

EMERGENCY  
**City of Cincinnati**

CHM

*AWB*

**An Ordinance No. \_\_\_\_\_ - 2020**

**AUTHORIZING** the City Manager to execute a *Quitclaim Deed* in favor of the State of Ohio, Department of Transportation, to convey land adjacent to Interstate 75 in the Queensgate neighborhood of Cincinnati in connection with transportation improvement project HAM 75 – 00.22.

WHEREAS, the City of Cincinnati owns property adjacent to Interstate 75 in the Queensgate neighborhood of Cincinnati, as more particularly described in the *Quitclaim Deed* attached to this ordinance as Attachment A (“Property”), which property is under the management and control of the City’s Department of Police (“CPD”); and

WHEREAS, the Ohio Department of Transportation (“ODOT”) is undertaking a transportation improvement project that will result in the reconstruction of the Brent Spence Bridge and the widening of Interstate 75 (“Project”), and it desires to acquire all of the City’s right, title, and interest in and to the Property in connection therewith (designated by ODOT as HAM 75 – 00.22 Project Parcel 44 WDV, as generally depicted on the ODOT right-of-way plans attached to this ordinance as Attachment B); and

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

WHEREAS, the City Manager, being the officer having the custody and control of the Property, upon confirmation by CPD, has determined that the Property is not needed for a municipal purpose, and that the conveyance to ODOT of all the City’s right, title, and interest in and to the Property will not be detrimental to the interests of the general public; and

WHEREAS, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$32,374, which ODOT has agreed to pay; and

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

WHEREAS, the City has determined that the City’s disposition of the Property, without competitive bidding, is in the City’s best interests because ODOT desires to acquire the Property to facilitate a public transportation improvement project that will benefit the public; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City property, approved the sale of the Property to ODOT at its meeting on September 18, 2020; 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 *Quitclaim Deed* in favor of the State of Ohio, Department of Transportation (“ODOT”), in substantially the form as Attachment A to this ordinance, pursuant to which the City of Cincinnati will convey to ODOT all its right, title, and interest in and to certain land in order to facilitate a public transportation improvement project (“Project”), which land consists of approximately 1.974 acres, located adjacent to Interstate 75 in the Queensgate neighborhood of Cincinnati (HAM 75 - 00.22 Project Parcel 44 WDV, referred to herein as the “Property”), and which land is generally depicted on the ODOT right-of-way plans attached as Attachment B to this ordinance.

Section 2. That the Property is not needed for a municipal purpose, and that the City’s conveyance to ODOT of all its right, title, and interest in and to the Property will not be detrimental to the interests of the general public.

Section 3. That the approximate fair market value of the Property, as determined by appraisal by the City’s Real Estate Services Division, is \$32,374, which ODOT has agreed to pay.

Section 4. That it is in the best interests of the City to convey to ODOT all its right, title, and interest in and to the Property without competitive bidding because the Property is needed for the Project and its conveyance will benefit public transportation.

Section 5. That all proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including executing all necessary deeds, plats, and other real estate documents.

Section 6. 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 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to convey the Property to ODOT to avoid delaying the Project.

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

\_\_\_\_\_

John Cranley, Mayor

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

ATTACHMENT A

**QUITCLAIM DEED**

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), in consideration of the sum of \$32,374, to be paid by the State of Ohio, Department of Transportation ("**ODOT**"), hereby grants and conveys to the **STATE OF OHIO** and its successors and assigns for the use and benefit of ODOT ("**Grantee**"), all right, title, and interest in fee simple in and to real property more particularly described on Exhibit A (Legal Description) hereto (the "**Property**").

ODOT Project Parcel(s): 44 WDV

ODOT Project: HAM 75-00.22

Being part of Hamilton County Current Tax Parcel Nos.: 136-0001-0238-00

Prior Instrument Reference: (i) Official Record Book 12831, Page 1445, Hamilton County, Ohio Recorder's Office

The property conveyed herein to Grantee is being acquired for one of the statutory purposes pursuant to which the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Section 5501.31 of the Revised Code.

Grantor has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor provides timely notice of a desire to repurchase; provided however, that such right of repurchase is subject to the authority of the Director of ODOT to convey unneeded property pursuant to Section 5501.34(F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. This right of repurchase shall be extinguished if any of the following occur: (A) Grantor declines to repurchase the property; (B) Grantor fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) five years have passed since the property was appropriated.

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

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

**CITY OF CINCINNATI**

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

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

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

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

Recommended by:

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

Approved as to Form:

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

This instrument prepared by:

City of Cincinnati Law Department  
801 Plum Street, Suite 214  
Cincinnati, OH 45202

Exhibit A  
to Quitclaim Deed

Project: HAM 75-00.22  
Project Parcel: 44 WDV

EXHIBIT A

Page 1 of 3

RX 251 WDV

Rev. 05/09

Ver. Date 5/07/2014

PID 89068

**PARCEL 44-WDV  
HAM-75-00.22  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in Section 24, Town 4, Range FR 1, Miami Purchase, Cincinnati Township, in the City of Cincinnati, Hamilton County, State of Ohio, and being part of CUTTER'S SUBDIVISION and part of N. LONGWORTH'S SUBDIVISION as recorded in Deed Book 94, Page 476, of said county's plat records, being part of a 1.947 acre parcel of land as conveyed to LINN STREET INVESTMENTS, LLC, AN OHIO LIMITED LIABILITY COMPANY by instrument as recorded in O.R. 10221 Page 2567 of the Official Records of said county, being shown as Parcel 5-3 on Survey Record 136-1-238, Hamilton County Engineer's Office, and being more particularly bounded and described, with Stations and offsets referenced to the baseline of construction of Northbound I-75 as shown on the "HAM-75-00.22 Centerline Plat" as recorded in Plat Book 441 Pages 70-80, (I-75 NB), as follows:

Beginning for reference at the intersection of the original south right of way line of West Ninth Street (60') with the original west right of way line of Linn Street (50'), 172.89 feet left of the baseline of I-75 NB Station 62+31.11;

Thence with said south right of way North 85° 38' 16" West 222.06 feet to an Iron Pin set in the east line of said 1.947 acre parcel, being a point in the new west Right of Way line of I-75, 270.25 feet left of the baseline of I-75 NB Station 64+19.65, said Iron Pin being the TRUE POINT OF BEGINNING, said Iron Pin bearing South 34° 16' 07" West 635.89 feet from CAGIS monument 6973, which is located South 38° 16' 21" East 1864.57 feet from CAGIS monument 7008;

**EXHIBIT A**

Page 2 of 3

RX 251 WDV

Rev. 05/09

**PARCEL 44 -WDV**

Thence with said new right of way line through said parcel for the following six courses:

1. North 85° 38' 16" West 5.21 feet to an Iron Pin set 272.66 feet left of the baseline of I-75 NB Station 64+23.87;
2. North 04° 25' 06" East 18.69 feet to an Iron Pin set 256.11 feet left of the baseline of I-75 NB Station 64+31.81;
3. North 33° 19' 09" East 42.71 feet to an Iron Pin set 213.41 feet left of the baseline of I-75 NB Station 64+31.00;
4. North 56° 16' 37" West 166.39 feet to an Iron Pin set 213.83 feet left of the baseline of I-75 NB Station 65+83.77;
5. North 53° 49' 48" West 90.62 feet to an Iron Pin set 215.10 feet left of the baseline of I-75 NB Station 66+65.28;
6. North 54° 05' 48" West 80.99 feet to a Mag nail set in the west line of said 1.947 acre parcel and the east line of a 7.365 acre parcel of land as conveyed to FULLER PROPERTIES, LLC, A LIMITED LIABILITY COMPANY FORMED IN THE STATE OF OHIO by instrument as recorded in O.R. 9093 Page 2069, 220.05 feet left of the baseline of I-75 NB Station 67+36.97;

Thence along said lines North 02° 30' 18" East 3.63 feet to the northwest corner of said 1.947 acre parcel and the northeast corner of said 7.365 acre parcel, 217.20 feet left of the baseline of I-75 NB Station 67+38.95; a 5/8" Iron Pin found bears South 26° 07' 55" East 0.23 feet from said corner;

Thence with the north line of said 1.947 acre parcel along the arc of a curve to the left 274.99 feet, said arc having a radius of 3878.55 feet, a central angle of 04° 03' 44" and a chord bearing South 55° 52' 02" East 274.93 feet to a 5/8" Iron Pin found 204.23 feet left of the baseline of I-75 NB Station 64+90.94; an Iron Pin found bears South 4° 26' 39" East 0.24 feet from said point;

Thence continuing with said north line South 57° 53' 54" East 64.72 feet to a 5/8" Iron Pin found at the northeast corner of said parcel, 203.49 feet left of the baseline of I-75 NB Station 64+30.85;



**EXHIBIT A**

Page 3 of 3

RX 251 WDV

Rev. 05/09

**PARCEL 44 - WDV cont'd**

Thence with the east line of said parcel South 21° 42' 59" West 67.85 feet to the TRUE POINT OF BEGINNING, containing 0.0552 acres (2407 SF), more or less, subject to all legal easements and restrictions of record.

This description is based upon a field survey performed in March, 2013 by LJB Inc. under contract to the Ohio Department of Transportation, with bearings based upon the Kentucky State Plane One Zone Coordinate System, NAD 83, 2007 adjustment, by GPS utilizing ODOT VRS.

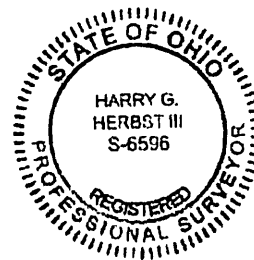
Iron Pins referred to as "set" shall be 3/4" by 30" reinforcing rod set by LJB Inc. with Aluminum cap stamped "ODOT R/W - PS 6596 - LJB INC" or "ODOT - PS 6596 - LJB INC".

Evidence of occupation supports the monumentation found in the field and the property lines recited in this description.

Grantor claims title through instrument of record in O.R. 10221 Page 2567, Hamilton County Recorder's Office.

0.0552 acres of the above described area is contained within Hamilton County Auditor's Permanent Parcel Number 13600010238, of which the present road right of way occupies 0.0000 acres, more or less.

Prepared by  
LJB Inc.



By: Harry G. Herbst III      5/7/14  
Harry G. Herbst III, Ohio PS #6596      Date

**ATTACHMENT B**

HAM-75-00.22  
 HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 24, TOWN 4, FR. 1  
 CITY OF CINCINNATI



VERTICAL  
 SCALE IN FEET

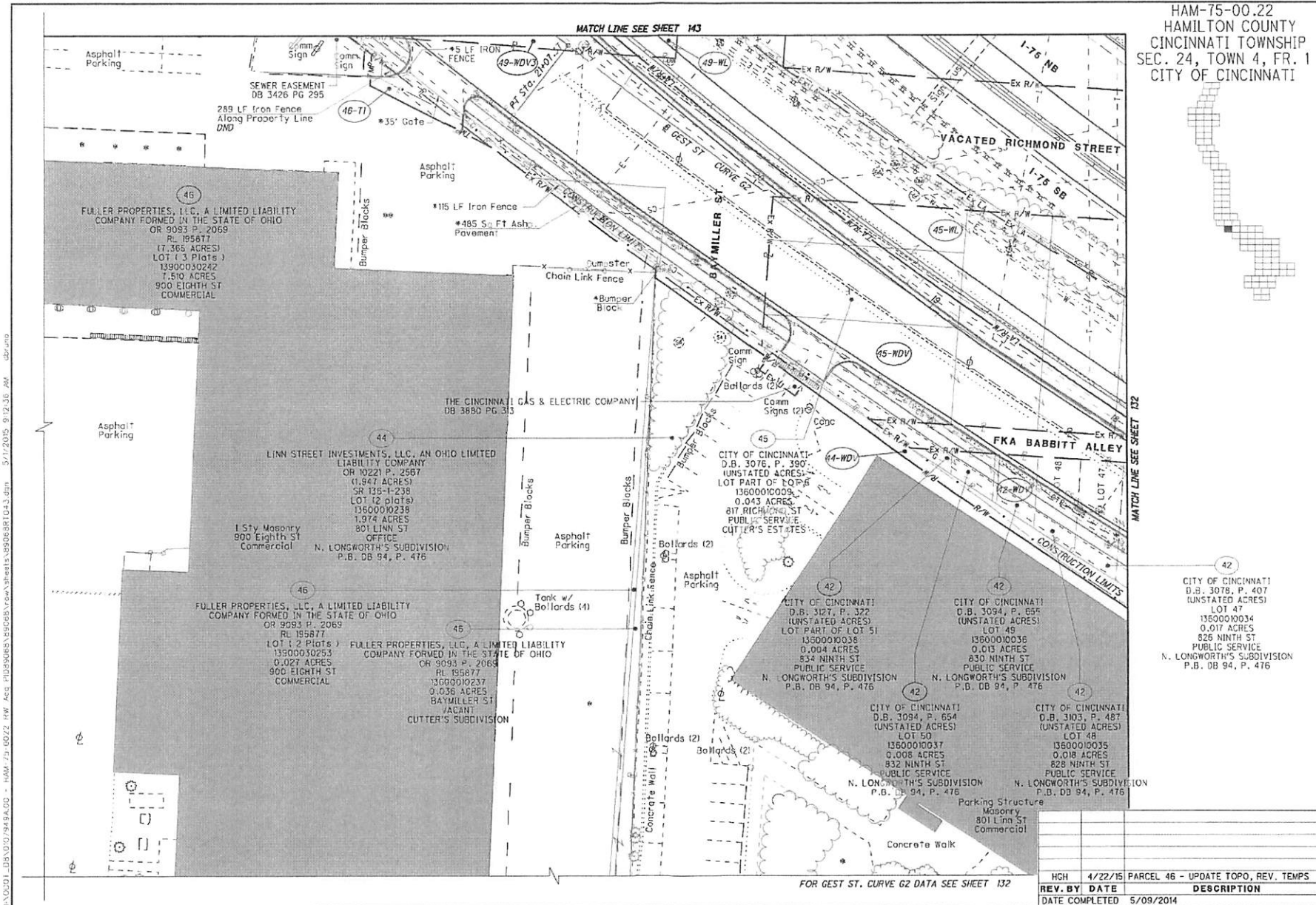
PID NO.  
**89068**

R/W RECORD  
 R/W REFINER  
 HCH

RIGHT OF WAY TOPO SHEET  
**I-75**

HAM-75-00.22

130  
 251



MATCH LINE SEE SHEET 143

MATCH LINE SEE SHEET 132

FOR G2 ST. CURVE G2 DATA SEE SHEET 132

HCH	4/22/15	PARCEL 46 - UPDATE TOPO, REV. TEMPS
REV. BY	DATE	DESCRIPTION
	5/09/2014	

C:\VDD1\JOB\101949A.DWG - HAM-75-0022.rw Acc: HD50085\556085\vsos\Sheets\89068\891043.dwg 5/17/2015 9:12:36 AM abramo

HAM-75-00.22  
HAMILTON COUNTY  
CINCINNATI TOWNSHIP  
SEC. 24, TOWN 4, FR. 1  
CITY OF CINCINNATI



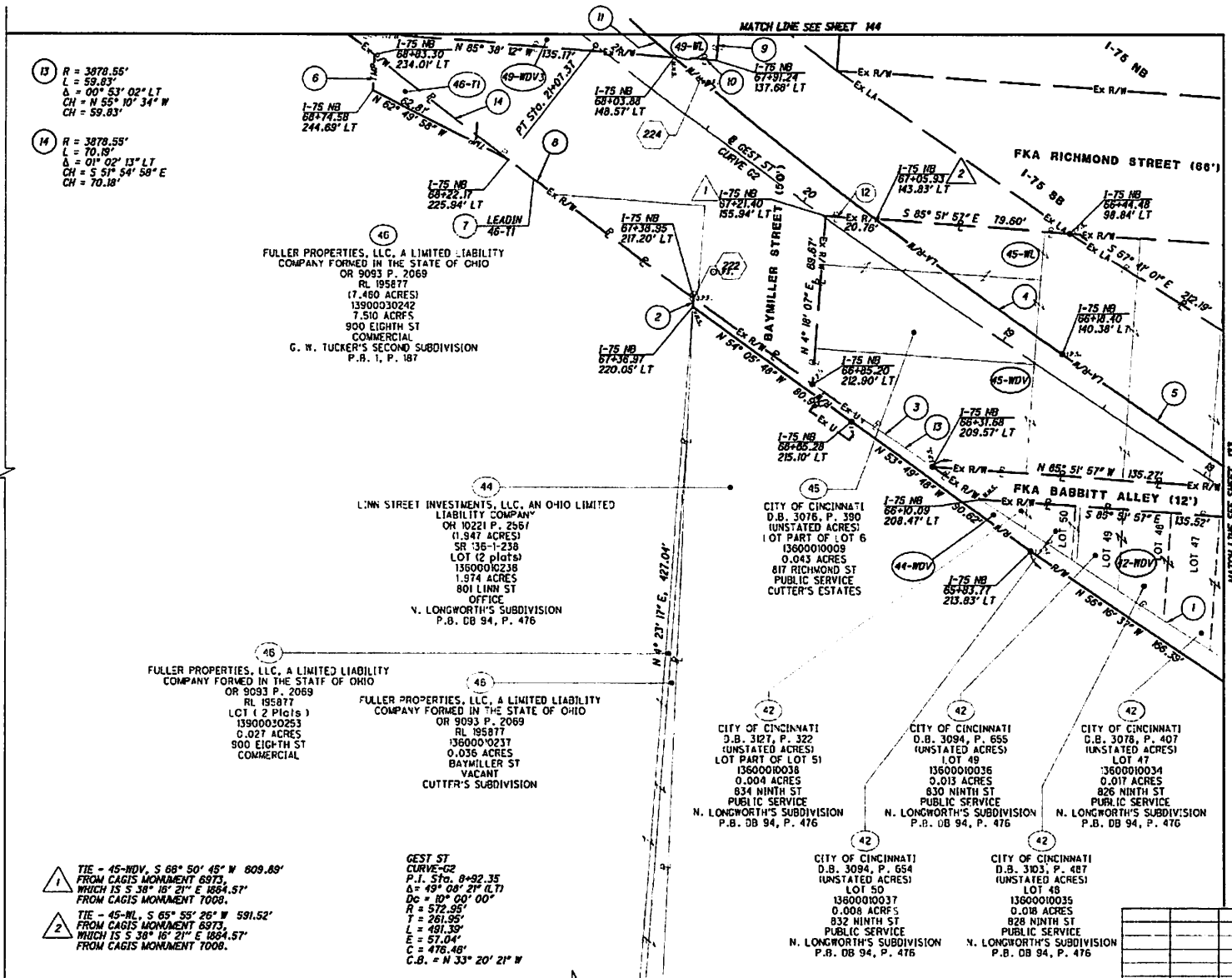
PID NO.  
**89068**

DATE  
REV. BY  
DATE COMPLETED

**RIGHT OF WAY BOUNDARY SHEET**  
I-75

**HAM-75-00.22**

131  
251



13 R = 3878.55'  
L = 59.83'  
Δ = 00° 53' 02" LT  
CH = N 55° 10' 34" W  
CH = 59.83'

14 R = 3878.55'  
L = 70.19'  
Δ = 01° 02' 13" LT  
CH = S 51° 54' 58" E  
CH = 70.19'

- 1 R = 3878.55'  
L = 130.42'  
Δ = 01° 55' 36" RT  
CH = N 56° 56' 06" W  
CH = 130.42'
- 2 S 02° 30' 18" W - 3.63'
- 3 R = 3878.55'  
L = 274.99'  
Δ = 02° 30' 00" RT  
CH = S 55° 52' 02" E  
CH = 274.93'
- 4 R = 2164.95'  
L = 94.47'  
Δ = 02° 30' 00" RT  
CH = N 53° 57' 09" W  
CH = 94.46'
- 5 R = 5386.29'  
L = 99.25'  
Δ = 01° 03' 21" RT  
CH = N 55° 25' 54" W  
CH = 99.25'
- 6 N 02° 29' 15" E - 14.63'
- 7 R = 3878.55'  
L = 94.88'  
Δ = 01° 24' 06" RT  
CH = N 53° 08' 07" W  
CH = 94.88'
- 8 R = 3878.55'  
L = 304.25'  
Δ = 04° 29' 40" RT  
CH = N 61° 35' 20" W  
CH = 304.17'
- 9 S 04° 18' 07" W - 32.08'
- 10 N 55° 38' 12" W - 17.54'
- 11 R = 2164.95'  
L = 23.82'  
Δ = 00° 31' 50" RT  
CH = N 48° 33' 40" W  
CH = 23.82'
- 12 S 85° 51' 57" E - 20.76'

1 TIE - 45-NDV, S 68° 50' 45" W 609.89'  
FROM CAGIS MONUMENT 6973,  
WHICH IS S 38° 18' 21" E 1864.57'  
FROM CAGIS MONUMENT 7008.

2 TIE - 45-NL, S 65° 55' 26" W 591.52'  
FROM CAGIS MONUMENT 6973,  
WHICH IS S 38° 16' 21" E 1864.57'  
FROM CAGIS MONUMENT 7008.

GEST ST  
CURVE-G2  
P.I. Sta. 8+92.35  
Δ = 49° 08' 21" (L7)  
Dc = 10° 00' 00"  
R = 572.95'  
T = 261.95'  
L = 491.33'  
E = 57.04'  
C = 476.48'  
C.B. = N 33° 20' 21" W

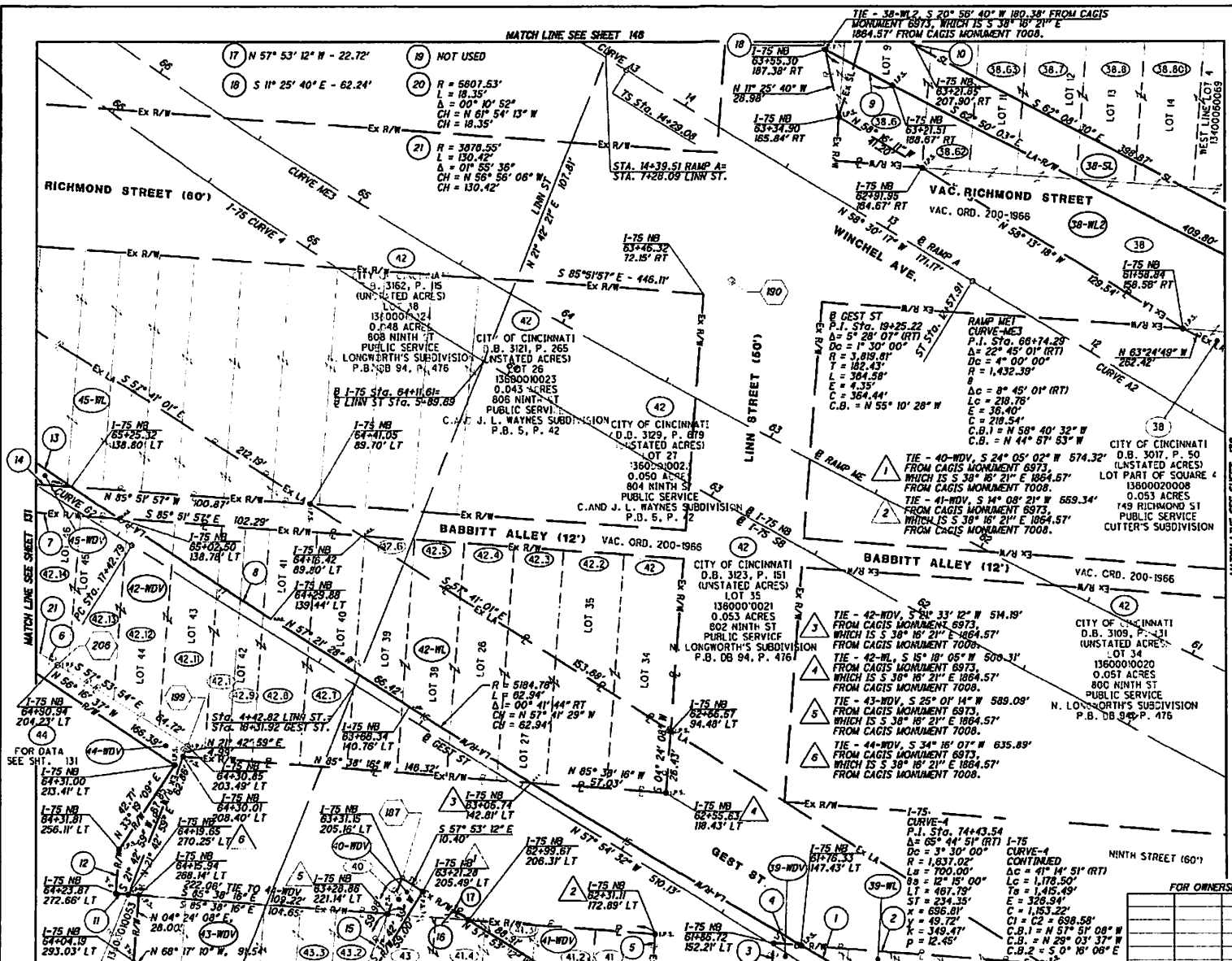
NOTE: STATION-OFFSET LABELS ARE  
REFERENCED FROM THE 6 I-75 NB  
FOR MONUMENT TABLE SEE SHEETS 13-15

REV. BY	DATE	DESCRIPTION
HGH	4/22/15	PARCEL 46 - UPDATE TOPO. REV. TEMPS
DATE COMPLETED	6/09/2014	

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HAM-75-00.22  
 HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 24, TOWN 4, FR. 1  
 CITY OF CINCINNATI



- MATCH LINE SEE SHEET 130
- 1 R = 5184.78'  
L = 258.46'  
Δ = 0° 51' 22" RT  
CH = N 50° 58' 12" W  
CH = 258.43'
  - 2 S 85° 38' 12" E - 101.40'
  - 3 N 04° 24' 08" E - 67.61'
  - 4 S 85° 38' 12" E - 11.63'
  - 5 S 04° 24' 08" W - 41.40'
  - 6 R = 3078.55'  
L = 274.99'  
Δ = 0° 03' 44" LT  
CH = S 55° 52' 02" E  
CH = 274.93'
  - 7 S 85° 51' 57" E 135.52'
  - 8 R = 5368.29'  
L = 76.49'  
Δ = 0° 48' 59" RT  
CH = N 56° 37' 38" W  
CH = 76.49'
  - 9 R = 5807.53'  
L = 32.09'  
Δ = 0° 03' 00" E  
CH = S 61° 50' 08" E  
CH = 32.09'
  - 10 S 50° 33' 59" E - 48.66'
  - 11 N 85° 38' 18" N - 5.21'
  - 12 N 04° 25' 06" E - 18.69'
  - 13 R = 5368.29'  
L = 99.25'  
Δ = 0° 03' 21" RT  
CH = N 55° 25' 54" W  
CH = 99.25'
  - 14 N 85° 51' 57" W - 135.27'
  - 15 N 21° 43' 41" E - 57.95'
  - 16 N 85° 38' 18" W 34.14'
- MATCH LINE SEE SHEET 130

NOTE: STATION-OFFSET LABELS ARE REFERENCED FROM THE 1-75 NB  
 NOTE: FOR OWNERSHIP PARCEL INFORMATION SEE SHEET 134  
 FOR CURVE A2 DATA SEE SHEET 136  
 FOR CURVE G2 DATA SEE SHEET 131

RIGHT OF WAY BOUNDARY SHEET  
 1-75  
 HAM-75-00.22  
 133  
 261

PLOT NO. 89068  
 DATE DESIGNED 8/08/2014  
 DATE COMPLETED 5/08/2014

HORIZONTAL SCALE IN FEET  
 1" = 100'

REV. BY DATE DESCRIPTION

G:\0201\_CBA\01749A\00 HAM-75-0022 RW Act PID89068\B9068\Drawings\Sheets\B9068R1044.dwg 5/15/2014 8:05:23 AM dbruno

HAM-75-00.22  
HAMILTON COUNTY  
CINCINNATI TOWNSHIP  
SEC. 24, TOWN 4, FR. 1  
CITY OF CINCINNATI



PID NO.  
**89068**

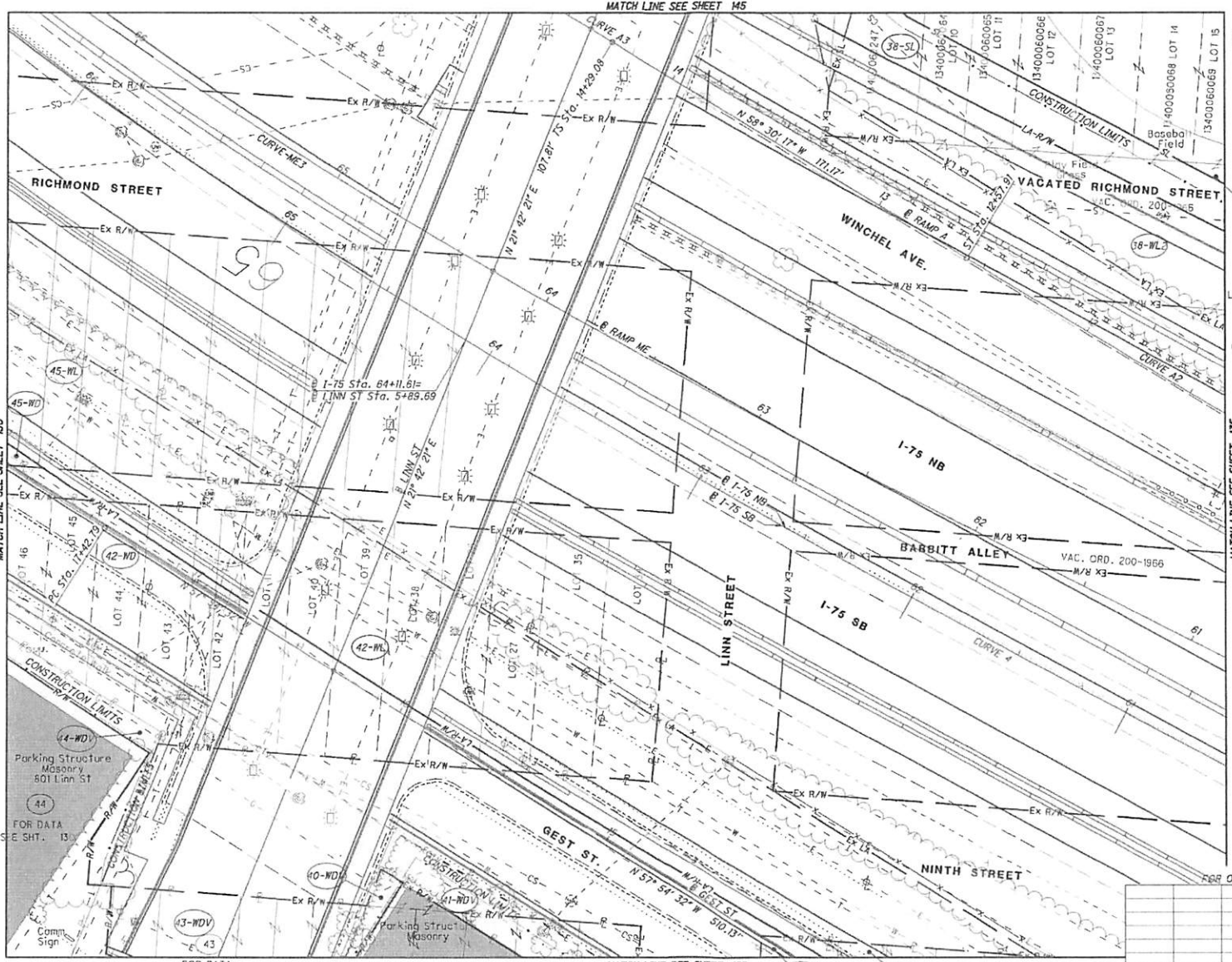
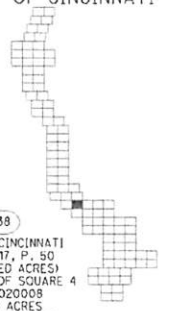
1/4" DESIGNER  
RDH  
1/4" REVISION  
10/1

**RIGHT OF WAY TOPO SHEET**  
1-75

**HAM-75-00.22**

132  
251

38  
CITY OF CINCINNATI  
D.B. 3017, P. 50  
(UNSTATED ACRES)  
LOT PART OF SQUARE 4  
1360020008  
0.053 ACRES  
749 RICHMOND ST  
PUBLIC SERVICE  
CUTTER'S SUBDIVISION



REV. BY	DATE	DESCRIPTION
	5/09/2014	