ODOT RE 420 Assignment of

Rev. 07/2020 Environmental Resource Easement

Director’s Deed

**State of Ohio**

**Department of Transportation**

**Know All Men By These Presents That:**

**Whereas**, pursuant to Section 5501.31 of the Ohio Revised Code, which authorizes the Director of Transportation, State of Ohio, to purchase property from a willing seller to replace, preserve or conserve any environmental resource if the replacement, preservation or conservation is required by state or federal law, the State of Ohio, Department of Transportation, acquired a Perpetual Environmental Resource Easement from \*Name of Grantor\*, which is of record at \*Volume, Page, OR, Microfiche, etc.\*, \*County\* County Recorder’s Office, a copy of which is attached hereto and by this reference incorporated herein [“Attached Easement”];

**Whereas**, the Director of Transportation, after consulting with the Director of Natural Resources, has determined that the property described in Exhibit A [“Premises”] attached hereto and by this reference incorporated herein, is not needed by the State of Ohio for highway or recreation purposes;

**Whereas**, the Director of Transportation has determined that it would be in the best interests and welfare of the public and the State of Ohio, Department of Transportation, for the Attached Easement to be assigned to \*Name of Assignee\* for the purpose of performing all of the duties and exercising all of the rights, titles and interests invested in the State of Ohio, Department of Transportation by the Attached Easement, such as, but not limited to, monitoring, enforcing and posting the area of land that is the subject of the Attached Easement; and

**Whereas**, the State of Ohio, Ohio Department of Transportation, has determined that \*Name of Assignee\* is a state institution, agency, commission, instrumentality, political subdivision, or taxing districts of the state, or an institution receiving financial assistance from the state, and therefore eligible under Section 5501.45 of the Ohio Revised Code to have the Attached Easement assigned to it upon such consideration as may be determined by the Director of Transportation to be fair and reasonable, without competitive bidding.

**Whereas,** by letter dated Click or tap to enter a date. the Federal Highway Administration formally approved the abovementioned assignment of an environmental resource easement pursuant to the provisions of 23 C.F.R. 713. NOTE TO DOCUMENT PREPARER: Delete this paragraph if the highway land was not acquired with Federal assistance.

**Now Therefore**, the State of Ohio, by Jack Marchbanks, Ph.D., Director of Transportation [“Grantor”], pursuant to the statutory provisions of Section 5501.45 of the Ohio Revised Code, for the consideration of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby Assign to \*Name of Assignee\* [“Grantee”] all of Grantor’s rights, titles and interests conferred upon and vested in Grantor by the Attached Easement.

**Provided, however,** the foregoing assignment of the Attached Easement is specifically conditioned upon and subject to the following rights of reversion hereby reserved by Grantor:

**A. Title VI Compliance**

By accepting the within assignment, \*Name(s) of grantee(s)/lessee(s)/licensee(s)/permittee(s)\* for Choose an item., Choose an item. personal representatives, and Choose an item. successors in interest and assigns, as a part of the consideration hereof, Choose an item. hereby covenant and agree that:

(1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.

(2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.

(3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.

(5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.

(6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

**B. Performance of Duties Created by Attached Easement**

If Grantee should fail to well and truly perform all of the duties and exercise all of the rights, titles and interests vested in Grantor by the Attached Easement, then and in that event Grantee shall be divested forthwith of the assignment made by these presents, and thereupon all of the rights, titles and interests conferred upon and vested in Grantor by the Attached Easement shall revert immediately to the State of Ohio, Department of Transportation.

**In Testimony Whereof**, I, Jack Marchbanks, Director of Transportation, State of Ohio, pursuant to the provisions of Section 5501.45 of the Ohio Revised Code, for and in the name of the State of Ohio, have signed this instrument at Columbus, Ohio, and have affixed the Seal of the Department of Transportation on this the \*##\* day of Click or tap to enter a date..

STATE OF OHIO

DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JACK MARCHBANKS, PH.D., Director

**State Of Ohio**

**ss:**

**County Of \*County\***

**Be It Remembered**, that on this the on this the \*##\* day of Click or tap to enter a date., before me the subscriber, a Notary Public in and for said state and county, personally came the above named Jack Marchbanks, Ph.D. who acknowledged the foregoing instrument to be the voluntary act and deed of the State of Ohio, Department of Transportation. No oath or affirmation was administered to Jack Marchbanks, Ph.D. with regard to the notarial act.

**In Testimony Whereof,** I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_

This form RE 420 was updated to conform to new notarial language requirements as per Revised Code 147.542.

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.