

**CITY OF XENIA, OHIO
RESOLUTION 2021 – D**

**AUTHORIZING THE SALE OF A PORTION OF THE CITY-OWNED PROPERTY AT
153 N. COLUMBUS STREET TO ROBERT HAMILTON AND PERMITTING LIMITED USES
WITHIN THE CITY'S PERMANENT HIGHWAY EASEMENT ON SAID PROPERTY**

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, Ohio Revised Code Section 723.121 further grants this Council the authority to permit the use of, for such a period as it shall determine, any land or property right acquired or used by the City for public highways or streets that are not needed for such highway or street purposes;

WHEREAS, the City owns the property located at 153 N. Columbus Street, consisting of 0.06 acres, upon which the City currently holds an irrevocable, permanent highway easement;

WHEREAS, Robert Hamilton has expressed his desire to purchase a portion, consisting of approximately 0.03 acres, of the property at 153 N. Columbus Street, subject to the existing highway easement; 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 Purchase and Sale Agreement with the adjacent property owner, Robert Hamilton, to sell a portion of the property located at 153 N. Columbus Street and to permit limited uses within the City's permanent highway easement upon the purchased property.

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

Section 1. The sale of a portion of the property located at 153 N. Columbus Street (Greene County Auditor Parcel ID M40000200050020100), which is not needed for any municipal purpose and consisting of 0.03 acres, more or less, and which is approximately shown on the attached Exhibit A, subject to the City's existing Permanent Highway Easement (Greene County Recorder's Office Instrument No. 2018015501), to Robert Hamilton, in the amount of One Dollar and No Cents (\$1.00) is hereby approved.

Section 2. The deed for sale of the portion of the property authorized pursuant to Section 1 of this Resolution, shall allow for the use of the City's Permanent Highway Easement area on said property. Said use shall be limited to those uses that will not interfere with the Easement and no buildings or structures shall be permitted to be erected in the Easement area, nor shall any excavating or filling be permitted. The deed shall also require the purchaser to maintain the easement area, and shall contain a clause outlining the City's right to terminate the use of the Easement area should the City determine it has need of the area for street or utility purposes.

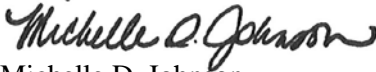
Section 3. The City Manager is authorized to execute a Purchase and Sale Agreement with Robert Hamilton for the sale of the property listed in Section 1, above, and to execute the deeds and any other documents necessary to the sale of said property.


Section 4. 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 5. This Resolution shall be effective immediately upon its passage.

Introduced: January 14, 2021
Passed: January 28, 2021

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

Property Map

