

## ORDINANCE NO. 41-40

By Mr. Stackhouse

Accepting the proposal of The Herr Realty Corporation to sell certain real estate to the City of Bexley.

Whereas, the City of Bexley is in receipt of a written proposal under date of May 15th, 1940 of The Herr Realty Corporation to sell to the City a tract of land approximately 40 feet by 210 feet adjoining on the west the lands now owned by the City and occupied by its administrative buildings, which said tract has thereon a brick building equipped for garage and office purposes, which proposal is in the following words, to-wit:

"PROPOSAL TO SELL REAL ESTATE

Columbus, Ohio  
May 16, 1940

The undersigned, The Herr Realty Corporation, a corporation under the laws of the State of Ohio, does hereby propose and offer to sell to the City of Bexley, its successors and assigns, the following described property, together with all appurtenances thereunto belonging, subject to all restrictions and conditions thereon now of record, situate in the County of Franklin, State of Ohio, and City of Bexley, and

Being that certain tract of land fronting 40 feet on East Main Street, and extending northwardly from the north line of said East Main Street 210 feet, more or less, and adjoining on the west side of the property now belonging to the City of Bexley, Ohio, whereon its municipal buildings are located, said municipal building being known as Number 2242 East Main Street, as said tract of land is more definitely described in the deed of Arthur G. Herr, et al., to Herr Realty Corporation, dated December 26th, 1935, and recorded in Deed Book 1017, page 185, Recorder's Office, Franklin County, Ohio.

The purchase price of said premises to be \$13,500.00 payable in cash upon delivery of deed, as hereinafter provided.

All taxes and assessments now a lien shall be paid by the seller. Insurance premiums and rentals shall be prorated as of the date of delivery of deed. The seller shall convey said premises to the purchaser, its successors and assigns, by good and sufficient warranty deed, warranting the same to be free and clear of all encumbrances, and to furnish an abstract of title for the examination of said purchaser prior to the delivery of the deed, showing a good merchantable title to said premises to be in the seller free of all encumbrances except any restrictions and conditions, as hereinabove referred to.

All gasoline pumps, tanks, wash racks, grease racks, electrical fixtures, and other equipment attached to said premises shall be considered as fixtures and shall pass with the title to said premises.

This offer is open for the acceptance of said City of Bexley until the 15th day of June, 1940, and shall be accepted by resolution of the council of said city; and said sale shall be completed by the 15th day of July, 1940, or as soon thereafter as possible, and possession shall be given upon delivery of such deed.

IN WITNESS WHEREOF, said The Herr Realty Corporation, has caused this proposal and offer to be executed in its name by Russell G. Herr, its President thereunto duly authorized by its Board of Directors on the 20th day of May, 1940.

The HERR REALTY CORPORATION

By Russell G. Herr  
Vice President

and

Whereas, it is the sense of council that said additional lands are required by the city for administrative purposes and for the storage and repair of machinery and equipment of the city, and council is of the opinion that the consideration price therefor is reasonable, and that said proposal should be accepted, NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:  
Three-fourths of all members elected thereto concurring:

Section 1. That the proposal of The Herr Realty Corporation to sell the above described real estate upon the terms and conditions contained in said proposal, together with the equipment and fixtures therein described, be and the same is hereby accepted.

Section 2. That the sum of \$13,600.00 is hereby appropriated from the general fund for the payment of the purchase price of said real estate, and expenses incidental thereto.

Section 3. That upon approval by the city solicitor of the abstract of title to said premises showing a good merchantable title thereto in said owner, free and clear of all encumbrances as provided in said proposal, the Mayor is hereby authorized to accept the warranty deed of said owner conveying said premises by proper legal description thereof to the City, free and clear of all encumbrances, and to accept proper bills of sale of the gasoline pumps, tanks, wash racks, grease racks, electrical

fixtures, and other equipment attached to said premises and described in said proposal, said deed and bills of sale to be subject to the approval of the solicitor, and that upon acceptance of said deed and bills of sale said Auditor is authorized to issue the necessary vouchers in payment therefor, and in payment of expenses incidental thereto.

Section 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 11, 1940.

*S. W. Roderick*  
Attest S. W. Roderick  
Clerk

*F. H. Bonnet*  
F. H. Bonnet  
President of Council

Approved June 11, 1940.

*W. A. Schneider*  
W. A. Schneider  
Mayor

I, S. W. Roderick, Auditor of the City of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows; Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue each for a period of fifteen days commencing on the 12th day of June, 1940.

*S. W. Roderick*  
S. W. Roderick  
Auditor of the City of  
Bexley, Ohio.

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