

SPONSOR: Crowne/Blount

## ORDINANCE NO. 67-08

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION OF LEASE AND TO EXECUTE A WARRANTY DEED TO TRANSFER REAL PROPERTY TO T. MARZETTI COMPANY, AND DECLARING AN EMERGENCY.

WHEREAS, on April 1, 1973, the City of Jackson entered into a lease agreement with Jackson Corporation, for real property described in the attached document; and

WHEREAS, the lease agreement entered into between the City and Jackson Corporation was in accordance with an economic incentive program through the State of Ohio, whereby Jackson Corporation was to establish a business on the property and provide jobs; and

WHEREAS, the lease agreement ended after 20 years, on March 31, 1993, and all the parties to the lease agreement performed all acts required of them under the agreement; and

WHEREAS, pursuant to the terms of the lease agreement, at the conclusion of the agreement the City was to sell the real property to Jackson Corporation, or its successor, upon payment of the sum of \$100.00; and

WHEREAS, the deed was never prepared or executed to the Jackson Corporation, or its successor, in accordance with the lease agreement; and

WHEREAS, the City of Jackson now desires to execute the warranty deed as required under the lease agreement and to transfer the real property to Jackson Corporation, or its successor.

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

**Section One.** The Mayor is hereby authorized to execute a Termination of Lease Agreement and to execute and deliver a warranty deed to T. Marzetti Company, the successor of Jackson Corporation, in accordance with the terms of the original lease agreement. A copy of the Termination of Lease and a copy of the Warranty Deed are 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 this lease agreement needs to be formally terminated as soon as possible and the City needs to meet its requirements to execute and deliver the warranty deed in accordance with the agreement as soon as possible. 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.**

In 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: \_\_\_\_\_

7/14/08

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

Approved:

Date: \_\_\_\_\_

7-15-08

\_\_\_\_\_  
MAYOR

*Exhibit “A”*

**GENERAL WARRANTY DEED**

**CITY OF JACKSON, OHIO**, a municipal corporation and political subdivision organized under the laws of the State of Ohio, ("Grantor"), for valuable consideration paid, grants with general warranty covenants, to **T. MARZETTI COMPANY**, an Ohio corporation, successor by merger to Jackson Corporation, an Ohio corporation ("Grantee"), whose tax-mailing address is 37 West Broad Street, Columbus, OH 43215, the following described real property (the "Property"):

Situated in the State of Ohio, County of Jackson and in the City of Jackson, and being more particularly described as follows:

For description see **EXHIBIT A** attached hereto and incorporated herein by this reference.

Commonly known as:	275 South Bennett Avenue, Jackson, OH
Auditor's Parcel Number(s):	H140180014700 and H140180015100
Prior Instrument Reference:	Deed Record 211, Page 353, Recorder's Office, Jackson County, Ohio

**SUBJECT TO** conditions, covenants, restrictions and easements of record, legal highways, zoning ordinances and taxes and assessments now a lien.

**THIS INSTRUMENT IS DELIVERED BY GRANTOR TO GRANTEE IN ACCORDANCE WITH AND IN SATISFACTION OF THE TERMS AND CONDITIONS OF THE LEASE BY AND BETWEEN THE CITY OF JACKSON, OHIO AND JACKSON CORPORATION, DATED AS OF APRIL 1, 1973, RECORDED MAY 10, 1973, IN LEASE RECORD 32, PAGE 301, RECORDER'S OFFICE, JACKSON COUNTY, OHIO.**

Executed this \_\_\_ day of \_\_\_\_\_, 2008.

**CITY OF JACKSON, OHIO**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO,  
COUNTY OF JACKSON, SS:

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by  
\_\_\_\_\_, \_\_\_\_\_ of the **CITY OF JACKSON, OHIO**,  
a municipal corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public

This Instrument Prepared By:  
Andrew M. Bojko, Esq.  
Porter, Wright, Morris & Arthur LLP  
41 South High Street  
Columbus, OH 43215

## EXHIBIT A

Situate in the City of Jackson, Jackson County, Ohio and being a part of Lots No. 38, 39, 40 and 41 in the south half of said City to wit: Commencing at the point of intersection of the south right of way line of the Baltimore and Ohio Railroad Company with the east right of way line of Bennett Avenue in said City; thence South 5° 10' west along the east right of way line of Bennett Avenue 451.72 feet; thence North 82° 10' East 428.66 feet across said lot no. 39; thence continuing North 82° 10' East across said Lot No. 40, 428.77 feet to the west right of way line of Vaughn Street in said City; thence North 5° 10' East along the west right of way line of Vaughn Street to the south right of way line of the Baltimore and Ohio Railroad Company 399.00 feet; thence following a curve of 6° 32' to the right in a south west direction and along said south right of way line across said lot no. 41 and into said Lot no. 38, 502.53 feet; thence north 84° 50' west 359.4 feet and continuing across said Lot No. 38 and following said South right of way line 359.4 feet to the place of beginning; containing 7.38 acres.

The foregoing description being based upon survey made by William H. Monahan, Registered Surveyor 1984 Ohio on January 6, 1967.

**TERMINATION OF LEASE**

The **CITY OF JACKSON, OHIO** ("Lessor") and **T. MARZETTI COMPANY** ("Lessee"), an Ohio corporation, successor by merger to **JACKSON CORPORATION**, an Ohio corporation, entered into a certain Lease, dated as of April 1, 1973 (the "Lease") for certain real estate located in the State of Ohio, County of Jackson and City of Jackson, which real estate is more fully described in **EXHIBIT A** attached hereto and incorporated herein by this reference; and,

WHEREAS, the Lease was recorded in Lease Record 32, Page 301, Recorder's Office, Jackson County, Ohio.

WHEREAS, the original term of the Lease expired on its own terms on and there have been no renewals thereof; and,

WHEREAS, the parties desire to terminate the Lease of record effective with the execution hereof.

NOW, THEREFORE, Lessor and Lessee, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by the execution hereof terminate the Lease and the Recorder of Jackson County, Ohio, is hereby authorized and directed to note such cancellation of record.

This instrument may be executed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Termination of Lease Agreement this \_\_\_ day of \_\_\_\_\_, 2008.

**LESSOR:**

**CITY OF JACKSON, OHIO**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO            )  
COUNTY OF JACKSON    )SS:

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, \_\_\_\_\_ of the **CITY OF JACKSON, OHIO**, a municipal corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public

**LESSEE:**

**T. MARZETTI COMPANY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                    )  
COUNTY OF FRANKLIN    )SS:

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, \_\_\_\_\_ of T. MARZETTI COMPANY, an Ohio corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public

This instrument prepared by:  
Andrew M. Bojko, Esq.  
PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, OH 43215

## EXHIBIT A

Situate in the City of Jackson, Jackson County, Ohio and being a part of Lots No. 38, 39, 40 and 41 in the south half of said City to wit: Commencing at the point of intersection of the south right of way line of the Baltimore and Ohio Railroad Company with the east right of way line of Bennett Avenue in said City; thence South 5° 10' west along the east right of way line of Bennett Avenue 451.72 feet; thence North 82° 10' East 428.66 feet across said lot no. 39; thence continuing North 82° 10' East across said Lot No. 40, 428.77 feet to the west right of way line of Vaughn Street in said City; thence North 5° 10' East along the west right of way line of Vaughn Street to the south right of way line of the Baltimore and Ohio Railroad Company 399.00 feet; thence following a curve of 6° 32' to the right in a south west direction and along said south right of way line across said lot no. 41 and into said Lot no. 38, 502.53 feet; thence north 84° 50' west 359.4 feet and continuing across said Lot No. 38 and following said South right of way line 359.4 feet to the place of beginning; containing 7.38 acres.

The foregoing description being based upon survey made by William H. Monahan, Registered Surveyor 1984 Ohio on January 6, 1967.