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| ODOT RE 411-H  Rev. 07/20 |  | Convey Environmental  Resource Easement on Highway Land |

Director’s Deed

**State of Ohio**

**Department of Transportation**

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

**Whereas**,in connection with the construction of in \*CTY-RTE-SEC\*, \*City/Village/Township\* \*County\* County, Ohio, the State of Ohio, Department of Transportation, acquired the following described parcels of land:

**Prior Owner Parcel No. Recording Data**

\*Name of Prior Owner\* \*Parcel No. \*##\*-\*Suffix(s)\* \*Volume, Page, OR, Microfiche, etc.\*,

as recorded in the Recorder’s Office of \*County\* County, Ohio; and

**Whereas**, the abovementioned highway project has been constructed, accepted by the Director of Transportation, and opened to the traveling public, at least with respect to the property described in the hereinafter mentioned Exhibit A; and

**Whereas**, the Director of Transportation, after consulting with the Director of Natural Resources, has determined that certain areas of the abovementioned \*Parcel No. \*##\*-\*Suffix(s)\* which areas are more particularly described in Exhibit A attached hereto and by this reference incorporated herein [“Premises”], are not needed by the State of Ohio for highway or recreation purposes, and can be used for environmental resource reasons without affecting the integrity of the state’s highway system; and

**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 Premises to be encumbered by a certain environmental resource easement, the terms and conditions of which are set forth in Exhibit B attached hereto and by this reference incorporated herein [“Easement”], to be conveyed to \*Name of Grantee\* [“Grantee”] for the purpose of achieving the environmental goals and objectives of the Easement; and

**Whereas**, the Director of Transportation has determined that Grantee is a state institution, agency, commission, instrumentality, political subdivision, or taxing district 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 Easement conveyed to Grantee upon such consideration as may be determined by the Director of Transportation to be fair and reasonable, without competitive bidding; and

**Whereas**, by letter dated Click or tap to enter a date. the Federal Highway Administration formally approved the abovementioned conveyance 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 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 convey to \*Name of Grantee\* the Grantee herein, a certain environmental resource easement, the terms and conditions of which are set forth in Exhibit B attached hereto, over that certain area(s) of land described in Exhibit A attached hereto.

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

**A. Title VI Compliance**

By accepting the within conveyance, \*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. Compliance with Environmental Restrictions**

If Grantee should fail to well and truly perform all of the terms and conditions of the Easement, then and in that event Grantee shall be divested forthwith of the Easement conveyed by these presents, and thereupon all of the rights, titles and interests conferred upon and vested in Grantee by this conveyance of an easement shall revert immediately to the State of Ohio, and its successors and assigns for the use and benefit of the Department of Transportation.

**In Testimony Whereof**, I, Jack Marchbanks Ph.D., Director of Transportation, 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 \*##\* 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 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 411-H 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.