Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ *Passed* _____, *20*_____

RESOLUTION NO. 18 -10

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO EXECUTE A QUIT-CLAIM DEED THAT CONVEYS TO THE J.M. SMUCKER COMPANY CERTAIN REAL ESTATE WHICH IS NO LONGER NEEDED BY THE MUNICIPALITY FOR PUBLIC HIGHWAYS, STREETS, AVENUES, SIDEWALKS, PUBLIC GROUNDS, BRIDGES, AQUEDUCTS, AND VIADUCTS, OR NEEDED IN CONNECTION WITH ANY SUCH PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Orrville owns a .52 acre parcel of real estate as described on the copy of the quit-claim deed attached hereto and incorporated herein as "Appendix A";

WHEREAS, said parcel described on Appendix A was originally held by the City of Orrville for the future installation of a roadway;

WHEREAS, said parcel described on Appendix A is within the J.M. Smucker Company campus and, because of the J.M. Smucker Company's building projects and business expansion, the City is no longer planning to install a roadway; and

WHEREAS, the City of Orrville has determined that said real estate is no longer needed by the municipality for public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts, and viaducts, or needed in connection with any such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Ohio:

Section 1: That the real estate described on the copy of the quit-claim deed attached hereto as "Appendix A" is no longer needed by the municipality for public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts, and viaducts, or needed in connection with any such purposes.

Section 2: That the Safety-Service Director for the City of Orrville is hereby authorized to execute a quit-claim in substantial conformity to the quit-claim deed attached hereto as "Appendix A", conveying the real estate described in "Appendix A" to the J.M. Smucker Company;

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate protection and preservation of the public peace, health, safety and general welfare of the residents of the City of Orrville, and for the further reason that the City of Orrville's largest industry and employer requires titled ownership of the parcel being transferred no later than July 19, 2010, in order to continue its expansion on schedule, and this Resolution shall, therefore, become effective immediately after its passage and approval by the Mayor.

Passed this 21st day of June 2010.

President of Council

Attest:

T Peppard

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ *Passed* _____, 20_____

Clerk of Council

Approved:

David J. Hardesty

Mayor

Date 6/21/10

APPENDIX A

QUIT-CLAIM DEED

THE CITY OF ORRVILLE ("Grantor"), for valuable consideration paid to it by **THE J.M. SMUCKER COMPANY** ("Grantee"), whose address is 220 Strawberry Lane, Orrville, Ohio 44667, remises, releases and forever quit claims and assigns to said Grantee, its successors and assigns forever, the following described real estate (the "Property"):

Situated in the City of Orrville (Baughman, T-17, R-11), Southwest Quarter of Section 19, County of Wayne, and State of Ohio and more fully described as follows:

Beginning at the southwest corner of Lot Number 2334 being a part of the J.M. Smucker Allotment #2 as platted in Plat Volume 7, Page 187 of the Wayne County Plat Records, the TRUE PLACE OF BEGINNING of the parcel hereinafter described, thence with the following courses:

(1) South 86° 07' East along the south line of Lot Number 2334 567.20 feet to an iron pin;
(2) Thence South 0° 31' West 40 feet to an iron pin;
(3) Thence North 86° 07' West 566.73 feet to an iron pin to a point;
(4) Thence North 0° 55' East 40 feet to the PLACE OF BEGINNING containing .52 acres more or less

See Survey recorded in "AA"-136

Permanent Parcel Number: 58-00861.000

Prior Instrument Reference: Deed Volume 490, Page 1.

and all of the estate, title and interest of said Grantor either in law or in equity, of, in and to said undivided interest in said Property; together with all of the privileges and appurtenances to the same belonging, and all rents, issues and profits hereof; to have and to hold the same to the only proper use of the said Grantee.

Grantor has executed this Deed this ____ day of _____, 2010.

GRANTOR:

THE CITY OF ORRVILLE

By:_____

STATE OF OHIO)
: SS:
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010 by _____ _____, _____ of The City of Orrville.

_____
Notary Public

This instrument prepared by:
Daniel R. Lutz
Kropf, Wagner, Lutz, & VanSickle, LLP
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