

ORDINANCE TO PURCHASE REAL ESTATE KNOWN AS 0.363 ACRES PART OUTLOT 2 OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, FROM RAY SHIVELY AND LORI SHIVELY, HUSBAND AND WIFE

That Whereas, Ray Shively, a married man, owns land known as 0.363 acres part outlot 2 of the Village of Lewisburg, Preble County, Ohio, and his wife, Lori Shively, has a dower interest in said land;

And Whereas, said real estate is located adjacent to land used by the Village as a water spray recreation facility, the acquisition of which is essential for the immediate and long term access and safety of said water spray recreation facility and other public purposes;

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

Section 1. Ray Shively and Lori Shively, husband and wife, have agreed to sell and the Village of Lewisburg, Ohio, has agreed to buy land known as 0.363 acres part outlot 2 of the Village of Lewisburg, Preble County, Ohio, located at 0 South Water Street, Lewisburg, Ohio, 45338, Parcel I.D. No. D13-001203200018-003, for the sum of \$7,000.00. Evidence of this agreement is the written approval of Ray Shively and Lori Shively at the bottom of this Ordinance.

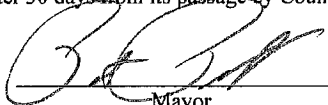
Section 2. The following are miscellaneous terms of the sale:

- (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 2016 (due and payable in calendar year 2017) shall 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 Ray Shively and Lori Shively) shall be paid by the Village of Lewisburg.
- (E) This sale shall be binding upon and inure to the benefit of Ray Shively and Lori Shively, 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 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 4. This Ordinance shall be effective from and after 30 days from its passage by Council.

Dated: 12-15-16



Mayor

Attest: Kim S. Cahill
Clerk of Council

Approved by Real Estate Seller as of December 15, 2016:

Ray Shively
Ray Shively

Lori Shively
Lori Shively

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

December 15, 2016 (effective date)

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

Re: Sale of Real Estate
Ray Shively and Lori Shively to Village of Lewisburg

Dear Mr. Sewert:


We are the titled owner and dower interest holder of the real estate located at 0 South Water Street, Lewisburg, Ohio, 45338, Parcel I.D. No. D13-001203200018-003.

We are herein offering to sell said real estate to the Village of Lewisburg "as is" for \$7,000.00.

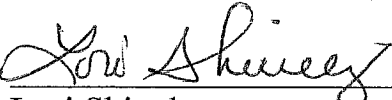
Enclosed herein are the following: (1) Ordinance covering the general terms of the sale which we have signed by way of offer and consent (2) a copy of a General Warranty Deed evidencing ownership of said real estate. The approval of the Ordinance by the Village Council shall constitute an acceptance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

If there are any questions, let us know.

Respectfully submitted,



Ray Shively



Lori Shively

Instrument Book Page
200600074455 OR 253 2001

200600074455
Filed for Record in
PREBLE COUNTY, OHIO
WILLIAM SPAHR
09-19-2006 At 04:17 pm.
DEED 28.00
OR Book 253 Page 2001 - 2002

GENERAL WARRANTY DEED

Lloyd L. Shively and Glenna Shively, who is signing to release her dower, husband and wife, of Preble County, Ohio

for valuable consideration paid, grant(s) to Ray Shively, an unmarried man, whose tax mailing address is: 308 Deem Street, Eaton, Ohio 45320

the following described REAL ESTATE:

Situated in the Southwest Quarter of Section Twenty-Seven (27), Township Seven (7) North, Range Three (3) East, Harrison Township, Preble County, Ohio and being the South part of Lewisburg Village Out Lot #2 as shown in Old Town Plat Book Volume 1, Page 123, and described in part as a 3.537 acre tract of land in Official Deed Record Volume 226, Page 2671 in the Office of the Preble County Recorder and being more particularly described as follows:

Commencing at a railroad spike found for the Southwest corner of said Section 27, thence North $88^{\circ} 30$ minutes 00 seconds East, along the South line of said Section, being the North line of Clay Street, for a distance of 615.08 feet to an iron pin set for the Southwest corner of said Out Lot #2 and being the TRUE POINT OF BEGINNING of the tract herein described, said corner being the Southeast corner of Lewisburg Village Lot #34, being within Henry Horn's Addition to the Village of Lewisburg (no Record Plat exist of this addition, however it is shown in detail in the 1871 and 1912 Preble County Plat Book and the current Preble County Auditor's Tax Map);

Thence North $14^{\circ} 12$ minutes 51 seconds East, along the East line of said Lot #34, for a distance of 127.64 feet to a point being the Northeast corner of said Lot #34, located at the Southeast corner of South Water Street in said Village, said point witnessed by a railroad spike found on the South line of said street, North $74^{\circ} 56$ minutes 44 seconds West, for a distance of 1.00 feet;

Thence South $74^{\circ} 56$ minutes 44 seconds East, along a new division line across said Out Lot #2, for a distance of 149.22 feet to an iron pin set on the East line of said Out Lot, being the East Corporation Line of said Village of Lewisburg as shown in said Old Town Plat Book, Volume 1, Page 123;

Thence South $13^{\circ} 29$ minutes 21 seconds West, along said Corporation Line, being a new division line across the 3.537 acre tract, for a distance of 83.18 feet to an iron pin set on the South line of said tract and said Section 27, being the North line of said Clay Street, said pin being the Southeast corner of said Out Lot #2;

Thence South $88^{\circ} 30$ minutes 00 seconds West, along said line, for a distance of 156.09 feet to the point of beginning, containing 0.363 acres (15,792.565 S.F.) of land more or less and being subject to all legal easements and highways of record. Bearings are based on an assumed meridian and are used for angular measurements only. The description

written above is the result of a field survey made in October of 2005 by Stephen A. Pope, Ohio Registered Land Surveyor #6761.

Parcel ID No. D13-001203200018-003

More Commonly Known As: Water Street, Lewisburg, Ohio 45338

Witness their hands this 25th day of July 2006.

Signed and acknowledged in Presence of:

[Signature]
Witness

[Signature]
Lloyd L. Shively

[Signature]
Witness

[Signature]
Glenna Shively, who is signing to release dower

State of Ohio)
County of Preble) SS:

BE IT REMEMBERED, that on this 25th day of July, 2006, before me, the subscriber, a Notary Public in and for said state, personally came, Lloyd L. Shively and Glenna Shively, who is signing to release her dower, husband and wife, Grantor in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

DESCRIPTIONS ACCEPTED
J. STEPHEN SIMMONS
PREBLE COUNTY ENGINEER

~~SEP~~ 14 2006

SEAN MAGGARD

[Signature]
Notary Public

CRAIG E. TALLEY, Notary Public
In and for the State of Ohio
My Commission Expires: 11-21-2006

200600074455
STEVE HOBBS

TRANSFERRED - FEE \$.50
NO TRANSFER NECESSARY
\$ EX STATE

This instrument was prepared by H. Steven Hobbs, Attorney at Law, 112 North Commercial Street, Lewisburg, Ohio 45338, 937/962-2712.
DEEDS 11:Shively.gwd.wrc

SEP 14 2006

[Signature]
PREBLE COUNTY AUDITOR