

RESOLUTION NO. 50-21
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Duke Lunsford ON THE 3rd
DAY OF May, 2021.

**RESOLUTION RATIFYING THE ACTION OF THE CITY
MANAGER IN EXECUTING A PURCHASE CONTRACT WITH
NED R. GRAETER FOR THE PURCHASE OF PROPERTY
LOCATED AT 54 WEST FRANKLIN ROAD AND RATIFYING THE
ACTIONS OF THE CITY MANAGER TO TAKE ALL STEPS
NECESSARY TO EXECUTE DOCUMENTS TO EFFECT THE
PURCHASE OF SAID REAL PROPERTY.**

WHEREAS, Council has determined that it would be in the best interest of its citizens to purchase property located in the City of Centerville from Ned R. Graeter for the purpose of future development or municipal services at 54 West Franklin Road, Centerville, OH; and

WHEREAS, the City of Centerville has negotiated for the purchase of the real property from Ned R. Graeter upon terms acceptable to the City; and

WHEREAS, the City Manager, in prior consultation with the City Council at open meeting work sessions called pursuant to Section 121.22 of the Ohio Revised Code, discussed the purchase of the property and was instructed by Council to execute a contract for the purchase of the property for a total amount of up to \$125,000; and

WHEREAS, Council has the power to enter into such real property purchase agreement by virtue of its Charter and the provisions of Article VIII, Section 16 and Article XVIII, Section 3 of the Ohio Constitution;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1: That the previous action of the City Manager in executing a purchase contract with Ned R. Graeter for the purchase of property located at 54 West Franklin Road for a total price of Three Hundred Forty Thousand and no/100 Dollars (\$125,000.00) is hereby ratified. Said Purchase Agreement is marked as Exhibit "A" and incorporated herein.

Section 2: That the previous action of the City Manager in exercising all necessary documents to facilitate a closing for said property be hereby ratified.

Section 3: That the City Manager is hereby authorized and directed to do any and every thing further necessary to carry out the terms of the Purchase Agreement and/or the closing on said Property.

Section 4: That this resolutions shall go into effect at the earliest time allowed by law.

PASSED THIS 3rd day of May, 2021.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 50-21, passed by the Council of the City of Centerville, Ohio on the 3rd day of May, 2021.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

Exhibit "A"



First American Title Insurance Company

3800 Pentagon Blvd, Suite 120 • Dayton, OH 45431

Office Phone:(937)443-0947 Office Fax:(937)443-1926

Final Settlement Statement

Property:	54 W Franklin St, Centerville, OH 45459 Lot: 17	File No:	1103-2690555
Buyer:	City of Centerville	Officer:	Linda Wendling/LW
Address:		Settlement Date:	04/29/2021
Seller:	Ned R. Graeter	Disbursement Date:	04/29/2021
Address:		Print Date:	04/27/2021, 10:53 AM

Buyer Charge	Buyer Credit	Charge Description	Seller Charge	Seller Credit
		Consideration:		
125,000.00		Total Consideration		125,000.00
		Deposits in Escrow:		
	500.00	Receipt No. 11035987 on 04/01/2021 by City of Centerville		
		Prorations:		
	487.57	County Tax 01/01/21 to 04/29/21 @\$1,508.17/yr	487.57	
		Title/Escrow Charges to:		
225.00		Title Exam to First American Title Insurance Company		
75.00		Title Insurance Binder to First American Title Insurance Company		
718.75		ALTA 2006 Owners Policy to First American Title Insurance Company		
34.00		Record Warranty Deed to First American Title Insurance Company		
0.50		Deed County Parcel Transfer Fee to First American Title Insurance Company		
		Disbursements Paid:		
60.00		Deed Preparation to McNamee and McNamee		
	125,125.68	Cash (X From) (To) Buyer		
		Cash (X To) (From) Seller	124,512.43	
126,113.25	126,113.25	Totals	125,000.00	125,000.00

BUYER(S):

City of Centerville

By:

Wayne S. Davis, City Manager

SELLER(S):

Ned R. Graeter

First American Title Insurance Company

By:

Linda Wendling

Initials: _____

STATEMENT OF REASON FOR EXEMPTION FROM REAL PROPERTY CONVEYANCE FEE

DTE 100 EX Rev. 1/14

Revised Code Sections 319.202 and 319.54(G)(3)

TYPE OR PRINT ALL INFORMATION

FOR COUNTY AUDITOR'S USE ONLY

Table with columns: Instr., Tax. Dist. No., Tax List, Date, Land, Co. No., Bldg., Number, Tot.

D.T.E. CODE NO. Split/New Plat Remarks: Property Located in Taxing District Name on Tax Duplicate Tax Duplicate Year Acct. or Permanent Parcel No. Map Book Page Description:

FOLLOWING MUST BE COMPLETED BY GRANTEE OR HIS/HER REPRESENTATIVE

- 1. Grantor's Name Ned R. Graeter Phone Number
2. Grantee's Name City of Centerville Phone Number
Grantee's Address 100 W Spring Valley Pike, Centerville, OH 45458
3. Address of property 54 W Franklin Street, Centerville, OH 45459
4. Tax Billing Address 100 W Spring Valley Pike, Centerville, OH 45458
5. No Conveyance fees shall be charged because the real property is transferred:
x (a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;
(b) Solely in order to provide or release security for a debt or obligation; (MUST INCLUDE AFFIDAVIT OF FACTS)
(c) To confirm or correct a deed previously executed and recorded;
(d) To evidence a gift, in any form, between husband and wife, or parent and child or the spouse of either;
(e) On sale for delinquent taxes or assessments;
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant such order;
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; (MUST INCLUDE AFFIDAVIT OF FACTS)
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;
(j) When the value of the real property or interest in real property conveyed does not exceed one hundred dollars;
(k) Of an occupied residential property being transferred to the builder of a new residence when the former residence is traded as part of the consideration for the new residence;
(l) To a grantee other than a dealer in real property, solely for the purpose of and as a step in, its prompt sale to others;
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate and the transaction is not a gift; (MUST INCLUDE AFFIDAVIT OF FACTS)
(n) To an heir or devisee, between spouses or to a surviving spouse, from a person to himself and others, to a surviving tenant, or on the death of a registered owner
(o) To a trustee acting on behalf of minor children of the deceased;
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;
(r) To or from an organization exempt from federal income under Internal Revenue Code section 501 (c)(3), provided such transfer is without consideration and is in furtherance of the charitable or public purpose of such organization; (MUST INCLUDE AFFIDAVIT OF FACTS)
(s) Among the heirs at law or devisees, including a surviving spouse of a common decedent, when no consideration in money is paid or to be paid for the real property;
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; (attach relevant portions of trust)
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or pursuant to trust provisions that became irrevocable at the death of the grantor;
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 [307.69.6] of the Revised Code.
(x) Between persons pursuant to section 5302.18 of the Revised Code.
(y) From a county land reutilization corporation organized under R.C. section 1724 to a third party.

- 6. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person, or surviving spouse homestead exemption for the preceding or current tax year? YES NO. If yes, complete DTE Form 101.
7. Has the grantor indicated that this property is qualified for current agricultural use valuation for the preceding or current tax year? YES NO. If yes, complete DTE Form 102.
8. Application for owner-occupancy (2.5% on qualified levies) reduction. (NOTICE: Failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed): Will this property be grantee's principal residence by Jan. 1 of next year? YES NO
If yes, is the property a multi-unit dwelling? YES NO

I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is a true, correct, and complete statement.

SIGNATURE OF GRANTEE OR REPRESENTATIVE DATE 04/29/21

GENERAL WARRANTY DEED

Ned R. Graeter (unmarried) for valuable consideration paid, grants, with general warranty covenants, to **City of Centerville**, whose tax mailing address is 100 W Spring Valley Pike, Centerville, OH 45458, the following real property:

Situated in the City of Centerville, County of Montgomery, State of Ohio, and is described as follows:

And being the East half of Lot Number 17 on the Benjamin Robbins "Plat of the Town of Certreville" recorded in Plat Book 1, Page 11, of the plat records of Montgomery County, Ohio.

Parcel No.: 068-00105-0006

Prior Instrument Ref.: 2019-007769 of the Deed Records of Montgomery County, Ohio

Property Address: 54 W. Franklin St., Centerville, Ohio 45459

THIS CONVEYANCE IS SUBJECT TO all legal highways, easements, zoning regulations, covenants, conditions and restrictions of record, all taxes and assessments not yet payable.

Executed and delivered this 29 day of April, 2021.



First American

First American Title Insurance Company
3800 Pentagon Blvd, Suite 120
Dayton, OH 45431
(937)443-0947
Fax - (937)443-1926

To: First American Title Insurance Company
Linda Wendling, Title Officer
Re: 54 W Franklin St, Centerville, OH 45459
Seller: Ned R. Graeter

File No.: 1103-2690555 (LW)
Date: April 27, 2021

("Property")

Give form to
requestor. Do not
send to the IRS.

INFORMATION REQUEST FORM - For IRS 1099-S Reporting For Real Estate Transactions

Name (as shown on your income tax return) NED R. GRAETER
Business name/disregarded entity name, if different from above
Check appropriate box: [X] Individual / Sole proprietor
Forwarding Street Address (your address after closing) 1060 HIDDEN RIDGE LANE
City, State, and Zip code CENTERVILLE, OH 45459
Percentage Owned [X] 100%
Number of sellers including you 1

Part I Taxpayer Identification Number (TIN)
Enter your taxpayer identification number ("TIN") in the appropriate box. The TIN provided must match the name given on Line 1 to avoid the imposition, under the Internal Revenue Code, of civil or criminal penalties for failing to furnish a correct TIN and to insure the TIN passes the IRS's Name/TIN matching software's TIN matching process which we utilize.
Social security number 293 30 6308
Employer identification number

Part II Certification of U.S. Person - **IMPORTANT** SIGN HERE IF YOU ARE A U.S. PERSON
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am a U.S. citizen or other U.S. person (defined below).
Sign Here U.S. person Ned R. Graeter Date 4-29-21

Part III Certification of Foreign Person - **IMPORTANT** SIGN HERE IF YOU ARE FOREIGN; SIGN ABOVE IF YOU ARE A U.S. PERSON
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am a Foreign Person (defined below).
Sign Here Foreign person Date

GENERAL INSTRUCTIONS
Section references are to the Internal Revenue Code unless otherwise noted.
Purpose of Form
A person who is required to file an information return on real estate with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer number (ITIN), adoptive taxpayer identification number(ATIN) or employer identification number (EIN).
Definition of a U.S. Person. For federal tax purposes, you are considered a U.S. person if you are:
• An individual who is a U.S. citizen or U.S. resident alien,
• A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
• An estate (other than a foreign estate), or
• A domestic trust (as defined in Regulations section 301.7701-7).
Definition of a Foreign Person.
A foreign person includes a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch of a U.S. financial institution if the foreign branch is a qualified intermediary. In most cases, the U.S. branch of a foreign corporation or partnership is treated as a foreign person.
Requirement to Furnish TIN & Penalties for Failure
You are required by law to provide us with your correct taxpayer identification number ("TIN"). If you do not provide us with your correct taxpayer identification number ("TIN"), you may be subject to civil or criminal penalties imposed by law. If we disclose or use your TIN in violation of federal law, we may be subject to civil or criminal penalties imposed by law.

Multiple Sellers
Each seller must complete a separate form. Spouses who hold title as tenants in common, joint tenants, tenants by the entirety, or community property will be treated as a single seller unless we are instructed otherwise.
SPECIFIC INSTRUCTIONS
Please review chart "What Name and Number to Give" on page 2.
Individuals. You must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.
If more than one name is listed, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.
Note. ITIN Applicant: Enter your individual name as it was entered on your form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.
Limited liability company (LLC). Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided and follow the instructions on the next page.
(Specific Instructions Continued on Next Page)

For Escrow Use Only - Additional File Information
[] Change No. of 1099-S Forms required for this file? [] Is Name/Entity Party a 'Non-Record' Seller? [] Is Property part of an Exchange?
[] Void [] Type is: [] HW or Individual [] Trust/Business [] YES [] NO
[] Delete []
For Escrow Use Only - Required for 1099-S Data Entry Only (No entry in FAST)
[] Add Contract Sales Price Buyer's Part of Real estate Tax Actual Settlement Date
[] Change \$ \$
[] Delete

SELLER'S CERTIFICATION AS TO FOREIGN OR NON-FOREIGN STATUS UNDER FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA") (26 U.S.C. 1445)

File No:1103-2690555

Property: 54 W Franklin St, Centerville, OH 45459

For purposes of this form the following definitions apply:

1. Seller – the person(s) that holds the legal title to a U.S. real property interest under local law.
2. Transferor – the person(s) that is/are the party(ies) treated as the transferor(s) under IRC Section 1445. The Seller may or may not be deemed to be the Transferor for purposes of withholding under FIRPTA.

All items in this form must be completed by each Seller or Transferor. All Sellers/Transferors must have a taxpayer identification number (TIN) even if they CANNOT provide this certification and FIRPTA withholding must be done. A TIN is not an indication that the Seller/Transferor is a resident alien or U.S citizen.

Section 1445 of the Internal Revenue Code provides that a transferee (buyer) of a U.S. real property interest must withhold tax if the transferor is foreign.

To inform the transferee whether withholding of tax is required upon my disposition of a U.S. real property interest, the undersigned hereby certifies the following (complete appropriate section and sign at the bottom):

EACH SELLER MUST COMPLETE AND SIGN HIS/HER OWN FORM.

1. Seller/Transferor IS () IS NOT () a foreign person for purposes of U.S. income taxation and as defined in the Internal Revenue Code and Income Tax Regulations. *A resident alien is considered a U.S. Person.* (If seller is a foreign person, withholding will be done unless another exemption applies.)
2. Seller's TIN (Social Security Number) is 293 30 6308
3. Seller's full legal name is Ned R. Graeter
4. Seller's home address is 1060 Hidden Ridge Lane
Centerville, OH 45459

Seller/Transferor understands that this certification may be disclosed to the Internal Revenue Service by transferee or Qualified Substitute and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalty of perjury I declare that I have completed this certification and to the best of my knowledge and believe it is true, correct, and complete. (Do not sign here if using a Power of Attorney).

4-29-21
Date

Ned R. Graeter
Ned R. Graeter

Sign here if using a Power of Attorney:

I have completed this certification on behalf of Seller/Transferor as their attorney in fact, and I declare under penalty of perjury that to the best of my knowledge and believe it is true, correct, and complete.

Date

9. With respect to the improvements located on the Premises, Owner has no knowledge of hidden structural defects or un-complied with orders or notices of civil authority concerning health, building or fire code violations, and to the extent that Owner has made any structural or non-structural alteration or modifications to the improvements located on the Premises, Owner has to Owner's knowledge, obtained all necessary building permits and variances for the same.
10. Owner is not now under any legal disability that would impede or void any of Owner's contractual obligations nor is Owner a debtor in any proceeding under the bankruptcy laws of the United States. If undersigned are not husband and wife executing this jointly, then Owner is either single or all prior marriages have been terminated through death or divorce with no rights remaining in the Premises by the former spouse. If Owner is a partnership or corporation, its official consummating this transaction are properly authorized to do so, and the partnership or corporation and the undersigned shall be bound by this Declaration.

Owner agrees to hold First American Title Insurance Company and its policy-issuing agent harmless from any loss or claim arising because of title insurance protection provided a purchaser or lender in reliance in whole or in part on the completeness and correctness of the representations or attestations made herein.

Date: 4-29-21

Ned R Graeter
Ned R. Graeter

WARNING: In sale transactions involving property in excess of \$300,000 or property that is not to be used as a residence by Buyer, a separate affidavit should be executed in accordance with Internal Revenue Code Sec. 1445 and the Regulations promulgated thereunder (FIRPTA).


ACKNOWLEDGEMENT

Pursuant to the Contract for Purchase and Sale of Real Estate dated March 15, 2021 for the sale of property located at 54 W. Franklin Street, Centerville, OH 45459, the undersigned Seller hereby acknowledges and agrees to the following:

In accordance with Paragraph 8(p) of the Contract, the undersigned is responsible for any security deposit made by the tenant.

The Undersigned seller is resolving the security deposit by paying the tenant a return of funds no later than May 1, 2021.

Seller shall hold the Purchaser harmless from any claim by the tenant for any issues concerning the security deposit.


Ned R. Graeter

ACKNOWLEDGEMENT

Pursuant to the Contract for Purchase and Sale of Real Estate dated March 15, 2021 for the sale of property located at 54 W. Franklin Street, Centerville, OH 45459, the undersigned Seller hereby acknowledges and agrees to the following:

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Seller shall hold the Purchaser harmless from any claim by the tenant for any issues concerning the security deposit.

Ned R. Graeter
Ned R. Graeter

N. R. GRAETER
1060 HIDDEN RIDGE LN
CENTERVILLE, OH 45459

7680
56-219/422

4-29-21
Date

Pay to the order of Gary Moore

Seven Hundred Ninety Five & ⁰⁰/₁₀₀ \$ 795.00
Dollars

FIFTH THIRD PREFERRED

For Security Deposit Refund 54 W. FRANKLIN ST
45459

Ned R. Graeter MP

⑆042202196⑆ 0064898382⑈ 07680

Photo Safe Deposit
Details on back

Harland Clarke