

City of Cincinnati

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An Ordinance No. 342

- 2021

AUTHORIZING the City Manager to execute a *Property Sale Agreement* with Mark A. Rosenzweig and Shirley F. Rosenzweig for the sale of City-owned real property located at the southwest corner of the intersection of Frank Street and Artist Alley in the Pendleton neighborhood.

WHEREAS, the City owns certain real property located at the southwest corner of the intersection of Frank Street and Artist Alley in the Pendleton neighborhood, as more particularly described and depicted in the *Property Sale Agreement* attached to this ordinance as Attachment A (the "Property"), which Property is under the management of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, Mark A. Rosenzweig and Shirley F. Rosenzweig ("Petitioners") desire to purchase the Property from the City for consolidation with Petitioners' adjoining real property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, and upon consultation with DOT, has determined that the Property is not needed for transportation or any other municipal purpose, that there is good cause to sell the Property, and that such sale will not be detrimental to the general interest; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$210, which Petitioners have agreed to pay; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Property at its meeting on June 4, 2021; 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 *Property Sale Agreement* with Mark A. Rosenzweig and Shirley F. Rosenzweig ("Petitioners"), in substantially

the form attached to this ordinance as Attachment A, incorporated herein by reference, pursuant to which the City of Cincinnati will sell to Petitioners approximately 0.001 acres of City property located at the southwest corner of the intersection of Frank Street and Artist Alley in Pendleton, as more particularly described as follows (the "Property"):

Situated in the State of Ohio, Hamilton County, City of Cincinnati, in Section 18, Town 4, Fractional Range 1, Miami Purchase and being more particularly described as follows:

Commencing at a cross-notch set on top of a stonewall at the intersection of the west line of Frank Street (40 foot R/W) with the north line of East Thirteenth Street (60 foot R/W), a 5/8" iron pin set as a witness to said cross-notch, bearing S. 00° 03' 54" W., 5.00 feet, and being the southeast corner of the land of Mark A. Rosenzweig and Shirley F. Rosenzweig (O.R. 14085, Pg. 183);

Thence, with the west line of Frank Street, N. 00° 03' 54" E., 76.50 feet to a cross-notch set in a concrete sidewalk, being the southeast corner of a parcel conveyed to the City of Cincinnati in Deed Book 3606, Page 834 in the Hamilton County Records Office and being the POINT OF BEGINNING;

Thence, with the southwesterly line of the parcel of said City of Cincinnati, N. 57° 25' 30" W., 26.93 feet to a mag nail set in a brick driveway, said nail being S. 57° 25' 30" E., 2.71 feet from the northwest corner of said land conveyed to the City of Cincinnati;

Thence, leaving said southwesterly line, following nine inches behind an existing curb, and being new division lines for the next three courses: along a curve to the right with a radius of 16.00 feet, an arc length of 6.26 feet to a mag nail set in a brick driveway, the chord of said arc bears S. 73° 36' 17" E., a distance of 6.22 feet;

Thence, S. 62° 23' 16" E., 12.30 feet to a 5/8" iron pin set;

Thence, along a curve to the right with a radius of 23.25 feet, an arc length of 7.29 feet to a cross-notch set in a concrete sidewalk and in the west line of said Frank Street, the chord of said arc bears S. 53° 24' 42" E., a distance of 7.26 feet;

Thence, with the west line of Frank Street, S. 00° 03' 54" W., 2.72 feet to the point of beginning.

Contains an area of 0.0013 acre or 55.67 square feet of land, more or less.

Subject to all legal highways, easements, restrictions, and zoning regulations of record.

The bearings in the above description are based on the Dedication Plat of New Liberty Street, which is based on Drawing No. E-316-98 in the City of Cincinnati Engineer's Office, the S. 00° 03' 54" W. bearing along Frank Street being held. This Dedication Plat involves parcel numbers 075-0002-0194 thru 0198, and is also in the Hamilton County Engineers file of surveys.

Being a part of the land conveyed to the City of Cincinnati in Deed Book 3606, Page 834 in the Hamilton County Recorders Office and identified as parcel number 075-0002-0223 on the Tax Maps of said County.

Section 2. That the Property is not needed for transportation or any other municipal purpose, that there is good cause to sell the Property, and that such sale will not be detrimental to the general interest.

Section 3. That the fair market value of the Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$210, which Petitioners have agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Petitioners own the adjoining property and, as a practical matter, only an abutting property owner would have any practical use for the Property.

Section 5. That the proceeds from the sale of the Property, if any, 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 with the sale, and that the City's Finance Director is hereby

authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents to facilitate the vacation and sale of the Property to Petitioner, including by executing a *Property Sale Agreement* in substantially the form attached to this ordinance as Attachment A.

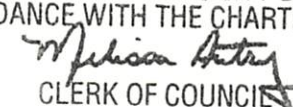
Section 8. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 1, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 342-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9.14 2021

CLERK OF COUNCIL