

EMERGENCY

City of Cincinnati

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An Ordinance No. 391

- 2020

ACCEPTING and confirming the donation of certain real property located along Auburn Avenue and East McMillan Street in the Corryville and Mt. Auburn neighborhoods of Cincinnati by Auburn Land Holdings LLC and 45 WHT LLC for eventual dedication as public right-of-way as part of the *Auburn Avenue Improvements Taft to Gilman and East McMillan Macauley to Auburn Avenue* road improvement project.

WHEREAS, Auburn Land Holdings LLC, an Ohio limited liability company, and 45 WHT LLC, an Ohio limited liability company, affiliate companies of Uptown Rental Properties LLC (“Donor”), own certain real property generally located around the intersection of East McMillan Street and Auburn Avenue in the Corryville and Mt. Auburn neighborhoods (the “Property”); and

WHEREAS, the City’s Department of Transportation and Engineering (“DOTE”) is engaged in a road infrastructure project known as the *Auburn Avenue Improvements Taft to Gilman and East McMillan Macauley to Auburn Avenue* road improvement project, which project proposes certain physical improvements to the East McMillan Street and Auburn Avenue public rights-of-way (the “Roadway Project”); and

WHEREAS, Donor has determined that the Roadway Project is likely to contribute to redevelopment efforts of the area immediately surrounding the intersection of Auburn Avenue and East McMillan Street, including a project that may result in the vacation of Macauley Street, and Donor desires to support the Roadway Project through the donation of certain real property abutting the Auburn Avenue and East McMillan Street public rights-of-way, as more particularly described and depicted on the conveyance instruments attached to this ordinance as Attachment A and Attachment B and incorporated herein by reference (the “Donation Property”); and

WHEREAS, the Law Department’s Real Estate Services Division has confirmed that title to the Donation Property is in the name of Donors and is free and clear of all encumbrances, except real estate taxes not yet due and payable; and

WHEREAS, the City Manager in consultation with DOTE, recommends the Council accept and confirm the instruments conveying the Donation Property to the City so that the Donation Property may be dedicated to public use for street purposes in connection with the Roadway Project; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City hereby accepts and confirms the *General Warranty Deed* from Auburn Land Holdings LLC, executed on November 6, 2020, attached to this ordinance as

Attachment A, and incorporated herein by reference, conveying to the City of Cincinnati fee simple interest in and to certain real property located along East McMillan Street in the Mt. Auburn neighborhood of Cincinnati, more particularly described as follows:

Tract I

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

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

Commencing at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, North 83°50'55" West, 150.00 feet to an existing spike being the Place of Beginning; thence South 06°05'34" West, 4.55 feet to a set Mag nail; thence North 83°50'20" West, 50.00 feet to a set 5/8" iron pin; thence North 06°07'55" East, 4.53 feet to an existing pipe in the south line of said East McMillan Street; thence with the south line of said East McMillan Street, South 83°52'05" East, 50.00 feet to the Place of Beginning. Containing 227 square feet of land more or less (0.005 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Tract II

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

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

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

(0.039 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Tract III

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

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

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 167.90 feet to a set cross notch being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 62.89 feet to an existing Mag nail; thence North 83°38'02" West, 3.28 feet to a Mag nail; thence North 01°50'15" West, 63.35 feet to a set 5/8" iron pin; thence South 83°38'02" East, 7.48 feet to the Place of Beginning. Containing 337 square feet of land more or less (0.008 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Tract IV

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

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

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 105.72 feet to an existing cross notch being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 62.18 feet to a set cross notch; thence North 83°38'02" West, 7.48 feet to a set 5/8" iron pin; thence North 01°50'15" West, 38.62 feet to a set 5/8" iron pin; thence North 01°56'54" East, 23.85 feet to a set 5/8" iron pin; thence South 83°38'02" East, 10.03 feet to the Place of Beginning. Containing 573 square feet of land more or less (0.013 acres). Bearings are based on NAD 83(2007). Subject to all legal

highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Tract V

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

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

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 230.79 feet to an existing Mag nail being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 49.26 feet to a set cross notch; thence North 01°50'15" West, 49.62 feet to a Mag nail; thence South 83°38'02" East, 3.28 feet to the Place of Beginning. Containing 81 square feet of land more or less (0.002 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Section 2. That the City hereby accepts and confirms the *General Warranty Deed* from 45 WHT LLC, executed on November 6, 2020, attached to this ordinance as Attachment B, and incorporated herein by reference, conveying to the City of Cincinnati fee simple interest in and to certain real property located along East McMillan Street in the Corryville and Mt. Auburn neighborhoods of Cincinnati, more particularly described as follows:

Tract I

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

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

Beginning a set cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the north line of East McMillan Street, 50' R/W; thence with the north line of said East McMillan Avenue, North

83°52'05" West, 299.26 feet to an existing iron pin; thence North 06°07'53" West, 5.60 feet to a set spike; thence South 83°50'20" East, 280.53 feet to a set 5/8" iron pin; thence North 34°37'56" East, 3.32 feet to a set 5/8" iron pin; thence North 23°19'34" West, 148.30 feet to a set 5/8" iron pin in the south line of William Howard Taft Road, R/W varies; thence with the south line of said William Howard Taft Road, South 81°10'13" East, 12.15 feet to an existing iron pin in the west line of Auburn Avenue, 50' R/W; thence with the west line of said Auburn Avenue, South 27°44'23" East, 0.50 feet to an existing iron pin; thence continuing with the west line of said Auburn Avenue, South 23°30'23" East, 157.06 feet to the Place of Beginning. Containing 3,246 square feet of land more or less (0.075 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Tract II

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

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

Beginning at an existing iron pin at the intersection of the east line of Macauley Street, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, South 83°52'05" East, 100.00 feet to an existing pipe; thence South 06°07'55" West, 4.53 feet to a set 5/8" iron pin; thence North 83°50'20" West, 100.00 feet to a set 5/8" iron pin; thence North 06°07'55" East, 4.48 feet to the Place of Beginning. Containing 450 square feet of land more or less (0.010 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

Section 3. That the Council hereby authorizes the proper City officials to take all necessary and proper actions to carry out the terms of this ordinance, including, without limitation to, executing the *General Warranty Deeds* and noting the City's acceptance on the conveyance instruments, so that same may be placed of record in the land records of Hamilton County, Ohio.

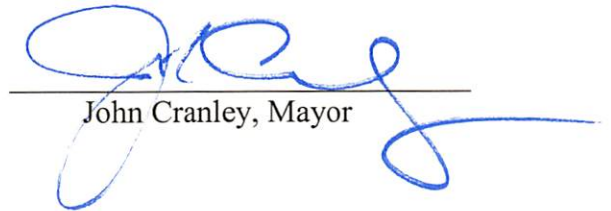
Section 4. That the City Solicitor shall cause an authenticated copy of this ordinance and conveyance instruments to be filed with the Hamilton County, Ohio Auditor's Office, and recorded in the Hamilton County, Ohio Recorder's Office.

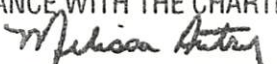
Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is immediate need to accept and record the conveyance instruments without delay to allow the City's Department of Transportation and Engineering to continue to prepare all necessary documents to dedicate the property to public use for street purposes.

Passed: December 16, 2020

Attest:


Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 391.2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-29-2020

CLERK OF COUNCIL