



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda

### Economic Growth & Zoning Committee

*Vice Mayor Christopher Smitherman, Chairperson*  
*Councilmember Steven Goodin, Vice-Chair*  
*Councilmember Betsy Sundermann, Member*  
*Councilmember Liz Keating, Member*

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Wednesday, February 17, 2021

11:00 AM

Council Chambers, Room 300

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### PRESENTATIONS

#### Proposed Ordinance Regarding Local Landmark Designation of the Mercantile Library Building

#### AGENDA

#### START OF PUBLIC HEARING

1. [202100186](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 1/21/2021, **DESIGNATING** the Mercantile Library Building located at 414 Walnut Street in the Central Business District as a historic landmark.

#### END OF PUBLIC HEARING

2. [202100471](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **DECLARING** the intent to appropriate to public use property required for the Auburn Avenue Improvement Project.
3. [202100559](#) **PRESENTATION** submitted by Paula Boggs Muething, City Manager, dated 2/17/2021, for a proposed ordinance regarding the Local Landmark designation of the Mercantile Library Building at 414 Walnut Street in the Central Business District.
4. [202100575](#) **ORDINANCE**, dated 2/2/2021, submitted by Mayor John Cranley, from Andrew W. Garth, Interim City Solicitor, **MODIFYING** the provisions of Title VII, "General Regulations," of the Cincinnati Municipal Code by **MODIFYING** Section 723-14, "Outdoor Dining Areas," of Chapter 723, "Streets and Sidewalks, Use Regulations," and by **ORDAINING** new Section 718-7, "Standard Conditions of RSP Approval," of Chapter 718, "Revocable Street Privileges," to authorize revocable street privileges for outdoor dining on public sidewalks and streets.

#### Subcommittee on Affordable Housing

**Laura Brunner, Port Authority**

**Susan Schiller, Bethany House**

ADJOURNMENT

January 21, 2021

**To:** Mayor and Members of City Council 202100186  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Emergency Ordinance – Designating The Mercantile Library building a Local Landmark in the Central Business District**

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Transmitted is an Emergency Ordinance captioned:

**DESIGNATING** The Mercantile Library building located at 414 Walnut Street in the Central Business District as a Local Historic Landmark.

On December 7, 2020, the Historic Conservation Board (HCB) voted unanimously to recommend the Local Historic Landmark designation of The Mercantile Library building in the Central Business District to City Planning Commission and City Council and The City Planning Commission recommended approval of this Local Landmark designation at its January 15, 2021 meeting.

Summary

The petitioner is requesting a Local Historic Landmark designation for the Mercantile Library Building at 414 Walnut Street in the Central Business District. The building is currently office space. This designation will make the building potentially eligible for historic tax credits to renovate and convert the building to residential space. The two levels of the Mercantile Library will remain.

The Mercantile Library Building is historically and architecturally significant

- The building was built in 1905 during the transformation of the Central Business District from low-scale mixed-use commercial buildings to tall “sky scrapers.”
- The association with the Young Men’s Mercantile Library as a private library and learning institution.
- The association with the Emery Family who were multi-generational leaders in Cincinnati business, civics, the arts, and real estate development.
- The building was designed by the firm of Joseph G. Steinkamp, who were leading architects of the late 1800s and early 1900s in Cincinnati.
- The building is an example of Chicago Commercial Style Architecture, which was a popular style in Cincinnati during the transition from low-scale to high-rise buildings in the Central Business District.

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning

## EMERGENCY

DBS

- 2021

**DESIGNATING** the Mercantile Library Building located at 414 Walnut Street in the Central Business District as a historic landmark.

WHEREAS, MCA Center, LLC, the owner the Mercantile Library Building located at 414 Walnut Street in the Central Business District, has applied to designate the building as a local historic landmark; and

WHEREAS, the Mercantile Library Building is named for The Mercantile Library housed on the building's 11th and 12<sup>th</sup> floors, which was originally founded on April 18, 1835 by a group of 45 young businessmen to promote learning and to provide themselves with a library and reading room downtown; and

WHEREAS, the library, which owns more than 200,000 volumes, remains one of the few subscription-based libraries in the United States; and

WHEREAS, the Mercantile Library Building was designed by the Joseph G. Steinkamp & Brothers firm, which was considered one of the leading architecture firms in Cincinnati at the time and which firm designed several other significant downtown buildings, including the Robertson Building at 106 East Seventh Street, the Hotel Metropole at 609 Walnut Street, and the Art Deco-style American Building at 30 East Central Parkway; and

WHEREAS, the Mercantile Library Building is a twelve-story, flat-roofed, mixed-use commercial building that was completed in 1905 and was one of the few skyscrapers built in Cincinnati in the first decade of the 20th century; and

WHEREAS, the Mercantile Library Building is architecturally significant as it exemplifies the Chicago Commercial style of architecture that is identified by its tripartite composition corresponding to a classical column, a heavy one- to two-story base with storefronts, upper stories with minimal ornamentation, and a crowning cornice; and

WHEREAS, the Mercantile Library Building is also representative of the transformation of downtown Cincinnati (particularly in the area between Fourth Street and Seventh Street and Vine Street and Walnut Street) from a low-scale mixed commercial and residential district to the commercial core of tall buildings that exists today; and

WHEREAS, following a public staff conference, the Historic Conservation Board, at its regularly scheduled meeting on December 7, 2020, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-1, recommended designation of the Mercantile

Library Building as a local historic landmark and further recommended adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, upon receipt of the recommendation of the Historic Conservation Board, the City Planning Commission, at its regularly scheduled meeting on January 15, 2021, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-2-B(c), recommended the designation of the Mercantile Library Building as a historic landmark and the adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, the City Council finds that the Mercantile Library Building has historic significance pursuant to Cincinnati Municipal Code Section 1435-07-01(a)(1) for its association with events that have made a significant contribution to the broad patterns of our history, particularly as it was one of the earliest high-rise commercial buildings built in downtown Cincinnati in the first decade of the 20th century; and

WHEREAS, the Council additionally finds that the Mercantile Library Building has historic significance pursuant to CMC 1435-07-1(a)(3) because the building embodies the distinctive characteristics of an architectural type, period, and method of construction, specifically the Chicago Commercial style of architecture; and

WHEREAS, the Council finds that the historic designation of the Mercantile Library Building conforms to the following goal of Plan Cincinnati (2012): the “Sustain” goal to preserve the City’s built history (p. 197); and

WHEREAS, the Council considers the designation of the Mercantile Library Building as a historic landmark and the adoption of related conservation guidelines to be in the best interest of the City and the general public’s health, safety, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council approves the Designation Report for the Mercantile Library Building located at 414 Walnut Street (“Mercantile Library Building”), which report is attached hereto as “Exhibit A,” and specifically adopts as its own findings that the Mercantile Library Building, depicted on the attached “Exhibit B” and located on the real property more particularly described on the attached “Exhibit C,” has historic significance and qualifies in all respects for designation as a historic landmark under Chapter 1435 of the Zoning Code of the City of Cincinnati (“Zoning Code”); specifically, Council designates the Mercantile Library Building as a local

historic landmark under Zoning Code Sections 1435-07-1-(a)(1) and 1435-07-1-(a)(3). By reference, Exhibits A, B, and C are incorporated herein and made a part hereof.

Section 2. That the Zoning Map of the City of Cincinnati is amended to superimpose over the existing underlying zoning district the designation of the Mercantile Library Building as a local historic landmark.

Section 3. That, pursuant to Zoning Code Chapter 1435, Council hereby adopts the “Mercantile Library Building Historic Conservation Guidelines,” attached hereto as “Exhibit D” and made a part hereof, which guidelines shall govern the preservation, rehabilitation, or modification of the Mercantile Library Building historic landmark.

Section 4. That the Clerk of Council is directed to promptly notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning, the Director of Buildings and Inspections, and the City Solicitor of the Mercantile Library Building historic landmark designation.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to permit the owners of the property to promptly apply for the Ohio Historic Preservation Tax Credits for which they will become eligible following passage of this ordinance.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk

December 15, 2020

Cincinnati City Planning Commission  
II Centennial Plaza  
805 Central Avenue, 7<sup>th</sup> Floor  
Cincinnati, Ohio 45202

Honorable Members of the City Planning Commission:

The Historic Conservation Board (“Board”) transmits herewith the following items for your consideration concerning the proposed Mercantile Library Building Historic Landmark Designation Application:

1. Local Historic Landmark Designation Report.
2. Proposed Historic Landmark Conservation Guidelines.
3. Historic Conservation Office Staff Report dated November 16, 2020.

Summary:

The Model Group has applied to designate the Mercantile Library Building located at 414 Walnut Street in the Downtown neighborhood (“Building”) as a Local Historic Landmark pursuant to Cincinnati Municipal Code (“CMC”) Section 1435-7-02-A.

Upon her review of the designation application pursuant to CMC Section 1435-07-1(a)(1), the Urban Conservator prepared a report recommending approval of the landmark designation and the associated conservation guidelines. The Board then, at its regular meeting on December 7, 2020, held a public hearing on the proposed designation at which it heard from the Urban Conservator and proponents of the designation whether the Building qualifies for landmark designation. Upon considering the designation application (including the designation report and conservation guidelines), the Urban Conservator’s report, and comments received at its public hearing, a majority of the Board’s members present throughout the hearing and constituting a quorum voted to recommend designation of the Building as a Local Historic Landmark and further resolved to recommend approval of the association conservation guidelines.

Aye

Nay

Absent

Mr. Voss

Mr. Weiss

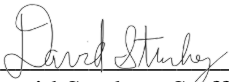
Mr. Zielasko

Mrs. McKenzie

Mrs. Smith-Dobbins

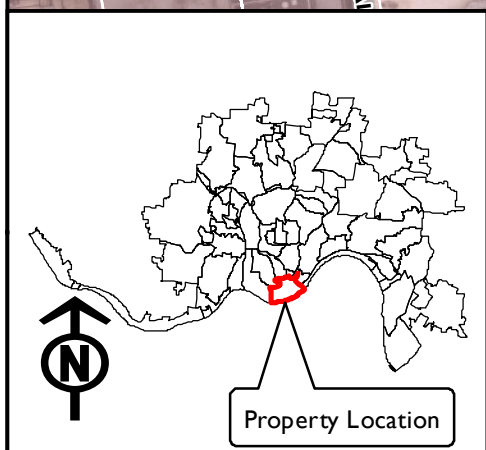
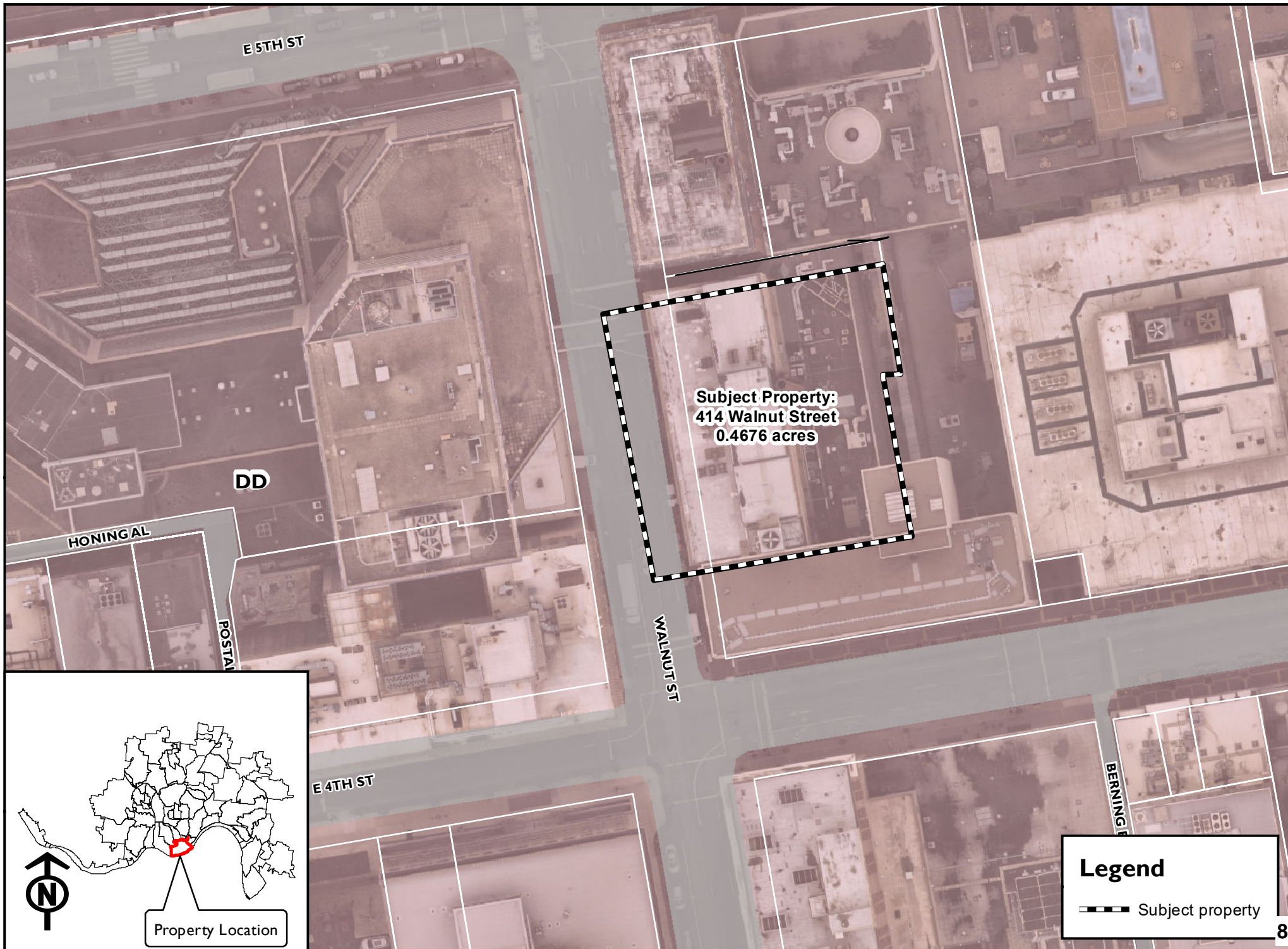
Mr. Sundermann

The Historic Conservation Board


  
\_\_\_\_\_  
David Sturkey, Staff Attorney  
Historic Conservation Board

Encl.

# Exhibit B: Local Historic Landmark Designation: 414 Walnut Street - Mercantile Library Building



**Legend**

 Subject property



Date: December 10, 2020  
Description: 414 Walnut Street, Mercantile Library Building  
Historical District  
Location: City of Cincinnati  
Hamilton County, Ohio



Situated in Section 18, Town 4, Fractional Range 1, Cincinnati Township, The City of Cincinnati, Hamilton County, Ohio and being 0.4676 acres to be re-zoned to a Historical District and further described as follows:

Begin at the intersection of the centerline of East 4<sup>th</sup> Street (66' R/W) and the centerline of Walnut Street (66' R/W); thence, departing the centerline of said East 4<sup>th</sup> Street and with the centerline of said Walnut Street, North 10° 00' 19" West, 84.33 feet to the True Point of Beginning:

thence, from the true point of beginning, thus found and continuing with the centerline of said Walnut Street, North 10° 00' 19" West, 148.50 feet;

thence, departing the centerline of said Walnut Street, North 80° 16' 33" East, 143.13 feet;

thence, South 09° 59' 57" East, 60.17 feet;

thence, South 80° 16' 33" West, 10.00 feet;

thence, South 09° 59' 57" East, 76.46 feet;

thence, North 80° 13' 03" East, 0.73 feet;

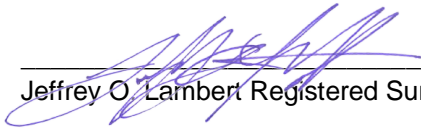
thence, South 09° 59' 57" East, 11.73 feet;

thence, South 80° 13' 03" West, 133.85 feet to the Point of Beginning containing 0.4676 acres of which 0.1125 acres is right of way.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

The above description is based upon a Historical Exhibit dated December 10, 2020 and is a complete, proper and legal description of the property by deeds and plats of record.



  
Jeffrey O. Lambert Registered Surveyor #7568 in the State of Ohio

## HISTORIC CONSERVATION GUIDELINES

### Mercantile Library Building, 414 Walnut Street

Cincinnati, Ohio 45202

#### General Terminology

Within the context of these historic conservation guidelines, the “Mercantile Library Building” refers to the building located at 414 Walnut Street. The building’s vertical emphasis, symmetry and restrained classically inspired ornamentation are defining characteristics of the Chicago Commercial Style design of the building, and preservation of these aspects is essential to its integrity. The primary facade of the building faces west on Walnut Street; the east façade is exposed above the second floor but of simpler character than the west façade and considered secondary; the south and north elevations abut other buildings, and are thus tertiary.

#### Intent and General Guidelines

The following guidelines are adapted and comply with the *Secretary of the Interior’s Standards for Rehabilitation*. When a proposed change is not addressed by the guidelines, The *Secretary of the Interiors Standards for Rehabilitation, Interpreting the Standards Bulletins* and *Preservation Briefs* will be used as guiding documents.

These guidelines are intended to ensure that rehabilitation will maintain significant features of The Mercantile Library Building. Guidelines are intended not as strict rules but are to be used by the Historic Conservation Board as a guide to assess the compatibility and appropriateness of proposed rehabilitation changes. Reviews by the Historic Conservation Board are restricted to exterior changes proposed for this building. Repair and maintenance not changing significant features and clearly complying with the intent of these guidelines do not require board review. Interior alterations are not the purview of the Historic Conservation Board and are not subject to review.

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.

2. **Maintenance.** Existing visible features that contribute to the overall character of the building in good condition shall be maintained and where possible, preserved or conserved. Damaged visible features that can be repaired shall be repaired rather than replaced wherever possible.
3. **Replacements.** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing shall sensitively harmonize with characteristics of the original feature. Replication is appropriate, but not required.

### Specific Guidelines

The following specific approaches to elements, features, and visible components are recommended:

1. **Materials:** Materials for visible features that are badly damaged, deteriorated beyond reasonable repair, or missing shall be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures, placement, and detailing shall be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.
2. **Door and Window Openings:** Among the important features of Mercantile Library Building are its window and door openings. The size and location of openings are an essential part of their overall design and an important feature of their architectural design. Original wall openings on primary facades shall not be significantly altered or filled in. On secondary facades, original wall openings shall not be significantly altered without consideration of their impact to the overall character of the original design.
3. **Doors and Window Sash:** The original doors and window sashes shall be repaired rather than replaced where feasible and where appropriate access and security can be achieved in compliance with building codes. If replacement of doors or windows becomes necessary due to deterioration or to replace missing or nonconforming units, new windows and doors on primary facades shall fill the original openings and be compatible with the building in size, scale, materials, configuration, style and color. Minor variations in mullion and sash frame dimensions of replacement windows may be considered. Vinyl replacement windows or glass-block windows shall not be used.
4. **Storefronts:** Nonconforming storefront features including doors, display windows, infill panels, canopies and awnings may be replaced with new materials compatible with the buildings design.
5. **Ornamentation:** Significant architectural features of the Mercantile Library Building include the following: granite door surround; terra cotta facing, cornices, colonettes; friezes; brick running-bond walls, pilasters; primary façade window openings. These features and other ornamental elements shall be preserved or conserved. Do not make replacements or substitutions of different scale, size, design, or incompatible materials. Replace ornamentation to match originals in character, scale, configuration,

style, size texture, and color. Some synthetic materials including fiberglass castings or composite materials may be considered.

6. **Roof:** Parapets and other architectural features that define the roofline of the building shall be preserved. On the primary facades, vents, skylights, rooftop utilities, and equipment, such as elevator mechanicals and new roof elements shall be placed or screened so they are inconspicuous from view.
7. **Painting:** Do not paint stone and masonry elements that have historically not been painted. Use colors that are appropriate to the building's age, history, and style.
8. **Outside Attachments:** Exterior light fixtures should be appropriate to the style of the building, or simple and contemporary. Mercury vapor, high—pressure sodium, and other light sources that impact distortions of color when illuminated are not appropriate to primary facades. Exterior light fixtures shall be mounted or constructed so as not to cast undue glare onto neighboring buildings or damage the building on which they are mounted. Signs are addressed under Site Improvements.

## Additions and Exterior Alterations

### Intent and General Guidelines

1. **Additions:** Additions shall follow new construction guidelines, codes, and regulations. Any addition shall be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions shall be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building. Rooftop additions should be set back to minimize visibility.
2. **Alterations:** Alterations shall follow construction guidelines for alternations, codes, and regulations. Alterations shall not change or alter significant architectural features on primary facades. On the secondary facades, alterations shall be designed to minimize impact on the overall character of the facade on which the alteration occurs.
3. **Appropriateness:** The appropriateness of design solutions for additions and alternations should include the following.
  - a. How well the proposed design for the addition or alteration relates to the building and the neighboring buildings.
  - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

### Site Improvements and Alterations

1. **Signs.** Signs should be designed for clarity, legibility, and compatibility with the building. Signs should not cover or obscure architectural features. Billboards and roof-top signs

are not permitted. Temporary signage is permitted without review by the Historic Conservation Board.

2. **Parking and paving.** Not applicable.
3. **Walls and Fences.** Not applicable.
4. **Landscaping.** Not applicable.
5. **Support Structures.** Not applicable.

### **Demolition**

Any demolition, alterations, or modifications to the property and minimum maintenance requirements are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

January 21, 2021

To: Nicole Crawford, Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director, Department of City Planning

Copies to: Caroline Hardy Kellam, Senior City Planner, Department of City Planning

Subject: **Scheduling of an Emergency Ordinance designating The Mercantile Library building as a Local Historic Landmark in the Central Business District**

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The above referenced Emergency Ordinance is ready to be scheduled for Economic Growth and Zoning Committee. We are requesting this item be placed on the next Economic Growth and Zoning Committee meeting agenda. In accordance with CMC section 111-1, this item requires fourteen days notice for a public hearing.

Included in this submission are the following items:

- 1) The transmittal letter to the Mayor and City Council;
- 2) The City Planning Commission report;
- 3) The Emergency Ordinance designating The Mercantile Library building;
- 4) The mailing labels for notification; and
- 5) A copy of the mailing labels for your record.

January 21, 2021

Mayor and Members of Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

I am transmitting herewith an **emergency ordinance** captioned as follows:

**DESIGNATING** The Mercantile Library building located at 414 Walnut Street in the Central Business District as a historic landmark.

The City Planning Commission recommended **APPROVAL** of this Local Landmark designation at their January 15, 2021 meeting.

**Summary:**

City Planning Commission recommended approval of the Local Landmark designation for the following reasons:

1. Designating The Mercantile Library building as a Local Landmark will assist in the revitalization of the area and will have a positive impact on the community and economic development plans of the city.
2. This designation will assist in the redevelopment of this building and the Central Business District.
3. It has been determined that the proposed guidelines are acceptable to meet the goal of preserving the architecture of this Local Historic Landmark.
4. This Local Landmark designation will not negatively impact the existing character of the surrounding area.

Motion to Approve: Ms. McKinney

Ayes: Mr. Smitherman  
Mr. Juech  
Mr. Stallworth  
Ms. McKinney  
Mr. Eby  
Mr. Samad  
Ms. Sesler

Seconded: Mr. Samad

THE CITY PLANNING COMMISSION

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Katherine Keough-Jurs, AICP, Director  
Department of City Planning

**SUBJECT:** A report and recommendation on a proposed Local Historic Landmark designation of The Mercantile Library Building at 414 Walnut Street in the Central Business District.

**GENERAL INFORMATION:**

Location: 414 Walnut Street, Cincinnati, Ohio 45202  
Petitioners: City Studios  
Petitioner’s Address: 1148 Main Street, Cincinnati, Ohio, 45202  
Property Owner: MCA Center, LLC  
Property Owner’s Address: 120 E. 4<sup>th</sup> Street, Cincinnati, Ohio, 45202

**ATTACHMENTS:**

Attachment A- Location Map  
Attachment B- Historic Designation Report  
Attachment C- Historic Conservation Guidelines

**BACKGROUND:**

The petitioner is requesting a Local Historic Landmark designation for the Mercantile Library Building at 414 Walnut Street in the Central Business District. The building is owned by MCA Center, LLC and is currently office space and the Mercantile Library takes up two levels of the building. This designation will make the building potentially eligible for historic tax credits to renovate and convert the building to residential space. The two levels of the Mercantile Library will remain.

According to Chapter 1435-07-1 of the Cincinnati Municipal Code (Historic Preservation), certain findings must be made before a Local Historic Landmark can be designated by City Council. The proposed building must be found to have historic or architectural significance by having one or more of the following criteria below:

1. Are associated with events that have made a significant contribution to the broad patterns of our history; or
2. Are associated with the lives of persons significant in our past; or
3. Embodies the distinctive characteristics of a type, period or method of construction, or represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That has yielded or may be likely to yield information important in history or prehistory.

The petitioner for this Local Historic Landmark designation is nominating this building under Criterion 1 for its significant contributions to the broad patterns of our history and Criterion 3 for architectural significance. The proposed Local Historic Landmark, the Mercantile Library Building, is a significant Cincinnati resource as defined by Chapter 1435 of the Cincinnati Zoning Code because it meets two of the criteria listed above (1 and 3).



On December 7, 2020, the Historic Conservation Board (HCB) voted unanimously to recommend the Local Historic Landmark designation of the Mercantile Library Building under Criterion 1 (historical significance) and 3 (architectural significance) to City Planning Commission and City Council.

**HISTORIC SIGNIFICANCE:**

The Mercantile Library Building is significant under the following Criterion:

Criterion 1: *Association with events that have made a significant contribution to the broad patterns of our history:*

- The building was built in 1905 during the transformation of the Central Business District from low-scale mixed-use commercial buildings to tall “sky scrapers.”
- The association with the Young Men’s Mercantile Library as a private library and learning institution.
- The association with the Emery Family who were multi-generational leaders in Cincinnati business, civics, the arts, and real estate development.

Criterion 3: *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction:*

- The building was designed by the firm of Joseph G. Steinkamp, who were leading architects of the late 1800s and early 1900s in Cincinnati.
- The building is an example of Chicago Commercial Style Architecture, which was a popular style in Cincinnati during the transition from low-scale to high-rise buildings in the Central Business District.

The Designation Report in Attachment B further details the historic and architectural significance of the building.

**ANALYSIS:**

In making a determination, the City Planning Commission shall consider all of the following factors:

- (1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark, Historic District or Historic Site is located; and

*The designation of the Mercantile Library Building as a Local Historic Landmark is consistent with Plan Cincinnati (2012). In the Sustain Initiative Area, a Goal recommends to “preserve our natural and built environment” and “preserve our built history with new development incentives and regulatory measures” (pages 193-194).*

- (2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and

*Designating the Mercantile Library Building will assist in the renovation of the building by providing the opportunity to obtain necessary historic tax credits. The revitalization of the building will have a positive impact on the community and economic development plans of the city.*

- (3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

*This designation will assist in the redevelopment of this building meeting the demand for more housing options in the Central Business District.*

The Local Historic Landmark designation of the Mercantile Library Building meets the requirements of Chapter 1435 of the Cincinnati Municipal Code (Historic Preservation). The documentation in the designation report (Attachment B) provides conclusive evidence that all required findings may be made for the proposed designation, which meets Criteria 1 and 3. This designation will help convert the office use to residential use providing additional housing in the Central Business District.

**Per Chapter 1435- 07-2-C. - Adoption of Conservation Guidelines.**

“At the time of designation of a Historic Landmark, Historic District or Historic Site, Council has the duty to adopt conservation guidelines for each Historic Landmark, Historic District or Historic Site. Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city.”

The proposed guidelines are attached to this staff report as Attachment C. The Historic Conservation Board and staff of the Department of City Planning have determined that the proposed guidelines are acceptable to meet the goal of preserving the architecture of this Historic Landmark.

**PUBLIC COMMENT:**

A joint virtual public staff conference with the Historic Conservation Office and the Department of City Planning was held on November 17, 2020. Notices were sent to property owners within a 400-foot radius of the proposed Local Historic Landmark designation and the Downtown Residents Council. The petitioner, developers, and City staff were the only persons in attendance. There has been no opposition to this proposed designation to-date.

**CONSISTENCY WITH PLANS:**

The designation of the Mercantile Library Building as a Local Historic Landmark is consistent with *Plan Cincinnati* (2012). Specifically, within the Sustain Initiative Area, a Goal recommends to “preserve our natural and built environment” and “preserve our built history with new development incentives and regulatory measures” (pages 193-194). It is also consistent with the Live Initiative Area, within Goal 3 that states to “Provide a full spectrum of housing options, and improve housing quality and affordability” (page 164).

**RECOMMENDATION:**

The staff of the Department of City Planning recommends that the City Planning Commission take the following actions:

1. **APPROVE** the proposed Local Historic Landmark designation of the Mercantile Library Building at 414 Walnut Street in the Central Business District, as described in the “The

Mercantile Library Building Historic Designation Report dated January 2, 2021” as seen in Attachment B;

2. **APPROVE** the attached map amendment designating the Local Historic Landmark as seen in Attachment A; and
3. **APPROVE** “The Mercantile Library Building Historic Conservation Guidelines dated January 2, 2021”as seen in Attachment C.

Respectfully submitted:

Approved:

Caroline Hardy Kellam, Senior City Planner  
Department of City Planning

Katherine Keough-Jurs, AICP, Director  
Department of City Planning

Date: February 3, 2021

To: Mayor and Members of City Council 202100471  
From: Paula Boggs Muething, City Manager  
Subject: EMERGENCY ORDINANCE – APPROPRIATION OF PARCELS FOR AUBURN AVENUE IMPROVEMENTS, PID 105162

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Attached is an emergency ordinance captioned as follows:

DECLARING the intent to appropriate to public use property required for the Auburn Avenue Improvement Project.

The Auburn Avenue Improvement Project, located in the community of Mt. Auburn, will improve safety along the traffic corridor by adding one-lane of roadway from Gilman Avenue to Dorchester Avenue and by reconstructing the existing five-points intersection (Auburn Avenue, Dorchester Avenue, and Sycamore Street). The City has been awarded grant resources of up to \$3,900,800, see Ordinance 184-2020, for purposes of constructing the improvements.

In order to construct the proposed improvements, it is necessary to acquire the properties listed in the attached ordinance's Attachment A and it is necessary to secure the temporary construction easements listed in Attachment B.

Pending final negotiations with the property owners it may be necessary to appropriate the properties listed in the attached ordinance. Resolution No. 51 – 2020 was passed on September 16, 2020 declaring intent to appropriate the properties.

The reason for the emergency is the immediate need to file complaints for appropriation in order that the City may commence the Auburn Avenue Improvement Project, in accordance with the schedules set forth in the contracts being entered into for this project.

The Administration recommends passage of the attached emergency ordinance.

Attachment I – Attachment A – Legal Descriptions – Fee Simple Interests  
Attachment II – Attachment B – Legal Descriptions – Temporary Easements

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

City of Cincinnati

CHM

*AWB*

An Ordinance No. \_\_\_\_\_

- 2021

**TO APPROPRIATE** to public use property required for the Auburn Avenue Improvement Project.

WHEREAS, on September 16, 2020, Council for the City of Cincinnati passed Resolution No. 51-2020 captioned as follows:

**DECLARING** the intent to appropriate to public use property required for the Auburn Avenue Improvement Project.

WHEREAS, notice of the passage of the Resolution has been served according to law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is hereby deemed necessary and hereby declared to be the intent of this Council to appropriate to public use for the purpose of the Auburn Avenue Improvement Project, which project includes the relocation, construction, reconstruction, widening, maintenance, resurfacing, repair, and improvement of a road open to the public without charge, fee simple interests in the real property described on Attachment A attached to this ordinance and incorporated herein by reference, and temporary construction easements in the real property described on Attachment B attached to this ordinance and incorporated herein by reference (collectively, the "Property"), with the owners of record of the Property being as follows:

<u>Project Parcel</u>	<u>Owner</u>	<u>Hamilton Co. Auditor Parcel No.</u>
1-T-1	The Christ Hospital f/k/a The Elizabeth Gamble Deaconess Home Association	<b>088-0008-0128-00</b> (088-0008-0128-00 through -135; -185; -186 cons.), <b>088-0008-0136-00, 088-0008-0137-00</b> (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.), & <b>088-0008-0141-00</b> (088-0008-141; -142 cons.)
1-WD-1	The Christ Hospital f/k/a The Elizabeth Gamble Deaconess Home Association	<b>088-0008-0128-00</b> (088-0008-0128-00 through -135; -185; -186 cons.), <b>088-0008-0136-00, 088-0008-0137-00</b> (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.), & <b>088-0008-0141-00</b> (088-0008-141; -142 cons.)
1-WD-2	The Christ Hospital f/k/a The Elizabeth Gamble Deaconess Home Association	<b>088-0008-0128-00</b> (088-0008-0128-00 through -135; -185; -186 cons.), <b>088-0008-0136-00, 088-0008-0137-00</b> (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.), & <b>088-0008-0141-00</b> (088-0008-141; -142 cons.)
1-T-3	The Christ Hospital	<b>088-0008-0235-00</b> (088-0008-0235-00; -237 cons.)
1-T-4	The Christ Hospital	<b>088-0008-0018-00</b>

1-T-5	The Christ Hospital	<b>088-0007-0069-00; -70; -71; -72; -73</b>
1-WD-3	The Christ Hospital	<b>088-0008-0235-00 (088-0008-0235-00; -237 cons.)</b>
1-WD-4	The Christ Hospital	<b>088-0008-0018-00</b>
1-WD-5	The Christ Hospital	<b>088-0007-0069-00; -70; -71; -72; -73</b>
2-WD	Shabbat Shalom, LLC	<b>088-0007-0035-00</b>
2-T	Shabbat Shalom, LLC	<b>088-0007-0035-00</b>
3-WD	Cilo Properties, LLC	<b>088-0008-0124-00 (088-0008-0124-00; -125 cons.)</b>
3-T	Cilo Properties, LLC	<b>088-0008-0124-00 (088-0008-0124-00; -125 cons.)</b>
4-T	Medulla Oblongata Property Holdings, LLC	<b>088-0008-0249-00</b>
5-WD	Board of County Commissioners of Hamilton County, Ohio	<b>088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)</b>
5-T	Board of County Commissioners of Hamilton County, Ohio	<b>088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)</b>
6-WD	Arrow Investment Company, successor by merger to Hidy Transportation Company	<b>088-0007-0001-00</b>
7-WD	ORI Associates, LLC	<b>088-0007-0002-00</b>
7-T	ORI Associates, LLC	<b>088-0007-0002-00</b>
8-WD	James Gill	<b>088-0007-0003-00</b>
8-T	James Gill	<b>088-0007-0003-00</b>
9-T-1	NHC – Flat Iron, LLC	<b>094-0006-0224-00 (094-0006-0224-00 through -0227)</b>
9-T-2	NHC – Flat Iron, LLC	<b>094-0006-0224-00 (094-0006-0224-00 through -0227)</b>

10-T	Donald Blaire Frodge, Jr.	<b>088-0007-0004-00</b>
11-T	Merk Holdings OH 1, LLC	<b>088-0007-0097-00; -132</b>
12-T	2112 Ave Mt Auburn Holdings, LLC	<b>088-0007-0104-00 (088-0007-0104-00; -107 cons.)</b>
13-T-1; 13-T-2	Five Points Acquisition, LLC	<b>094-0006-0220-00; 094-0006-0221-00; 094-0006-0222-00; &amp; 094-0006-0223-00</b>

Section 2. That the City Solicitor is hereby authorized to commence proceedings in a proper court by filing a complaint for appropriation of the Property at such time as the City has met the requirements of Section 163.04 of the Ohio Revised Code.

Section 3. That at any time prior or subsequent to the filing of a complaint or complaints for appropriation, the City Manager is hereby authorized, with the approval of the City Solicitor, to acquire by purchase the real property interests described in Section 1 hereof, and in connection with such acquisition, or for the preparation of court proceedings, to enter into special contracts for necessary services, expert or otherwise, as the same may be required.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to file complaints for appropriation in order that the City may



commence the Auburn Avenue Improvement Project, in accordance with the schedules set forth in the contracts being entered into for this project.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk

## Attachment A

### *Legal Descriptions – Fee Simple Interests*

**Project Parcel:** 1-WD-1

**Auditor's Parcel Nos.:** 088-0008-0128-00 (088-0008-0128-00 through -135; -185; -186 cons.); 088-0008-0136-00; 088-0008-0137-00 (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.); & 088-0008-0141-00 (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing at the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57'05" West, 106.56 feet to the Place of Beginning; thence continuing with the west line of said Auburn Avenue the following two courses, South 07°57'05" West, 35.70 feet to a point; thence South 03°31'00" West, 28.79 feet to a point; thence on a curve to the left said curve having a radius of 15.00 feet a chord bearing North 27°56'47" West, 7.34 feet, 7.42 feet as measured along said curve to a point; thence North 03°33'58" East, 58.28 feet to a point; thence South 85°03'27" East, 6.54 feet to the Place of Beginning. Containing 281 square feet of land more or less (0.006 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-2

**Auditor's Parcel Nos.:** 088-0008-0128-00 (088-0008-0128-00 through -135; -185; -186 cons.); 088-0008-0136-00; 088-0008-0137-00 (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.); & 088-0008-0141-00 (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue the following three courses, South 07°57'05" West, 142.26 feet to a point; thence South 03°31'00" West, 65.49 feet to a point; thence 00°46'48" East 4.67 feet to the Place of Beginning; thence continuing with the west line of said Auburn Avenue the following four courses; South 00°46'48" East, 80.64 feet to a point; thence South 00°57'27" West, 75.00 feet to a point; thence South 05°43'35" West, 204.14 feet to a point; thence on a curve to the

right said curve having a radius of 20.00 feet a chord bearing South 49°05'48" West, 24.56 feet, 26.44 feet as measured along said curve to a point; thence North 88°38'31" West, 1.45 feet to a point; thence North 06°10'24" East, 1.84 feet to a point; thence South 84°00'58" East, 6.29 feet to a point; thence North 06°17'48" East, 99.79 feet to a point; thence North 05°33'28" East, 151.90 feet to a point; thence North 84°13'19" West, 6.20 feet to a point; thence North 05°58'57" East, 15.96 feet to a point; thence South 85°58'23" East, 5.99 feet to a point; thence North 04°01'37" East, 36.50 feet to a point; thence on a curve to the left said curve having a radius of 10.00 feet a chord bearing North 11°59'25" West, 5.52 feet, 5.59 feet as measured along said curve to a point; thence North 83°50'31" West, 4.19 feet to a point; thence North 03°54'19" East 57.75 feet to a point; thence on a curve to the left said curve having a radius of 15.00 feet a chord bearing North 38°25'47" East, 9.30 feet, 9.45 feet as measured along said curve to the Place of Beginning. Containing 3,767 square feet of land more or less (0.086 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-3

**Auditor's Parcel Nos.:** 088-0008-0235-00 (088-0008-0235-00; -237 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 7124, Pg. 601 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue North 06°01'18" East, 179.40 feet to the Place of Beginning; thence North 84°08'26" West, 17.66 feet to a point; thence North 06°10'24" East, 54.46 feet to a point; thence South 88°38'31" East, 1.45 feet to a point; thence on a curve to the left said curve having a radius of 20.00 feet a chord bearing North 49°05'48" East, 24.56 feet, 26.44 feet as measured along said curve to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 06°34'41" West, 72.47 feet to the Place of Beginning. Containing 1,052 square feet of land more or less (0.024 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-4

**Auditor's Parcel No.:** 088-0008-0018-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11915, Pg. 1658 and being more particularly described as follows:

Beginning at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the north line of said Huntington Place; North 84°54'09" West, 20.00 feet to a point; thence on a curve to the left said curve having a radius of 10.00 feet a chord bearing North 45°23'44" East, 12.65 feet, 13.69 feet as measured along said curve to a point; thence North 06°10'15" East, 153.75 feet to a point; thence on a curve to the left said curve having a radius of 10.05 feet a chord bearing North 29°36'22" West, 10.49 feet, 11.04 feet as measured along said curve to a point; thence North 06°10'24" East, 7.62 feet to a point; thence South 84°08'26" East, 17.66 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue, South 06°01'18" West, 179.40 feet to the Place of Beginning. Containing 2,193 square feet of land more or less (0.050 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-5

**Auditor's Parcel Nos.:** 088-0007-0069-00; -70; -71; -72; -73

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11223, Pg. 892 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, North 03°58'13" East, 4.48 feet to a point; thence South 38°10'18" East, 6.41 feet to a point in the north line of said Earnshaw Avenue; thence with the north line of said Earnshaw Avenue, North 82°24'18" West, 4.31 feet to the Place of Beginning. Containing 10 square feet of land more or less (0.000 Acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 2-WD

**Auditor's Parcel No.:** 088-0007-0035-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Shabbat Shalom, LLC in O.R. 14108, Pg. 1582 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Southern Avenue, 37' R/W; thence with the south line of said Southern Avenue, South 83°55'23" East, 1.89 feet to a point; thence South 45°38'31" West, 2.98 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 06°10'24" East, 2.30 feet to the Place of Beginning. Containing 2 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 3-WD

**Auditor's Parcel Nos.:** 088-0008-0124-00 (088-0008-0124-00; -125 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to CILO Properties, LLC in O.R. 11123, Pg. 1462 and being more particularly described as follows:

Beginning at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue; South 06°10'24" West, 74.06 feet to a point; thence South 05°58'06" West, 53.54 feet to a point; thence North 01°55'04" East, 55.17 feet to a point; thence North 84°35'44" West, 1.00 feet to a point; thence North 01°44'03" East, 63.25 feet to a point; thence on a curve to the left said curve having a radius of 9.00 feet a chord bearing North 41°38'23" West, 12.27 feet, 13.50 feet as measured along said curve to a point; thence North 84°33'07" West, 7.05 feet to a point; thence North 05°26'53" East, 0.89 feet to a point in the south line of said Huntington Place; thence with the south line of said Huntington Place, South 84°54'09" East, 25.95 feet to the Place of Beginning. Containing 696 square feet of land more or less (0.016 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 5-WD

**Auditor's Parcel Nos.:** 088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Hamilton County Board of Commissioners in D.B. 2451, Pages 54, 315, 343 and 491 and D.B. 2457, Page 56 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Bodmann Avenue, 50' R/W; thence with the east line of said Auburn Avenue, North 06°10'24" East, 237.94 feet to a point; thence South 82°52'21" East, 0.19 feet to a point; thence South 05°01'34" West, 0.30 feet to a point; thence South 03°03'00" West, 5.76 feet to a point; thence South 03°04'03" West, 29.59 feet to a point; thence South 01°54'03" West, 6.56 feet to a point; thence South 01°44'03" West, 72.67 feet to a point; thence on a curve to the right said curve having a radius of 726.96 feet a chord bearing South 06°23'25" West, 118.02 feet, 118.15 feet as measured along said curve to a point; thence South 11°15'33" West, 5.31 feet to a point in the north line of said Bodmann Avenue; thence with the north line of said Bodmann Avenue, North 84°06'54" West, 7.31 feet to the Place of Beginning. Containing 1,622 square feet of land more or less (0.037 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 6-WD

**Auditor's Parcel No.:** 088-0007-0001-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to HIDY Transportation Co. in D.B. 3777, Pg. 331 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the east line of said Auburn Avenue, North 05°58'06" East, 97.85 feet to a point; thence South 84°06'54" East, 100.00 feet to a point; thence South 05°58'06" West, 97.99 feet to a point in the north line of said Dorchester Avenue said point being 0.46 feet north of an existing iron pin; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 100.00 feet to the Place of Beginning. Containing 9,792 square feet of land more or less (0.225 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 7-WD

**Auditor's Parcel No.:** 088-0007-0002-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to ORI Associates, LLC in O.R. 12974, Pg. 602 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 100.00 feet to a point being 0.46 feet north of an existing iron pin and being the Place of Beginning; thence North 05°58'06" East, 26.85 feet to a point; thence on a curve to the left, said curve having a radius of 189.00 feet a chord bearing South 61°04'20" East, 44.76 feet, 44.87 feet as measured along said curve to a point; thence South 05°58'06" West, 9.38 feet to a point in the north line of said Dorchester Avenue said point being 0.46 feet north of an existing iron pin; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 41.22 feet to the Place of Beginning. Containing 707 square feet of land more or less (0.016 acres). Bearings based on NAD 83 (2007). Subject to all legal highways,

easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 8-WD  
**Auditor's Parcel No.:** 088-0007-0003-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to James Gill in D.B. 3935, Pg. 272 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 141.22 feet to a point being 0.46 feet north of an existing iron pin and being the Place of Beginning; thence North 05°58'06" East, 9.38 feet to a point; thence on a curve to the left, said curve having a radius of 189.00 feet a chord bearing South 74°43'56" East, 45.14 feet, 45.25 feet as measured along said curve to a point; thence South 81°23'03" East, 20.60 feet to a point; thence South 05°58'06" West, 1.13 feet to a point in the north line of said Dorchester Avenue; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 65.13 feet to the Place of Beginning. Containing 248 square feet of land more or less (0.006 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

## Attachment B

### *Legal Descriptions – Temporary Easements*

**Project Parcel:** 1-T-1

**Auditor's Parcel Nos.:** 088-0008-0128-00 (088-0008-0128-00 through -135; -185; -186 cons.), 088-0008-0136-00, 088-0008-0137-00 (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.), & 088-0008-0141-00 (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57'05" West, 106.56 feet to a point; thence North 85°03'27" West, 6.54 feet to the Place of Beginning; thence South 03°33'58" West, 58.28 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 27°56'47" East, 7.34 feet, 7.42 feet as measured along said curve to a point; thence South 03°31'00" West, 36.70 feet to a point; thence South 00°46'48" East, 4.67 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 38°25'47" West, 9.30 feet, 9.45 feet as measured along said curve to a point; thence South 03°54'19" West, 57.75 feet to a point; thence South 83°50'31" East, 4.19 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 11°59'25" East, 5.52 feet, 5.59 feet as measured along said curve to a point; thence South 04°01'37" West, 36.50 feet to a point; thence North 85°58'23" West, 5.99 feet to a point; thence North 05°27'47" East, 27.41 feet to a point; thence North 84°31'45" West, 11.85 feet to a point; thence North 03°54'19" East, 72.13 feet to a point; thence on a curve to the left said curve having a radius of 12.00 feet a chord bearing North 54°05'46" East, 18.69 feet, 21.42 feet as measured along said curve to a point; thence North 02°57'33" East, 32.55 feet to a point; thence on a curve to the left said curve having a radius of 12.00 feet a chord bearing North 44°00'52" West, 17.54 feet, 19.68 feet as measured along said curve to a point; thence; thence North 07°30'46" East, 57.37 feet to a point; thence South 85°03'27" East, 7.49 feet to the Place of Beginning.

and also:

Commencing the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57'05" West, 106.56 feet to a point; thence North 85°03'27" West, 6.54 feet to a point; thence South 03°33'58" West, 58.28 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 27°56'47" East, 7.34 feet, 7.42 feet as measured along said curve to a point; thence South 03°31'00" West, 36.70 feet to a point; thence South 00°46'48" East, 4.67 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 38°25'47" West, 9.30 feet, 9.45 feet as measured along said curve to a point; thence South 03°54'19" West, 57.75 feet to a point; thence South 83°50'31" East, 4.19 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 11°59'25" East, 5.52 feet, 5.59 feet as measured along said curve to a point; thence South 04°01'37" West, 36.50 feet to a point; thence North 85°58'23" West, 5.99 feet to a point; thence South 05°58'57" West, 15.96 feet to the Place of Beginning; thence South 84°13'19" East, 6.20 feet to a point; thence South 05°33'28" West, 151.90 feet to a point; thence South 06°17'48" West, 99.79 feet to a point; thence North 84°00'58" West, 6.29 feet to a point; thence South 06°10'24" West, 1.84

feet to a point; thence North 88°38'31" West, 13.71 feet to a point; thence North 06°10'24" East, 18.73 feet to a point; thence North 83°41'36" West, 9.57 feet to a point; thence North 05°49'26" East, 52.17 feet to a point; thence South 83°41'53" East, 23.74 feet to a point; North 05°38'51" East, 130.47 feet to a point; thence North 05°49'43" East, 53.32 feet to the Place of Beginning. Containing a Total of 4,845 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-T-3

**Auditor's Parcel Nos.:** 088-0008-0235-00 (088-0008-0235-00; -237 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 7124, Pg. 601 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue North 06°01'18" East, 179.40 feet to a point; thence North 84°08'26" West, 17.66 feet to the Place of Beginning; thence North 84°08'26" West, 15.43 feet to a point; thence North 06°10'24" East, 10.19 feet to a point; thence South 83°49'36" East, 6.28 feet to a point; thence North 06°10'24" East, 36.86 feet to a point; thence North 83°41'36" West, 4.51 feet to a point; thence North 06°10'24" East, 6.40 feet to a point; thence South 88°38'31" East, 13.70 feet to a point; thence South 06°10'24" West, 54.46 feet to the Place of Beginning. Containing 588 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-T-4

**Auditor's Parcel No.:** 088-0008-0018-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11915, Pg. 1658 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the north line of said Huntington Place; North 84°54'09" West, 20.00 feet to the Place of Beginning; thence continuing with the north line of said Huntington Place North 84°54'09" West, 24.14 feet to a point; thence North 06°10'24" East, 15.88 feet to a point; thence North 43°06'54" East, 19.80 feet to a point; thence North 06°10'24" East, 5.62 feet to a point; thence South 84°58'53" East, 9.74 feet to a point; thence North 05°39'51" East, 120.79 feet to a point; thence North 84°03'12" West, 10.00 feet to a point; thence North 06°10'24" East, 21.78 feet to a point; thence South 84°08'26" East, 15.43 feet to a point; thence South 06°10'24" West, 7.62 feet to a point; thence on a curve to the right said curve having a radius of 10.05 feet a chord bearing South 29°36'22" East, 10.49 feet, 11.04 feet as measured along said curve to a point; thence South 06°10'15" West, 153.75 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 45°23'44" West, 12.65 feet, 13.69 feet to the Place of Beginning. Containing 2,752 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.



**Project Parcel:** 1-T-5

**Auditor's Parcel Nos.:** 088-0007-0069-00; -70; -71; -72; -73

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11223, Pg. 892 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, North 03°58'13" East, 111.84 feet to a point; thence North 03°03'25" East, 20.56 feet to a point; thence North 02°59'08" East, 89.23 feet to a point; thence South 87°00'52" East, 4.50 feet to a point; thence South 02°59'08" West, 89.23 feet to a point; thence South 03°03'25" West, 20.60 feet; thence South 03°58'13" West, 107.65 to a point; thence South 82°24'18" East, 15.52 feet to a point; thence South 03°58'13" West, 4.51 feet to a point in the north line of said Earnshaw Avenue; thence North 82°24'18" West, 20.03 feet to the Place of Beginning. Containing 1,068 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 2-T

**Auditor's Parcel No.:** 088-0007-0035-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Shabbat Shalom, LLC in O.R. 14108, Pg. 1582 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Southern Avenue, 37' R/W; thence with the south line of said Southern Avenue, South 83°55'23" East, 1.89 feet to the Place of Beginning; thence South 83°55'23" East, 4.85 feet to a point; thence South 05°37'21" West, 26.70 feet to a point; thence South 06°10'24" West, 75.10 feet to a point; thence North 83°55'23" West, 7.00 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 06°10'24" East, 99.50 feet to a point; thence North 45°38'31" East, 2.98 feet to the Place of Beginning. Containing 697 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 3-T

**Auditor's Parcel Nos.:** 088-0008-0124-00 (088-0008-0124-00; -125 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to CILO Properties, LLC in O.R. 11123, Pg. 1462 and being more particularly described as follows:

Commencing at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the south line of said Huntington Place; North 84°54'09" West, 25.95 feet to a point; thence South 05°26'53" West, 0.89 feet to the Place of Beginning; thence South 84°33'07" East, 7.05 feet to a point; thence on a curve to the right said curve having a radius of 9.00 feet a chord bearing South 41°38'23" East, 12.27 feet, 13.50 feet as measured along said curve to a point; thence South 01°44'03" West, 63.25 feet to a point; thence South 84°35'44" East, 1.00 feet to a point; thence South 01°55'04" West, 55.17 feet to a point; thence North 84°22'59" West, 14.94 feet to a point; thence North 04°55'08" East, 122.03 feet to a point; thence North 84°54'41" West, 8.47 feet to a point; thence North 05°26'53" East, 4.53 feet to the Place of Beginning. Containing 1,116 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 4-T  
**Auditor's Parcel No.:** 088-0008-0249-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Medulla Oblongata Property Holdings, LLC in O.R. 12315, Pg. 1034 and being more particularly described as follows:

Commencing at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue the following two courses; South 06°10'24" West, 74.06 feet to a point; thence South 05°58'06" West, 53.54 feet to the Place of Beginning; thence South 05°58'06" West, 19.97 feet to a point; thence South 87°12'52" West, 14.77 feet to a point; thence North 05°06'23" East, 22.13 feet to a point; thence South 84°22'59" East, 14.93 feet to the Place of Beginning. Containing 311 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 5-T  
**Auditor's Parcel Nos.:** 088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Hamilton County Board of Commissioners in D.B. 2451, Pages 54, 315, 343 and 491 and D.B. 2457, Page 56 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Bodmann Avenue, 50' R/W; thence with the north line of said Bodmann Avenue, South 84°06'54" East, 7.31 feet to the Place of Beginning; thence North 11°15'33" East, 5.31 feet to a point; thence on a curve to the left said curve having a radius of 726.96 feet a chord bearing North 06°23'25" East, 118.02 feet, 118.15 feet as measured along said curve to a point; thence North 01°44'03" East, 72.67 feet to a point; thence North 01°54'03" East, 6.56 feet to a point; thence North 03°04'03" East, 29.59 feet to a point; thence North 03°03'00" East, 5.76 feet to a point; thence North 05°01'34" East, 0.30 feet to a point; thence South 82°52'21" East, 14.79 feet to a point; thence South 14°03'30" East, 23.83 feet to a point; thence South 04°26'18" East, 31.28 feet to a point; thence South 01°57'47" West, 109.32 feet to a point; thence South 13°13'00" West, 76.00 feet to a point in the north line of said Bodmann Avenue, thence with the north line of said Bodmann Avenue, North 84°06'54" West, 20.38 feet to the Place of Beginning. Containing 5,649 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 7-T  
**Auditor's Parcel No.:** 088-0007-0002-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to ORI Associates, LLC in O.R. 12974, Pg. 602 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 100.00 feet to a point being 0.46 feet north of an existing iron pin; thence; North 05°58'06" East, 26.85 feet to the Place of Beginning; thence North 05°58'06" East, 23.50 feet to a point; thence on a curve to the left, said curve having a radius of 169.00 feet a chord bearing South 58°06'20" East, 45.83 feet, 45.97 feet as measured along said curve to a point; thence South 05°58'06" West, 20.93 feet to a point; thence on a curve to the right said curve having a radius of 189.00 feet a chord bearing North 61°04'20" West, 44.76 feet to the Place of Beginning. Containing 908 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 8-T  
**Auditor's Parcel No.:** 088-0007-0003-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to James Gill in D.B. 3935, Pg. 272 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 141.22 feet to a point being 0.46 feet north of an existing iron pin; thence; North 05°58'06" East, 9.38 feet to the Place of Beginning; thence North 05°58'06" East, 20.93 feet to a point; thence on a curve to the left said curve having a radius of 169.00 a chord bearing South 70°23'02" East, 26.43 feet, 26.46 feet as measured along said curve to a point; thence South 64°34'52" East, 41.83 feet to a point; thence South 05°58'06" West, 9.01 feet to a point; thence North 81°23'03" West, 20.60 feet to a point; thence on a curve to the right, said curve having a radius of 189.00 feet a chord bearing North 74°43'56" West, 45.14 feet, 45.25 feet as measured along said curve to the Place of Beginning. Containing 1,116 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 9-T-1  
**Auditor's Parcel Nos.:** 094-0006-0224-00 (094-0006-0224-00 through -0227)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being all of Lot 29 and part of Lots 26 and 28 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

Beginning at the intersection of the southwest corner of said Lot 29 and the north line of Sycamore Street, 70' R/W; thence North 05°56'07" East, 42.10 feet to a point in the south line of Dorchester Avenue, 40' R/W; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 37.18 feet to a point; thence South 05°39'15" West, 32.35 feet to a point in the north line of said Sycamore Street; thence with the north line of said Sycamore Street, South 81°18'30" West, 38.59 feet to the Place of Beginning. Containing 1,387 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

**Project Parcel:** 9-T-2  
**Auditor's Parcel Nos.:** 094-0006-0224-00 (094-0006-0224-00 through -0227)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being part of Lot 26 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

Beginning at the intersection of the south line of Dorchester Avenue, 40' R/W and the North line of Sycamore Street, 70' R/W; thence with the north line of said Sycamore Street, South 64°45'09" West, 19.35 feet to a point; thence North 04°58'18" East, 10.02 feet to a point in the south line of said Dorchester Avenue; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 16.72 feet to the Place of Beginning. Containing 84 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

**Project Parcel:** 10-T  
**Auditor's Parcel No.:** 088-0007-0004-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Donald Blaire Frodge, Jr. in O.R. 7675, Pg. 1727 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 206.35 feet to the Place of Beginning; thence North 05°58'06" East, 10.14 to a point; thence South 73°11'38" East, 35.08 feet to a point; thence South 81°23'03" East, 25.03 feet to a point; thence South 06°00'32" West, 2.38 feet to a point in the north line of said Dorchester Avenue; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 59.45 feet to the Place of Beginning. Containing 310 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 11-T

**Auditor's Parcel Nos.:** 088-0007-0097-00; -132

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Merk Holdings OH 1, LLC in O.R. 14121, Pg. 3045 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Southern Avenue 37' R/W; thence with the east line of said Auburn Avenue, North 05°37'21" East, 44.52 feet to the Place of Beginning; thence North 05°37'21" East, 12.25 to a point; thence South 83°26'20" East, 4.77 feet to a point; thence South 05°32'24" West, 12.25 feet to a point; thence North 83°26'20" West, 4.79 feet to the Place of Beginning. Containing 59 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 12-T

**Auditor's Parcel Nos.:** 088-0007-0104-00 (088-0007-0104-00; -107 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to 2112 Ave Mt Auburn Holdings, LLC in O.R. 14121, Pg. 2574 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, South 05°37'21" West, 74.69 feet to the Place of Beginning; thence South 83°26'20" East, 4.70 feet to a point; thence South 05°32'24" West, 46.31 feet to a point; thence North 83°26'20" West, 4.77 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 05°37'21" East, 46.31 feet to the Place of Beginning. Containing 219 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcels:** 13-T-1 & 13-T-2

**Auditor's Parcel Nos.:** 094-0006-0220-00; 094-0006-0221-00; 094-0006-0222-00; & 094-0006-0223-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being all of Lot 30 and part of Lot 31 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

Beginning at the intersection of the southeast corner of said Lot 30 and the north line of Sycamore Street, 70' R/W; thence with the north line of said Sycamore Street, South 81°18'30" West, 48.09 feet to a point; thence North 05°56'07" East, 54.24 feet to a point in the south line of Dorchester Avenue, 40' R/W; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 46.53 feet to a point; thence South 05°56'07" West, 42.10 feet to the Place of Beginning. Containing 2,241 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

## Attachment A

### *Legal Descriptions – Fee Simple Interests*

**Project Parcel:**                   **1-WD-1**

**Auditor’s Parcel Nos.:**       **088-0008-0128-00** (088-0008-0128-00 through -135; -185; -186 cons.); **088-0008-0136-00**; **088-0008-0137-00** (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.); & **088-0008-0141-00** (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing at the intersection of the west line of Auburn Avenue, 60’ R/W and the south line of Glencoe Place, 40’ R/W; thence with the west line of said Auburn Avenue, South 02°58’35” West, 402.74 feet to a point; thence North 84°17’55” West, 189.00 feet to a point; thence South 02°58’35” West, 60.00 feet to a point; thence South 84°17’55” East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57’05” West, 106.56 feet to the Place of Beginning; thence continuing with the west line of said Auburn Avenue the following two courses, South 07°57’05” West, 35.70 feet to a point; thence South 03°31’00” West, 28.79 feet to a point; thence on a curve to the left said curve having a radius of 15.00 feet a chord bearing North 27°56’47” West, 7.34 feet, 7.42 feet as measured along said curve to a point; thence North 03°33’58” East, 58.28 feet to a point; thence South 85°03’27” East, 6.54 feet to the Place of Beginning. Containing 281 square feet of land more or less (0.006 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:**                   **1-WD-2**

**Auditor’s Parcel Nos.:**       **088-0008-0128-00** (088-0008-0128-00 through -135; -185; -186 cons.); **088-0008-0136-00**; **088-0008-0137-00** (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.); & **088-0008-0141-00** (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing the intersection of the west line of Auburn Avenue, 60’ R/W and the south line of Glencoe Place, 40’ R/W; thence with the west line of said Auburn Avenue, South 02°58’35” West, 402.74 feet to a point; thence North 84°17’55” West, 189.00 feet to a point; thence South 02°58’35” West, 60.00 feet to a point; thence South 84°17’55” East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue the following three courses, South 07°57’05” West, 142.26 feet to a point; thence South 03°31’00” West, 65.49 feet to a point; thence 00°46’48” East 4.67 feet to the Place of Beginning; thence continuing with the west line of said Auburn Avenue the following four courses; South 00°46’48” East, 80.64 feet to a point; thence South 00°57’27” West, 75.00 feet to a point; thence South 05°43’35” West, 204.14 feet to a point; thence on a curve to the

right said curve having a radius of 20.00 feet a chord bearing South 49°05'48" West, 24.56 feet, 26.44 feet as measured along said curve to a point; thence North 88°38'31" West, 1.45 feet to a point; thence North 06°10'24" East, 1.84 feet to a point; thence South 84°00'58" East, 6.29 feet to a point; thence North 06°17'48" East, 99.79 feet to a point; thence North 05°33'28" East, 151.90 feet to a point; thence North 84°13'19" West, 6.20 feet to a point; thence North 05°58'57" East, 15.96 feet to a point; thence South 85°58'23" East, 5.99 feet to a point; thence North 04°01'37" East, 36.50 feet to a point; thence on a curve to the left said curve having a radius of 10.00 feet a chord bearing North 11°59'25" West, 5.52 feet, 5.59 feet as measured along said curve to a point; thence North 83°50'31" West, 4.19 feet to a point; thence North 03°54'19" East 57.75 feet to a point; thence on a curve to the left said curve having a radius of 15.00 feet a chord bearing North 38°25'47" East, 9.30 feet, 9.45 feet as measured along said curve to the Place of Beginning. Containing 3,767 square feet of land more or less (0.086 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-3

**Auditor's Parcel Nos.:** 088-0008-0235-00 (088-0008-0235-00; -237 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 7124, Pg. 601 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue North 06°01'18" East, 179.40 feet to the Place of Beginning; thence North 84°08'26" West, 17.66 feet to a point; thence North 06°10'24" East, 54.46 feet to a point; thence South 88°38'31" East, 1.45 feet to a point; thence on a curve to the left said curve having a radius of 20.00 feet a chord bearing North 49°05'48" East, 24.56 feet, 26.44 feet as measured along said curve to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 06°34'41" West, 72.47 feet to the Place of Beginning. Containing 1,052 square feet of land more or less (0.024 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-4

**Auditor's Parcel No.:** 088-0008-0018-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11915, Pg. 1658 and being more particularly described as follows:

Beginning at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the north line of said Huntington Place; North 84°54'09" West, 20.00 feet to a point; thence on a curve to the left said curve having a radius of 10.00 feet a chord bearing North 45°23'44" East, 12.65 feet, 13.69 feet as measured along said curve to a point; thence North 06°10'15" East, 153.75 feet to a point; thence on a curve to the left said curve having a radius of 10.05 feet a chord bearing North 29°36'22" West, 10.49 feet, 11.04 feet as measured along said curve to a point; thence North 06°10'24" East, 7.62 feet to a point; thence South 84°08'26" East, 17.66 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue, South 06°01'18" West, 179.40 feet to the Place of Beginning. Containing 2,193 square feet of land more or less (0.050 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-WD-5

**Auditor's Parcel Nos.:** 088-0007-0069-00; -70; -71; -72; -73

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11223, Pg. 892 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, North 03°58'13" East, 4.48 feet to a point; thence South 38°10'18" East, 6.41 feet to a point in the north line of said Earnshaw Avenue; thence with the north line of said Earnshaw Avenue, North 82°24'18" West, 4.31 feet to the Place of Beginning. Containing 10 square feet of land more or less (0.000 Acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 2-WD

**Auditor's Parcel No.:** 088-0007-0035-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Shabbat Shalom, LLC in O.R. 14108, Pg. 1582 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Southern Avenue, 37' R/W; thence with the south line of said Southern Avenue, South 83°55'23" East, 1.89 feet to a point; thence South 45°38'31" West, 2.98 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 06°10'24" East, 2.30 feet to the Place of Beginning. Containing 2 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 3-WD

**Auditor's Parcel Nos.:** 088-0008-0124-00 (088-0008-0124-00; -125 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to CILO Properties, LLC in O.R. 11123, Pg. 1462 and being more particularly described as follows:

Beginning at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue; South 06°10'24" West, 74.06 feet to a point; thence South 05°58'06" West, 53.54 feet to a point; thence North 01°55'04" East, 55.17 feet to a point; thence North 84°35'44" West, 1.00 feet to a point; thence North 01°44'03" East, 63.25 feet to a point; thence on a curve to the left said curve having a radius of 9.00 feet a chord bearing North 41°38'23" West, 12.27 feet, 13.50 feet as measured along said curve to a point; thence North 84°33'07" West, 7.05 feet to a point; thence North 05°26'53" East, 0.89 feet to a point in the south line of said Huntington Place; thence with the south line of said Huntington Place, South 84°54'09" East, 25.95 feet to the Place of Beginning. Containing 696 square feet of land more or less (0.016 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.



**Project Parcel:** 5-WD

**Auditor's Parcel Nos.:** 088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Hamilton County Board of Commissioners in D.B. 2451, Pages 54, 315, 343 and 491 and D.B. 2457, Page 56 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Bodmann Avenue, 50' R/W; thence with the east line of said Auburn Avenue, North 06°10'24" East, 237.94 feet to a point; thence South 82°52'21" East, 0.19 feet to a point; thence South 05°01'34" West, 0.30 feet to a point; thence South 03°03'00" West, 5.76 feet to a point; thence South 03°04'03" West, 29.59 feet to a point; thence South 01°54'03" West, 6.56 feet to a point; thence South 01°44'03" West, 72.67 feet to a point; thence on a curve to the right said curve having a radius of 726.96 feet a chord bearing South 06°23'25" West, 118.02 feet, 118.15 feet as measured along said curve to a point; thence South 11°15'33" West, 5.31 feet to a point in the north line of said Bodmann Avenue; thence with the north line of said Bodmann Avenue, North 84°06'54" West, 7.31 feet to the Place of Beginning. Containing 1,622 square feet of land more or less (0.037 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 6-WD

**Auditor's Parcel No.:** 088-0007-0001-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to HIDY Transportation Co. in D.B. 3777, Pg. 331 and being more particularly described as follows:

Beginning at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the east line of said Auburn Avenue, North 05°58'06" East, 97.85 feet to a point; thence South 84°06'54" East, 100.00 feet to a point; thence South 05°58'06" West, 97.99 feet to a point in the north line of said Dorchester Avenue said point being 0.46 feet north of an existing iron pin; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 100.00 feet to the Place of Beginning. Containing 9,792 square feet of land more or less (0.225 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 7-WD

**Auditor's Parcel No.:** 088-0007-0002-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to ORI Associates, LLC in O.R. 12974, Pg. 602 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 100.00 feet to a point being 0.46 feet north of an existing iron pin and being the Place of Beginning; thence North 05°58'06" East, 26.85 feet to a point; thence on a curve to the left, said curve having a radius of 189.00 feet a chord bearing South 61°04'20" East, 44.76 feet, 44.87 feet as measured along said curve to a point; thence South 05°58'06" West, 9.38 feet to a point in the north line of said Dorchester Avenue said point being 0.46 feet north of an existing iron pin; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 41.22 feet to the Place of Beginning. Containing 707 square feet of land more or less (0.016 acres). Bearings based on NAD 83 (2007). Subject to all legal highways,

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easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel: 8-WD**  
**Auditor's Parcel No.: 088-0007-0003-00**

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to James Gill in D.B. 3935, Pg. 272 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South  $84^{\circ}02'08''$  East, 141.22 feet to a point being 0.46 feet north of an existing iron pin and being the Place of Beginning; thence North  $05^{\circ}58'06''$  East, 9.38 feet to a point; thence on a curve to the left, said curve having a radius of 189.00 feet a chord bearing South  $74^{\circ}43'56''$  East, 45.14 feet, 45.25 feet as measured along said curve to a point; thence South  $81^{\circ}23'03''$  East, 20.60 feet to a point; thence South  $05^{\circ}58'06''$  West, 1.13 feet to a point in the north line of said Dorchester Avenue; thence with the north line of said Dorchester Avenue, North  $84^{\circ}02'08''$  West, 65.13 feet to the Place of Beginning. Containing 248 square feet of land more or less (0.006 acres). Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

## Attachment B

### *Legal Descriptions – Temporary Easements*

**Project Parcel:**                   **1-T-1**

**Auditor's Parcel Nos.:**       **088-0008-0128-00** (088-0008-0128-00 through -135; -185; -186 cons.), **088-0008-0136-00**, **088-0008-0137-00** (088-0008-0137-00 through -140; -143 through -146; -155 through -183; -187 through -190; -192 through -200; -208; -217; -221; -226; -227 cons.; -217; -221; -226; -227 cons.), & **088-0008-0141-00** (088-0008-141; -142 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 5624, Pg. 1032 and being more particularly described as follows:

Commencing the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57'05" West, 106.56 feet to a point; thence North 85°03'27" West, 6.54 feet to the Place of Beginning; thence South 03°33'58" West, 58.28 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 27°56'47" East, 7.34 feet, 7.42 feet as measured along said curve to a point; thence South 03°31'00" West, 36.70 feet to a point; thence South 00°46'48" East, 4.67 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 38°25'47" West, 9.30 feet, 9.45 feet as measured along said curve to a point; thence South 03°54'19" West, 57.75 feet to a point; thence South 83°50'31" East, 4.19 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 11°59'25" East, 5.52 feet, 5.59 feet as measured along said curve to a point; thence South 04°01'37" West, 36.50 feet to a point; thence North 85°58'23" West, 5.99 feet to a point; thence North 05°27'47" East, 27.41 feet to a point; thence North 84°31'45" West, 11.85 feet to a point; thence North 03°54'19" East, 72.13 feet to a point; thence on a curve to the left said curve having a radius of 12.00 feet a chord bearing North 54°05'46" East, 18.69 feet, 21.42 feet as measured along said curve to a point; thence North 02°57'33" East, 32.55 feet to a point; thence on a curve to the left said curve having a radius of 12.00 feet a chord bearing North 44°00'52" West, 17.54 feet, 19.68 feet as measured along said curve to a point; thence; thence North 07°30'46" East, 57.37 feet to a point; thence South 85°03'27" East, 7.49 feet to the Place of Beginning.

and also:

Commencing the intersection of the west line of Auburn Avenue, 60' R/W and the south line of Glencoe Place, 40' R/W; thence with the west line of said Auburn Avenue, South 02°58'35" West, 402.74 feet to a point; thence North 84°17'55" West, 189.00 feet to a point; thence South 02°58'35" West, 60.00 feet to a point; thence South 84°17'55" East, 189.00 feet to a point in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue South 07°57'05" West, 106.56 feet to a point; thence North 85°03'27" West, 6.54 feet to a point; thence South 03°33'58" West, 58.28 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 27°56'47" East, 7.34 feet, 7.42 feet as measured along said curve to a point; thence South 03°31'00" West, 36.70 feet to a point; thence South 00°46'48" East, 4.67 feet to a point; thence on a curve to the right said curve having a radius of 15.00 feet a chord bearing South 38°25'47" West, 9.30 feet, 9.45 feet as measured along said curve to a point; thence South 03°54'19" West, 57.75 feet to a point; thence South 83°50'31" East, 4.19 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 11°59'25" East, 5.52 feet, 5.59 feet as measured along said curve to a point; thence South 04°01'37" West, 36.50 feet to a point; thence North 85°58'23" West, 5.99 feet to a point; thence South 05°58'57" West, 15.96 feet to the Place of Beginning; thence South 84°13'19" East, 6.20 feet to a point; thence South 05°33'28" West, 151.90 feet to a point; thence South 06°17'48" West, 99.79 feet to a point; thence North 84°00'58" West, 6.29 feet to a point; thence South 06°10'24" West, 1.84

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feet to a point; thence North 88°38'31" West, 13.71 feet to a point; thence North 06°10'24" East, 18.73 feet to a point; thence North 83°41'36" West, 9.57 feet to a point; thence North 05°49'26" East, 52.17 feet to a point; thence South 83°41'53" East, 23.74 feet to a point; North 05°38'51" East, 130.47 feet to a point; thence North 05°49'43" East, 53.32 feet to the Place of Beginning. Containing a Total of 4,845 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** **1-T-3**

**Auditor's Parcel Nos.:** **088-0008-0235-00** (088-0008-0235-00; -237 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 7124, Pg. 601 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue North 06°01'18" East, 179.40 feet to a point; thence North 84°08'26" West, 17.66 feet to the Place of Beginning; thence North 84°08'26" West, 15.43 feet to a point; thence North 06°10'24" East, 10.19 feet to a point; thence South 83°49'36" East, 6.28 feet to a point; thence North 06°10'24" East, 36.86 feet to a point; thence North 83°41'36" West, 4.51 feet to a point; thence North 06°10'24" East, 6.40 feet to a point; thence South 88°38'31" East, 13.70 feet to a point; thence South 06°10'24" West, 54.46 feet to the Place of Beginning. Containing 588 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** **1-T-4**

**Auditor's Parcel No.:** **088-0008-0018-00**

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11915, Pg. 1658 and being more particularly described as follows:

Commencing at the intersection of the north line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the north line of said Huntington Place; North 84°54'09" West, 20.00 feet to the Place of Beginning; thence continuing with the north line of said Huntington Place North 84°54'09" West, 24.14 feet to a point; thence North 06°10'24" East, 15.88 feet to a point; thence North 43°06'54" East, 19.80 feet to a point; thence North 06°10'24" East, 5.62 feet to a point; thence South 84°58'53" East, 9.74 feet to a point; thence North 05°39'51" East, 120.79 feet to a point; thence North 84°03'12" West, 10.00 feet to a point; thence North 06°10'24" East, 21.78 feet to a point; thence South 84°08'26" East, 15.43 feet to a point; thence South 06°10'24" West, 7.62 feet to a point; thence on a curve to the right said curve having a radius of 10.05 feet a chord bearing South 29°36'22" East, 10.49 feet, 11.04 feet as measured along said curve to a point; thence South 06°10'15" West, 153.75 feet to a point; thence on a curve to the right said curve having a radius of 10.00 feet a chord bearing South 45°23'44" West, 12.65 feet, 13.69 feet to the Place of Beginning. Containing 2,752 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 1-T-5

**Auditor's Parcel Nos.:** 088-0007-0069-00; -70; -71; -72; -73

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to The Christ Hospital in O.R. 11223, Pg. 892 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, North 03°58'13" East, 111.84 feet to a point; thence North 03°03'25" East, 20.56 feet to a point; thence North 02°59'08" East, 89.23 feet to a point; thence South 87°00'52" East, 4.50 feet to a point; thence South 02°59'08" West, 89.23 feet to a point; thence South 03°03'25" West, 20.60 feet; thence South 03°58'13" West, 107.65 to a point; thence South 82°24'18" East, 15.52 feet to a point; thence South 03°58'13" West, 4.51 feet to a point in the north line of said Earnshaw Avenue; thence North 82°24'18" West, 20.03 feet to the Place of Beginning. Containing 1,068 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 2-T

**Auditor's Parcel No.:** 088-0007-0035-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Shabbat Shalom, LLC in O.R. 14108, Pg. 1582 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Southern Avenue, 37' R/W; thence with the south line of said Southern Avenue, South 83°55'23" East, 1.89 feet to the Place of Beginning; thence South 83°55'23" East, 4.85 feet to a point; thence South 05°37'21" West, 26.70 feet to a point; thence South 06°10'24" West, 75.10 feet to a point; thence North 83°55'23" West, 7.00 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 06°10'24" East, 99.50 feet to a point; thence North 45°38'31" East, 2.98 feet to the Place of Beginning. Containing 697 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 3-T

**Auditor's Parcel Nos.:** 088-0008-0124-00 (088-0008-0124-00; -125 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to CILO Properties, LLC in O.R. 11123, Pg. 1462 and being more particularly described as follows:

Commencing at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the south line of said Huntington Place; North 84°54'09" West, 25.95 feet to a point; thence South 05°26'53" West, 0.89 feet to the Place of Beginning; thence South 84°33'07" East, 7.05 feet to a point; thence on a curve to the right said curve having a radius of 9.00 feet a chord bearing South 41°38'23" East, 12.27 feet, 13.50 feet as measured along said curve to a point; thence South 01°44'03" West, 63.25 feet to a point; thence South 84°35'44" East, 1.00 feet to a point; thence South 01°55'04" West, 55.17 feet to a point; thence North 84°22'59" West, 14.94 feet to a point; thence North 04°55'08" East, 122.03 feet to a point; thence North 84°54'41" West, 8.47 feet to a point; thence North 05°26'53" East, 4.53 feet to the Place of Beginning. Containing 1,116 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 4-T  
**Auditor's Parcel No.:** 088-0008-0249-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Medulla Oblongata Property Holdings, LLC in O.R. 12315, Pg. 1034 and being more particularly described as follows:

Commencing at the intersection of the south line of Huntington Place, 50' R/W and the west line of Auburn Avenue, 60' R/W; thence with the west line of said Auburn Avenue the following two courses; South 06°10'24" West, 74.06 feet to a point; thence South 05°58'06" West, 53.54 feet to the Place of Beginning; thence South 05°58'06" West, 19.97 feet to a point; thence South 87°12'52" West, 14.77 feet to a point; thence North 05°06'23" East, 22.13 feet to a point; thence South 84°22'59" East, 14.93 feet to the Place of Beginning. Containing 311 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 5-T  
**Auditor's Parcel Nos.:** 088-0007-0020-90 (088-0007-0020-00; -21; -22; -109; -125; -126 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Hamilton County Board of Commissioners in D.B. 2451, Pages 54, 315, 343 and 491 and D.B. 2457, Page 56 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Bodmann Avenue, 50' R/W; thence with the north line of said Bodmann Avenue, South 84°06'54" East, 7.31 feet to the Place of Beginning; thence North 11°15'33" East, 5.31 feet to a point; thence on a curve to the left said curve having a radius of 726.96 feet a chord bearing North 06°23'25" East, 118.02 feet, 118.15 feet as measured along said curve to a point; thence North 01°44'03" East, 72.67 feet to a point; thence North 01°54'03" East, 6.56 feet to a point; thence North 03°04'03" East, 29.59 feet to a point; thence North 03°03'00" East, 5.76 feet to a point; thence North 05°01'34" East, 0.30 feet to a point; thence South 82°52'21" East, 14.79 feet to a point; thence South 14°03'30" East, 23.83 feet to a point; thence South 04°26'18" East, 31.28 feet to a point; thence South 01°57'47" West, 109.32 feet to a point; thence South 13°13'00" West, 76.00 feet to a point in the north line of said Bodmann Avenue, thence with the north line of said Bodmann Avenue, North 84°06'54" West, 20.38 feet to the Place of Beginning. Containing 5,649 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 7-T  
**Auditor's Parcel No.:** 088-0007-0002-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to ORI Associates, LLC in O.R. 12974, Pg. 602 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 100.00 feet to a point being 0.46 feet north of an existing iron pin; thence; North 05°58'06" East, 26.85 feet to the Place of Beginning; thence North 05°58'06" East, 23.50 feet to a point; thence on a curve to the left, said curve having a radius of 169.00 feet a chord bearing South 58°06'20" East, 45.83 feet, 45.97 feet as measured along said curve to a point; thence South 05°58'06" West, 20.93 feet to a point; thence on a curve to the right said curve having a radius of 189.00 feet a chord bearing North 61°04'20" West, 44.76 feet to the Place of Beginning. Containing 908 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 8-T  
**Auditor's Parcel No.:** 088-0007-0003-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to James Gill in D.B. 3935, Pg. 272 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 141.22 feet to a point being 0.46 feet north of an existing iron pin; thence; North 05°58'06" East, 9.38 feet to the Place of Beginning; thence North 05°58'06" East, 20.93 feet to a point; thence on a curve to the left said curve having a radius of 169.00 a chord bearing South 70°23'02" East, 26.43 feet, 26.46 feet as measured along said curve to a point; thence South 64°34'52" East, 41.83 feet to a point; thence South 05°58'06" West, 9.01 feet to a point; thence North 81°23'03" West, 20.60 feet to a point; thence on a curve to the right, said curve having a radius of 189.00 feet a chord bearing North 74°43'56" West, 45.14 feet, 45.25 feet as measured along said curve to the Place of Beginning. Containing 1,116 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 9-T-1  
**Auditor's Parcel Nos.:** 094-0006-0224-00 (094-0006-0224-00 through -0227)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being all of Lot 29 and part of Lots 26 and 28 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

Beginning at the intersection of the southwest corner of said Lot 29 and the north line of Sycamore Street, 70' R/W; thence North 05°56'07" East, 42.10 feet to a point in the south line of Dorchester Avenue, 40' R/W; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 37.18 feet to a point; thence South 05°39'15" West, 32.35 feet to a point in the north line of said Sycamore Street; thence with the north line of said Sycamore Street, South 81°18'30" West, 38.59 feet to the Place of Beginning. Containing 1,387 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

**Project Parcel:** 9-T-2  
**Auditor's Parcel Nos.:** 094-0006-0224-00 (094-0006-0224-00 through -0227)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being part of Lot 26 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

Beginning at the intersection of the south line of Dorchester Avenue, 40' R/W and the North line of Sycamore Street, 70' R/W; thence with the north line of said Sycamore Street, South 64°45'09" West, 19.35 feet to a point; thence North 04°58'18" East, 10.02 feet to a point in the south line of said Dorchester Avenue; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 16.72 feet to the Place of Beginning. Containing 84 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

**Project Parcel:** 10-T  
**Auditor's Parcel No.:** 088-0007-0004-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Donald Blaire Frodge, Jr. in O.R. 7675, Pg. 1727 and being more particularly described as follows:

{00330789-2}

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Dorchester Avenue, 50' R/W; thence with the north line of said Dorchester Avenue, South 84°02'08" East, 206.35 feet to the Place of Beginning; thence North 05°58'06" East, 10.14 to a point; thence South 73°11'38" East, 35.08 feet to a point; thence South 81°23'03" East, 25.03 feet to a point; thence South 06°00'32" West, 2.38 feet to a point in the north line of said Dorchester Avenue; thence with the north line of said Dorchester Avenue, North 84°02'08" West, 59.45 feet to the Place of Beginning. Containing 310 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 11-T

**Auditor's Parcel Nos.:** 088-0007-0097-00; -132

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Merk Holdings OH 1, LLC in O.R. 14121, Pg. 3045 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the north line of Southern Avenue 37' R/W; thence with the east line of said Auburn Avenue, North 05°37'21" East, 44.52 feet to the Place of Beginning; thence North 05°37'21" East, 12.25 to a point; thence South 83°26'20" East, 4.77 feet to a point; thence South 05°32'24" West, 12.25 feet to a point; thence North 83°26'20" West, 4.79 feet to the Place of Beginning. Containing 59 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcel:** 12-T

**Auditor's Parcel Nos.:** 088-0007-0104-00 (088-0007-0104-00; -107 cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to 2112 Ave Mt Auburn Holdings, LLC in O.R. 14121, Pg. 2574 and being more particularly described as follows:

Commencing at the intersection of the east line of Auburn Avenue, 60' R/W and the south line of Earnshaw Avenue 40' R/W; thence with the east line of said Auburn Avenue, South 05°37'21" West, 74.69 feet to the Place of Beginning; thence South 83°26'20" East, 4.70 feet to a point; thence South 05°32'24" West, 46.31 feet to a point; thence North 83°26'20" West, 4.77 feet to a point in the east line of said Auburn Avenue; thence with the east line of said Auburn Avenue, North 05°37'21" East, 46.31 feet to the Place of Beginning. Containing 219 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record. Based on a survey preformed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Project Parcels:** 13-T-1 & 13-T-2

**Auditor's Parcel Nos.:** 094-0006-0220-00; 094-0006-0221-00; 094-0006-0222-00; & 094-0006-0223-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being all of Lot 30 and part of Lot 31 of the F.G. and Frank Huntington Subdivision as recorded in Plat Book 13, Page 135 H.C.R.O. and being more particularly described as follows:

{00330789-2}



Beginning at the intersection of the southeast corner of said Lot 30 and the north line of Sycamore Street, 70' R/W; thence with the north line of said Sycamore Street, South 81°18'30" West, 48.09 feet to a point; thence North 05°56'07" East, 54.24 feet to a point in the south line of Dorchester Avenue, 40' R/W; thence with the south line of said Dorchester Avenue, South 84°03'53" East, 46.53 feet to a point; thence South 05°56'07" West, 42.10 feet to the Place of Beginning. Containing 2,241 square feet of land more or less. Bearings based on NAD 83 (2007). Subject to all legal highways, easements and restrictions of record.

February 17, 2021

**To:** Mayor and Members of City Council 202100559  
**From:** Paula Boggs Muething, City Manager  
**Subject:** Ordinance - Mercantile Library Building Local Landmark Designation

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Attached is a presentation for a proposed ordinance regarding the Local Landmark designation of the Mercantile Library Building at 414 Walnut Street in the Central Business District for the Economic Growth & Zoning Committee.

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning

Local Historic Landmark  
Designation of The Mercantile Library  
Building  
414 Walnut Street  
Central Business District

Economic Growth & Zoning Committee

February 17, 2021

### Exhibit B: Local Historic Landmark Designation: 414 Walnut Street - Mercantile Library Building

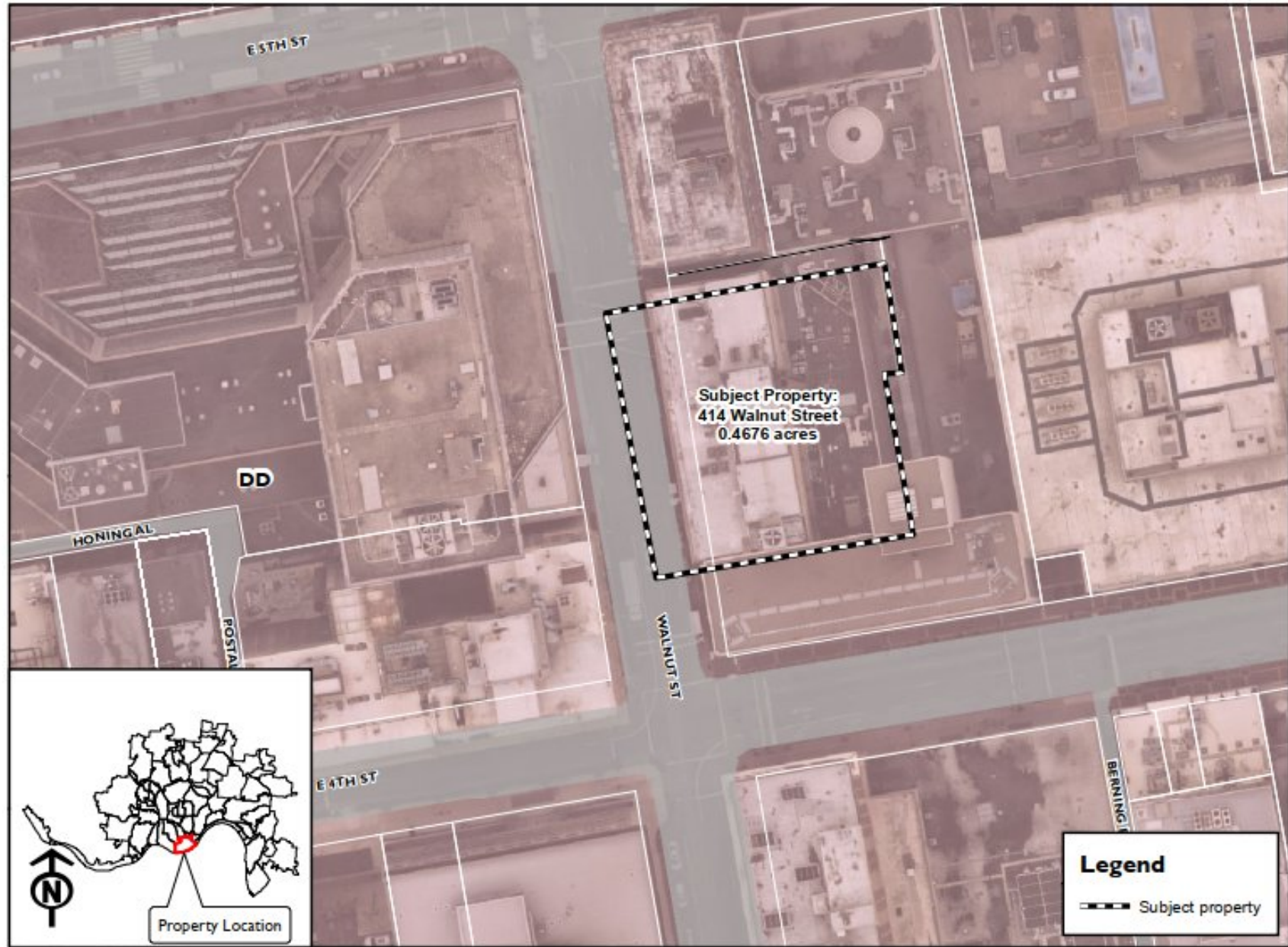




Figure 2. Historic photo of Mercantile Library Building, circa 1910, courtesy of The Mercantile Library





Mercantile Library Building, 414 Walnut Street, main entrance

Historic Landmark designation application submitted by:

- Applicants – City Studio

The Historic Conservation Board reviewed and approved the proposed Local Historic Landmark designation on December 7, 2020, recommending historic designation to the City Planning Commission and City Council



- MCA Center, LLC owns 414 Walnut Street
- Designation will make the building potentially eligible for State and Federal Historic Tax Credits

The Cincinnati Zoning Code specifies that a structure or structures having historical significance must have one of the following attributes:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or

3. That embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That has yielded, or may be likely to yield information important in history or prehistory

The Mercantile Library is being nominated under:

1. Criterion 1 (historical significance) and;
2. Criterion 3 (architectural significance)

The Mercantile Library building is architecturally significant:

- Designed by Joseph G. Steinkamp
- Chicago Commercial Style architectural style during transition from low-scale to high-rise buildings in Cincinnati

The Mercantile Library building is also historically significant:

- Constructed in 1905
- Example of early “sky scraper”
- Private library and learning institution
- Association with Emery Family

- The Local Historic Landmark designation of The Mercantile Library in the Central Business District meets the requirements of Chapter 1435 of the Cincinnati Municipal Code (Historic Preservation). The documentation in this designation report provides conclusive evidence that all required findings may be made for the proposed designation
- This designation will help preserve this architecturally significant building

In making such determination, the City Planning Commission shall consider all of the following factors:

The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark, Historic District or Historic Site is located; and

- This designation is consistent with Plan Cincinnati (2012) will help preserve this architecturally significant building in the Central Business District and will benefit the City of Cincinnati as a whole



The effect of the proposed designation on the surrounding areas and economic development plans of the city; and

- Designation will not have a negative impact on plans in the City but will contribute to the continued revitalization of the Central Business District

Such other planning and historic preservation considerations as may be relevant to the proposed designation.

- This designation will help contribute to redevelopment in the Central Business District increasing housing opportunities

- Proposed guidelines cover rehabilitation, additions, demolition and site improvements
- The Historic Conservation Board and City Planning staff have determined the proposed guidelines are acceptable to meet the goal of preserving the architecture of this building

- Joint Staff Conference with the Historic Conservation Office and the Department of City Planning was held on November 17, 2020
- The applicants and the developers were the only ones present and there was no opposition

## Plan Cincinnati (2012)

- Sustain Initiative Area: preserve our built history with new development incentives and regulatory measures
- Live Initiative Area: “Provide a full spectrum of housing options, and improve housing quality and affordability”

Planning Commission voted unanimously on January 15, 2021, to recommend Local Landmark Designation of the Mercantile Library Building to City Council.

The Cincinnati Planning Commission recommends that the City Council take the following actions:

1. **APPROVE** the Local Historic Landmark designation of The Mercantile Library building at 414 Walnut Street in the Central Business District as described in the “The Mercantile Library Building Historic Designation Report dated January 2, 2021” as seen in Attachment B

2. APPROVE the attached map amendment designating the Local Historic Landmark; as seen in Attachment A; and
3. APPROVE the “The Mercantile Library building Historic Conservation Guidelines dated January 2, 2021” as seen in Attachment C.



202100575

**Date:** February 2, 2021

**To:** Mayor John Cranley  
**From:** Andrew W. Garth, Interim City Solicitor *AWG*  
**Subject:** **Ordinance – Modifying Section 723.14 Outdoor Dining Areas and Ordaining New Section 718-7 Standard Conditions of RSP Approval**

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Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **MODIFYING** Section 723-14, “Outdoor Dining Areas,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and by **ORDAINING** new Section 718-7, “Standard Conditions of RSP Approval,” of Chapter 718, “Revocable Street Privileges,” to authorize revocable street privileges for outdoor dining on public sidewalks and streets.

AWG/JRS/(lnk)  
Attachment  
319811



# City of Cincinnati

JRS

AWB

## An Ordinance No. \_\_\_\_\_

- 2021

**MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **MODIFYING** Section 723-14, “Outdoor Dining Areas,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and by **ORDAINING** new Section 718-7, “Standard Conditions of RSP Approval,” of Chapter 718, “Revocable Street Privileges,” to authorize revocable street privileges for outdoor dining on public sidewalks and streets.

WHEREAS, a revocable street privilege (“RSP”) is the primary tool by which the City provides permission for a person to make special use of the public right-of-way or to place a structure or other object in the right-of-way; and

WHEREAS, Cincinnati Municipal Code Chapter 723, “Street and Sidewalks, Use Regulations,” authorizes and governs certain uses of the City’s streets and sidewalks for which RSPs are made available, and these uses currently include outdoor dining on public sidewalks; and

WHEREAS, through emergency health orders issued in response to the Covid-19 pandemic emergency, the City has additionally permitted outdoor dining on City streets on a temporary basis to encourage restaurants’ compliance with public health orders and guidelines, to incentivize them to engage in social distancing, and to help them operate in an economically viable manner; and

WHEREAS, the Council wishes to allow outdoor dining on public streets on a permanent basis to encourage economic vitality and the multi-dimensional use of streets; and

WHEREAS, in authorizing the use of public streets for outdoor dining, the Council also wishes to establish a clear and effective framework for managing outdoor street dining that promotes the public health, safety, and welfare, and the uniformity of RSPs throughout the City of Cincinnati; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on December 18, 2020, approved the use of public streets for outdoor dining and recommended passage of this ordinance; and

WHEREAS, authorizing the use of public streets for outdoor dining is in accordance with the first goal of the Live initiative area to “build a robust public life” as described on pages 149 to 155 of Plan Cincinnati (2012), as well as the first goal of the Collaborate initiative area to “work in synergy with the Cincinnati community” as described on pages 209 to 212 of the plan; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 723-14, "Outdoor Dining Areas," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby modified to read as follows:

**Sec. 723-14. - Outdoor Dining Areas.**

(a) Program Authorization; Applications.

(1) The city manager or his or her designee is authorized to grant revocable street privileges for the placement establishment and maintenance of outdoor dining areas on public streets and sidewalks following receipt of a complete application and payment of the applicable fee. subject to the following restrictions:

(2) Applications for the establishment of outdoor street dining shall be made in the form and in the manner prescribed by the city manager or his or her designee, and they may require the payment of a fee to offset the city's cost of administering the outdoor street dining program.

(3) Upon receipt of a complete application and the applicable fee, the city manager or his or her designee shall consider whether the application meets the general location, design, and materials criteria set forth herein and whether to approve or deny the application.

(4) The city manager or his or her designee may approve or deny an application in his or her sole discretion and shall notify an applicant in writing of the determination, including the specific reasons supporting a denial of an application.

(b) All outdoor street dining shall comply with the following general location, design, and material criteria, unless otherwise authorized by the city manager or his or her designee upon the determination that a variance from those criteria will not negatively impact the public health, safety, or welfare, or unreasonably interfere with the use and function of a sidewalk or street:

(1) General Location Criteria.

1. Outdoor street dining may be located on sidewalks or in existing parking lanes adjacent to the curb, but it shall not extend into lanes of automobile travel and shall not impact existing traffic control indicators, e.g. crosswalks, lane lines, or regulatory signs.

2. Outdoor street dining must be associated with an existing eating or drinking establishment licensed by the Cincinnati Board of Health, if applicable, and it must be located adjacent to the establishment.

3. All outdoor street dining locations must ensure the safety of patrons and staff, and it must not create a hazard to users of the right-of-way.

4. Outdoor dining areas may be placed:

a. ~~i.~~ Only on paved surfaces;

~~ii. Only immediately adjacent to and as part of the routine business of an established restaurant or food service facility maintaining a current license from the Cincinnati Board of Health;~~

b. ~~iii.~~ In a location that does not block the entrance to or exit from any building;

c. ~~iv.~~ In such a way that all chairs, tables and/or railings do not interfere with the use and function of ~~are located at least five (5) feet from any alley, pedestrian crosswalk, driveway curb cut, curb ramp, fire hydrant, or sidewalk café, or and at least four (4) feet from any bicycle rack;~~

d. ~~v.~~ In a manner such that the open area available for that ensures the flow of pedestrian traffic around the outdoor dining area (including any railings or fencing) is not less than four (4) feet in front of the outdoor dining area. In a way that and does not block access to buses at interfere with the use and function of any bus stops, fire escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes or other utility equipment; and

e. ~~vi.~~ In a way that does not obstruct permanent building signage or building display windows, (unless prior permission from the property owner has been obtained).

~~vii. In a way that does not obstruct curb control signage or traffic signal equipment, including pedestrian crosswalk signs.~~

5. Outdoor dining areas shall be given location priority over sidewalk vendors.

(2) Design and Materials Criteria.

1. Outdoor street dining areas shall be enclosed by a barrier, railing, or other separation to delineate the area and provide protection to patrons and staff as appropriate.

2. Outdoor street dining areas shall be designed to comply with ADA requirements and guidelines.

3. No drilling, adhesives, or attachments of structures, fixtures, or equipment to a sidewalk or roadway surface shall be permitted in connection with an outdoor street dining area without the express written permission of the city manager or his or her designee.

4. Outdoor street dining areas shall be designed to maintain existing stormwater drainage in the roadway and curb gutter.

(c) Revocable street privileges issued pursuant to this section shall be subject to the standard conditions contained in Section 718-7, "Standard Conditions of RSP Approval," and the following special conditions applicable to outdoor street dining:

~~2. Persons desiring to secure a revocable street privilege for placement of an outdoor dining area within the public right of way shall submit an application on a form to be provided by the city manager or his designee which shall:~~

~~i. Identify the name of the applicant;~~

~~ii. Identify the requested location for the outdoor dining area;~~

~~iii. Include a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details covering six (6) feet on either side of the property line including property lines, sidewalks, curb lines, lighting, trees, tree grates, planters, mail drop-off boxes, park benches, parking meters, street signs, and fire hydrants;~~

~~iv. Identify the name and address of the person authorized to receive notices pursuant to Chapter 718 of the Cincinnati Municipal Code;~~

~~v. Include proof of liability insurance in an amount not less than \$1,000,000.00. The City of Cincinnati shall be named as an additional insured;~~

~~vi. Include a non-refundable application fee as set forth in section 723-6 of this Chapter;~~

~~vii. Include a copy of the applicant's current food service license issued by the Board of Health.~~

~~3. Revocable street privileges for outdoor dining areas shall not expire but shall be revocable as set forth in Chapter 718 of the Cincinnati Municipal Code.~~

~~4. Holders of revocable street privileges for outdoor dining areas must maintain liability insurance in an amount not less than \$1,000,000.00 at all times while the revocable street privilege is in effect. The City of Cincinnati shall be named as an additional insured. Proof of insurance shall be provided upon request. Failure to provide proof of insurance may result in the revocation of the revocable street privilege.~~

~~5. Outdoor dining areas may be surrounded by railings or fencing provided that the railings or fencing are portable.~~

(1) The holder of a revocable street privilege for outdoor dining shall pay the charge established by the city manager or his or her designee for the special use of a public sidewalk or street, which the city manager or his or her designee is hereby authorized to establish in his or her reasonable discretion.

(2) The holder of a revocable street privilege for outdoor dining shall comply with health and safety measures required in connection with the issuance of the revocable street privilege, including those related to cleanliness, food safety, and keeping the area free of litter, debris, and graffiti.

(3) The hours of operation for the outdoor dining area, and any outdoor entertainment provided within the outdoor dining area, shall comply with applicable zoning laws and approvals governing the operation of the eating or drinking establishment with which the outdoor dining area is associated.

(4) No alcohol shall be served within the outdoor dining area unless the owner or operator of the area holds an existing and valid liquor license permitting the service of alcohol within the area.

~~(5) 6. Outdoor dining areas must be at removed on a seasonal basis at the direction of the city manager or his or her designee to allow for the seasonal needs of the city. must be removed from January 1 through April 1 of each year.~~

~~(6) 7. Notwithstanding any other provision of this section, the owner or operator of an outdoor dining area shall immediately remove said outdoor dining area from the sidewalk upon notice given by any Cincinnati Police Officer or authorized employee of the city that the outdoor dining area is unreasonably obstructing pedestrian traffic or has otherwise created a dangerous condition.~~

~~8. Outdoor dining areas shall be given location priority over sidewalk vendors.~~

- (d) Supplemental Design Standards, Rules, and Regulations. The city manager or his or her designee is authorized to create supplemental design standards, rules, and regulations as are necessary to carry out the intent and purpose of this section, to ensure public health, safety, and welfare, and to maintain the use and function of public sidewalks and streets.

Section 2. That existing Section 723-14, "Outdoor Dining Areas," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That new Section 718-7, "Standard Conditions of Revocable Street Privilege Approval," of Chapter 718, "Revocable Street Privileges," of the Cincinnati Municipal Code is hereby ordained to read as follows:

**Sec. 718-7. - Standard Conditions of Revocable Street Privilege Approval.**

(a) Any revocable street privilege issued pursuant to this chapter or Chapter 723, "Streets and Sidewalks, Use Regulations," shall automatically be subject to the following conditions, in addition to any other conditions imposed by the Cincinnati Municipal Code, provided that the city manager or his or her designee may waive one or more conditions upon the determination that it will not negatively impact public health, safety, or welfare, unreasonably interfere with the use and function of city streets, or pose an undue threat to the fiscal interests of the city:

1. *Expenses.* All costs and expenses associated with the use of the revocable street privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege shall be the sole responsibility of the holder. The city shall have no responsibility for any costs or expenses associated with the use of the revocable street privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of any building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege.
2. *Maintenance of Building Encroachment.* The holder shall maintain all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege in a good, clean, and safe condition and repair and in accordance with applicable city standards, which may be established by the city manager or his or her designee in his or her sole discretion.
3. *City's Right to Enter the Area.* The holder acknowledges that the city and its authorized representatives have the unlimited right to enter upon the revocable street privilege area at any time for any purpose, including without limitation to inspect the area and any building encroachments, fixtures, equipment, personalty,

or other improvements located in the area, provided that the city shall have no duty to inspect.

4. *Rights of Utility Companies.* The revocable street privilege granted to a holder is subject and subordinate to the rights of any and all utility companies that may now or hereafter have utility lines and other utility installations located in, under, over, or within the vicinity of the revocable street privilege area.
5. *Insurance; Bond.* For so long as the revocable street privilege remains in effect, the holder shall maintain a policy of general liability insurance for the revocable street privilege area and any building encroachments, fixtures, equipment, personalty, or other improvements located in the area in an amount that, unless a specific amount is otherwise provided by the code, corresponds to the prevailing rate for similar property used for a similar purpose as determined by the city manager or his or her designee in his or her sole discretion.

The city shall be named as an additional insured. The holder shall furnish a certificate of insurance to the city evidencing such insurance prior to commencing use of the revocable street privilege area or the construction of any building encroachments or improvements in the area. The holder shall furnish a new certificate of insurance annually by the anniversary of the date of the issuance of the revocable street privilege upon the request of the city.

In addition, whenever, in the opinion of the city manager, the construction or maintenance of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege presents the possibility of substantial damage or loss to the city, to other property owners, or to members of the public, the city manager shall be authorized to require a reasonable bond to protect against such damage or loss.

6. *Waiver of Claims for Damage.* The city shall have no responsibility or liability for loss or damage related to the use of the revocable street privilege, the construction, maintenance, operation, repair, removal, or abandonment of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.
7. *Indemnification.* The holder shall indemnify, defend, and save the city, its officials, employees, agents, contractors, guests, and invitees harmless from and against any and all claims, liens, demands, obligations, actions, proceedings, causes of action, losses, damages, settlements, costs, charges, professional fees, and other expenses and liabilities of every kind and character (including without limitation attorney fees) arising out of, or related to, the use, maintenance, or abandonment of the revocable street privilege, the construction, maintenance, use, operation, repair, removal, or abandonment of building encroachments, fixtures,



equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.

8. *Personal to Holder.* Each revocable street privilege is personal to its holder and cannot be transferred. If a holder sells or transfers any interest in the privileged premises associated with the street privilege, the revocable street privilege shall automatically terminate and all applicable termination provisions in this chapter shall apply.
9. *Use for Advertising Purposes Prohibited.* Unless expressly authorized by the code, no structure placed upon any sidewalk, city street, alley or way pursuant to a revocable street privilege shall be used for advertising purposes.
10. *Revocation or Modification.* Each revocable street privilege shall be subject to revocation or modification by the city manager or his or her designee at any time and for any reason. Except for instances in which a different time is specified by the code, the revocation or modification of a revocable street privilege shall be effective 30 days after notice of the revocation or modification is served on the holder; provided, however, that the revocation or modification of a revocable street privilege on the basis of public health or safety concerns shall be immediately effective.
11. *Notice.* Notice from the city or any of its authorized officers, employees, agents of the provisions of this section shall be valid if served on the holder or on any local agent of the holder either personally, by mail addressed to the last known place of residence, or by publication in the manner required for ordinances of the City of Cincinnati.
12. *Restoration and Required Changes.* Upon the revocation or modification of a revocable street privilege, the holder shall take immediate steps to remove or modify all building encroachments, improvements, equipment, fixtures, and personal property from or in the revocable street privilege area and shall repair and restore any and all public improvements within the area to their original condition as they existed immediately prior to the issuance of the revocable street privilege, unless otherwise authorized by the city manager or his or her designee. All repairs, modifications, and restorations shall be subject to the supervision and approval of the city manager or his or her designee.
13. *Failure to Restore or Modify.* In case of a holder's failure to remove or modify all building encroachments, fixtures, equipment, personalty, and other improvements from the revocable street privilege area, or to repair and restore any and all public improvements within the area within a reasonable time, the city manager shall be authorized to make the necessary removal, modify, repair, and restoration, and to charge the expense thereof to the holder; provided, however, in the case of underground pipes, equipment, or construction that may be effectively sealed

without interfering with the use and maintenance of public streets, the city manager may authorize the sealing of the pipes, equipment, or construction in lieu of their removal and, upon their sealing, all pipes, equipment, or construction shall become the property of the city. In the case of modifications required by a privately owned public utility company, the city manager shall authorize such company to make the change and the holder shall be liable for the reasonable cost thereof.

(b) In addition to the conditions contained herein, the city manager or his or her designee may impose additional conditions that shall automatically apply to revocable street privileges issued pursuant to this chapter or Chapter 723, "Streets and Sidewalks, Use Regulations," to the extent necessary to carry out the intent and purpose of the code section authorizing the revocable street privilege, to ensure the public health, safety, and welfare, to maintain the use and function of public streets, or to protect the fiscal interests of the city.

Section 4. That existing Sections 718-9, "Use for Advertising Purposes Prohibited," 718-11, "Changes in Street Uses," 718-13, "Street Restoration," 718-15, "Termination of Revocable Street Privilege," 718-17, "Liability of Holder," 718-19, "Revocability," and 718-21 "Notice," of Chapter 718 "Revocable Street Privileges," of the Cincinnati Municipal Code are hereby repealed.

Section 5. That the City Manager or his or her designee is hereby authorized to convert existing outdoor street dining authorizations issued under Joint Emergency Order No. 10 by the Mayor and City Health Commissioner on May 12, 2020, to revocable street privileges without the submission of a new application and review; provided that any revocable street privilege issued pursuant to this authority shall be subject to the terms and conditions contained in new Section 718-7, "Standard Conditions of RSP Approval," and those conditions contained in Section 723-14, "Outdoor Dining Areas," of Chapter 723, "Streets and Sidewalks, Use Regulations," as modified herein; and provided, further, that the City Manager or his or her designee, in his or her discretion, may refuse to convert an existing outdoor street dining authorization to a revocable street privilege if it is determined that the authorization substantially deviates from the guidelines and requirements enacted herein, including any supplemental design standards, rules, and regulations for outdoor street dining adopted by the department of transportation and engineering.

Section 6. That the City Manager and the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 through 5 hereof.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deletions are struck through. Additions are underlined.