

RECORD OF ORDINANCES

Ordinance No. _____

Passed

ORDINANCE 15-23

AN ORDINANCE WHEREBY THE VILLAGE OF HEBRON, OHIO AUTHORIZES THE CONVEYANCE AND EXCHANGE OF LAND KNOWN AS AUDITOR'S PARCEL NUMBER 075-344928-00.000 AND AUDITOR'S PARCEL NUMBER 075-344870-00.000.

WHEREAS, the Village of Hebron desires to exchange a section of land it owns known as Auditor's Parcel Number 075-344870-00.00, a legal description and survey of which is labeled as Exhibit 2 in the Real Estate Exchange Agreement and incorporated herein by reference as Exhibit A and a section of land owned by R & J Real Estate Investments of Licking County, Ohio LLC known as Auditor's Parcel Number 075-344928-00.000 a legal description and survey of which is attached as Exhibit 1 in the Real Estate Exchange Agreement and incorporated herein by reference as Exhibit A; and

WHEREAS, the Village of Hebron desires to direct and authorizes the Mayor to execute an Exchange Agreement which is attached as Exhibit A and more particularly described therein; and

WHEREAS, Pursuant to O.R.C. 721.01 and O.R.C. 721.03 the Village of Hebron is required to pass an ordinance for the conveyance of land by two-thirds of the members elected thereto; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF HEBRON, STATE OF OHIO WITH TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING THAT:


Section 1: The Mayor is authorized to execute an exchange agreement for the exchange of Auditor's Parcel Number 075-344870-00.00 owned by the Village and Auditor's Parcel Number 075-344928-00.000 owned by R & J Real Estate Investments of Licking County, Ohio LLC.

Section 2: This ordinance shall take effect at the earliest date allowable by law.

Passed this 14th day of June, 2023



JAMES LAYTON, MAYOR

Attest:


DEBORAH MORGAN, FISCAL OFFICER

APPROVED AS TO FORM: Wesley K. Untied, Solicitor

Real Estate Exchange Agreement

This Real Estate Purchase Exchange Agreement (this "Contract") is made and entered by and between **R & J Real Estate Investments of Licking County Ohio, LLC** an Ohio limited liability company, and the **Village of Hebron, Ohio**, an Ohio municipal corporation.

- 1. EXCHANGE:** There is a portion of two different properties subject to this real estate purchase contract. The first property is owned by **R & J Real Estate Investments of Licking County Ohio, LLC** and is identified as Auditor's Parcel Number 075-344928-00.000 and is better described in the survey and legal description prepared by V3 Companies, LTD and incorporated herein by reference as Exhibit 1. The second property is owned by the **Village of Hebron, Ohio** and is identified as Auditor's Parcel Number 075-344870-00.000 and is better described in the survey and legal description prepared by V3 Companies, LTD and incorporated herein by reference as Exhibit 2.
- 2. CONSIDERATION:** For valuable consideration that both the **Village of Hebron, Ohio** and **R & J Real Estate Investments of Licking County Ohio, LLC** have agreed is fair and equitable the parties have agreed that the **Village of Hebron, Ohio** shall convey to **R & J Real Estate Investments of Licking County Ohio, LLC** the land identified in Exhibit 2 in exchange for **R & J Real Estate Investments of Licking County Ohio, LLC** conveying the land identified in Exhibit 1 to the **Village of Hebron, Ohio**.
- 3. POSSESSION:** The **Village of Hebron, Ohio** agrees to deliver possession of the property identified in Exhibit 2 upon closing to **R & J Real Estate Investments of Licking County Ohio, LLC** and **R & J Real Estate Investments of Licking County Ohio, LLC** agrees to deliver possession of the property identified in Exhibit 1 upon closing to the **Village of Hebron, Ohio**.
- 4. EVIDENCE OF TITLE:** If desired, both parties shall request and pay for an Owner's Title Insurance Commitment and policy of the parcel that is being conveyed to it, certified within thirty (30) days prior to closing, showing that both parties have marketable title in fee simple free and clear of all liens and encumbrances except: (a) those created by or assumed by the party taking possession of its parcel; (b) those specifically set forth in this contract; (c) zoning ordinances; (d) legal highways; and (e) covenants, restrictions, conditions, and easements of record which do not reasonably interfere with present lawful uses. Both the **Village of Hebron, Ohio** and **R & J Real Estate Investments of Licking County Ohio, LLC** shall have ten (10) days to object to any exceptions within the Owner's Title Insurance Commitment that affect ability to transfer marketable title. Both parties may: (1) remedy exceptions prior to or at closing; (2) decline to clear the referenced exception, at which time the party requesting the clearance may terminate the Agreement or proceed with closing; or (3) negotiate a solution.

5. **CONVEYANCE AND CLOSING:** At closing, both parties shall convey title via a general warranty deed, subject to easements and restrictions of record. The **Village of Hebron, Ohio** shall pay for the closing costs of the property identified in Exhibit 1 and **R & J Real Estate Investments of Licking County Ohio, LLC** shall pay for the closing costs of the property identified in Exhibit 2, including applicable title insurance premiums, recording costs, and transfer fees.
6. **TAXES AND ASSESSMENTS:** As a municipality the **Village of Hebron** is exempt from payment of property taxes. However, it has paid the Muskingum Watershed assessment as of 2/15/2023. **R & J Real Estate Investments of Licking County Ohio, LLC** has paid property taxes as of 2/15/2023. Subsequent taxes shall be prorated on an accrual basis based on the most recently available tax bill giving effect to applicable exemptions, recently voted millage, change in valuation, and other factors affecting said real property taxes.
7. **BUYER'S EXAMINATION:** Both parties know the condition of the properties and do not require any inspection. The properties are being sold in **"AS IS, WHERE IS."**
8. **MISCELLANEOUS:** This Contract and any documents called for herein constitute the entire agreement and no oral or implied agreement exists. Any amendments to this Contract shall be in writing, signed by both parties and copies provided to them. This Contract shall be binding upon the parties, their heirs, administrators, executors, successors and assigns. Time is of the essence of all provisions of this Contract. All provisions of this Contract shall survive the closing. Paragraph captions are for identification only and are not part of this contract. **This Contract may be executed by exchange of signatures by e-mail, facsimile transmission, or other electronic/digital means.**
9. **NO COMMISSION:** Both parties are not represented by a real estate broker in this transaction. This Contract was prepared by the Village Solicitor for the Village of Hebron with basic negotiated terms provided.

**R & J Real Estate Investments of
Licking County Ohio, LLC**

By: _____, its

**The Village of Hebron, Ohio an
Ohio municipal corporation**



By: James Layton, Mayor

January 20, 2023

**DESCRIPTION OF A 0.055 ACRE TRACT
THROUGH A PORTION OF THE HEBRON CEMETERY
VILLAGE OF HEBRON, LICKING CO., OHIO**

Situated in the State of Ohio, County of Licking, Village of Hebron, in Section 2, Township 17 North, Range 18 West, Refugee Lands, and being a portion of the Village of Hebron Cemetery Tract, of record in - no deed found -, Licking County Parcel Number 075-344870-00.000 (original 4.5 acre), all references being to the Recorder's Office, Licking County, Ohio and being described as follows:

Beginning, for reference, at a 3/4" iron pin found with aluminum cap (ODOT) at a corner common to Burch Street (variable width) and State Route 79 (LIC-79-4.62), said iron pin being 129.28 feet left of State Route 79 Centerline Station 24+34.15, as shown on Sheet 12 of 17, Right-of-Way Plans for LIC-79-4.62;

thence N 75° 03' 13" E a distance of 142.05 feet to a 3/4" I.D. iron pipe set in an east line of an original 2.5 acre tract of land conveyed to R & J Real estate Investments of Licking County Ohio LLC, of record in Instrument No. 201201170001116, in a west line of said Village Cemetery, and at the true place of beginning of the tract herein intended to be described;

thence N 02° 06' 02" E along a portion of an east line of said original 2.5 acre tract and along a portion of a west line of said Village Cemetery a distance of 241.43 feet to a 3/4" I.D. iron pipe set at a corner of said original 2.5 acre tract and at the northwest corner of said Village Cemetery;

thence S 87° 58' 53" E along a portion of a south line of said original 2.5 acre tract and along a portion of a north line of said Village Cemetery a distance of 10.00 feet to a 3/4" I.D. iron pipe set;

thence S 02° 06' 02" W crossing a portion of said Village Cemetery and parallel with and ten (10) feet easterly by perpendicular measurement from a west line of said Village Cemetery and from an east line of said original 2.5 acre tract a distance of 241.45 feet to a 3/4" I.D. iron pipe set;

thence N 87° 53' 58" W crossing a portion of said Village Cemetery a distance of 10.00 feet to the true place of beginning;

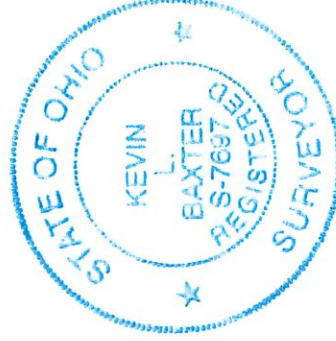
containing 2,414 square feet (= 0.055 acre) of land, more or less, and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd, (formerly Bird+Bull, Inc.), Consulting Engineers & Surveyors, Columbus, Ohio, from a field survey performed under his supervision in January, 2023. 3/4" I.D. iron pipe set are 30" in length with a plastic cap stamped "BIRD & BULL, INC.". Basis of bearings is the northeasterly Limited Access Right-of-Way line of State Route 79, north of Main Street, being N 44° 06' 48" W, as shown upon the Ohio Department of Transportation Right-of-Way Plans, Sheet 12 of 17, LIC-79-04.62, and all other bearings are based upon this meridian.

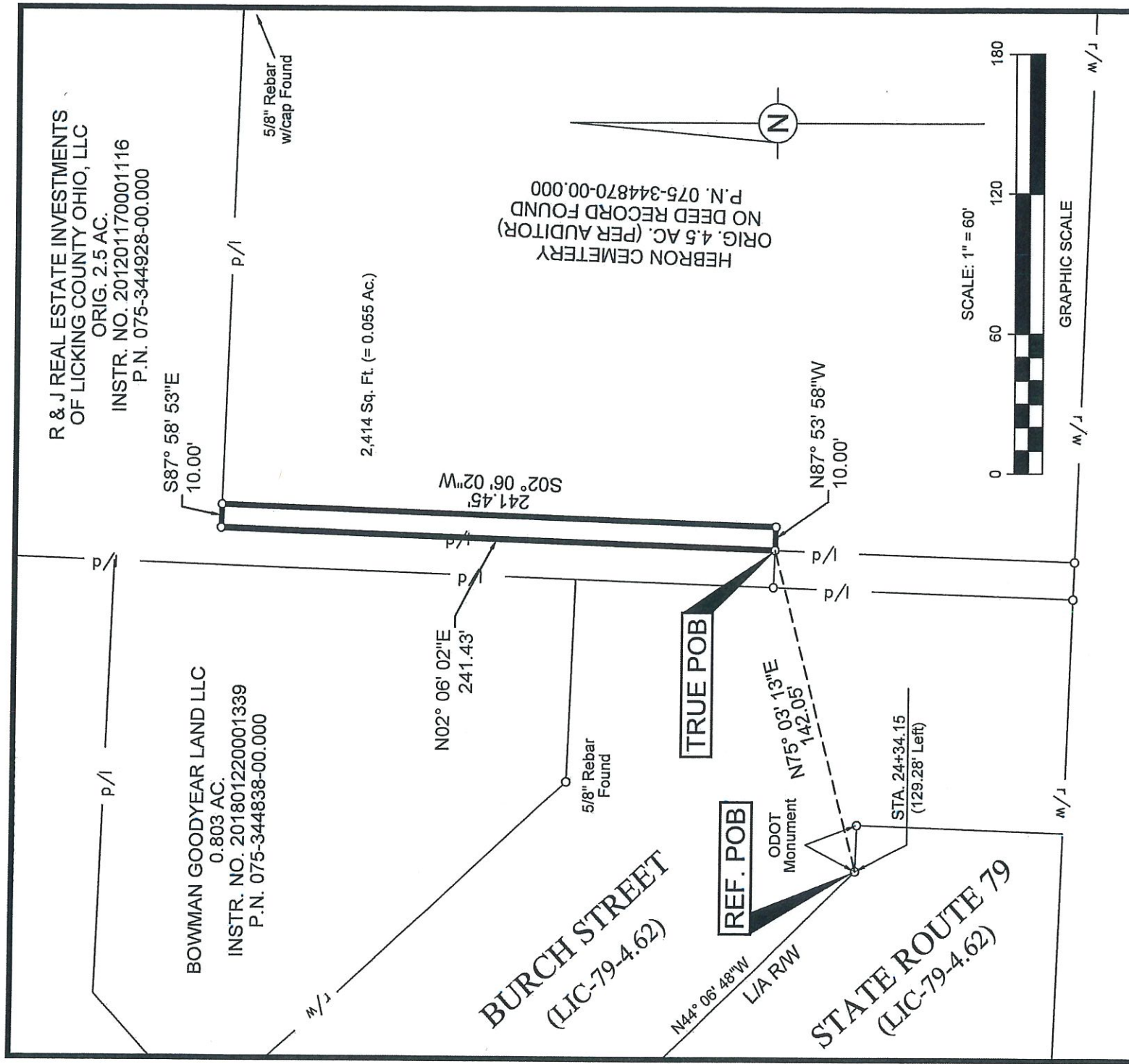
Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697

01/20/23



PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>gjm</i>	
DATE: <i>03-20-23</i>	



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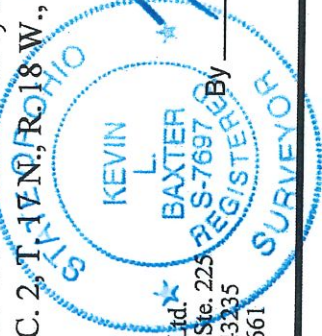
BASIS OF BEARINGS: Basis of bearings is the northeasterly Limited Access Right-of-Way line of State Route 79, north of Main Street, being N 44° 06' 48" W, as shown upon the Ohio Department of Transportation Right-of-Way Plans, Sheet 12 of 17, LIC-79-04.62, and all other bearings are based upon this meridian.

3/4" I.D. Iron Pipe Set, 30" in length, w/Cap Stamped
"BIRD & BULL, INC." Unless Otherwise Shown.

**EXHIBIT OF A 0.055 ACRE TRACT,
THROUGH A PORTION OF THE HEBRON CEMETERY
VILLAGE OF HEBRON, LICKING CO., OHIO
(SEC. 2 T. 17N. R. 18 W., REFUGEE LANDS)**



SCALE: 1" = 60'



JANUARY 20, 2023

Kevin L. Baxter

V3 Companies, Ltd.
3500 Snouffer Road, Ste. 225
Columbus, Ohio 43235
Ph: (614) 761-1661

Kevin L. Baxter ~ Ohio Surveyor No. 7697

0X-XXX

January 20, 2023

**DESCRIPTION OF A 0.048 ACRE TRACT
THROUGH A PORTION OF 106 BURCH STREET
VILLAGE OF HEBRON, LICKING CO., OHIO**

Situated in the State of Ohio, County of Licking, Village of Hebron, in Section 2, Township 17 North, Range 18 West, Refugee Lands, and being a portion of original 2.5 acre tract of land conveyed to R & J Real estate Investments of Licking County Ohio LLC, of record in Instrument No. 201201170001116, all references being to the Recorder's Office, Licking County, Ohio and being described as follows:

Beginning, for reference, at a 3/4" iron pin found with aluminum cap (ODOT) at a corner common to Burch Street (variable width) and State Route 79 (LIC-79-4.62), said iron pin being 129.28 feet left of State Route 79 Centerline Station 24+34.15, as shown on Sheet 12 of 17, Right-of-Way Plans for LIC-79-4.62;

thence N 72° 56' 04" E a distance of 126.84 feet to a 3/4" I.D. iron pipe set in an east right-of-way line of Burch Street, in a west line of said original 2.5 acre tract, and at the true place of beginning of the tract herein intended to be described;

thence S 87° 53' 58" E crossing said original 2.5 acre tract a distance of 16.00 feet to a 3/4" I.D. iron pipe set in an east line of said original 2.5 acre tract and in a west line of the Village of Hebron Cemetery Tract, of record in - no deed found - Licking County Parcel Number 075-344870-00.000 (original 4.5 acre);

thence S 02° 06' 02" W along a portion of an east line of said original 2.5 acre tract and along a portion of a west line of said Village Cemetery a distance of 130.72 feet to a 3/4" I.D. iron pipe set in the north right-of-way line of U.S. Route 40 ~ Main Street (80 feet in width) and at a southeast corner of said original 2.5 acre tract;

thence N 87° 59' 07" W along the north right-of-way line of U.S. Route 40 ~ Main Street and along a south line of said original 2.5 acre tract a distance of 16.00 feet to a 3/4" I.D. iron pipe set at a southwest corner of said original 2.5 acre tract and at the intersection of the north right-of-way line of U.S. Route 40 ~ Main Street with the east right-of-way line of Burch Street;

thence N 02° 06' 02" E along a portion of a west line of said original 2.5 acre tract and along the east right-of-way line of Burch Street a distance of 130.74 feet to the true place of beginning; containing 2,092 square feet (= 0.048 acre) of land, more or less, and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd, (formerly Bird+Bull, Inc.), Consulting Engineers & Surveyors, Columbus, Ohio, from a field survey performed under his supervision in January, 2023. 3/4" I.D. iron pipe set are 30" in length with a plastic cap stamped "BIRD & BULL, INC.". Basis of bearings is the northeasterly Limited Access Right-of-Way line of State Route 79, north of Main Street, being N 44° 06' 48" W, as shown upon the Ohio Department of Transportation Right-of-Way Plans, Sheet 12 of 17, LIC-79-04.62, and all other bearings are based upon this meridian.

Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697

01/20/23



PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>Jm</i>	
DATE: <i>03-20-23</i>	

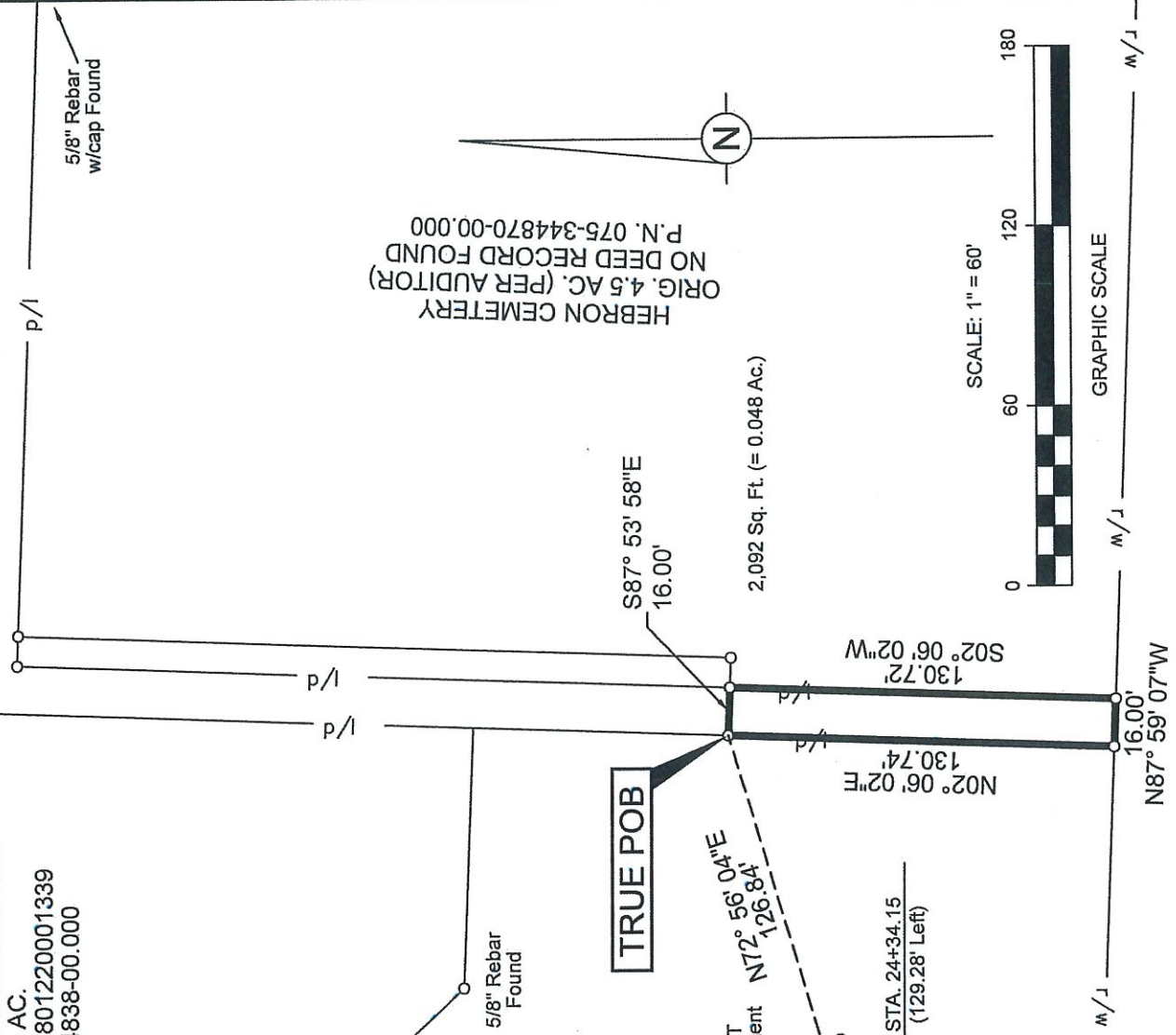
R & J REAL ESTATE INVESTMENTS
OF LICKING COUNTY OHIO, LLC
ORIG. 2.5 AC.
INSTR. NO. 201201170001116
P.N. 075-344928-00.000

BOWMAN GOODYEAR LAND LLC
0.803 AC.
INSTR. NO. 201801220001339
P.N. 075-344838-00.000

BURCH STREET
(LIC-79-4.62)

STATE ROUTE 79
(LIC-79-4.62)

U.S. ROUTE 40 (MAIN STREET) ~ 80'



BASIS OF BEARINGS: Basis of bearings is the northeasterly Limited Access Right-of-Way line of State Route 79, north of Main Street, being N 44° 06' 48" W, as shown upon the Ohio Department of Transportation Right-of-Way Plans, Sheet 12 of 17, LIC-79-04.62, and all other bearings are based upon this meridian.

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EXHIBIT OF A 0.048 ACRE TRACT,
THROUGH A PORTION OF 106 BURCH STREET
VILLAGE OF HEBRON, LICKING CO., OHIO
(SEC. 2, T17N., R018 W., REFUGEE LANDS)



SCALE: 1" = 60'



V3 Companies, Ltd.
3500 Snouffer Road, Ste. 225
Columbus, Ohio 43235
Ph: (614) 761-1661

JANUARY 20, 2023

Kevin L. Baxter

Kevin L. Baxter ~ Ohio Surveyor No. 7697

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