

EMERGENCY

**City of Cincinnati**

CHM

**An Ordinance No. 87**

- 2023

EESW

**ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

WHEREAS, the Port of Greater Cincinnati Development Authority, an Ohio port authority (“Port”), by and through its duly authorized representative, has dedicated to public use an approximately 0.0745-acre tract of real property (“Port Dedication Property”) as a portion of the East Pete Rose Way public right-of-way for street purposes by a plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”); and

WHEREAS, the City of Cincinnati owns an approximately 0.0088-acre tract of real property located at the southwest corner of East Pete Rose Way and Butler Street that is more particularly depicted on the Dedication Plat (“City Dedication Property”), which City Dedication Property is under the management of the City’s Department of Transportation and Engineering (“DOTe”); and

WHEREAS, the City Manager, in consultation with DOTe, desires the City Dedication Property as depicted on the Dedication Plat to be dedicated and accepted and confirmed as public right-of-way as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; and

WHEREAS, Lisa M. Wharton, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney’s Certificate of Title dated February 27, 2023, certifying that the Port holds title to the Port Dedication Property depicted on the Dedication Plat in fee simple, with full power to convey, subject to certain encumbrances and matters of record, including real estate taxes not yet due and payable, and that the Law Department’s Real Estate Services Division has reviewed the encumbrances and matters of record and confirmed that the Port has made satisfactory provision for the encumbrances and matters of record, including the payment of all real estate taxes and assessments; and

WHEREAS, the office of the City Engineer has examined and checked the Dedication Plat as to its technical features and found it to be correct; and

WHEREAS, the City Planning Commission approved the Dedication Plat and the dedication of the additional portions of East Pete Rose Way and Butler Street to public use as public rights-of-way for street purposes at its meeting on January 20, 2023; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with DOTE, recommends that Council accept and confirm the dedication of the Port Dedication Property and the City Dedication Property, as depicted on the Dedication Plat, as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; now, therefore,

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

Section 1. That the dedication to public use of an approximately 0.0745-acre tract of real property (“Port Dedication Property”) in the Central Business District as a portion of the East Pete Rose public right-of-way for street purposes, as depicted and described on the plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”) is hereby accepted and confirmed. The Port Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12’07” East, 86.02 feet to a set cross notch AND North 52°18’47” East, 265.61 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the right, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12’49” and being subtended by a chord bearing North 78°10’21” East, 22.50 feet to a set cross notch in the new south line of Pete Rose Way;

Thence with the new south line of said Pete Rose Way the following three (3) courses:

1. South 52°26’26” West, 339.77 feet to a set cross notch;
2. North 84°28’51” West, 10.96 feet to a set cross notch;
3. South 54°08’35” West, 24.12 feet to a set iron pin in the east line of aforesaid Pike Street;

Thence with the east line of said Pike Street, North 37°36'40" West, 2.12 feet to the POINT OF BEGINNING.

CONTAINING 0.0745 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcel 084-0005-0311 as conveyed to Port of Greater Cincinnati Development Authority in Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office. All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC".

Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

Section 2. That the City of Cincinnati hereby dedicates, accepts, and confirms the dedication to public use of an approximately 0.0088-acre tract of real property ("City Dedication Property") in the Central Business District as a portion of the East Pete Rose and Butler Street public rights-of-way for street purposes, as depicted and described on the Dedication Plat. The City Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

COMMENCING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12'07" East, 86.02 feet to a set cross notch AND North 52°18'47" East, 265.61 feet to a set cross notch in the east line of existing Butler Street and the POINT of BEGINNING;

Thence with the projection of the south line of said Pete Rose Way, North 52°18'47" East, 47.99 feet to a set cross notch in the projection of the west line of Butler Street;

Thence with the projection of the west line of said Butler Street, South 37°39'53" East, 30.82 feet to a set cross notch in the new west line of said Butler Street;

Thence with the new west line of said Butler Street, North 43°12'16" West, 21.05 feet to a set cross notch AND South 52°26'26" West, 25.71 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the left, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12'49" and being subtended by a chord bearing South 78°10'21" West, 22.50 feet to the POINT OF BEGINNING.

CONTAINING 0.0088 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcels 084-0005- 0159 & 0160 as conveyed to the City of Cincinnati in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC". Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

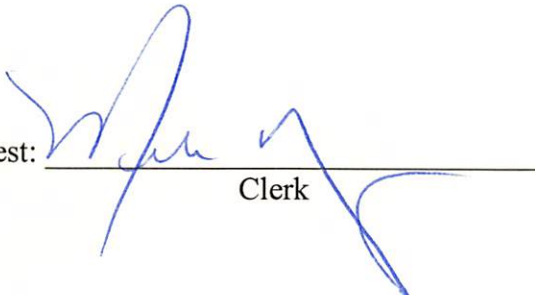
Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate by the City Manager.


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

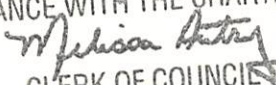
Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II,

Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City's Department of Transportation and Engineering to coordinate the maintenance and repair of the newly dedicated public right-of-way with the maintenance and repair of adjacent public rights-of-way.

Passed: MARCH 15, 2023

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 87-2023  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 3/20/2023  
  
CLERK OF COUNCIL