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S.B. 217
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Landis

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SUMMARY

- Authorizes the conveyance of, or granting of easements over, state-owned real estate.

DETAILED ANALYSIS

Overview

The bill authorizes 14 conveyances of, or granting of easements over, state-owned land. While these conveyances and easement grants contain individualized elements, their general format runs along similar lines, which are described below.

General elements of land conveyances and easements

Authority

For each conveyance, the bill authorizes the Governor to execute a Governor's Deed in the name of the State conveying to the grantee all of the state's right, title, and interest in specified real estate. The grantee is either a specified person or entity or a grantee determined through a process specified in the bill, such as being the high bidder at an auction. The grantee also could be an alternate grantee if the initial grantee fails to complete the conveyance. A purchase agreement is generally required, which lays out the terms of the transaction.

For each grant of an easement, the bill authorizes the Director of Administrative Services (DAS Director) to execute the easement in the name of the state with the grantee for the purposes outlined in the easement. The grantee is a specified entity since the easement burdens particular land for a particular purpose, such as, for example, a sewer line for a grantee municipal corporation.

Conditions

Each conveyance includes improvements and chattels (property other than real estate or property attached to real estate) situated on the real estate, and is subject to all easements,

covenants, conditions, leases, and restrictions of record including real estate taxes and assessments not yet due and payable. The real estate is to be conveyed in an “as-is, where-is, with all faults” condition.

The deed may contain restrictions, exceptions, reservations, reversionary interests, and other terms and conditions the DAS Director determines to be in the best interest of the state. Subsequent to the conveyance, any of these terms and conditions contained in the deed may be released by the state or the agency having control over the real estate without the necessity of further legislation.

Each easement must state the obligations of, and the duties to be observed and performed by, the grantee and require the grantee to assume perpetual responsibility for the permitted activities on the easement.

Consideration and where the proceeds go

Each conveyance or easement-granting authorization will specify the consideration for the conveyance, such as a purchase price, or the method by which the consideration is to be determined. The authorization may also specify what happens to the consideration, often designating a fund into which it is deposited.

Costs of the conveyance or easement

Generally, with respect to conveyances, the grantee must pay the costs associated with the purchase, closing, and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed. Sometimes, the agency having control over the real estate will be required to pay the cost of advertising the real estate for sale, particularly if the real estate is sold at auction or an alternate grantee ends up being used.

With respect to easements, the grantee must pay the costs associated with recording the perpetual easement.

Preparation of the deed

Upon completion of the sale, the DAS Director, with the assistance of the Attorney General, must prepare a deed to the real estate and follow a standard procedure: the deed must state the consideration and be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in DAS for recording, and delivered to the grantee. The grantee must present the deed for recording in the local county recorder’s office.

With respect to easements, the DAS Director must prepare and execute the easement in the name of the state, keep a record of it, and deliver it to the grantee. The grantee must present the easement for recording in the county recorder’s office.

Expiration of authority

In the bill, each conveyance or easement-granting authority expires three years after the bill’s effective date.

HISTORY

Action	Date
Introduced	06-10-25
