

ORDINANCE TO PURCHASE REAL ESTATE KNOWN AS TWO PARTIAL TRACTS OF LOT NO. 10 OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, FROM JAMES HANNAH, SR., AND NANCY L. HANNAH, HUSBAND AND WIFE

That Whereas, James Hannah, Sr., and Nancy L. Hannah, husband and wife, own land known as two partial tracts of Lot No. 10 of the Village of Lewisburg, Preble County, Ohio, 45338, located at 125 North Commerce Street (Parcel I.D. No.: D13-001202900021-000) and 123 North Commerce Street, (Parcel I.D. No.: D13-001202900022-000);

And Whereas, said real estate and its buildings would be useful for the storage of Municipal public records, for Municipal offices, public parking, and other public purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, AS FOLLOWS:

Section 1. James Hannah, Sr., and Nancy L. Hannah, husband and wife, have agreed to sell and the Village of Lewisburg, Ohio, has agreed to buy land known as two partial tracts of Lot No. 10 of the Village of Lewisburg, Preble County, Ohio, located at 125 North Commerce Street, Lewisburg, Ohio, 45338 (Parcel I.D. No. D13-001202900021-000) and 123 North Commerce Street, Lewisburg, Ohio, 45338 (Parcel I.D. No. D13-001202900022-000), for the sum of \$52,000.00. Evidence of this agreement is the written approval of James Hannah, Sr., and Nancy L. Hannah at the bottom of this Ordinance.

Section 2. The following are miscellaneous terms of the sale:

- (A) The deed of conveyance shall be by a recordable General Warranty Deed, with the closing to occur within 45 days of the date of passage of this Ordinance.
- (B) The Village of Lewisburg shall pay the County Auditor's conveyance fee (\$3.00 per \$1,000.00 of the sale price), if any, and notation fee (\$.50 per tract or parcel), and the Village of Lewisburg shall pay the County Recorder's fee to record the General Warranty Deed.
- (C) Real Estate Taxes and Assessments for calendar year 2019 (due and payable in calendar year 2020) shall be paid by the Village of Lewisburg, Ohio. Real Estate Taxes and Assessments for the second half of calendar year 2018 (due and payable in July of 2019) shall also be paid by the Village of Lewisburg, Ohio.
- (D) The Village of Lewisburg, Ohio, shall have all the closing documents prepared at its expense and all other closing costs (other than legal fees of any attorney retained by James Hannah, Sr., and Nancy L. Hannah) shall be paid by the Village of Lewisburg.
- (E) This sale shall be binding upon and inure to the benefit of James Hannah, Sr., and Nancy L. Hannah, husband and wife, and the Village of Lewisburg, and their respective heirs, executors, administrators, successors, or assigns. Time is of the essence in the completion of this sale.

Section 3. The Municipal Manager and/or Law Director may obtain the services of a Title Insurance Company and/or Title Agent (at the expense of the Village of Lewisburg) to assist in the completion of this purchase.

Section 4. The Municipal Manager and the Fiscal Officer shall or have come up with a means of financing this transaction, either out of current Village funds or by bond or other debt financing. Council shall approve the financing of this transaction by other Motion or Ordinance, as appropriate.

Section 5. This Ordinance shall be effective from and after 30 days from its passage by Council.

Dated: 3-7-19

Marsha K. Jones
Mayor

Attest: Kim S. Cahill
Clerk of Council

Approved by Real Estate Seller as of March 7, 2019:

James G. Hannah Sr.
James Hannah, Sr.

Nancy L. Hannah
Nancy L. Hannah

Richard V. Faber, Jr.
Attorney and
Counselor at Law
00 N. Commerce St.
P.O. Box 517
Lewisburg, Ohio
45338
Phone:
(937) 962-4341
or 962-4523

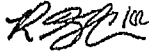
DESCRIPTION ACCERTED
R. KYLE CROSS
PREBLE COUNTY ENGINEER

TRANSFERRED-FEE \$ 1.00
NO TRANSFER NECESSARY \$ 0.00 COUNTY STATE
vs. 00

Instrument Book Page
201600001748 DR 359 2434

MAY 03 2016

MAY 03 2016



Janet Wright for
PREBLE COUNTY AUDITOR

201600001748
Filed for Record in
PREBLE COUNTY, OHIO
JEANNE A. CREECH, RECORDER
05-03-2016 At 09:13 am.
DEED 28.00
DR Book 359 Page 2434 - 2435

DEED OF TRUSTEE

KNOW ALL MEN BY THESE PRESENTS, That TAMARA L. COLE, Successor Trustee of the Adolph Cole and Ada Ruth Cole Revocable Living Trust, dated the 9th day of August, 2006, Grantor, by the power conferred by such Trust Agreement and every other power for One Dollar (\$1.00) and other good and valuable considerations paid, grants with fiduciary covenants to JAMES HANNAH, SR. and NANCY L. HANNAH, their heirs and assigns, whose tax-mailing address will be 123 N. Commerce St., Lewisburg, Ohio 45338, the following real property:

Tract One:

Situated in the County of Preble, in the State of Ohio, and in the Village of Lewisburg, further described as follows:

Being all of Lot Number Ten (10) known by said number on the Plat of said Village of Lewisburg, EXCEPT the following parcel of land:

Situated in the Village of Lewisburg, Preble County, Ohio and being a strip of land twenty-three (23) feet nine (9) inches wide taken evenly off the South side of Lot Number Ten (10) as the same is known and designated on the recorded plat of the Village of Lewisburg, Preble County, Ohio.

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

Parcel No. D13-0012-029-00-021-000

Tract Two:

Situated in the Village of Lewisburg, Preble County, Ohio, and being a strip of land twenty-three (23) feet nine (9) inches wide taken evenly off the South side of Lot Number Ten (10) as the same is known and designated on the recorded plat of the Village of Lewisburg, Preble County, Ohio.

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

Parcel No. D13-0012-029-00-022-000

Last Transfer: Volume 254, Page 2683, Volume 254, Page 2685, and Volume 292, Page 489, of the Official Records of Preble County, Ohio,

and all the Estate, Right, Title and Interest of the said Grantor in and to said premises are granted to Grantees herein, to have and to hold, with all of the privileges and appurtenances

thereunto belonging to said Grantees, their heirs and assigns forever.

And the said Grantor does hereby Covenant and Warranty that the title so conveyed is Clear, Free And Unencumbered and that she will Defend the same against all lawful claims of all persons whomsoever.

The real property described above is conveyed subject to, and there are excepted from the fiduciary covenants, the following:

- 1. All easements, covenants, conditions and restrictions of record;
- 2. All legal highways;
- 3. Zoning, building and other laws, ordinances and regulations;
- 4. Real estate taxes and assessments not yet due and payable; and
- 5. Rights of tenants in possession.

EXECUTED BY TAMARA L. COLE, Successor Trustee of the Adolph Cole and Ada Ruth Cole Revocable Living Trust, dated the 9th day of August, 2006, this 29th of April, 2016.

THE ADOLPH COLE AND ADA RUTH COLE REVOCABLE LIVING TRUST

By: Tamara L. Cole - Trustee
TAMARA L. COLE, Successor Trustee

STATE OF OHIO)
)SS:
COUNTY OF Darke)

Before me, a Notary Public in and for said County and State, personally appeared the above-named TAMARA L. COLE, Successor Trustee of the Adolph Cole and Ada Ruth Cole Revocable Living Trust, dated the 9th day of August, 2006, and acknowledged that she did sign the foregoing instrument and that the same is her free and voluntary act and deed as Trustee under said Trust Agreement this 29th day of April, 2016.

Jessica Ann Worden
NOTARY PUBLIC



JESSICA ANN WORDEN
Notary Public - State of Ohio
My Comm. Exp. Mar. 07, 2020

201600001748
SCOTT RUDNICK
CALL

This instrument prepared by: Scott D. Rudnick, Attorney at Law, 121 W. Third Street, Greenville, Ohio 45331.

March 7, 2019 (effective date)

Municipal Manager Jeffrey A. Sewert
Village of Lewisburg Municipal Offices
112 South Commerce Street
Lewisburg, Ohio 45338

Re: Sale of Real Estate
James Hannah, Sr., and Nancy L. Hannah to Village of Lewisburg

Dear Mr. Sewert:

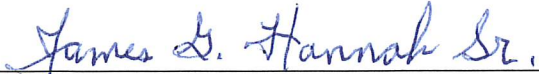
We are the titled owners of the real estate located at 125 North Commerce Street, Lewisburg, Ohio, 45338 (Parcel I.D. No. D13-001202900021-000) and 123 North Commerce Street, Lewisburg, Ohio, 45338 (Parcel I.D. No. D13-001202900022-000), both tracts each being a partial tract of Lot No. 10 of the Village of Lewisburg, Ohio.

We are herein offering to sell said real estate to the Village of Lewisburg "as is" for \$52,000.00.


Enclosed herein are the following: (1) Ordinance covering the general terms of the sale which we have signed by way of offer and consent (2) a copy of a Deed of Trustee evidencing ownership of said real estate. The approval of the Ordinance by the Village Council shall constitute an acceptance of our offer.

If there are any questions, let us know.

Respectfully submitted,



James Hannah, Sr.



Nancy L. Hannah