

EMERGENCY

DMZ

- 2026

AUTHORIZING the City Manager to execute a release of easements to terminate certain easement rights benefitting the City of Cincinnati for the construction, maintenance, repair, and operation of a subway for rapid transit and railway purposes, for constructing and maintaining a retaining wall and footings for the same, for the right of ingress and egress to adjacent subway tubes under Montgomery Road, and any easements reserved by law for public utilities, all over a portion of real property located along or near Harris Avenue in the City of Norwood.

WHEREAS, Terrex Harris Ave, LLC, an Ohio limited liability company (“Developer”), owns property located along Harris Avenue in the City of Norwood, as described in the legal description attached to this ordinance as Attachment A (“Property”) and intends to acquire a portion of Harris Avenue lying between Wesley Avenue and Forest Avenue; and

WHEREAS, Developer petitioned the City of Cincinnati (the “City”) to release various easements and restrictions in favor of the City that encumber Developer’s property, namely, (i) an easement to construct, maintain, repair, and operate a subway for rapid transit railway purposes as recorded May 19, 1925 at Hamilton County, Ohio Deed Book 1311, page 582, (ii) an easement to construct and maintain a retaining wall and footings for the same dated August 7, 1963 and recorded at Hamilton County, Ohio Deed Book 3322, Page 191, (iii) an easement for ingress and egress dated August 7, 1963 and recorded at Hamilton County, Ohio Deed Book 3322, Page 191, (iv) an easement for subway purposes dated September 4, 1925 and recoded at Hamilton County, Ohio Deed Book 1373, Page 303, and (v) any easement that may be reserved by the City pursuant to Ohio Revised Code (“R.C.”) Section 723.041 upon the vacation of Harris Avenue, excepting those more specifically described in Attachment B which is incorporated herein by reference (collectively, the “Easements”); and

WHEREAS, the City Manager, in consultation with the Cincinnati Department of Transportation and Engineering, Greater Cincinnati Water Works and the Metropolitan Sewer District of Greater Cincinnati, has determined that the Easements are not needed for municipal purposes and there is good cause to terminate and release the Easements because it is in the best interest of the City to no longer be responsible for the maintenance and liability associated with the Easements, which are no longer in use; and

WHEREAS, the City has determined, through an arms-length negotiation, that the price of \$85,000 reflects the fair market value of the Easements, and Developer has agreed to pay said amount to the City; and

WHEREAS, the Cincinnati City Planning Commission approved the termination of the Easements at its meeting on September 20, 2024; and

WHEREAS, the City has determined that it is in the best interest of the City to eliminate competitive bidding in connection with the interest of the Easements as Developer owns the property on which the Easements are located and adjoining property, no other party would have any practical use for the Easements, and it is in the best interest of the City to terminate and release the Easements which are no longer in use; and

WHEREAS, the City believes that completing the Easement Release is in the vital and best interests of the City and the health, safety, and welfare of its residents, and is in accordance with the provisions of applicable federal, state, and local laws and requirements; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Release and Termination of Easements to release: (i) an easement to construct, maintain, repair, and operate a subway for rapid transit railway purposes as recorded May 19, 1925 at Hamilton County, Ohio Deed Book 1311, page 582; (ii) an easement to construct and maintain a retaining wall and footings for the same dated August 7, 1963 and recorded at Hamilton County, Ohio Deed Book 3322, Page 191; (iii) an easement for ingress and egress dated August 7, 1963 and recorded at Hamilton County, Ohio Deed Book 3322, Page 191; (iv) an easement for subway purposes dated September 4, 1925 and recoded at Hamilton County, Ohio Deed Book 1373, Page 303; and (v) any easement, excepting those more specifically described herein, that may be reserved by the City pursuant to R.C. Section 723.041 upon the vacation of Harris Avenue (collectively, the “Easements”) in favor of Terrex Harris Ave LLC, an Ohio limited liability company (“Developer”), in substantially the form attached to this ordinance as Attachment B and incorporated herein by reference (the “Easement Release”), pursuant to which the City of Cincinnati (“City”) will release and terminate the Easements which encumber the property owned by the Developer, which property is more particularly described in Attachment A hereto (the “Property”).

Section 2. That the City has determined, through an arms-length negotiation, that the price of \$85,000 reflects the fair market value of the Easements, which amount Developer has agreed to pay to the City.

Section 3. That the Easements are not needed for any municipal purpose, and that the release and termination of the Easements will not be detrimental to the interests of the City, excepting an easement for the construction, maintenance, repair, replacement, removal, and operation of a gravity main sanitary sewer line beginning in the Wesley Avenue right-of-way and running east, through and along the Harris Avenue right-of-way, to Forest Avenue as depicted in Attachment B, which shall be reserved and not released.

Section 4. That to eliminate competitive bidding in connection with the interest of the Easements is in the best interest of the City as Developer owns the property on which the Easements are located and the adjoining property, no other party would have any practical use for the Easements, and there is good cause to terminate and release the Easements because it is in the best interest of the City to no longer be responsible for the maintenance and liability associated with the Easements, which are no longer in use.

Section 5. That the proceeds from the release of the easement shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection therewith, and that the City's Finance Director is hereby authorized to distribute amounts in excess thereof, if any, into the Cincinnati Street Improvement Fund (980x202306).

Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing the Easement Release and any and all ancillary agreements, plats, and other documents.

Section 7. 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 to enable the transaction described herein to proceed and promptly relieve the City from the obligations of maintenance and liability associated with the Easements, which are no longer in use.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk