

Village of New Lexington, Perry County, Ohio

ORDINANCE No. 21-8

**ORDINANCE AUTHORIZING CONVEYANCE OF MUNICIPAL PROPERTY TO
BOARD OF EDUCATION OF NEW LEXINGTON SCHOOL DISTRICT
AND DECLARING AN EMERGENCY**

Whereas, the Village of New Lexington, on or about October 23, 2006, received conveyance of certain property from the Board of Education of New Lexington School District, Perry County, Ohio, for the purposes of utilizing such land for a fire and EMS department, subject to use by the School District for athletic events parking; and

Whereas, the Deed of Conveyance, a copy of which is attached hereto and incorporated herein by reference, contained a reversionary clause pursuant to which the property would revert to the School District if the Village did not utilize the property for the construction of a facility to house fire and emergency equipment and personnel within twenty-five (25) years, and

Whereas, although twenty-five (25) years have not yet passed since the Deed of Conveyance by the Board of Education of New Lexington School District to the Village, the Village has made use of other municipal property for its fire and EMS department that is wholly suitable to the needs of the Village, and the Village has no immediate or future plans to utilize the property that is the subject of this Ordinance for fire and EMS station purposes;

Whereas, Ohio Revised Code § 721.02 provides municipal corporations the special power to convey real estate belonging to the municipal corporation to a Board of Education, without competitive bidding, when such real estate is not needed for any municipal purpose, to be used as an athletic field, a playground for children, or for school sites, upon such terms as are agreed to between the municipal corporation and the Board of Education; and

Whereas, because the subject property is not needed by the Village for fire and EMS purposes as provided in the reversionary clause pursuant to which the Village of New Lexington accepted conveyance, and the School District will utilize the property for athletic field and school site purposes, the Village of New Lexington desires to convey the real property described in the attached Deed to the Board of Education of New Lexington School District, Perry County, Ohio, in accordance with Ohio Revised Code §721.02.

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

Section 1: That the real property owned by the Village of New Lexington, consisting of

approximately 2.29 acres and being part of the Section 9 in the Village of New Lexington, Pike Township, Perry County, Ohio, and more fully described as set forth in the attached Deed, has not been and will not be utilized for a fire station or EMS department; is no longer needed for any municipal purpose allowable pursuant to the terms of the reversionary clause subject to which the Village accepted conveyance of the subject property; and is therefore declared surplus real property.

Section 2: That in accordance with the reversionary clause contained in the Deed on Conveyance of such property to the City of New Lexington in October 2006, and in accordance with the provisions of Ohio Revised Code § 721.01 and § 721.02, the Council authorizes and directs the Village Administrator to convey said real property to the Board of Education of New Lexington School District, Perry County, Ohio.


Section 3: That the Village Administrator is authorized to execute the Deed of Conveyance to the Board of Education of New Lexington School District, Perry County, Ohio, on behalf of the Village of New Lexington, and to deliver said Deed of Conveyance to the Board of Education of New Lexington School District, Perry County, Ohio, for transfer and recording of said Deed with the Perry County Auditor's and Recorder's Offices.

Section 4: That this Ordinance is hereby passed as an emergency, necessary to complete the conveyance in advance of the start of school and the next athletic season, for the best interests and general welfare of the Village of New Lexington, and shall be effective upon passage.

1st Reading: Waived on 3/4 Vote

2nd Reading: _____

Passed: 8-16-21



Trent Thompson, Mayor



Jim Welsh, Council President

ATTESTED:



Lisa Spohn, Council Clerk