

EMERGENCY

City of Cincinnati

CHM

An Ordinance No. 491

- 2021

AWB

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

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

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

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

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

WHEREAS, the City Planning Commission approved the dedication of the Dedication Property at its meeting on June 4, 2021; now, therefore,

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

Section 1. That the City of Cincinnati hereby dedicates, accepts, and confirms as public right-of-way for street purposes certain real property as portions of the public streets known as Auburn Avenue and East McMillan Street as depicted on the plats entitled (i) *Dedication 102-4-207*; (ii) *Dedication 89-4-102 and -103*; and (iii) *Dedication 89-4-92, -94, -96, -98, and -100* (the "Dedication Plats"), which Dedication Plats are attached to this ordinance as Attachment A and incorporated herein by reference.

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

**Tract I**

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

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

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

**Tract II**

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

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

Beginning at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the south line of said East McMillan Avenue, North 83°50'55" West, 150.00 feet to an existing spike; thence South 06°05'34" West, 4.55 feet to a set Mag nail; thence South 83°50'20" East, 140.31 feet to a set 5/8" iron pin; thence South 01°56'54" West, 101.09 feet to a set 5/8" iron pin; thence South 83°38'02" East, 10.03 feet to an existing cross notch in the west line of said Auburn Avenue; thence with the west line of said Auburn Avenue, North 01°56'48" East, 105.72 feet to the Place of Beginning. Containing 1,697 square feet of land more or less (0.039 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

**Tract III**

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

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

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

**Tract IV**

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

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

Commencing at an existing cross notch at the intersection of the west line of Auburn Avenue, 50' R/W and the south line of East McMillan Street, 50' R/W; thence with the west line of said Auburn Avenue, South 01°56'48" West, 105.72 feet to an existing cross notch being the Place of Beginning; thence continuing with the west line of said Auburn Avenue, South 01°56'48" West, 62.18 feet to a set cross notch; thence North 83°38'02" West, 7.48 feet to a set 5/8" iron pin; thence North 01°50'15" West, 38.62 feet to a set 5/8" iron pin; thence North 01°56'54" East, 23.85 feet to a set 5/8" iron pin; thence South 83°38'02" East, 10.03 feet to the Place of Beginning. Containing 573 square feet of land more or less (0.013 acres). Bearings are based on NAD 83(2007). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.

### **Tract V**

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

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

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

### **Tract VI**

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

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

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

## **Tract VII**

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

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

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

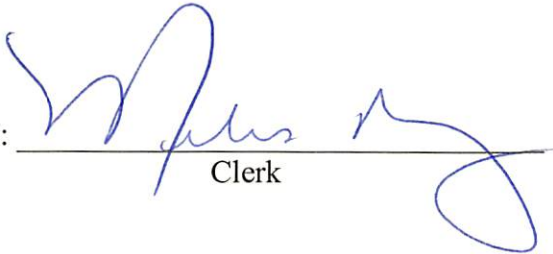
Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance and the Dedication Plats to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

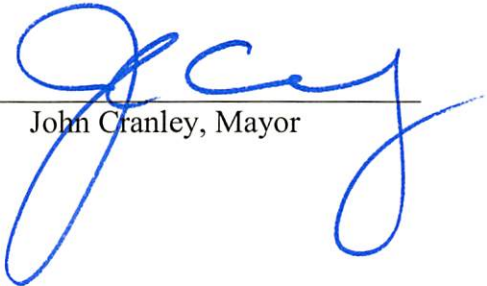
Section 3. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing the Dedication Plats and other necessary real estate documents.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to accept and confirm the dedication of the Dedication Property and to record the Dedication Plats with the Hamilton County, Ohio

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

Passed: December 15, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 491-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 12-28-2021  
Melissa Heston  
CLERK OF COUNCIL