

RESOLUTION NO. 2024-20

A RESOLUTION AUTHORIZING SIGNING OF A PURCHASE AGREEMENT, DEED AND CLOSING DOCUMENTS BY THE ANTWERP COMMUNITY IMPROVEMENT CORPORATION FOR THE SALE OF THE NORFOLK AND WESTERN RAILROAD DEPOT BUILDING OWNED BY THE VILLAGE OF ANTWERP, OHIO PURSUANT TO OHIO REVISED CODE § 721.28 AND DECLARING THE SAME AN EMERGENCY

WHEREAS, it having come before the Council of the Village of Antwerp, Ohio that various suitors desire to pay a premium price to obtain the real property owned by the Village of Antwerp, Ohio known as the Norfolk and Western Railroad Depot and more particularly described as follows:

A strip of land located in the southeast quarter of Section 28, Township Three North, Range One East, Carryall Township, Village of Antwerp, Paulding County, Ohio, lying between the southerly right-of-way line of United States Route 24 and the northerly right-of-way line of the Norfolk and Western Railroad, more particularly described as follows:

Commencing at an iron pin in the southeast corner of said Section 28; thence along the south line of said southeast quarter S90°00'W a distance of Two Hundred Thirty-one and 09/100 (231.08) feet to an iron pin at the intersection of said south line with the northerly right-of-way line of the Norfolk and Western Railroad, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; thence continuing along said south line of the southeast quarter S90°00'W a distance of One Hundred Nineteen and 06/100 (119.06) feet to an iron pin on the southerly right-of-way line of United States Route 24; thence along said southerly right-of-way line of United States Route 24 N68°00'E a distance of One Hundred Eighty-seven and 62/100 (187.62) feet to an iron pin; thence S22°00'E a distance of Forty-nine and 08/100 (49.08) feet to an iron pin on the northerly right-of-way line of the Norfolk and Western Railroad; thence along said northerly right-of-way line S71°19'W a distance of Seventy-seven and 37/100 (77.37) feet to the point of beginning.

Said parcel contains 0.140 acre of land, more or less, subject to all rights-of-ways and easements, apparent or of record.

The above description was prepared by Douglas E. Dunakin, Registered Surveyor No. 7498, to correct an error found in a prior deed, which is recorded in Volume 206, Page 341 of the Deed Records of Paulding County, Ohio. This revised legal description is based on a survey made by Paul J. Westhoven, Registered Surveyor No. 5602, on July 21, 1978.

Previous Deed: OR525, Page 2308 of the Official Records of the Paulding County Recorder, Paulding County, Ohio.

Parcel #: 12-36S-004-00

ALSO

A parcel of land located in the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section No. 33, T3N, R1E, of First Principal Meridian, Carryall Township, Village of Antwerp, Paulding County, Ohio, said

land lying between the Southerly right-of-way line U.S. Route 24 (River Street) prior to 1958, and the North right-of-way line of the Wabash Railroad (aka Norfolk and Western Railroad, Maumee and Western Railroad, etc.), being more particularly described as follows:

Commencing at a iron pin (found) marking the Southeast corner of said Section 28; thence N 89° 20' 25" W on the South line of said Section 28 a measured distance of Two Hundred Thirty-two and 44/100 (232.44) feet (P.R. 231.08 feet), to the True Point of Beginning, said point being on the North right-of-way line of said Wabash Railroad and passing through a iron pin found at a distance of 231.48 feet; thence S 71° 58' 35" W on the Northerly right-of-way line of said Wabash Railroad, a distance of Eight Hundred Fifty-three and 00/100 (853.00) feet to a 5/8 inch iron pin set, said point being at the intersection of the Northerly right-of-way of said Wabash Railroad and the Southerly right-of-way of said U.S. Route 24, (said point being 30.00 feet right of Station No. 160 + 50.75 per centerline survey ODOT survey of centerline recorded in the Paulding County Ohio Recorder's office in Book Vol. 2, Pages 143-150); thence N 68° 40' 45" E parallel to and 30 feet Southerly of the centerline of said U.S. Route 24 a measured distance of Seven Hundred Thirty and 04/100 (730.04) feet to a 5/8 inch iron pin set, said point being at the grantor's most Northerly property corner and at the intersection of the Southerly line of said U.S. Route 24 right-of-way and the North line of aforesaid Section No. 33, said point being 30.00 feet right of centerline Station 167 + 80.79 (P.R. Station 167 + 58.5); thence S 89° 20' 25" E on the North line of said Section No. 33 a measured distance of One Hundred Thirty -one and 08/100 (131.08) feet to the place of beginning, said parcel containing 0.411 Acres more or less, subject to existing easements, restriction and road rights-of-way of record. Existing Highway easement D.R. Vol. 156, Page 299, containing 5059.51 sq. ft. or 0.1162 acres more or less. Remainder of Parcel 12-36-002-00 being 30.939.

Note: All bearings used herein are assumed for descriptive purposes only and are not referenced to true or Magnetic North.

This legal description is based on prior deeds, survey of record, State of Ohio right-of-way records, and a field survey completed September 2009 for PDG Project No. 1490-056 by Merlin Max Butler, Ohio Surveyor No. 6366 – Poggemeyer Design Group, Inc., 935 Cleveland Avenue, Defiance, Ohio 43512.

Previous Deed: OR541, Page 0454 of the Official Records of the Paulding County Recorder, Paulding County, Ohio.

Parcel #: 12-36S-002-05; and

WHEREAS, the Council of the Village of Antwerp, Ohio has determined that the Norfolk and Western Depot property, as described above, is not needed for any municipal purpose and the Council therefore has determined it is proper to offer the property for sale; and

WHEREAS, the Antwerp Community Improvement Corporation has assisted the Village in finding a suitable purchaser in ZP RE Holdings, LLC who is willing to purchase the Norfolk and Western Depot, as fully described above, for the purchase price of \$500,000.00; and

WHEREAS, the Council desires to authorize the Antwerp Community Improvement Corporation to sell the property to ZP RE Holdings, LLC for the purchase price of \$500,00.00, and dispose of the public advertisement and bid requirements of ORC 721.03, pursuant to ORC 721.28, by entering into a Sale and Purchase Agreement, signing

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a deed and signing closing documents; and

WHEREAS, this is necessary for the preservation of the public health, safety and welfare of the residents of the Village and deemed to be an emergency.

NOW THEREFORE, BE IT RESOLVED BY A MINIMUM OF A THREE-FOURTHS VOTE by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. That the rules requiring three readings of any ordinance or resolution prior to its passage by a minimum of the majority of the council are hereby suspended pursuant to Ohio Revised Code Section 705.15.

Section 2. That the Norfolk and Western Depot, fully described above and incorporated herein by reference, currently owned by the Village, is not needed for any municipal purpose and that it is in the best interest of the Village that it be sold.

Section 3. That the Antwerp Community Improvement Corporation is authorized to enter into a Sale and Purchase Agreement for the sale of the Norfolk and Western Depot property, owned by the Village and fully described above.

Section 4. That the Antwerp Community Improvement Corporation is authorized, upon receipt of \$500,000.00 to execute a Quit Claim Deed conveying the Norfolk and Western Depot property, owned by the Village and fully described above, to ZP RE Holdings, LLC, and execute any related closing documents.

Section 5. It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, and welfare of the Village of Antwerp, Ohio for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least three-fourths of the members of this Council, the Resolution shall take effect and be in force immediately upon its adoption by this Council or otherwise it shall take effect and be in force after the earliest period allow by law.

Date 10/9/24



Jan Reeb, Mayor of the Village of Antwerp

Attest:



Kevin Hornish, Fiscal Officer