

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-36

DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY, FORMERLY KNOWN AS 335 S. MAIN STREET, FRANKLIN, OHIO, PERMANENT PARCEL ID#: 04-32-386-015

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 3.03 POWERS OF COUNCIL, provides:

(i) The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant, shall be in the manner provided by the ordinance authorizing the sale, conveyance, lease, or grant provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in a conspicuous location on such property and shall remain posted for four (4) consecutive weeks. The requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council provided, however, that the Council shall give notice of its intent to dispense with competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two consecutive regular Council meetings. Notwithstanding any other provision of this section, property may be sold or leased to the United States, the State of Ohio, or any governmental unit or agency thereof, without competitive bidding, by ordinance, upon the vote of at least five (5) members of Council. (Ord 17-17, 11-17-17; passed by electorate 11-17-17, eff. 1-1-18);

WHEREAS, the City Manager, under the Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 3.03 POWERS OF COUNCIL, appoints the City Contracting Officer; and

WHEREAS, the City sold permanent parcel number 04-31-127-0170, formerly known as 335 S. Main Street, Franklin, OH 45005 to MJ Holdings LLC with intentions of stimulating economic development, however, the timing of this project faced severe impediments with the onset of COVID rendering it economically unfeasible for MJ Holdings LLC to continue; and

WHEREAS, the City desires to acquire this property back in order to explore new opportunities for development of it; and

WHEREAS, the Seller MJ Holdings LLC has offered to sell the property to the City of Franklin for the sum of \$1.00; and

WHEREAS, the City benefits, as to its citizens, when the City purchases certain property situated in city limits that it deems desirable to accomplish the objectives established by council and carried out by staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members of Council present concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to reduce blight, nuisance, and like conditions within the City;

Section 2. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to acquire certain property, regardless of whether such property in blighted or nuisance like condition, to accomplish the objectives established by Council and carried out by Staff to best serve its citizens;

Section 3. The City Manager is hereby empowered and directed, by Council under Charter Section 3.03(i), to carry out the City's objectives by acquiring title to or interests in the real property identified by permanent parcel number 04-32-386-015 and formerly known as 335 S. Main Street, Franklin, OH 45005, said parcel to be sold to the City of Franklin in the amount of \$1.00;

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: Khristi Dunn
Khristi-Dunn, Clerk of Council

APPROVED: Brent W. Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn
Khristi Dunn, Clerk of Council

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT MJ HOLDINGS LLC, Grantor, in consideration of One Dollar (\$1.00) and other good and legal consideration, to it in hand paid by **THE CITY OF FRANKLIN, OHIO, an Ohio municipality**, Grantee, whose tax mailing address is 1 Benjamin Franklin Way, Franklin, Ohio 45005, does hereby **Remise, Release and Forever Quit Claim**, to the said THE CITY OF FRANKLIN, OHIO, Franklin, Ohio, its successors and assigns forever, the following described Real Estate:

Situate in the City of Franklin, County of Warren, State of Ohio, and is described as follows:

And being Lot Numbered FOUR HUNDRED EIGHTY-FIVE (485) of the revised Plat of the said City of Franklin, Warren County, Ohio and also a strip of land lying South of and immediately adjacent to the above described lot, which strip of land was formerly used for alley purposes, by which was recently vacated for that purpose, being approximately 6 feet by 192 feet containing approximately 0.026 Acres, more or less.

Subject, however, to all restrictions, reservations, limitations, conditions, covenants, easements, rights of way, and legal highways of record pertaining to the same and now in force and effect.

Permanent Parcel Number: 04-32-386-015

Prior Deed Reference: Deed 2020-003433; Deed 2014-009434; Official Record 3643, Page 787; Plat Book 2, Pages 17 through 37 of the Deed Records of Warren County, Ohio.

Commonly known as: 335 S. Main Street, Franklin, Ohio 45005.

Executed this _____ day of _____, 2021.

GRANTOR:

MJ HOLDINGS LLC

By: _____
JASON GROVES – Member / Owner

STATE OF _____)
: SS
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2021, before me, the subscriber, personally came the above-named MJ HOLDINGS LLC, by and through its Member / Owner JASON GROVES, the Grantor in the foregoing deed and as such, acknowledged the signing of the same to be his voluntary act and deed.

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

Notary Public

This instrument prepared by:

Lynnette Dinkler
Law Director – City of Franklin
DINKLER LAW OFFICE, LLC
5335 Far Hills Avenue, Suite 123
Dayton, OH 45429