

SPONSOR: Brett Reed

ORDINANCE NO. 86-06

AN ORDINANCE AUTHORIZING THE CITY TO ASSIGN A LEASE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio is the lessor under a certain lease dated April 30, 1981, between the City of Jackson and the Milton Day Care Center Corporation; and
WHEREAS, the City now desires to transfer its interests in the lease to Michelina's, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor and/or City Council President is authorized to enter into an Assignment of Lease Agreement, and to assign its interest in the lease with the Milton Day Care Center Corporation to Michelina's, Inc. A copy of the Assignment of Lease Agreement is attached hereto as Exhibit "A".

Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this Assignment of Lease Agreement as soon as possible in order to meet pending deadlines in the Luigino's expansion. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: April 10, 2006

James Humphrey
PRESIDENT OF COUNCIL

John L. [Signature]
ACTIVE CLERK OF COUNCIL

Approved:

[Signature]
MAYOR

Date: 4/11/06

EXHIBIT "A"

ASSIGNMENT OF LEASE

CITY OF JACKSON, the lessor, under a certain lease dated April 30, 1981 to MILTON DAY CARE CENTER CORPORATION, the lessee, and recorded in Lease Volume 35, Page 743, Office of the Recorder, Jackson County, Ohio, hereby transfers and assigns its interest in said lease to Michelina's, Inc.

The real estate subject to said lease is more fully described:

Situated in the City of Jackson, Jackson County, Ohio in Out Lot No. 2 in the north half of the City and being part of a 3.07 acre tract, conveyed to Arthur J. Stockmeister by Corella McGhee, November 24, 1965 and recorded in Volume 184, Page 528 of the Jackson County Deed Records, and being more precisely described as follows:

Beginning at an iron pin at the southeast corner of the 3.07 acre tract the iron pin being South 86° 30' East 473.00 feet and North 3° 30' East 132.00 feet from the southwest corner of Out Lot No. 2; thence with the south line of the 3.07 acre tract North 86° 30' West 241.00 feet to an iron pin; thence with a new line through the 3.07 acre tract North 3° 30' East 383.50 feet to an iron pin in the north line of Out Lot No. 2 and the south line of Section 20; thence with said line South 86° 30' East 241.00 feet to an iron pin in the northeast corner of the 3.07 acre tract; thence with the east line of the 3.07 acre tract South 3° 30' West 383.50 feet to the beginning. Containing 2.122 acres more or less.

Also, a right of way and easement being more fully described as follows:

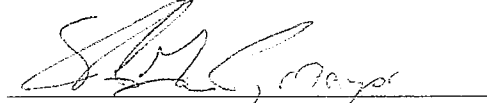
Situated in the City of Jackson, Jackson County, Ohio in Out Lot No. 2 in the north half of the City and across the east end of a 0.78 acre tract conveyed to Jackson Baptist Temple by William J. Downey and Kathleen Downey and recorded in Volume 218, Page 629 of the Jackson County Deed Records, and being an easement 22 feet in width, for the purpose of construction and maintaining access and utilities across Grantor's property to Broadway Street, and being more precisely described as follows:

Beginning at an iron pin the southeast corner of the 0.78 acre tract, the iron pin being South 86° 30' East 473.00 feet along the north line of Broadway from the southwest corner of Out Lot No. 2. Thence with the north line of Broadway North 86° 30' West 22.00 feet to an iron pin; thence with a new line through the 0.78 acre tract North 3° 30' East 132.00 feet to an iron pin in the north line of the 0.78 acre tract; thence with said north line South 86° 30' East 22.00 feet to an iron pin at the northeast corner of the 0.78 acre tract South 3° 30' West 132.00 feet to the beginning.

EXCEPTING all stone coal as excepted on the transfer from William H. Wykle to Corella McGhee, dated January 11, 1975 and recorded in Volume 157, Page 502, Recorder's Office, Jackson County, Ohio.

Executed this 28TH day of APRIL, 2006.

CITY OF JACKSON



Shane A. Goodman, Mayor

State of Ohio
County of Jackson, ss:

Be it remembered that on the _____ day of _____, 2006, before me, the subscriber, a Notary Public, in and for said county and state, personally came the above named City of Jackson, by Shane A. Goodman, Mayor, in the above instrument and acknowledged the signing of the same to be their voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary Public – State of Ohio
My Commission Expires: _____

This Instrument Prepared by:

***William S. Cole
Attorney at Law
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Jackson, Ohio 45640
740-286-5460***