

City of Cincinnati

CHM

An Ordinance No. 167 - 2023

EESW

AUTHORIZING the City Manager to vacate Southside Place from the north line of Southside Avenue to its northern terminus and to vacate Mississippi Street from the west line of Southside Place to its western terminus in the Riverside neighborhood of Cincinnati.

WHEREAS, the City owns certain unimproved public right-of-way designated as Southside Place and Mississippi Street in the Riverside neighborhood of Cincinnati, as depicted on the *Vacation Plats* attached to this ordinance as Attachment A and Attachment B, and incorporated herein by reference (“Property”), which Property is under the management and control of the City’s Department of Transportation and Engineering (“DOTe”); and

WHEREAS, pursuant to Ohio Revised Code Section 723.05, the City may, by ordinance and without petition, vacate streets or alleys if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, the City’s vacation of the Property was published in a local newspaper of general circulation for six consecutive weeks pursuant to Ohio Revised Code Section 723.07; and

WHEREAS, the City Manager, in consultation with DOTe, has determined that: (i) the Property is not needed for transportation purposes or any other municipal purpose; (ii) there is good cause to vacate the Property; and (iii) the vacation of the Property will not be detrimental to the general interest; and

WHEREAS, the City’s Real Estate Services Division has determined by a professional appraisal that the approximate fair market value of the Property is \$57,099, which sum Hilltop Basic Resources, Inc., an Ohio corporation, has agreed to deposit with the City Treasurer as consideration for the benefit accruing to abutting property owners because of said vacation; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation of the Property at its regularly scheduled meeting on April 21, 2023; 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 do all things necessary to vacate Southside Place from the north line of Southside Avenue to its northern terminus, as more particularly depicted on the *Vacation Plat* attached to this ordinance as Attachment A and incorporated herein by reference, which portion of Southside Place is more particularly described

below and on the legal description attached to this ordinance as Attachment C and incorporated herein by reference:

Tract I:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Southside Place, being more particularly described as follows:

Beginning at a 5/8" iron pin found at the intersection of the north right of way line of Southside Avenue with the east right of way line of Southside Place;

Thence along said north right of way line, S 80°20'10" W a distance of 20.21 feet to a 5/8" iron pin set;

Thence through said Southside Place, N 18°01'32" W a distance of 179.10 feet to a 5/8" iron pin set;

Thence continuing, along a curve to the left an arc distance of 20.05 feet to a point in the east right of way line of Southside Place, witness a 5/8" iron pin found lying 0.6 feet south and 0.5 feet west, said curve having a radius of 4052.49 feet, a central angle of 00°17'01" and a chord bearing N 76°10'52" E a distance of 20.05 feet;

Thence along said east right of way line, S 18°01'32" E a distance of 180.55 feet to the point of beginning.

Containing 0.082 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83).

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Tract II:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Southside Place, being more particularly described as follows:

Beginning at a 5/8" iron pin found at the intersection of the north right of way line of Southside Avenue with the west right of way line of Southside Place;

Thence along said west right of way line, N 18°01'32" W a distance of 188.69 feet to a 5/8" iron pin set;

Thence through said Southside Place, N 76°36'24" E a distance of 20.07 feet to a 5/8" iron pin set;

Thence continuing, S 18°01'32" E a distance of 190.00 feet to a 5/8" iron pin set in the aforementioned north right of way line of Southside Avenue;

Thence along said north right of way line, S 80°20'10" W a distance of 20.21 feet to the point of beginning.

Containing 0.087 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83).

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Tract III

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Southside Place, being more particularly described as follows:

Beginning at a 5/8" iron pin set in the west right of way line of Southside Place, said point being N 18°01'32" W a distance of 188.69 feet from the intersection of said west right of way line with the north right of way line of Southside Avenue;

Thence along said west right of way line, N 18°01'32" W a distance of 7.52 feet to a 5/8" iron pin set in the north right of way line of Southside Place;

Thence along said north right of way line, N 76°36'24" E a distance of 40.13 feet to a 5/8" iron pin set in the east right of way line of Southside Place;

Thence along said east right of way line, S 18°01'32" E a distance of 18.30 feet, witness a 5/8" iron pin found lying 0.6 feet south and 0.5 feet west;

Thence through the aforesaid Southside Place the following three (3) courses:

1. Along a curve to the right an arc distance of 20.05 feet to a 5/8" iron pin set, said curve having a radius of 4052.49 feet, a central angle of 00°17'01" and a chord bearings N 76°10'52" E a distance of 20.05 feet;
2. N 18°01'32" W a distance of 10.92 feet to a 5/8" iron pin set;
3. S 76°36'24" W a distance of 20.07 feet to the point of beginning.

Containing 0.012 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83).

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Section 2. That the City Manager is hereby authorized to do all things necessary to vacate Mississippi Street from the west line of Southside Place to its western terminus, as more particularly depicted on the *Vacation Plat* attached to this ordinance as Attachment B and incorporated herein by reference, which portion of Mississippi Street is more particularly described below and on the legal description attached to this ordinance as Attachment C and incorporated herein by reference:

Tract I:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Mississippi Street, being more particularly described as follows:

Beginning at a 5/8" iron pin found in the south right of way line of Mississippi Street, said point being S 76°36'24" W a distance of 617.85

feet from the intersection of the west right of way line of Southside Place with said south right of way line;

Thence along said south right of way line, S 76°36'24" W a distance of 125.00 feet to a 5/8" iron pin set at the southwest terminus of said Mississippi Street;

Thence along the westerly terminus of said Mississippi Street, N 13°23'36" W a distance of 7.50 feet to a 5/8" iron pin set in the centerline of said Mississippi Street;

Thence along said centerline, N 76°36'24" E a distance of 125.00 feet to a 5/8" iron pin set;

Thence through said Mississippi Street, S 13°23'36" E a distance of 7.50 feet to the point of beginning.

Containing 0.022 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83).

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Tract II:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Mississippi Street, being more particularly described as follows:

Beginning at a 5/8" iron pin found in the south right of way line of Mississippi Street, said point being S 76°36'24" W a distance of 342.85 feet from the intersection of the west right of way line of Southside Place with said south right of way line;

Thence along said south right of way line, S 76°36'24" W a distance of 275.00 feet to a 5/8" iron pin found;

Thence through said Mississippi Street, N 13°23'36" W a distance of 7.50 feet to a 5/8" iron pin set in the centerline of said Mississippi Street;

Thence along said centerline, N 76°36'24" E a distance of 275.00 feet to a 5/8" iron pin set; Thence through said Mississippi Street, S 13°23'36" E a distance of 7.50 feet to the point of beginning.

Containing 0.047 acres of land, more or less. Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83).

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Tract III:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Mississippi Street, being more particularly described as follows:

Beginning at the intersection of the west right of way line of Southside Place with the south right of way line of Mississippi Street, witness a 5/8" iron pin found lying 0.3 feet north;

Thence along said south right of way line, S 76°36'24" W a distance of 342.85 feet to a 5/8" iron pin found;

Thence through said Mississippi Street, N 13°23'36" W a distance of 7.50 feet to a 5/8" iron pin set in the centerline of said Mississippi Street;

Thence along said centerline, N 76°36'24" E a distance of 342.24 feet to a 5/8" iron pin set in the aforementioned west right of way line of Southside Place; Thence along said west right of way line, S 18°01'32" E a distance of 7.52 feet to the point of beginning.

Containing 0.059 acres of land, more or less. Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Tract IV:

Situated in Section 34, Town 4, Fractional Range 1, Miami Purchase, Storrs Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Mississippi Street, being more particularly described as follows:

Beginning at a 5/8" iron pin found in the west right of way line of Southside Place, said point being, said point being N 18°01'32" W a distance of 7.52 feet from the intersection of said west right of way line with the south right of way line of Mississippi Street;

Thence along the centerline of said Mississippi Street, S 76°36'24" W a distance of 742.24 feet to a 5/8" iron pin set in the westerly terminus of said Mississippi Street;

Thence along said westerly terminus, N 13°23'36" W a distance of 7.50 feet to a 5/8" iron pin set to the northwesterly terminus of said Mississippi Street;

Thence along the north right of way line of said Mississippi Street, N 76°36'24" E a distance of 741.63 feet to a 5/8" iron pin set in the aforementioned west right of way line of Southside Place;

Thence along said west right of way line, S 18°01'32" E a distance of 7.52 feet to the point of beginning.

Containing 0.128 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers."

The above description is based on a field survey performed by The Kleingers Group in May of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.

Section 3. That the portions of Southside Place and Mississippi Street depicted in Attachment A and Attachment B and more particularly described in Attachment C and Sections 1 and 2 above are not needed for transportation or other municipal purposes, that there is good cause to vacate such portions of Southside Place and Mississippi Street, and that such vacation will not be detrimental to the general interest.

Section 4. That the City's Real Estate Services Division has determined by a professional appraisal that the approximate fair market value of the portions of Southside Place and Mississippi Street authorized to be vacated is \$57,099, which sum Hilltop Basic Resources, Inc., an Ohio corporation, has agreed to deposit with the City Treasurer as consideration for the benefit accruing to abutting property owners because of said vacation.

Section 5. That the proceeds from the vacation, 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 vacation, and that the City's Finance Director is hereby authorized to deposit amounts in excess amounts thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is hereby 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, pursuant to Ohio Revised Code Sec. 723.041, any affected public utility shall be deemed to have a permanent easement in such vacated portions of Southside Place and Mississippi Street to maintain, operate, renew, reconstruct, and remove its utility facilities and for purposes of access to said facilities.

Section 8. 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, or other documents necessary to facilitate the vacation.

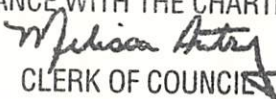
Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the Hamilton County, Ohio Recorder's Office.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 17, 2023


Aftab Pureval, Mayor

Attest: Nicole Chazy
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 167-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 5/30/2023

CLERK OF COUNCIL