the centerline of said Main Street a distance of 87.8 feet to a point; thence North 88° 04' West a distance of 150 feet to a point; thence South 14° 30' East and parallel with the East line of said property to the place of beginning. Subject to legal highways.

Containing after said exception, 1.74 acres of land, more or less, subject to legal highways.

Being Tax Parcel No. 28-054916-00.000, which has a property address of S. Main St., Swanton, Ohio.

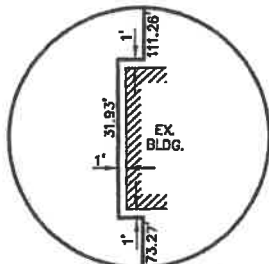
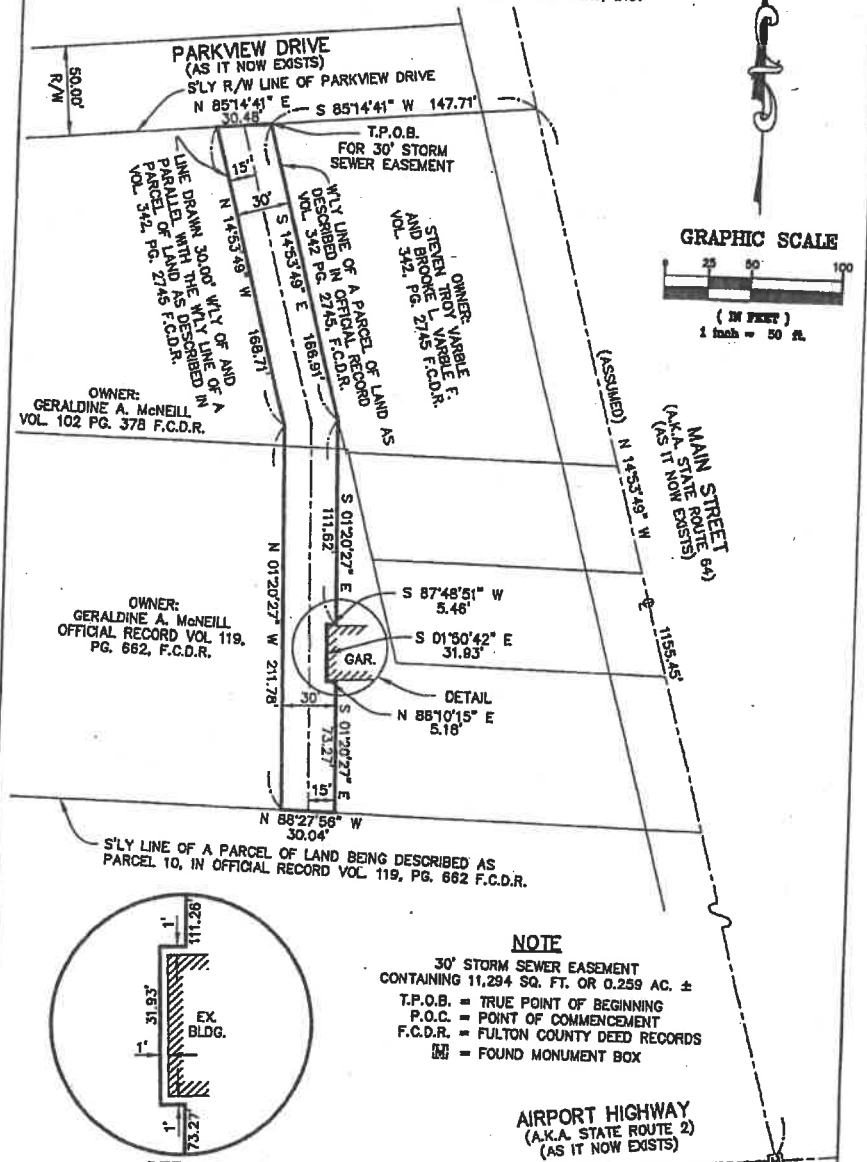
PARCEL 2: Situated in the County of Fulton in the State of Ohio and in the Village of Swanton:

Being a part of the Southwest 1/4 of the Northeast 1/4 of Section 12, Town 7 North, Range 8 East, Swancreek Township, Fulton County, Ohio, more fully described as commencing at the intersection of the centerline of Main Street and the centerline of the Toledo-Chicago Pike Road, State Route 2; thence North 14° 30' West binding upon the centerline of Main Street a distance of 893.6 feet to a point, the place of beginning; thence North 88° 04' West a distance of 150 feet to a point; thence North 14° 30' West a distance of 60 feet to a point; thence South 88° 04' East a distance of 150 feet to a point in the centerline of said street; thence South 14° 30' East binding upon the centerline of said street a distance of 60 feet to a point, the place of beginning, containing .20 of an acre, more or less, subject to legal highways.

Being Tax Parcel No. 28-054968-00.000, which has a property address of S. Main St., Swanton, Ohio.

PROPOSED 30' STORM SEWER EASEMENT

BEING PART OF THE NE 1/4, SECTION 12, TOWN 7 NORTH,
RANGE 8 EAST IN THE VILLAGE OF SWANTON, FULTON COUNTY, OHIO
PREPARED FOR THE VILLAGE OF SWANTON AT THE
REQUEST OF JONES & HENRY ENGINEERS, LTD.



NOTE

30' STORM SEWER EASEMENT
CONTAINING 11,294 SQ. FT. OR 0.259 AC. ±

T.P.O.B. = TRUE POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
F.C.D.R. = FULTON COUNTY DEED RECORDS
[Symbol] = FOUND MONUMENT BOX

Signature
Steven N. Saneholtz
Professional Surveyor No. 6842
DATE: 12/05/2016
PROJECT# 124S01395 STORM EASEMENT

Dec. 7, 2016
Date



P.O.C.
FOR 30' STORM
SEWER EASEMENT

GARCIA SURVEYORS

P.O. Box 2828
Whitehouse, OH 43571
Phone: (419) 877-0400
Fax: (419) 877-1140

OR 0339 PAGE 0344