

**CITY OF XENIA, OHIO
ORDINANCE 2018 – 28**

**AUTHORIZING THE SALE OF THE PROPERTIES LOCATED AT 220 E. CHURCH STREET
TO KYLE AND JENNY HOLMSTROM AND GARY AND SHARON CREVISTON**

WHEREAS, Ohio Revised Code Section 721.01 grants this Council the special power to sell real estate belonging to the City when such real estate is not needed for any municipal purpose;

WHEREAS, Section 9.16(B) of the City’s Charter provides that the sale of property, including the fixtures thereon, may be accomplished by negotiation or informal competition, when approved by this Council;

WHEREAS, the City owns the properties located at 220 E. Church Street, consisting of 0.2851 acres, more or less, that are not needed for any municipal purpose and the sale of which will bring a productive reuse of the properties;

WHEREAS, this Council, by Resolution 2018-Q, passed on June 28, 2018, authorized the City Manager to use negotiations or informal competition to sell the properties located at 220 E. Church Street; and

WHEREAS, based upon the recommendation of the City Manager, this Council finds it to be in the best interests of the health, safety and welfare of the City to enter into a Real Estate Purchase Agreement with Kyle and Jenny Holmstrom and Gary and Sharon Creviston to sell them the properties located at 220 E. Church Street.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. The sale of the property located at 220 E. Church Street, consisting of 0.2713 acres more or less, as shown on Exhibit A (Greene County Auditor Parcel ID M40000200050000100 and a portion of M40000200050032700), subject to any existing easements or covenants of record, to Kyle Holmstrom and Jenny Holmstrom, husband and wife, in the amount of Twenty Thousand Dollars and No Cents (\$20,000), is hereby approved.

Section 2. The City Manager is authorized to execute Real Estate Purchase Agreement with Kyle Holmstrom and Jenny Holmstrom for the sale of the property listed in Section 1, above, and to execute the deeds and any other documents necessary to the sale of said property.

Section 3. The sale of the property located at 220 E. Church Street, consisting of 0.0138 acres, more or less, as shown on Exhibit B (a portion of Greene County Auditor Parcel ID M40000200050032700), subject to any existing easements or covenants of record, to Gary L. Creviston and Sharon K. Creviston, husband and wife, in the amount of \$1.00 and other valuable consideration received, is hereby approved.

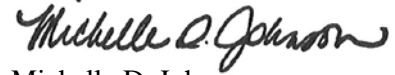
Section 4. The City Manager is authorized to execute Real Estate Purchase Agreement with Gary L. Creviston and Sharon K. Creviston for the sale of the property listed in Section 3, above, and to execute the deeds and any other documents necessary to the sale of said property.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this 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 6. This Ordinance shall be effective as of October 27, 2018.

Introduced: September 13, 2018
Adopted: September 27, 2018

Attest:


Michelle D. Johnson
City Clerk



Michael D. Engle
President, Xenia City Council

EXHIBIT A

DESCRIPTION OF 0.0413 ACRES

Situate in the City of Xenia, County of Greene, State of Ohio, and being 0.0413 acres out of a 0.055 acre tract as conveyed to the City of Xenia and described in Instrument Number 2017009850. Said 0.055 acre tract also being shown in Greene County Surveyor's Record No. 28, Page 305. All references to Instrument Numbers, Deed Books, Official Records, Survey Records and/or Plats refer to the Greene County Recorder's Office, Greene County, Ohio. Said 0.0413 acre parcel being more particularly described as follows:

Commencing at the intersection of the southerly line of Hayes Street, a corner of Dodds Addition Block 1-6 as recorded in Plat Cabinet 31, Page 266B-267A, and the easterly line of said 0.055 acre tract at the corner of Gary L. Creviston and S.K. Creviston's 0.11 acre tract as shown in Deed Book 531, Page 284, an iron pin found bears South 07°54'19" East 0.36';

Thence with Cleviston's West line, South 07°54'19" East 50.00 feet to a point being the northwest corner of a 0.23 acre tract conveyed to the City of Xenia as shown in Instrument Number 2017009850, the southwest corner of said Cleviston's 0.11 acre tract, witness a 1" iron pipe found 0.27' South of said corner, said point being the TRUE POINT OF BEGINNING;

Thence with the West line of said City of Xenia's 0.23 acre tract, South 07°54'19" East 150.00 feet to an iron pin found (Sutton 7124 cap) being the southwest corner of said City of Xenia's 0.23 acre tract and on the North Right-of-Way of Church Street;

Thence with the North Right-of-Way of said Church Street, South 81°49'51" West 12.00' to a Mag Nail set being the southeast corner of a parcel of land conveyed to Greene County Board of Commissioners and described in Official Record 1133, Page 316;

Thence with the East line of said Greene County Board of Commissioners' land, North 07°54'19" West 150.00' to a 5/8" iron pin set (Prism Surveys, LLC. cap);

Thence on a new division line North 81°49'51" East 12.00' returning to the POINT OF BEGINNING.

Containing 0.0413 acres, more or less.

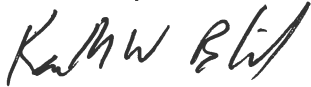
Note: The above described tract shall be combined with the City of Xenia 0.23 acre tract and shall not create an independent building site.

Subject to all legal highways, easements, and restrictions of record.

Basis of Bearing: South line of Hayes Street shown as North 81°49'51" East on Greene County Surveyor's Record No. 28, Page 305.

Prior Deed Reference: Instrument Number 2017009850

Prism Surveys, LLC.



Kenneth W. Boutwell, P.S.
Registered Surveyor
Ohio License Number S-8211



September 4, 2018
Job # 18-063

EXHIBIT B

DESCRIPTION OF 0.0138 ACRES

Situate in the City of Xenia, County of Greene, State of Ohio, and being 0.0138 acres out of a 0.055 acre tract as conveyed to the City of Xenia and described in Instrument Number 2017009850. Said 0.055 acre tract also being shown in Greene County Surveyor's Record No. 28, Page 305. All references to Instrument Numbers, Deed Books, Official Records, Survey Records and/or Plats refer to the Greene County Recorder's Office, Greene County, Ohio. Said 0.0138 acre parcel being more particularly described as follows:

Beginning at the intersection of the southerly line of Hayes Street, a corner of Dodds Addition Block 1-6 as recorded in Plat Cabinet 31, Page 266B-267A, and the easterly line of said 0.055 acre tract at the corner of Gary L. Creviston and S.K. Creviston's 0.11 acre tract as shown in Deed Book 531, Page 284, an iron pin found bears South 07°54'19" East 0.36';

Thence with Cleviston's West line, South 07°54'19" East 50.00 feet to a point being the southwest corner of said Cleviston's 0.11 acre tract, witness a 1" iron pipe found 0.27' South of said corner;

Thence on a new division line, South 81°49'51" West 12.00' to a 5/8" iron pin set (Prism Surveys, LLC cap) on the East line of a parcel of land conveyed to Greene County Board of Commissioners and described in Official Record 1133, Page 316;

Thence with the East line of said Greene County Board of Commissioners' land, North 07°54'19" West 50.00' to a railroad spike found being in the southerly line of said Hayes Street and the northeast corner of said Greene County Board of Commissioners' land;

Thence with the South line of said Hayes Street, North 81°49'51" East 12.00' to the point of beginning.

Containing 0.0138 acres, more or less.

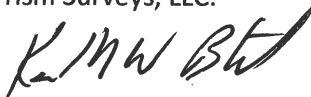
Note: The above described tract shall be combined with G.L. and S.K. Creviston's 0.11 acre tract and shall not create an independent building site.

Subject to all legal highways, easements, and restrictions of record.

Basis of Bearing: South line of Hayes Street shown as North 81°49'51" East on Greene County Surveyor's Record No. 28, Page 305.

Prior Deed Reference: Instrument Number 2017009850

Prism Surveys, LLC.


Kenneth W. Boutwell, P.S.
Registered Surveyor
Ohio License Number S-8211

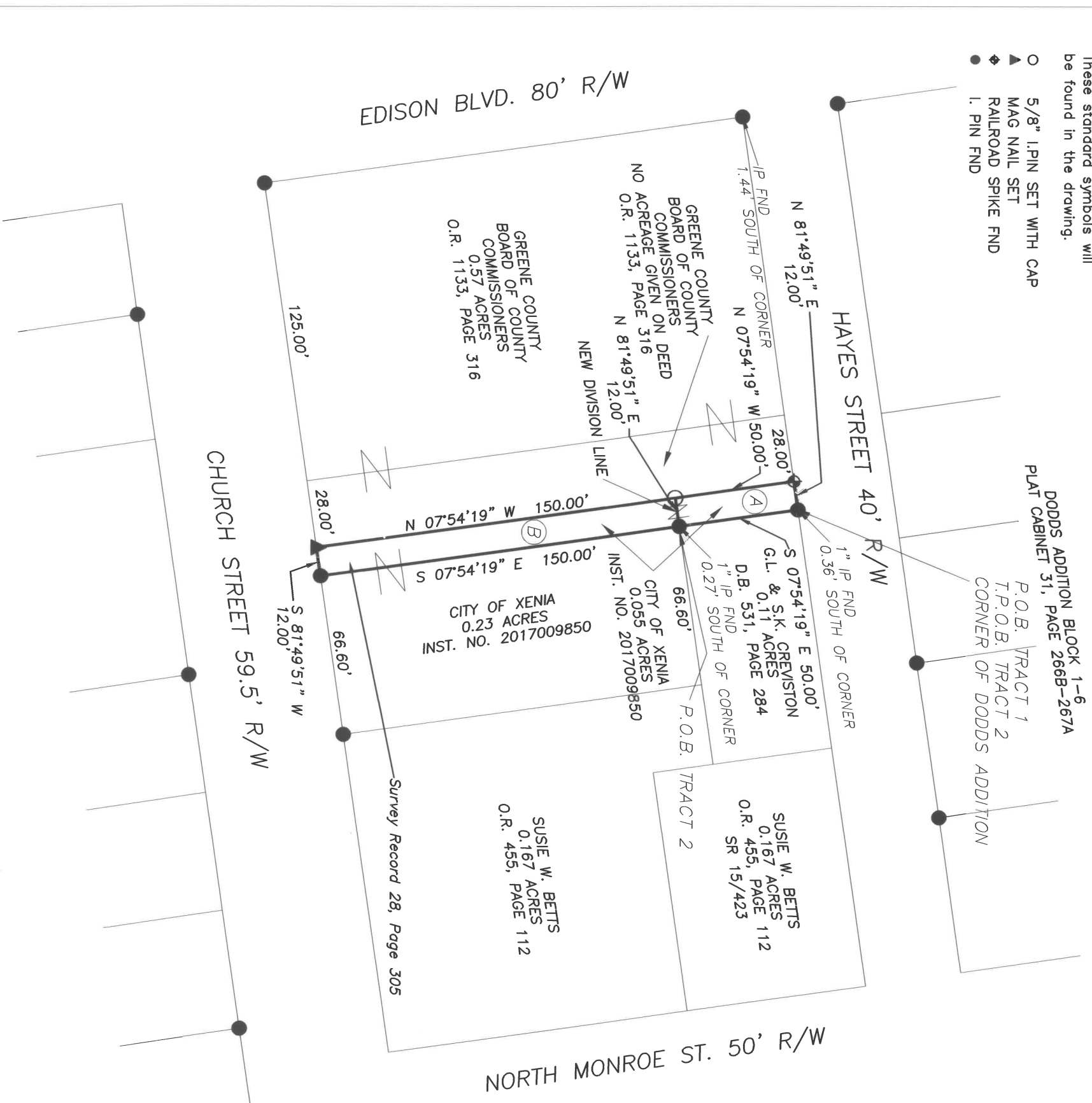


September 4, 2018
Job # 18-063



PLAT OF SURVEY
 SITUATED IN THE CITY OF XENIA
 GREENE COUNTY, OHIO
 0.0551 TOTAL ACRES
 CONVEYED TO CITY OF XENIA
 IN RECORDER'S INSTRUMENT NO.
 2017009850

- LEGEND**
- These standard symbols will be found in the drawing.
- 5/8" I.PIN SET WITH CAP
 - ▲ MAG NAIL SET
 - ◆ RAILROAD SPIKE FND
 - I. PIN FND

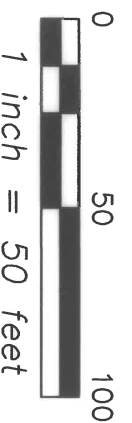


THIS DRAWING IS BASED ON A FIELD SURVEY PERFORMED IN AUGUST 2018 BY PRISM SURVEYS, LLC. AND WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY FACTS REVEALED BY SUCH.

BASIS OF BEARING:
 SOUTH LINE OF HAYES STREET SHOWN AS NORTH 81D49'51" EAST AS SHOWN ON GREENE COUNTY SURVEYOR'S RECORD NO. 28, PAGE 305.

PRISM SURVEYS, LLC.
 1584 FAIRGROUND ROAD
 XENIA, OHIO 45385
 937-431-4755

Kenneth W. Boutwell
 KENNETH W. BOUTWELL, P.S.
 OHIO LICENSE NO. S-8211



SURVEYED BY: PRISM SURVEYS, LLC
 KENNETH W. BOUTWELL, P.S.
 REG. SURVEYOR NO. S-8211

APPROVED GREENE COUNTY ENGINEER

By _____ Date _____

APPROVED BY: _____ DATE _____

ZONING _____

GRANTOR _____ CITY OF XENIA

GRANTEE _____

LOCATION _____, Town _____, Range _____
 or Survey No. M.S. 548 & 2243

GREENE COUNTY, OHIO

