

# City of Cincinnati

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

- 2020

**AUTHORIZING** the City Manager to execute a *Property Sale Agreement* with the Ohio Historical Society, doing business as Ohio History Connection, for the sale of City-owned real property generally located along Foraker Avenue and Martin Luther King Jr. Drive, adjacent to the Harriet Beecher Stowe House Local Historic Landmark, in the Walnut Hills neighborhood of Cincinnati.

WHEREAS, the City owns certain real property generally located along Foraker Avenue and Martin Luther King Jr. Drive in the Walnut Hills neighborhood, as more particularly described and depicted in the *Property Sale Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), which is under the management of the City's Department of Transportation and Engineering ("DOTE"); and

WHEREAS, the Ohio Historical Society, doing business as Ohio History Connection, an Ohio nonprofit corporation, ("Purchaser") desires to purchase the Property from the City for integration with the adjacent real property commonly known as the Harriet Beecher Stowe House Local Historic Landmark (the "Stowe House"); and

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

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, and upon consultation with DOTE, has determined that the Property is not needed for transportation or any other municipal purpose; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$35,000, however, the City finds that the sale of the Property to Purchaser for \$1 is justified because the City will receive equivalent noneconomic benefits from the sale of the Property at a nominal price on account of Purchaser's nonprofit status and the purpose for which it is being acquired, namely, to support and enhance the Stowe House, which is recognized by the United States National Park Service, the State of Ohio, and the City as having significant historic value; and

WHEREAS, pursuant to Section 331-5 of the Cincinnati Municipal Code, 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, the 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 23, 2017; 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 the Ohio Historical Society, doing business as Ohio History Connection (“Purchaser”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will sell to Purchaser approximately 0.6340 acres of City property generally located along Foraker Avenue and Martin Luther King Jr. Drive, adjacent to the Harriet Beecher Stowe House Local Historic Landmark (the “Property”).

Section 2. That the Property is not needed for transportation or any other municipal purpose.

Section 3. That the fair market value of the Property, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$35,000; however, the City finds that the sale of the Property to Purchaser for \$1 is justified because the City will receive equivalent noneconomic benefits from the sale of the Property at a nominal price on account of Purchaser’s nonprofit status and the purpose for which it is being acquired, namely, to support and enhance the Harriet Beecher Stowe House Local Historic Landmark, which is recognized by the United States National Park Service, the State of Ohio, and the City as having significant historic value.

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 the City desires to sell the Property to

Purchaser to support and enhance the Harriet Beecher Stowe House Local Historic Landmark.

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 and the *Property Sale Agreement*, including, without limitation, executing any and all other ancillary agreements, plats, deeds, easement agreements, affidavits, closing statements, and other documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2020

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

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

ATTACHMENT A

Contract No. \_\_\_\_\_

Property: land along E. Martin Luther King Jr. Drive,  
north of Foraker Ave and east of Gilbert Ave, for  
assemblage with Harriet Beecher Stowe House Historic Site

## PROPERTY SALE AGREEMENT

This Property Sale Agreement ("**Agreement**") is made and entered into on the Effective Date (defined on the signature page hereof) by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202; Attention: Real Estate (the "**City**"), and **The Ohio Historical Society**, doing business as Ohio History Connection, an Ohio nonprofit corporation, the address of which is 800 E. 17<sup>th</sup> Avenue, Columbus OH 43211 ("**Purchaser**").

### Recitals:

A. The State of Ohio owns, and Purchaser operates, the Harriet Beecher Stowe House Historic Site (the "**Stowe House**") located at 2950 Gilbert Avenue, in the Walnut Hills neighborhood of Cincinnati for cultural and public purposes.

B. The City owns excess land along E. Martin Luther King Jr. Drive and Foraker Avenue, adjacent to the Stowe House, as depicted on Exhibit A (Site Map) hereto, which is under the management and control of the City's Department of Transportation and Engineering ("**DOT**").

C. Purchaser has petitioned to purchase approximately 0.6340 acres of the City's land, as more particularly depicted on Exhibit A (the "**Sale Property**") to support and enhance the operation of the Stowe House.

D. The City has determined that the Sale Property is not needed for transportation or any other municipal purpose.

E. The City's Real Estate Services Division has determined, by appraisal, that the fair market value of the Sale Property is **\$35,000**; however Cincinnati City Council has authorized the City's sale of the Sale Property to Purchaser for One Dollar (\$1.00) on account of Purchaser's nonprofit status and the purpose for which it is being acquired (namely, the support and enhancement of the Stowe House, which is recognized by the State of Ohio and the City as having significant historic value).

F. The City has determined that eliminating competitive bidding in connection with the City's sale of the Sale Property is justified because the City desires to donate the Property to Purchaser for reasons just described.

G. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution and research.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Purchaser at its meeting on June 23, 2017.

I. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. \_\_\_\_\_-202\_, passed on \_\_\_\_\_, 202\_.

NOW, THEREFORE, the parties agree as follows:

1. **Purchase Price.** \$1.00. Purchaser acknowledges that it is familiar with the condition of the Sale Property and, at Closing (defined below), the City shall convey the Sale Property to Purchaser in "as is" condition. The City makes no representations or warranties to Purchaser with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

2. **Closing.**

(A) **Conditions.** The closing on the City's sale of the Sale Property to Purchaser (the "Closing") shall not occur unless and until the following conditions have been satisfied (the "Closing Conditions"); *provided, however*, that if the City and Purchaser agree, the Conditions may be addressed and resolved at Closing or after Closing, or addressed in the *Quitclaim Deed* to Purchaser. Purchaser shall perform all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

(i) **Title & Survey:** Purchaser's approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;

(ii) **Inspections, Utilities & Zoning/Building Code Requirements:** Purchaser's approval of inspections of the Sale Property, including without limitation environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;

(iii) **Plats and Legal Descriptions:** Purchaser shall have provided the City with all plats and legal descriptions as required by DOTE, the City Planning Department, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including without limitation new legal descriptions for the remainder property being retained by the City. To effectuate the cut-up, the City shall execute and record a cut-up Deed in substantially the form of Exhibit B hereto.

(iv) **Coordinated Report Conditions (CR #86-2016; updated CR #5-2020):**

(a) **DOTE:**

1. **Retaining Wall Access and Maintenance Easement.** DOTE requires the reservation of a 10 foot wide permanent easement along the existing retaining wall located along E. Martin Luther King Jr. Drive (located outside the boundary of the Sale Property) for continued access to the wall, including the periodic placement of materials and equipment within the easement area in connection with the City's maintenance and repair of the wall.

2. **Review of Proposed Site Plan.** Prior to commencing construction of parking or other improvements on the Sale Property, Purchaser shall submit its proposed site plan to DOTE for review and approval. Purchaser shall not change the use of the Sale Property to anything other than parking and greenspace.

(b) **Buildings and Inspections:** If and when Purchaser acquires the adjoining James Temple property, Purchaser shall promptly file a consolidation plat with the Hamilton County Auditor and Recorder to assemble it with the Sale Property. (If the James Temple property is acquired by the State of Ohio, this requirement shall not apply.)

(B) **Right to Terminate.** If either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all of the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **120 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) **Closing Date.** Provided the Conditions have been satisfied, the Closing shall take place approximately **150 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

(D) **Closing Costs and Closing Documents.** At the Closing, (i) Purchaser shall pay the Purchase Price in full, and (ii) the City shall convey all of its right, title and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit C. Purchaser shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and any and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein.

**3. Notices.** All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

**4. Representations, Warranties, and Covenants of Purchaser.** Purchaser makes the following representations, warranties and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio nonprofit corporation, duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) Purchaser has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein.

(iii) Purchaser's execution, delivery and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or Purchaser's organizational documents, or any mortgage, contract, agreement or other undertaking to which Purchaser is a party or which purports to be binding upon Purchaser or upon any of its assets, nor is Purchaser in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings or governmental investigations pending, or to the knowledge of Purchaser, threatened against or affecting Purchaser, at law or in equity or before or by any governmental authority that would limit or restrict Purchaser from engaging in this transaction, or which may prevent Purchaser from fulfilling the terms of this Agreement.



(v) Purchaser shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting Purchaser that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition such that it may impede or prevent its purchase of the Sale Property and compliance with the terms of this Agreement.

(vi) The statements made in the documentation provided by Purchaser to the City that are descriptive of Purchaser or its facility have been reviewed by Purchaser and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) Neither Purchaser nor any of its affiliates owes any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

## **5. General Provisions.**

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations or agreements, written or oral, between them respecting the subject matter hereof.

(B) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Purchaser agrees that venue in such court is proper. Purchaser hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(D) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and assigns. Purchaser shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(E) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(F) Severability. If any part of this Agreement is held by a court of law to be void, illegal or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(G) No Third Party Beneficiaries. The parties hereby agree that no third party beneficiary rights are intended to be created by this Agreement.



(H) **Brokers.** Purchaser represents to the City that Purchaser has not dealt with any real estate brokers and agents in connection with its acquisition of the Sale Property.

(I) **Official Capacity.** All representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements or obligations shall be deemed to be a representation, warranty, covenant, agreement or obligation of any present or future officer, agent, employee or attorney of the City in other than his or her official capacity.

(J) **Conflict of Interest.** No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the property sale shall have any personal financial interest, direct or indirect, in Purchaser or in the property sale, and Purchaser shall take appropriate steps to assure compliance.

(K) **Administrative Actions.** To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(L) **Conveyance of the Property to the State of Ohio.** Nothing in this Agreement shall be construed to prohibit Purchaser from conveying fee simple title of the Sale Property to the State of Ohio once Purchaser has obtained fee interest in the Sale Property, and the City hereby provides consent to the conveyance by Purchaser to the State of Ohio. Such conveyance to the State of Ohio shall be subject to the City's rights and reservations under the City's conveyance instrument to Purchaser.

6. **Exhibits.** The following exhibits are attached hereto and made a part hereof:  
Exhibit A – *Site Map*  
Exhibit B – *Quitclaim Deed (City to City: Cut-Up)*  
Exhibit C - *Quitclaim Deed (City to Grantee: Sale)*

**SIGNATURE PAGE FOLLOWS**

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

**The Ohio Historical Society, doing business as Ohio History Connection**  
an Ohio nonprofit corporation

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2020

**City of Cincinnati**

By: \_\_\_\_\_  
Paula Boggs Muething, City Manager

Date: \_\_\_\_\_, 2020

Recommended by:

\_\_\_\_\_  
John Brazina  
Director, Department of Transportation and Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

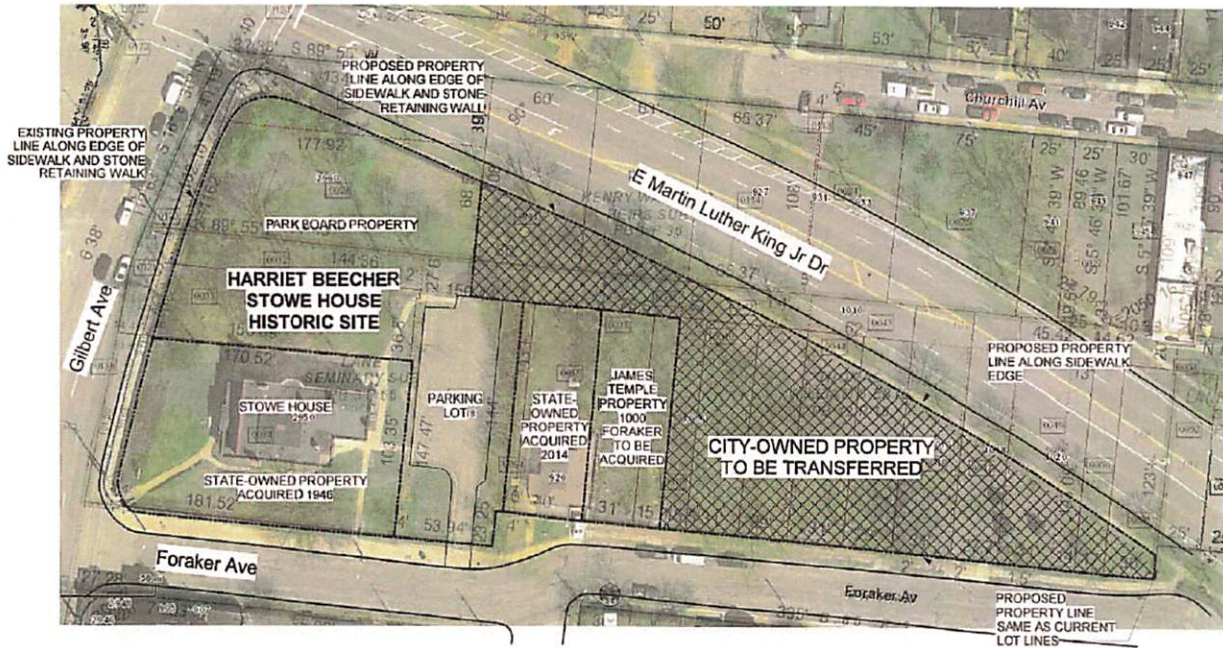
Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**EXHIBIT A**  
to Property Sale Agreement

Site Map



**HARRIET BEECHER STOWE HOUSE HISTORIC SITE ACQUISITION PLAN  
SITE PLAN SHOWING PROPOSED CITY-OWNED  
PROPERTY TRANSFER**

**EXHIBIT B**  
to Property Sale Agreement

Quitclaim Deed (City to City: Cut-Up)

SEE ATTACHED

-----  
[SPACE ABOVE FOR RECORDER'S USE]

(cut-up of parcels  
spanning E. MLK Jr. Dr)

### QUITCLAIM DEED

The **City of Cincinnati**, an Ohio municipal corporation, hereby grants and conveys to the **City of Cincinnati**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202, all of the City's right, title and interest in and to the real property depicted on Exhibit A (Survey) and described on Exhibit B (Legal Descriptions) hereto (the "**Property**").

Property Address:           excess land along E. Martin Luther King Jr. Drive, Cincinnati, OH

Auditor's Parcel Nos.

Prior instrument reference:

*This Deed is executed and recorded in connection with the cut-up of multiple parcels of land spanning across E. Martin Luther King Jr. Drive, to place the new legal descriptions of record.*

This Deed is permitted under Ohio Revised Code Section 5302.18, which provides that a grantor under a deed may also be a grantee.

Executed on \_\_\_\_\_, 2020.

**City of Cincinnati**

By: \_\_\_\_\_  
Paula Boggs Muething, City Manager

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by Paula Boggs Muething, City Manager of the **City of Cincinnati**, an Ohio municipal corporation, on behalf of the municipal corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to this notarial act.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved as to Form:

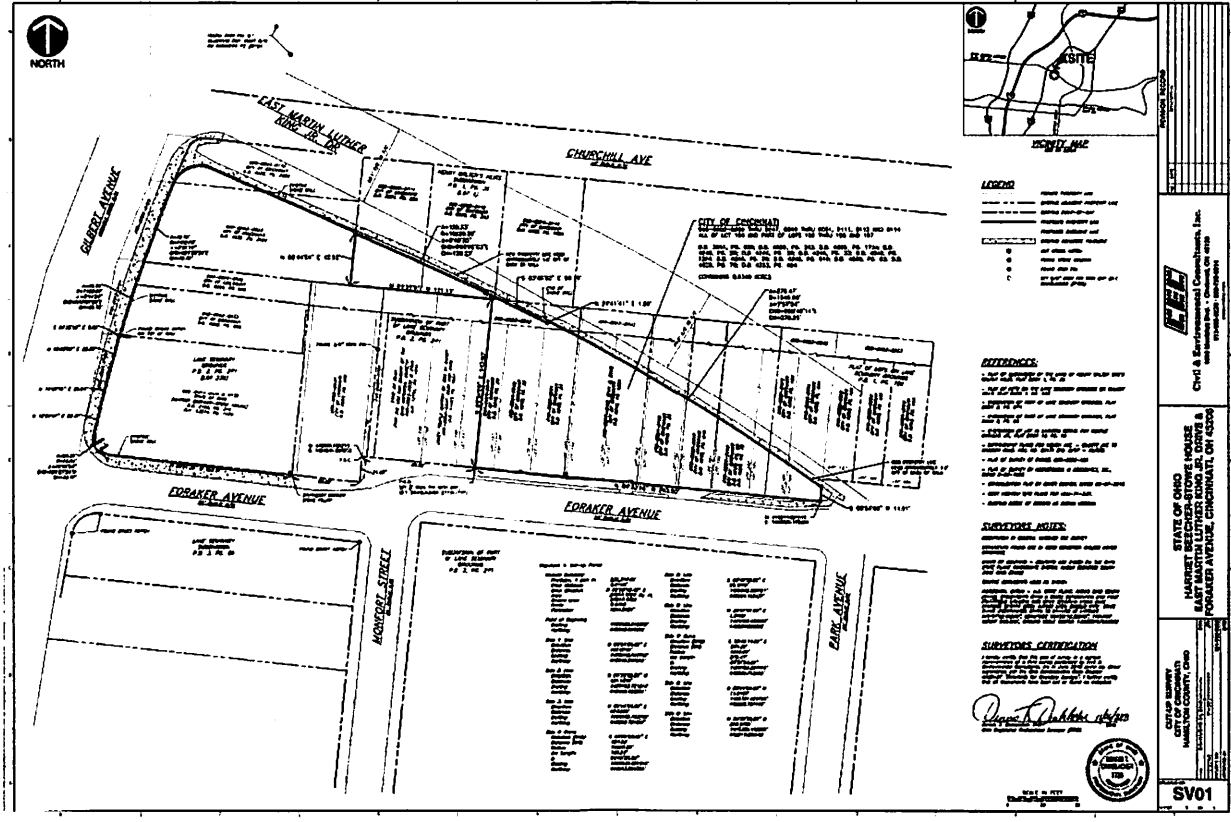
\_\_\_\_\_  
Assistant City Solicitor

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street  
Cincinnati, Ohio 45202

Exhibits to Quitclaim Deed (Cut-Up):  
Exhibit A – *Surveys*  
Exhibit B – *Legal Descriptions*

EXHIBIT A  
to Quitclaim Deed (Cut-up)

Surveys





# Exhibit A, cont'd

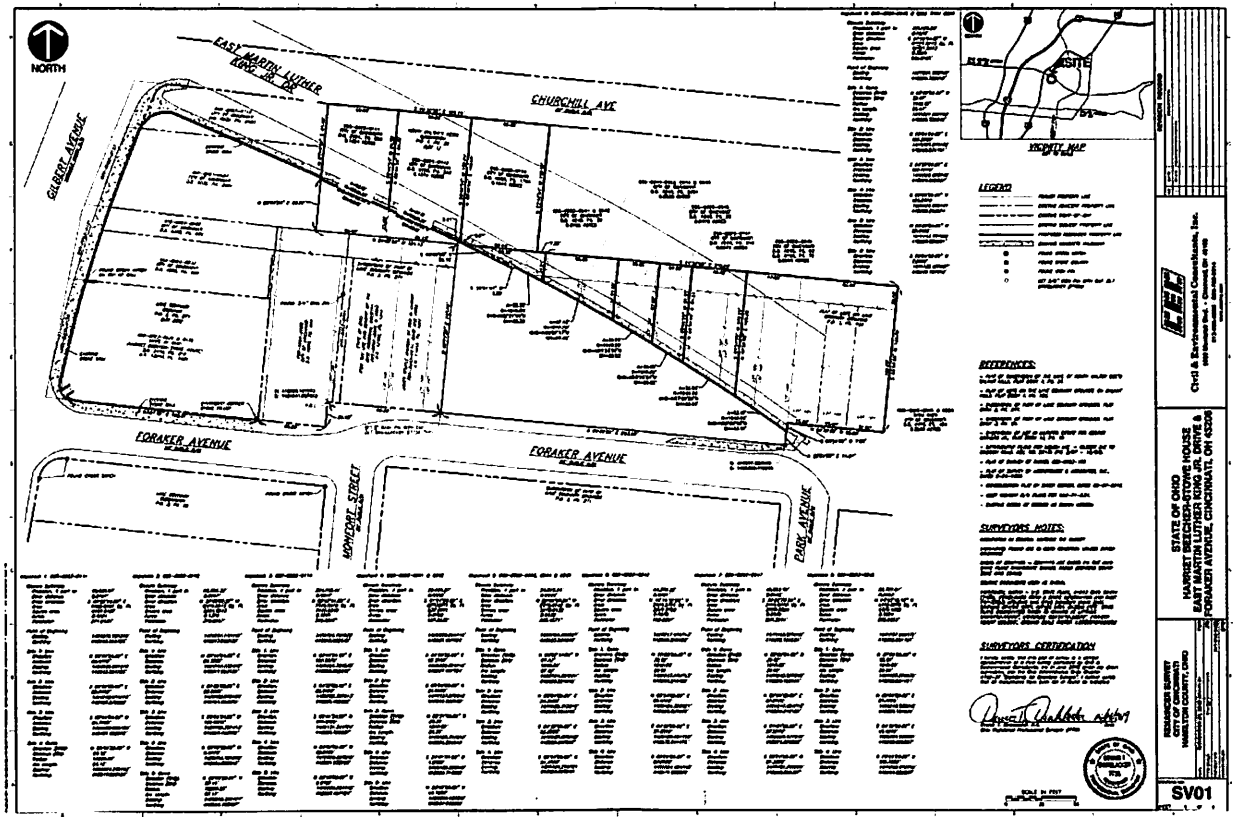


EXHIBIT B  
to Quitclaim Deed (Cut-Up)

Legal Descriptions

**DESCRIPTION OF  
CUT-UP SURVEY  
0.6340 ACRES  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being all of Lot 196 and being part of Lots 188 thru 195 and Lot 197 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and Plat Book 1, Page 108 and also being part of Lot 1 of Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463, Page 1052 of the aforesaid records and being the **REAL POINT of BEGINNING** for the lands herein described;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204 and the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4058, Page 666 of the aforesaid records, North 84 degrees 30 minutes 55 seconds West a distance of 121.13 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southwest corner of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859 of the aforesaid records;

Thence with the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 43.52 feet to a set iron pin with cap (D.T. Dinkelacker #7736) approximately 1-foot behind the back of an existing stone wall at a point of curvature;

Thence parallel to and approximately 1-foot off the back of a stone wall, the following two courses and distances:

Date Prepared: November 26, 2018

Page 1 of 2

File Name: P:\2018\181-592\Survey\Documents\Final Legals 2018-11-26\181592 LD-Cut-Up Legal Description 11-26-18.docx

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5899 Montclair Boulevard | Cincinnati, OH 45150 | p: 513-985-0226 f: 513-985-0228 | www.ceclnc.com

Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

With the arc of a curve to the right having a radius of 10,228.26 feet, an arc length of 120.23 feet to a set iron pin with cap (D.T. Dinkelacker #7736), the chord of said arc bears South 66 degrees 00 minutes 03 seconds East a distance of 120.23 feet to said set point;

Thence South 63 degrees 45 minutes 50 seconds East a distance of 59.19 feet to a set iron pin with cap (D.T. Dinkelacker #7736);

Thence North 24 degrees 41 minutes 41 seconds East a distance of 1.89 feet to a set iron pin with cap (D.T. Dinkelacker #7736) approximately 1-foot off the existing back of walk at a point of curvature;

Thence parallel to and 1-foot off the existing back of walk, with a curve to the right having a radius of 1949.00 feet, an arc length of 270.47 feet to a set iron pin with cap (D.T. Dinkelacker #7736) in the Eastern line of Lot 188 of the Lane Seminary Grounds as recorded in Plat Book 2, Page 271 of the aforesaid records, the chord of said arc bears South 58 degrees 48 minutes 14 seconds East a distance of 270.25 feet to said set pin;

Thence with the Eastern line of said Lot 188, South 05 degrees 54 minutes 09 seconds West a distance of 11.91 feet to a cut cross notch in the existing sidewalk and lying in the existing Northern right of way line of Foraker Avenue;

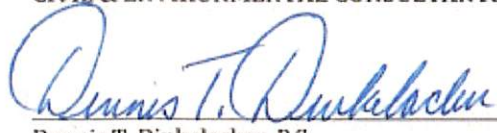
Thence with said existing Northern right of way line, North 84 degrees 30 minutes 55 seconds West a distance of 293.50 feet to the **POINT OF BEGINNING**.

Containing 0.6340 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on October 30, 2018 and describes a portion of the lands owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859, Deed Book 4026, Page 343, Deed Book 4085, Page 1734, Deed Book 4246, Page 28, Deed Book 4246, Page 30, Deed Book 4246, Page 33, Deed Book 4246, Page 1204, Deed Book 4246, Page 26, Deed Book 4245, Page 919, Deed Book 4030, Page 63, Deed Book 4029, Page 70 and Deed Book 4253, Page 494 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

 11/26/2018  
Dennis T. Dinkelacker, P.S. Date  
Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

Page 2 of 2

File Name: P:\2018\181-592\Survey\Documents\Final Legals 2018-11-26\181592 LD-Cut-Up Legal Description 11-26-18.docx

Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCEL 065-0003-0111  
0.1025 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lot 1 of Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463. Page 1052 of the aforesaid records;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204 and the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4058, Page 666 of the aforesaid records, North 84 degrees 30 minutes 55 seconds West a distance of 121.13 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southwest corner of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859 of the aforesaid records;

Thence with the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 43.52 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) approximately 1-foot behind the back of an existing stone wall and being the **REAL POINT OF BEGINNING** for the lands herein described;

Thence continuing with said Western line, North 05 degrees 44 minutes 54 seconds East a distance of 64.48 feet to a point in the Southern right of way line of Churchill Avenue;

Thence with said Southern right of way line, South 84 degrees 30 minutes 55 seconds East a distance of 60.00 feet to the Northeast corner of subject parcel;

Date Prepared: November 26, 2018

Page 1 of 2

File Name: P:\2018\181-592\Survey\Documents\Final Legals 2018-11-26\181592 LD-065-0003-0111  
Remainder Description 11-26-18.docx

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Thence leaving said Southern right of way line, South 05 degrees 44 minutes 54 seconds West a distance of 84.35 feet to a point lying approximately 1-foot off the back of an existing stone wall;

Thence with the arc of a curve to the left having a radius of 10,228.26 feet, an arc length of 63.12 feet, the chord of said arc bears North 66 degrees 09 minutes 38 seconds West a distance of 63.12 feet to the **POINT OF BEGINNING**.

Containing 0.1025 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on October 30, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Date

Dennis T. Dinkelacker, P.S.  
Ohio Registered Professional Surveyor No. 7736

Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCEL 065-0003-0112  
0.1374 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lot 1 of Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4026, Page 343 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463, Page 1052 of the aforesaid records;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204, North 84 degrees 30 minutes 55 seconds West a distance of 61.13 feet to a point;

Thence with the prolongation of the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 23.65 feet to a point approximately 1-foot behind the back of an existing stone wall and being the **REAL POINT of BEGINNING** for the lands herein described;

Thence continuing with said Western line, North 05 degrees 44 minutes 54 seconds East a distance of 84.35 feet to a point in the Southern right of way line of Churchill Avenue;

Thence with said Southern right of way line, South 84 degrees 30 minutes 55 seconds East a distance of 63.00 feet to the Northeast corner of subject parcel;

Thence leaving said Southern right of way line with the Eastern line of subject parcel, South 05 degrees 44 minutes 54 seconds West a distance of 105.99 feet to a point lying approximately 1-foot off the back of an existing stone wall;

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Thence with a line approximately 1-foot off and parallel to existing back of wall the following two courses and distances:

North 63 degrees 45 minutes 50 seconds West a distance of 9.41 feet to a point of curvature;

Thence the with the arc of a curve to the left having a radius of 10,228.26 feet, an arc length of 57.11 feet, the chord of said arc bears North 65 degrees 49 minutes 26 seconds West a distance of 57.11 feet to the **POINT OF BEGINNING**.

Containing 0.1374 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4026, Page 343 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Dennis T. Dinkelacker, P.S. Date  
Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018 Page 2 of 2  
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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCEL 065-0003-0114  
0.1641 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lot 1 of Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4085, Page 1734 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463, Page 1052 of the aforesaid records;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204, North 84 degrees 30 minutes 55 seconds West a distance of 61.13 feet to a point;

Thence with the prolongation of the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 23.65 feet to a point approximately 1-foot behind the back of an existing stone wall;

Thence approximately 1-foot off and parallel to an existing back of wall the following two courses and distances:

With the arc of a curve to the right having a radius of 10,228.26 feet, an arc length of 57.11 feet, the chord of said arc bears South 65 degrees 49 minutes 26 seconds East a distance of 57.11 feet to an existing iron pin with cap (D.T. Dinkelacker #7736);

South 63 degrees 45 minutes 50 seconds East a distance of 9.41 feet to the Southwestern corner of subject parcel and being the **REAL POINT of BEGINNING** for the lands herein described;

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Thence with the Western line of subject parcel, North 05 degrees 44 minutes 54 seconds East a distance of 105.99 feet to a point in the Southern right of way line of Churchill Avenue;

Thence with said Southern right of way line, South 84 degrees 30 minutes 55 seconds East a distance of 66.25 feet to the Northeast corner of subject parcel;

Thence leaving said Southern right of way line with the Eastern line of subject parcel, South 05 degrees 44 minutes 54 seconds West a distance of 108.00 feet to a point;

Thence with the Southern line of subject parcel, North 84 degrees 30 minutes 55 seconds West a distance of 60.94 feet to a point lying approximately 1-foot off the back of an existing stone wall;

Thence with a line approximately 1-foot off and parallel to the existing back of wall, North 63 degrees 45 minutes 50 seconds West a distance of 5.67 feet to the **POINT OF BEGINNING**.

Containing 0.1641 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4085, Page 1734 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018

Dennis T. Dinkelacker, P.S.

Date

Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0041 & 0042  
0.0192 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lot 194 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4246, Page 33 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463, Page 1052 of the aforesaid records;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204, North 84 degrees 30 minutes 55 seconds West a distance of 61.13 feet to a point;

Thence with the prolongation of the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 23.65 feet to a point approximately 1-foot behind the back of an existing stone wall;

Thence approximately 1-foot off and parallel to the existing back of wall the following two courses and distances:

With the arc of a curve to the right having a radius of 10,228.26 feet, an arc length of 57.11 feet, the chord of said arc bears South 65 degrees 49 minutes 26 seconds East a distance of 57.11 feet to an existing iron pin with cap (D.T. Dinkelacker #7736);

South 63 degrees 45 minutes 50 seconds East a distance of 15.08 feet to the Northwestern corner of subject parcel and being the **REAL POINT of BEGINNING** for the lands herein described;

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 68.32 feet to the Northeastern corner of subject parcel;

Thence with said Eastern line of subject parcel, South 05 degrees 54 minutes 09 seconds West a distance of 24.54 feet to a point lying approximately 1-foot off of an existing back of walk;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 28.36 feet, the chord of said arc bears North 62 degrees 21 minutes 45 seconds West a distance of 28.36 feet to an existing iron pin with cap (D.T. Dinkelacker #7736);

Thence South 24 degrees 41 minutes 41 seconds West a distance of 1.89 feet to an existing iron pin with cap (D.T. Dinkelacker #7736);

Thence with a line approximately 1-foot off and parallel to the existing back of a stone wall, North 63 degrees 45 minutes 50 seconds West a distance of 44.12 feet to the **POINT OF BEGINNING**.

Containing 0.0192 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4246, Page 33 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

 11/26/2018

Dennis T. Dinkelacker, P.S.

Date

Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0043, 0044 &  
0045  
0.0538 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lots 193 and 194 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4246, Page 1204 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 390.00 feet to an existing cross notch at the Southeast corner of Lot 188 of aforesaid subdivision;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of Lot 188, North 05 degrees 54 minutes 09 seconds East a distance of 11.91 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) lying 1-foot off the existing back of walk;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 174.67 feet, the chord of said arc bears North 57 degrees 23 minutes 46 seconds West a distance of 174.62 feet to the Southeastern corner of subject parcel and being the **REAL POINT OF BEGINNING** for the lands herein described;

Thence continuing approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 67.43 feet, the chord of said arc bears North 60 degrees 57 minutes 17 seconds West a distance of 67.42 feet to the Southwestern corner of subject parcel;

Thence with the West line of subject parcel, North 05 degrees 54 minutes 09 seconds East a distance of 24.54 feet to the Northwest corner of subject parcel;

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 62.00 feet to the Northeastern corner of subject parcel;

Thence with said Eastern line of subject parcel, South 05 degrees 54 minutes 09 seconds West a distance of 51.49 feet to the **POINT OF BEGINNING**.

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Containing 0.0538 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4246, Page 1204 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Dennis T. Dinkelacker, P.S. Date  
Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0046  
0.0479 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lots 192 and 193 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4246, Page 26 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 390.00 feet to an existing cross notch at the Southeast corner of Lot 188 of aforesaid subdivision;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of Lot 188, North 05 degrees 54 minutes 09 seconds East a distance of 11.91 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) lying 1-foot off the existing back of walk;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 136.15 feet, the chord of said arc bears North 56 degrees 49 minutes 47 seconds West a distance of 136.12 feet to the Southeastern corner of subject parcel and being the **REAL POINT OF BEGINNING** for the lands herein described;

Thence continuing approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 38.52 feet, the chord of said arc bears North 59 degrees 23 minutes 50 seconds West a distance of 38.52 feet to the Southwestern corner of subject parcel;

Thence with the Western line of subject parcel, North 05 degrees 54 minutes 09 seconds West a distance of 51.49 feet to a point in the Northern line of subject parcel;

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 35.00 feet to the Northeastern corner of subject parcel;

Thence with said Eastern line of subject parcel, South 05 degrees 54 minutes 09 seconds West a distance of 67.85 feet to the **POINT OF BEGINNING**.

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Containing 0.0479 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4246, Page 26 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Date

Dennis T. Dinkelacker, P.S.  
Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0047  
0.0472 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lot 191 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4245, Page 919 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 390.00 feet to an existing cross notch at the Southeast corner of Lot 188 of aforesaid subdivision;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of Lot 188, North 05 degrees 54 minutes 09 seconds East a distance of 11.91 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) lying 1-foot off the existing back of walk;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 105.53 feet, the chord of said arc bears North 56 degrees 22 minutes 47 seconds West a distance of 105.52 feet to the Southeastern corner of subject parcel and being the **REAL POINT OF BEGINNING** for the lands herein described;

Thence continuing approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 30.62 feet, the chord of said arc bears North 58 degrees 22 minutes 51 seconds West a distance of 30.62 feet to the Southwestern corner of subject parcel;

Thence with the Western line of subject parcel, North 05 degrees 54 minutes 09 seconds West a distance of 67.85 feet to a point in the Northern line of subject parcel;

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 27.58 feet to the Northeastern corner of subject parcel;

Thence with said Eastern line of subject parcel, South 05 degrees 54 minutes 09 seconds West a distance of 81.33 feet to the **POINT OF BEGINNING**.

Containing 0.0472 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4245, Page 919 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker 11/26/2018*

Dennis T. Dinkelacker, P.S.

Date

Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd

DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0049  
0.0993 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lots 189 and 190 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4030, Page 63 and Deed Book 4029, Page 70 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 390.00 feet to an existing cross notch at the Southeast corner of Lot 188 of aforesaid subdivision;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of Lot 188, North 05 degrees 54 minutes 09 seconds East a distance of 11.91 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) lying 1-foot off the existing back of walk;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 53.47 feet, the chord of said arc bears North 55 degrees 36 minutes 52 seconds West a distance of 53.47 feet to the Southeastern corner of subject parcel and being the **REAL POINT of BEGINNING** for the lands herein described;

Thence continuing approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 52.06 feet, the chord of said arc bears North 57 degrees 09 minutes 56 seconds West a distance of 52.06 feet to the Southwestern corner of subject parcel;

Thence with the Western line of subject parcel, North 05 degrees 54 minutes 09 seconds East a distance of 81.33 feet to a point in the Northern line of subject parcel;

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 46.42 feet to the Northeastern corner of subject parcel;

Thence with said Eastern line of subject parcel, South 05 degrees 54 minutes 09 seconds West a distance of 105.25 feet to the **POINT OF BEGINNING**.

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Containing 0.0993 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4030, Page 63 and Deed Book 4029, Page 70 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018

Dennis T. Dinkelacker, P.S.

Date

Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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Exhibit B, cont'd



Civil & Environmental Consultants, Inc.

**DESCRIPTION OF  
REMAINDER OF AUDITOR'S PARCELS 065-0003-0048 & 0050  
THRU 0055  
0.3608 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of Lots 188 and 189 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and part of Lot 2 of the Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 and being all of Lots 185, Lot 186 and Lot 187 of the Plat of Lots on the Lane Seminary Grounds as recorded in Plat Book 1, Page 108 and being part of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4253, Page 494 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 390.00 feet to an existing cross notch at the Southeast corner of Lot 188 of aforesaid subdivision;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of Lot 188, North 05 degrees 54 minutes 09 seconds East a distance of 11.91 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) lying 1-foot off the existing back of walk and being the **REAL POINT of BEGINNING** for the lands herein described;

Thence approximately 1-foot off and parallel to the existing back of walk, with the arc of a curve to the left having a radius of 1949.00 feet, an arc length of 53.47 feet, the chord of said arc bears North 55 degrees 36 minutes 52 seconds West a distance of 53.47 feet to the Southwest corner of subject parcel;

Thence with the Western line of subject parcel, North 05 degrees 54 minutes 09 seconds East a distance of 105.25 feet to a point at the Northwest corner of subject parcel;

Thence with the Northern line of subject parcel, South 84 degrees 30 minutes 55 seconds East a distance of 129.00 feet to the Northeast of subject parcel;

Thence with said Eastern line of subject parcel and Lot 185 of the aforesaid subdivision, South 05 degrees 54 minutes 09 seconds West a distance of 124.00 feet to the Southeast corner of subject parcel;

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

Thence with the Southern line of subject parcel and the Southern line of Lots 185, Lot 186 and Lot 187 of the aforesaid subdivision, North 84 degrees 30 minutes 55 seconds West a distance of 82.00 feet to the Southwest corner of Lot 187 of the aforesaid subdivision;

Thence with the prolongation of the Western line of said Lot 187, South 05 degrees 54 minutes 09 seconds West a distance of 7.09 feet to the **POINT OF BEGINNING**.

Containing 0.3608 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes the remaining lands owned by the City of Cincinnati as recorded in Deed Book 4253, Page 494 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Dennis T. Dinkelacker, P.S. Date

Ohio Registered Professional Surveyor No. 7736



**EXHIBIT C**  
to Property Sale Agreement

Quitclaim Deed (City to Grantee: Sale)

SEE ATTACHED

-----  
[SPACE ABOVE FOR RECORDER'S USE]

(sale)

### QUITCLAIM DEED

The **City of Cincinnati**, an Ohio municipal corporation, for consideration of One Dollar (\$1.00), hereby grants and conveys to **The Ohio Historical Society**, dba Ohio History Connection, an Ohio non-profit corporation, the address of which is 800 E. 17<sup>th</sup> Avenue, Columbus, OH 43211 ("**Grantee**"), all of the City's right, title and interest in and to the real property depicted on Exhibit A (Survey) and described on Exhibit B (Legal Description) hereto (the "**Property**").

Property Address:            approx. 0.6340 acre of land along E. Martin Luther King Jr Drive,  
north of Foraker Ave, Cincinnati, OH

Auditor's Parcel No.        \_\_\_\_\_

Prior instrument reference:

As provided in that certain *Property Sale Agreement* between the City and Grantee dated on or about \_\_\_\_\_, 202\_, THIS TRANSFER IS SUBJECT TO, AND THE CITY HEREBY CREATES THE FOLLOWING EASEMENTS, COVENANTS AND RESTRICTIONS.

**(1) Retaining Wall Access and Maintenance Easement.**

The City hereby reserves and creates a permanent easement over the Property in favor of the City, for access to the retaining wall located on the adjoining City-owned property, by the City's employees, agents and contractors, for the purpose of maintaining and repairing the wall, including without limitation periodically placing materials and equipment within the easement area as deemed necessary by the City in connection therewith. The easement area is depicted on Exhibit C and described on Exhibit D hereto. Grantee shall not construct or install any gates, fences or other improvements or do anything else that would interfere with the City's continuous access and use of the easement area for the purposes herein described. The City shall have the right to remove any obstructions caused by Grantee, at Grantee's expense.

**(2) Use Restriction.**

The Property shall be used solely in conjunction with the operation of the adjacent Harriet Beecher Stowe House Historic Site, located at 2950 Gilbert Avenue, Cincinnati; specifically, for cultural and public purposes.

**(3) Site Plan Approval.**

Prior to undertaking construction of parking or other improvements on the Property, Grantee shall:

(i) submit plans and specifications to the City's Department of Transportation and Engineering for review and approval.

**(4) No Separate Conveyance of Property from Harriet Beecher Stowe House Historic Site.**

Except for the transfer of the Property to the State of Ohio, the Property shall not hereafter be conveyed separately from the adjacent Harriet Beecher Stowe House Historic Site (currently owned by the State of Ohio). Upon a breach of this covenant, title to the Property shall automatically revert to the City.

Covenants to "Run with the Land". All of the easements, covenants and restrictions herein shall "run with the land" and be binding upon Grantee and its successors-in-interest with respect to the Property.

This conveyance was authorized by Ordinance No. \_\_\_\_-2020, passed by Cincinnati City Council on \_\_\_\_\_, 2020.

Executed on \_\_\_\_\_, 2020.

**City of Cincinnati**

By: \_\_\_\_\_  
Paula Boggs Muething, City Manager

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2020 by Paula Boggs Muething, City Manager of the **City of Cincinnati**, an Ohio municipal corporation, on behalf of the municipal corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved as to Form:

---

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department  
801 Plum Street  
Cincinnati, Ohio 45202

Exhibits to Quitclaim Deed (Sale):

Exhibit A – *Survey*

Exhibit B – *Legal Description*

Exhibit C – *Easement Plat – Retaining Wall Access and Maintenance Easement Area*

Exhibit D – *Legal Description – Retaining Wall Access and Maintenance Easement Area*

# EXHIBIT A to Quitclaim Deed (Sale)

## Survey

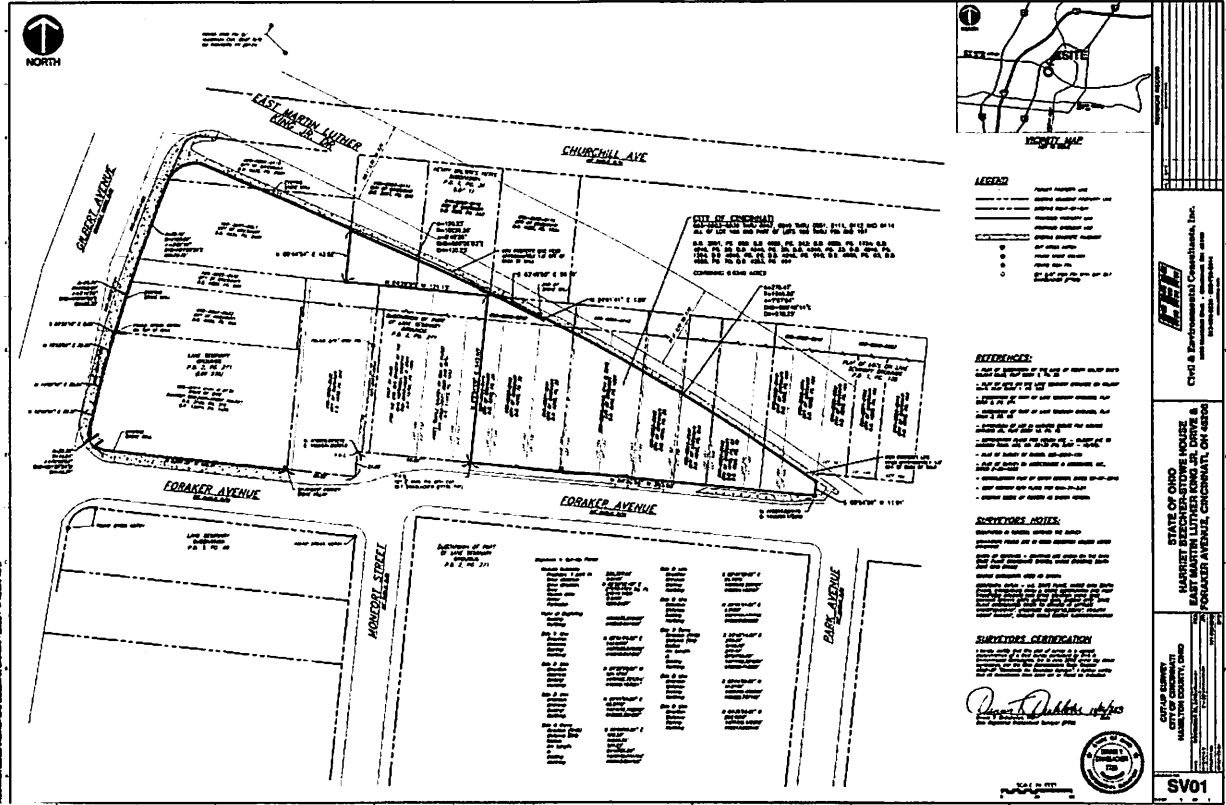


EXHIBIT B  
to Quitclaim Deed (Sale)

Legal Description

DESCRIPTION OF  
CUT-UP SURVEY  
0.6340 ACRES  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO

Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being all of Lot 196 and being part of Lots 188 thru 195 and Lot 197 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and Plat Book 1, Page 108 and also being part of Lot 1 of Plat of Subdivision of the Land of Henry Walter as recorded in Plat Book 1, Page 36 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing Northern Right of way line of Foraker Avenue, South 84 degrees 30 minutes 55 seconds East a distance of 96.50 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southeast corner of the lands now or formerly owned by James Temple Church of God in Christ as recorded in Official record 11463, Page 1052 of the aforesaid records and being the **REAL POINT of BEGINNING** for the lands herein described;

Thence leaving the existing Northern right of way of Foraker Avenue with the existing Eastern line of James Temple Church of God in Christ, North 05 degrees 54 minutes 09 seconds East a distance of 143.00 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Northeast corner of said James Temple Church;

Thence leaving the Eastern line of said James Temple Church with the Northern line of James Temple Church and in part with the lands now or formerly owned by the State of Ohio as recorded in Official Record 12786, Page 1204 and the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 4058, Page 666 of the aforesaid records, North 84 degrees 30 minutes 55 seconds West a distance of 121.13 feet to a set iron pin with cap (D.T. Dinkelacker #7736) at the Southwest corner of the lands now or formerly owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859 of the aforesaid records;

Thence with the Western line of the City of Cincinnati property, North 05 degrees 44 minutes 54 seconds East a distance of 43.52 feet to a set iron pin with cap (D.T. Dinkelacker #7736) approximately 1-foot behind the back of an existing stone wall at a point of curvature;

Thence parallel to and approximately 1-foot off the back of a stone wall, the following two courses and distances:

Date Prepared: November 26, 2018

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Exhibit B, cont'd

State of Ohio  
CEC Project 181-592

With the arc of a curve to the right having a radius of 10,228.26 feet, an arc length of 120.23 feet to a set iron pin with cap (D.T. Dinkelacker #7736), the chord of said arc bears South 66 degrees 00 minutes 03 seconds East a distance of 120.23 feet to said set point;

Thence South 63 degrees 45 minutes 50 seconds East a distance of 59.19 feet to a set iron pin with cap (D.T. Dinkelacker #7736);

Thence North 24 degrees 41 minutes 41 seconds East a distance of 1.89 feet to a set iron pin with cap (D.T. Dinkelacker #7736) approximately 1-foot off the existing back of walk at a point of curvature;

Thence parallel to and 1-foot off the existing back of walk, with a curve to the right having a radius of 1949.00 feet, an arc length of 270.47 feet to a set iron pin with cap (D.T. Dinkelacker #7736) in the Eastern line of Lot 188 of the Lane Seminary Grounds as recorded in Plat Book 2, Page 271 of the aforesaid records, the chord of said arc bears South 58 degrees 48 minutes 14 seconds East a distance of 270.25 feet to said set pin;

Thence with the Eastern line of said Lot 188, South 05 degrees 54 minutes 09 seconds West a distance of 11.91 feet to a cut cross notch in the existing sidewalk and lying in the existing Northern right of way line of Foraker Avenue;

Thence with said existing Northern right of way line, North 84 degrees 30 minutes 55 seconds West a distance of 293.50 feet to the **POINT OF BEGINNING**.

Containing 0.6340 acre of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on October 30, 2018 and describes a portion of the lands owned by the City of Cincinnati as recorded in Deed Book 3851, Page 859, Deed Book 4026, Page 343, Deed Book 4085, Page 1734, Deed Book 4246, Page 28, Deed Book 4246, Page 30, Deed Book 4246, Page 33, Deed Book 4246, Page 1204, Deed Book 4246, Page 26, Deed Book 4245, Page 919, Deed Book 4030, Page 63, Deed Book 4029, Page 70 and Deed Book 4253, Page 494 of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018  
Date

Dennis T. Dinkelacker, P.S.  
Ohio Registered Professional Surveyor No. 7736

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**EXHIBIT C**  
to Quitclaim Deed (Sale)

**Easement Plat – Retaining Wall Access and Maintenance Easement**

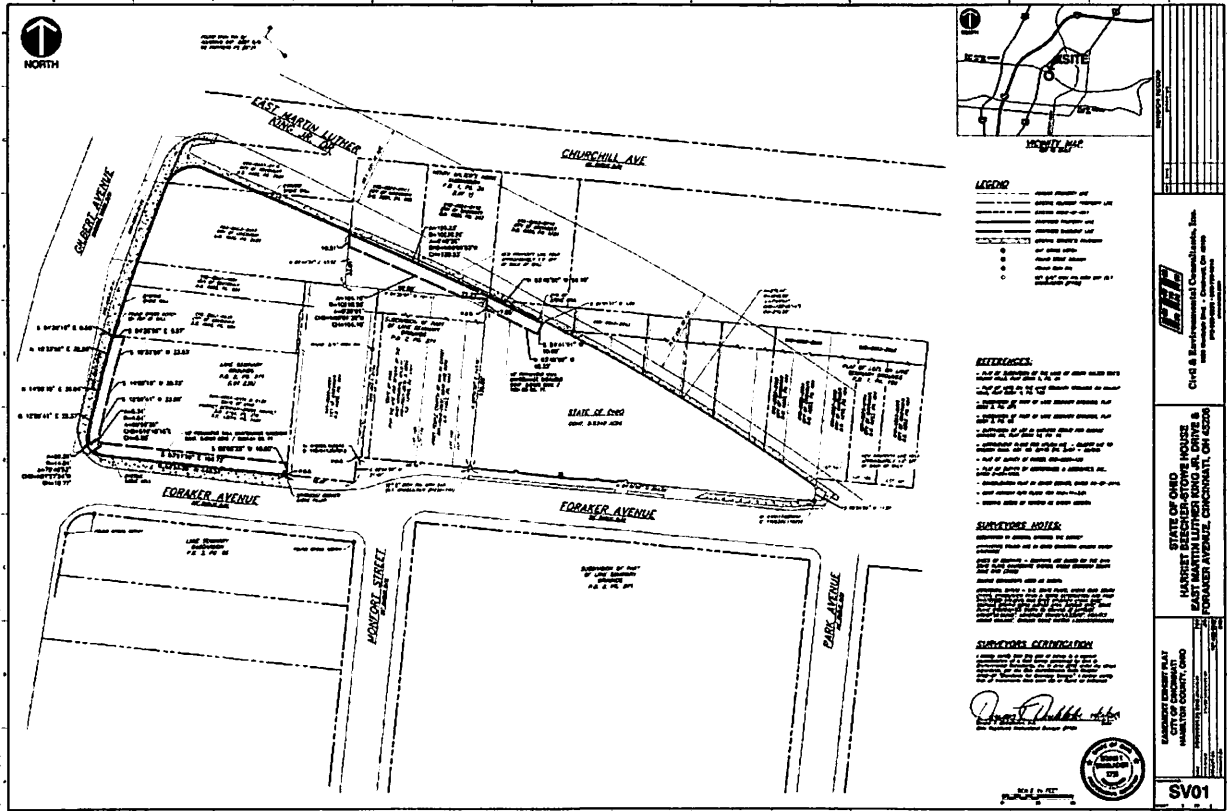


EXHIBIT D  
to Quitclaim Deed (Sale)

Legal Description – Retaining Wall Access and Maintenance Easement Area



Civil & Environmental Consultants, Inc.

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**DESCRIPTION OF  
10' WALL MAINTENANCE EASEMENT  
0.0598 ACRE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

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Situated in the State of Ohio, County of Hamilton, City of Cincinnati and being part of original Lot 239 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 of the Hamilton County, Ohio, Records and being more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 199 of the Subdivision of Part of Lane Seminary Grounds as recorded in Plat Book 2, Page 271 and also lying in the existing Northern right of way line of Foraker Avenue;

Thence with the existing right of way line of Foraker Avenue and the prolongation of Lot 199, South 05 degrees 54 minutes 09 seconds West: a distance of 21.49 feet to a point;

Thence continuing with said right of way line, North 83 degrees 51 minutes 35 seconds West a distance of 58.00 feet to the Southeastern corner of subject easement to the **REAL POINT of BEGINNING** for the easement herein described;

Thence continuing with the Northern right of way line of Foraker Avenue, North 83 degrees 51 minutes 35 seconds West a distance of 162.31 feet to a point of curvature;

Thence with the arc of a curve to the right having a radius of 14.64 feet, an arc length of 20.38 feet to a point in the existing Eastern right of way line of Gilbert Avenue, the chord of said arc bears North 21 degrees 27 minutes 24 seconds West: a distance of 18.77 feet to said point;

Thence with the Eastern right of way line of Gilbert Avenue and the Western line of subject easement, the following three courses and distances:

North 12 degrees 59 minutes 41 seconds East a distance of 22.37 feet to a point;

North 14 degrees 09 minutes 15 seconds East a distance of 30.94 feet to a point;

North 15 degrees 33 minutes 59 seconds East a distance of 32.20 feet to the Northwestern corner of subject easement;

Thence continuing with said right of way line and the Northern line of subject easement, South 84 degrees 36 minutes 10 seconds East a distance of 0.58 feet to a point;

Thence continuing with the Northern line of subject easement, South 84 degrees 26 minutes 06 seconds East a distance of 9.57 feet to the Northeastern corner of subject easement;

Date Prepared: November 26, 2018

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File Name: P:\2018\181-592\Survey\Documents\Final Legals 2018-11-26\181592 LD-Wall Easement Description2.docx

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EXHIBIT D, cont'd

State of Ohio  
CEC Project 181-592

Thence parallel to and approximately 1-foot off the back of a stone wall, the following two courses and distances:

With the arc of a curve to the right having a radius of 10,228.26 feet, an arc length of 120.23 feet to an existing iron pin with cap (D.T. Dinkelacker #7736), the chord of said arc bears South 66 degrees 00 minutes 03 seconds East a distance of 120.23 feet to said existing pin;

Thence South 63 degrees 45 minutes 50 seconds East a distance of 59.19 feet to an existing iron pin with cap (D.T. Dinkelacker #7736) at the Northeastern corner of subject easement;

Thence with the Eastern line of subject easement, South 24 degrees 41 minutes 41 seconds West a distance of 10.00 feet to the Southeastern corner of subject easement;

Thence with the Southern line of subject easement, North 63 degrees 45 minutes 50 seconds West a distance of 48.33 feet to the **POINT OF BEGINNING**.

Containing 0.0388 acre or 1690.13 square feet of land, more or less, and being subject to all legal highways and any and all easements of record.

The above description was prepared by Dennis T. Dinkelacker, Ohio Registration No. 7736, on November 26, 2018 and describes a portion of the lands owned by the State of Ohio as recorded in Official Record \_\_\_\_, Page \_\_\_\_, of the Hamilton County, Ohio, Records.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Dennis T. Dinkelacker* 11/26/2018

Dennis T. Dinkelacker, P.S.

Date

Ohio Registered Professional Surveyor No. 7736

Date Prepared: November 26, 2018

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