

VILLAGE OF RIPLEY, OHIO

ORDINANCE NO. 1126 - A

AN ORDINANCE AUTHORIZING THE TRANSFER AND CONVEYANCE OF REAL PROPERTY OWNED BY THE VILLAGE OF RIPLEY TO THE BOARD OF EDUCATION OF THE RIPLEY UNION LEWIS HUNTINGTON LOCAL SCHOOL DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the Village of Ripley is the owner of real property situated within the Village of Ripley commonly known as the "Stivers Memorial Park" as the same is more fully described in the Exhibit "A" attached hereto; and

WHEREAS, said real property is adjacent to real property now owned by the Ripley Union Lewis Huntington Local School District upon which is erected presently used as the Elementary School for said school district; and

WHEREAS, due to growth within the local school district and to improve the facilities of said school district, the Board of Education of said school district desires to erect a new Elementary School Building; and

WHEREAS, the real estate now owned by the Ripley Union Lewis Huntington Local School District upon which the present Elementary School Building is erected has been determined to be of insufficient size to allow a new Elementary School Building to be erected thereon; and

WHEREAS, if the real property owned by the Village of Ripley commonly known as "Stivers Memorial Park" were combined with the real property now owned by the Ripley Union Lewis Huntington Local School District, the combined lands would be of sufficient size to permit a new Elementary School Building to be erected thereon; and

WHEREAS, the Council of the Village of Ripley believes that it would be in the best interest of the citizens of the Village of Ripley if the Elementary School Building were to remain in the Village of Ripley; and

WHEREAS, it will be possible for the Village of Ripley to develop other public park lands within the Village of Ripley such that the real estate commonly known as "Stivers Memorial Park" is not needed for any municipal purpose;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Ripley, two-thirds (2/3) or more of all members concurring as follows, that:

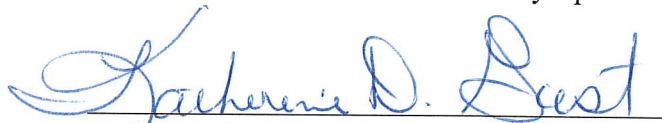
SECTION 1. Pursuant to the authority contained in Ohio Revised Code Section 721.02, the Village of Ripley shall transfer and convey the real property commonly known as "Stivers Memorial Park" to the Board of Education of the Ripley Union Lewis Huntington Local School District on the following terms and conditions:

- (a) said real estate shall remain subject to the restrictions contained in the deed by which said real estate was originally transferred and conveyed to the Village of Ripley;
- (b) the Board of Education of the Ripley Union Lewis Huntington Local School District shall erect a new Elementary School Building on said real estate (as combined with the real estate already owned by said Board of Education) and, if said Board of Education decides not to erect a new Elementary School Building on said site, said Board of Education shall transfer and convey said real estate back to the Village of Ripley; and
- (c) in the event that a new survey of said real estate shall be required in order to transfer and convey said real estate to the Board of Education of the Ripley Union Lewis Huntington Local School District, all expenses of such survey shall be at the cost of said school district.

SECTION 2. The Mayor and Clerk of the Village of Ripley are hereby authorized and directed to execute a deed on behalf of the Village of Ripley in order to transfer and convey said real estate to the Board of Education of the Ripley Union Lewis Huntington Local School District.

SECTION 3. This Ordinance is hereby declared to be an emergency ordinance necessary for the health, safety and welfare of the inhabitants of the Village of Ripley and more particularly for the reason that it is necessary that said real estate be conveyed to the Board of Education of the Ripley Union Lewis Huntington Local School District if the Elementary School is to remain within the Village of Ripley and this Ordinance shall be in full force and effect immediately upon its adoption.

PASSED: August 14, 2002


Katherine D. Gast, Mayor

ATTEST:


Hiida Frebis, Clerk

Exhibit "A"

Owner: The Incorporated Village of Ripley

FIRST TRACT: Part of James Poage's Survey of 1000 acres, No. 418. Beginning at a stone marked A, and planted S. 29° E. 25 feet from the line dividing the lands of David Esprey from the lands of Nicholas F. DeVore; thence N. 65 1/4° E. 32.9 poles to a stone; thence S. 30° E. 41 poles to a stone in the S. W. side of the new road leading from Ripley to Aberdeen; thence S. 57 1/2° W. 34.2 poles to a stone; thence N. 29° W. 45.8 poles to the beginning, containing nine (9) acres of land.

SECOND TRACT: Adjoining the above described tract on the north side in the same village, county and state and part of the same survey, bounded as follows: Beginning on the east side of the road leading from Ripley to Aberdeen to a point N. 29° W., from N. E. corner of the present enclosed fairgrounds of said association and 25 feet from said N. W. corner; thence N. 29° W. 19.80 poles with the east side of said road to the center of a fifty foot road laid out and corner to Nicholas F. DeVore; thence N. 61° 29.28 poles to a stone; thence S. 30° E. 22.64 poles to a point twenty-five (25) feet from the N. E. corner of the present fairgrounds; thence S. 66 1/2° W. 29.88 poles to the beginning, containing 3A. 3R. and 25.45 poles.

SAVE AND EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE:

Situate in the Village of Ripley, Brown County, State of Ohio, part of James Poage Survey No. 418, bounded and described as follows: Beginning at iron pin on the east side of Second Street and 455.8 feet from the northwest corner of the Old Fairground, now the property of the Incorporated Village of Ripley; thence at right angles to Second Street N. 64° 30' E. 441.0 feet to an iron pin; thence S. 25° 30' E. 296.3 ft. to an iron pin; thence S. 64° 30' W. 441.0 ft. to an iron pin on the east line of Second Street; thence with Second Street N. 25° 30' W. 296.3 ft. to the beginning, containing three acres (3.0 A) more or less.

The foregoing description is taken from a survey by Nathan R. Scott, County Surveyor of Brown County, Ohio on the 6th day of August, 1931.

Being the same land conveyed by the Incorporated Village of Ripley to the Board of Education of Ripley Consolidated School District of Brown County, Ohio by deed dated September 10, 1931, recorded February 20, 1932 at Deed Book 25, Page 536 of the Records of Brown County, Ohio.

Prior Deed Reference: Deed Book 25, Page 291 of the Records of Brown County, Ohio.