

RECORD OF ORDINANCES

VILLAGE OF MCCONNELSVILLE

Resolution No. 14-33 Passed 16th day of September 2014

AN ORDINANCE AUTHORIZING THE RETURN OF REAL PROPERTY PURSUANT TO A REVERTER CLAUSE IN A PRIOR TRANSFER TO THE VILLAGE

WHEREAS, the Village of McConnelsville had received a gift of real property (the "Property") from Clarence R. Hess (now deceased); and

WHEREAS, the Property was to be used solely for a recreational park; and

WHEREAS, the deed transferring the Property contained a number of stipulations and restrictions, including a reverter clause should the Village fail to maintain the property and/or use as a park for a period of time, the ownership of the property shall revert back to the grantor; and

WHEREAS, the above-stated transfer of the Property was conditioned on the following reverter language: "This conveyance is subject to a reverter in favor of grantor in that title to the premises described herein shall revert to the grantor, his successors and assigns, if for a period of two (2) consecutive years the grantee, its successors or assigns, either (a) cease to use the premises for recreation and conservation purposes or (b) cease to maintain the premises. This reverter provision survives the closing and the delivery of the deed;" and

WHEREAS, the Village has not maintained the Property for two (2) consecutive years and has determined that the Property is not needed for any municipal purpose now or in the future; and

WHEREAS, the grantor, Clarence R. Hess, has requested the return of the Property based upon the Village's inability to comply with the reverter conditions; and

WHEREAS, because of the conditional language of the original transfer to the Village, and the inability of the Village to comply with the conditional language, the requirements of public bid in Chapter 721 of the Ohio Revised Code do not apply to this transfer and return of the Property;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MCCONNELSVILLE:

Section 1: That the Mayor, with this authorization of Village Council, is authorized to proceed with the closing, transfer and return of the Property to Clarence R. Hess, Trustee of the Clarence R. Hess Trust UAD May 17, 1996, and execute all deeds and documents necessary to fulfill this purpose.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of the Council, and that all deliberations of this 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.

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Resolution No. 14-33 Passed 16th day of September 2014

First Reading: August 19, 2014

Second Reading: September 2, 2014

Third Reading: September 16, 2014

Passed this 16th day of September, 2014.

John W. Finley
Mayor

ATTEST:

Ellen M. Hemry
Fiscal Officer