

EMERGENCY

City of Cincinnati

CHM

An Ordinance No. _____ - 2021

AWB

DEDICATING, ACCEPTING, AND CONFIRMING the dedication of certain real property as public right-of-way for street purposes as portions of the public streets designated as East McMillan Street and Auburn Avenue located in the Mt. Auburn neighborhood.

WHEREAS, the City's Department of Transportation and Engineering ("DOT") has completed a road infrastructure project known as the *Auburn Avenue Improvements Taft to Gilman and East McMillan Macauley to Auburn Avenue* (the "Project"), which Project improved, widened, and realigned certain portions of East McMillan Street and Auburn Avenue in Mt. Auburn; and

WHEREAS, DOT has identified certain City-owned tracts of land located along East McMillan Street and Auburn Avenue that the City acquired as part of the Project that must be dedicated, accepted, and confirmed as public right-of-way as parts of the aforementioned public streets (the "Dedication Property"), which Dedication Property is more particularly depicted on the dedication plats entitled (i) *Dedication 102-4-207*; (ii) *Dedication 89-4-102 and -103*; and (iii) *Dedication 89-4-92, -94, -96, -98, and -100* attached to this ordinance as Attachment A and incorporated herein by reference (collectively, the "Dedication Plats"); and

WHEREAS, the office of the City Engineer has examined the Dedication Plats as to their technical features and found them to be correct and has recommended that the Dedication Property be dedicated, accepted, and confirmed as public right-of-way; and

WHEREAS, based on the foregoing, the City Manager recommends that Council dedicate, accept, and confirm the dedication of the Dedication Property as public right-of-way; and

WHEREAS, the City Planning Commission approved the dedication of the Dedication 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 of Cincinnati hereby dedicates, accepts, and confirms as public right-of-way for street purposes certain real property as portions of the public streets known as Auburn Avenue and East McMillan Street as depicted on the plats entitled (i) *Dedication 102-4-207*; (ii) *Dedication 89-4-102 and -103*; and (iii) *Dedication 89-4-92, -94, -96, -98, and -100* (the "Dedication Plats"), which Dedication Plats are attached to this ordinance as Attachment A and incorporated herein by reference.

The real property hereby dedicated, accepted, and confirmed as public right-of-way is more particularly described as follows (the "Dedication Property"):

Tract I

Auditor's Parcel No.: 089-0004-0092-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Commencing at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, North 83°50'55" West, 150.00 feet to an existing spike being the Place of Beginning; thence South 06°05'34" West, 4.55 feet to a set Mag nail; thence North 83°50'20" West, 50.00 feet to a set 5/8" iron pin; thence North 06°07'55" East, 4.53 feet to an existing pipe in the south line of said East McMillan Street; thence with the south line of said East McMillan Street, South 83°52'05" East, 50.00 feet to the Place of Beginning. Containing 227 square feet of land more or less (0.005 acres). Bearings are 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.

Tract II

Auditor's Parcel No.: 089-0004-0094-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, North 83°50'55" West, 150.00 feet to an existing spike; thence South 06°05'34" West, 4.55 feet to a set Mag nail; thence South 83°50'20" East, 140.31 feet to a set 5/8" iron pin; thence South 01°56'54" West, 101.09 feet to a set 5/8" iron pin; thence South 83°38'02" East, 10.03 feet to an existing cross notch in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue, North 01°56'48" East, 105.72 feet to the Place of Beginning. Containing 1,697 square feet of land more or less (0.039 acres). Bearings are 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.

Tract III

Auditor's Parcel No.: 089-0004-0096-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 167.90 feet to a set cross notch being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 62.89 feet to an existing Mag nail; thence North 83°38'02" West, 3.28 feet to a Mag nail; thence North 01°50'15" West, 63.35 feet to a set 5/8" iron pin; thence South 83°38'02" East, 7.48 feet to the Place of Beginning. Containing 337 square feet of land more or less (0.008 acres). Bearings are 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.

Tract IV

Auditor's Parcel No.: 089-0004-0098-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 105.72 feet to an existing cross notch being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 62.18 feet to a set cross notch; thence North 83°38'02" West, 7.48 feet to a set 5/8" iron pin; thence North 01°50'15" West, 38.62 feet to a set 5/8" iron pin; thence North 01°56'54" East, 23.85 feet to a set 5/8" iron pin; thence South 83°38'02" East, 10.03 feet to the Place of Beginning. Containing 573 square feet of land more or less (0.013 acres). Bearings are 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.

Tract V

Auditor's Parcel No.: 089-0004-0100-00

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 230.79 feet to an existing Mag nail being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 49.26 feet to a set cross notch; thence North 01°50'15" West, 49.62 feet to a Mag nail; thence South 83°38'02" East, 3.28 feet to the Place of Beginning. Containing 81 square feet of land more or less (0.002 acres). Bearings are 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.

Tract VI

Auditor's Parcel No.: 102-0004-0207-00

Situate in Section 14, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Beginning a set cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the north line of East McMillan Street, 50' R/W; thence with the north line of said East McMillan Avenue, North 83°52'05" West, 299.26 feet to an existing iron pin; thence North 06°07'53" West, 5.60 feet to a set spike; thence South 83°50'20" East, 280.53 feet to a set 5/8" iron pin; thence North 34°37'56" East, 3.32 feet to a set 5/8" iron pin; thence North 23°19'34" West, 148.30 feet to a set 5/8" iron pin in the south line of William Howard Taft Road, R/W varies; thence with the south line of said William Howard Taft Road, South 81°10'13" East, 12.15 feet to an existing iron pin in the west line of Auburn Avenue, 50' R/W; thence with the west line of said Auburn Avenue, South 27°44'23" East, 0.50 feet to an existing iron pin; thence continuing with the west line of said Auburn Avenue, South 23°30'23" East, 157.06 feet to the Place of Beginning. Containing 3,246 square feet of land more or less (0.075 acres). Bearings are 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.

Tract VII

Auditor's Parcel No.: 089-0004-0102-00 through – 105 (Cons.)

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at an existing iron pin at the intersection of the east line of Macauley Street, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, South 83°52'05" East, 100.00 feet to an existing pipe; thence South 06°07'55" West, 4.53 feet to a set 5/8" iron pin; thence North 83°50'20" West, 100.00 feet to a set 5/8" iron pin; thence North 06°07'55" East, 4.48 feet to the Place of Beginning. Containing 450 square feet of land more or less (0.010 acres). Bearings are 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.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance and the Dedication Plats to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. 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 Dedication Plats and other necessary real estate documents.

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 for the City to accept and confirm the dedication of the Dedication Property and to record the Dedication Plats with the Hamilton County, Ohio

Recorder's Office to establish the subject real property as public right-of-way at the earliest possible date.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

Plat approved by the City of Cincinnati Planning Commission at the meeting on the ____ day of _____, 202__.

Approved:

Katherine Keough-Jurs, Director, Department of City Planning and Engagement

The City of Cincinnati, being the owner of the lands described herein, does hereby adopt and confirm this plat and dedication of a portion of Auburn Ave. and East McMillan as shown hereon to public use forever the street as shown hatched herein.

CITY OF CINCINNATI

By: _____ Date: _____

City Manager

STATE OF OHIO)
COUNTY OF HAMILTON) ss:

The foregoing instrument was acknowledged before me

this ____ day of _____, 202__.

by _____ City Manager of the City of Cincinnati, an Ohio municipal corporation, on behalf of said corporation. This is an acknowledgement no oath or affirmation was administered to the signer.

Notary Public State of Ohio

The dedication of the right-of way tract depicted hereon is accepted by Cincinnati City Council by Ordinance No. _____, passed by the Cincinnati City Council on _____.

Clark of Council Date:

Section 14, Town 3, Fractional Range 2,
Millcreek Township, City of Cincinnati, Hamilton County, Ohio

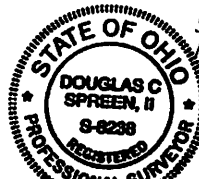


Department of
Transportation
and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Dedication

Parcel
102-4-207

Date: October, 2021



Douglas C. Spreen II
Ohio Reg. No. 8238

Approved as to form:

Assistant City Solicitor

Approved By: _____
Sawers Chief Engineer, Metropolitan Sewer District

Approved By: _____
City of Cincinnati, Stormwater Management Utility Engineer

Approved By: _____
City Engineer

William Howard Taft Rd. (R/W Varies)

Closure
North: 417190.2884 East: 1399505.5819 Distance: 299.26
Course: N 63-52-05 W
North: 417222.2518 East: 1399208.0302 Distance: 5.60
Course: N 06-07-53 E
North: 417227.8160 East: 1399208.6279 Distance: 280.53
Course: S 83-50-20 E
North: 417197.7092 East: 1399487.5338 Distance: 3.32
Course: N 34-37-56 E
North: 417200.4401 East: 1399489.4200 Distance: 148.30
Course: N 23-19-34 W
North: 417336.6191 East: 1399430.6983 Distance: 12.15
Course: S 81-10-13 E
North: 417334.7537 East: 1399442.7089 Distance: 0.50
Course: S 27-44-23 E
North: 417334.3112 East: 1399442.9396 Distance: 157.05
Course: S 23-30-23 E
North: 417190.2884 East: 1399505.5819

Area: 3,246 s.f.± 0.075 acres

45 WHT LLC
102-4-208
O.R. 14287, Pg. 3134

Ex. Mag nail
S81°10'13"E
12.15'
S27°44'23"E
0.50'

0.075 Acres
Auburn Ave.
(50' R/W)

N23°19'34"W
148.30'

S23°30'23"E
157.05'

S83°50'20"E
280.53'

N34°37'56"E
3.32'

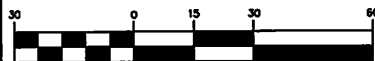
N83°52'05"W
299.26'

N6°07'53"E
5.60'

East McMillan St. (50' R/W)

- X = Set Cross Notch
- o = Existing Iron Pin
- = Set 5/8" iron pin
- ⦿ = Set Mag nail

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

MAD 83 (2007)

The dedication of the right-of way tract depicted hereon is accepted by Cincinnati City Council by Ordinance No. _____, passed by the Cincinnati City Council on _____.

Clerk of Council _____ Date: _____

East McMillan St. (50' R/W)

Plat approved by the City of Cincinnati Planning Commission at the meeting on the _____ day of _____, 2021.

Approved: _____

Katherine Keough-Jurs, Director, Department of City Planning and Engagement

The City of Cincinnati, being the owner of the lands described herein, does hereby adopt and confirm this plat and dedication of a portion of Auburn Ave. and East McMillan as shown hereon to public use forever the street as shown hatched hereon.

CITY OF CINCINNATI
 By: _____ Date: _____
 _____, City Manager

STATE OF OHIO)
 COUNTY OF HAMILTON) ss:
 The foregoing instrument was acknowledged before me
 this _____ day of _____, 2021.

by _____ City Manager of the City of Cincinnati,
 an Ohio municipal corporation, on behalf of said corporation. This is an
 acknowledgement no oath or affirmation was administered to the signer.

Notary Public State of Ohio

Approved as to form: _____

Assistant City Solicitor

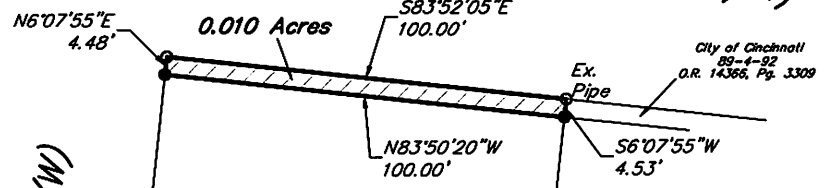
Approved By: _____
 Sewers Chief Engineer, Metropolitan Sewer District

Approved By: _____
 City of Cincinnati, Stormwater Management Utility Engineer

Approved By: _____
 City Engineer

Section 13, Town 3, Fractional Range 2,
 Millcreek Township, City of Cincinnati, Hamilton County, Ohio

Macauley St. (50' R/W)

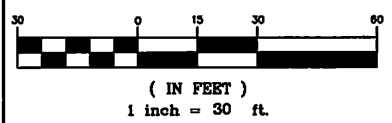


45 WHI LLC
 89-4-106 thru 111
 O.R. 14282, Pg. 4157

Auburn Land Holdings LLC
 89-4-93
 O.R. 14287, Pg. 3139

- X = Set Cross Notch
- o = Existing Iron Pin
- = Set 5/8" iron pin
- ⦿ = Set Mag nail

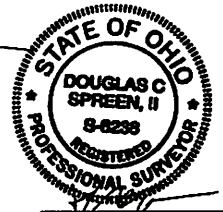
GRAPHIC SCALE



Closure

North: 416877.6280	East: 1400154.3652	Distance: 100.00
Course: S 83-52-05 E	East: 1400253.7931	Distance: 4.53
North: 416866.9462	East: 1400253.3094	Distance: 100.00
Course: S 06-07-55 W	East: 1400153.8869	Distance: 4.48
North: 416862.4436	East: 1400154.3652	Distance: 100.00
Course: N 83-50-20 W	East: 1400154.3652	Distance: 4.48
North: 416873.1758	East: 1400154.3652	Distance: 4.48
Course: N 06-07-55 E	East: 1400154.3652	Distance: 4.48
North: 416877.6280	East: 1400154.3652	Distance: 4.48

Area: 450 s.f.± 0.010 acres



Douglas C. Spreen II
 Ohio Reg. No. 8238

DEPARTMENT OF
 CITY OF CINCINNATI
 TRANSPORTATION
 & ENGINEERING

Department of
 Transportation
 and Engineering
 City of Cincinnati
 City Hall
 801 Plum Street
 Cincinnati, Ohio 45202

Dedication

City of Cincinnati
 89-4-102 and 103
 O.R. 14366, Pg. 3318

Date: October, 2021

