

SUBJECT: A report and recommendation on proposed zone changes from PD-64 (Planned Development #64: Oakley Station) to CG-A (Commercial General – Auto-oriented) and CG-A (Commercial General – Auto-oriented) to PD-64 (Planned Development #64: Oakley Station) in Oakley.

GENERAL INFORMATION:

Location: Along Disney Street and Jared Ellis Drive
Petitioner: City of Cincinnati
Petitioner's Address: 801 Plum Street, Cincinnati, OH 45202

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A - Location and Zoning Map
- Exhibit B – Property Owner Map
- Exhibit C – Ordinance 147-2011, which created PD-64: Oakley Station
- Exhibit D – Oakley Station Consolidation Plat
- Exhibit E – Additional Correspondence

BACKGROUND:

The City of Cincinnati is requesting zone changes on four (4) small slivers of property; three (3) zoned PD-64 (Planned Development #64: Oakley Station) being requested to change to CG-A and one (1) zoned CG-A being requested to change to PD-64. The four small portions located along Disney Street and Jared Ellis Drive are being requested to change zoning districts to adjust the zoning lines to match existing property boundaries. The property owners for the portions of properties are the City of Cincinnati, Milacron LLC, Local Oakley LLC, and PS Mid West Two BSS Cincinnati LLC.

Ordinance 147-2011 was approved by Cincinnati City Council to change the zoning of the former Milacron site to PD-64: Oakley Station (Exhibit C). The zoning district boundaries at that time were drawn to the property lines of the parcel. The western edge of the parcel contained the former Forrer Street, which was a private drive located on the property before Oakley Station was developed. Disney Street was installed to the east of Forrer Street once the development was completed and is now a public street. A small sliver of PD-64 remains west of Disney Street, which has since been transferred to adjoining property owners outside of PD-64 as the property is not needed for Oakley Station. Those property owners would like to have consistent zoning throughout their property for future redevelopment efforts.

Additionally, a small notch of property at the northwest corner of PD-64 is now part of Disney Street and is proposed to be brought into the PD. The approved Concept Plan shows Disney Street on the outside of that notch, which is consistent with the existing conditions. A zone change is necessary to amend the zoning boundary in this area to match existing parcel lines.

ADJACENT LAND USE AND ZONING:

The subject properties are currently zoned PD-64 (Planned Development #64: Oakley Station) and CG-A (Commercial General – Auto-oriented) as shown on the attached map (Exhibit A). The zoning and land uses surrounding the subject properties are as follows:

Northern three (3) portions of properties along Disney Street:

	North	East	South	West
Zoning	CG-A	PD-64	PD-64	PD-89
Existing Use	Industrial – Vacant Land	Parking Garage/Lots	Theater	Industrial – Vacant Land

Southern portion of property (1) south of Jared Ellis Drive and West of Disney Street:

	North	East	South	West
Zoning	PD-89	PD-64	PD-64 and CG-A	CG-A
Existing Use	Industrial – Vacant Land	Parking Garage/Lots	Parking Garage/Lots and Industrial – Vacant Land	Industrial – Vacant Land

PUBLIC COMMENT AND NOTIFICATION:

The Department of City Planning and Engagement attended the Oakley Community Council Board Meeting on Thursday, September 16, 2021 to inform them of the proposed changes. No objections were raised. A virtual public staff conference on the proposed zone change was held on September 28, 2021 at 5:00 p.m. Notices of this meeting and the City Planning Commission meeting were sent to property owners within a 400-foot radius of the subject properties and the Oakley Community Council. Staff from the Department of City Planning and Engagement additionally reached out to the adjacent property owners through mail and email.

CONSISTENCY WITH PLANS:

The Oakley Master Plan (2019)

The proposed changes are consistent with the focus area “Managing Our Future Growth” through Goal 1 to “Assure that future growth is guided by zoning and planning that will preserve Oakley as a thriving, unique, and pedestrian-scaled urban neighborhood” (p. 80). This goal is admissible in making sure zoning districts are not only consistent with 2900-2910 Disney Street, but additionally for the entire Oakley Station premises.

Plan Cincinnati (2012)

The proposed changes are consistent with the Compete Initiative Area Goal to “Cultivate our position as the most vibrant and economically healthiest part of our region” through the Strategy to “Target investment to geographic areas where there is already economic activity” (p. 114).

ANALYSIS AND CONCLUSION:

The proposed rezoning is simply readjusting the previous zoning district lines from the installation of Disney Street as a public right-of-way and subsequent property transfers. The subject zoning districts are compatible with the adjacent properties and are consistent with the uses associated with these zones.

CG-A zones should reflect a mix of commercial, office, recreation and entertainment and arts uses that reflect the regional importance of the area while associated lots that contain auto-oriented business. PD-64: Oakley Station is a planned development district which contains multiple uses consisting of office, retail, entertainment, and residential uses.

This proposal did not go through the Coordinated Site Review process. The physical aspects of the approved Concept Plan and Development Program Statement for PD-64 will not be affected based on the inclusion of the CG-A zone into PD-64. While not within the area of the PD, the approved Concept Plan does show Disney Street in this area even though it is not officially within the boundary.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

APPROVE the proposed zone changes from PD-64 (Planned Development #64: Oakley Station) to CG-A (Commercial General – Auto-oriented) and CG-A (Commercial General – Auto-oriented) to PD-64 (Planned Development #64: Oakley Station) in Oakley.

Respectfully submitted:



Jesse Urbancsik, City Planner
Department of City Planning and Engagement

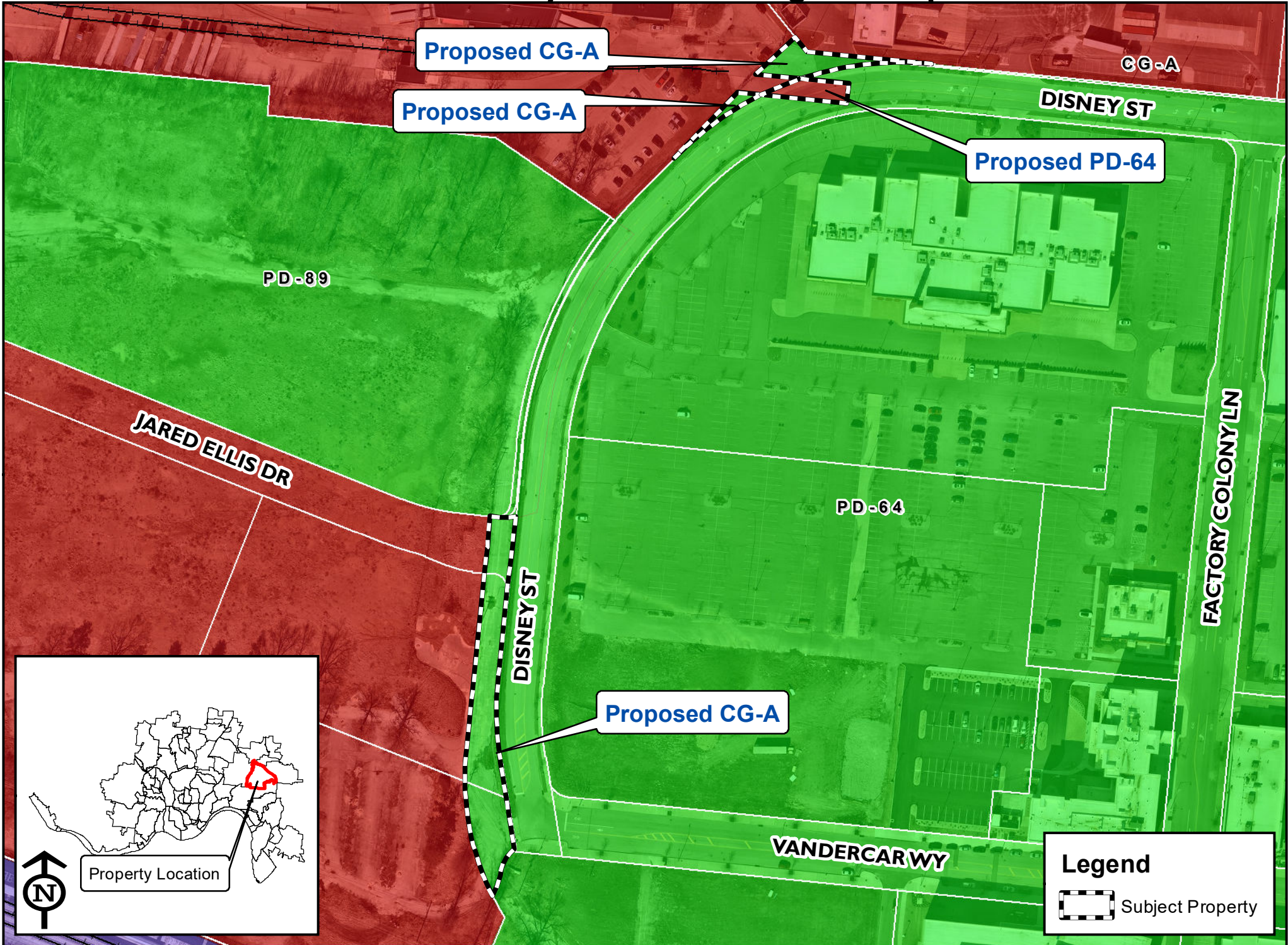
Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

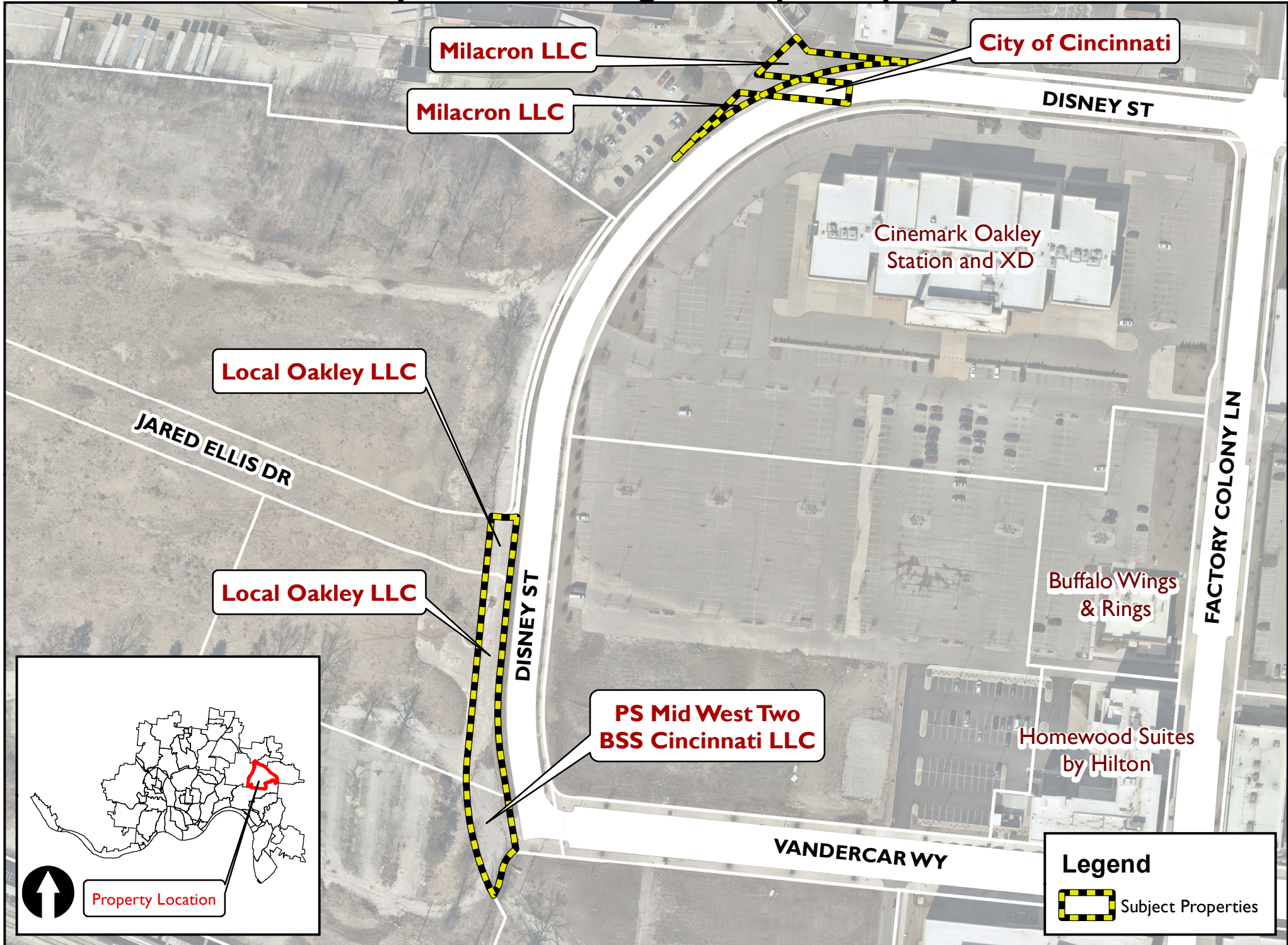
PD-64: Oakley Station Zoning Cleanup

Exhibit A



PD-64: Oakley Station Zoning Cleanup - Property Owners

Exhibit B



201100646

Exhibit C

City of Cincinnati

SSS/B
JPC/PA

An Ordinance No. 147

- 2011

REZONING certain real property located at 4701 Marburg Avenue in the Oakley neighborhood from Planned Development District (PD) #36 to Planned Development District (PD) # 64.

WHEREAS, USS Realty, LLC ("USS") is the owner of 4701 Marburg Avenue (the "Property") which is approximately a 73-acre site located near the southwest corner of Marburg Avenue and Madison Road and directly adjacent to the Center of Cincinnati retail development in the Oakley neighborhood; and

WHEREAS, the Property has been operated as a manufacturing and distribution center for Milacron, Inc. and its successors for several decades and currently contains several large, vacant industrial buildings; and

WHEREAS, USS is proposing to clear and remediate the Property and redevelop it for a 950,000 square foot mixed-use development comprised of large and small-format retail uses, restaurants, apartments, offices, and a regional multi-screen theater; and

WHEREAS, the Property is currently zoned as Planned Development District (PD) #36, the concept plan for which was proposed by a predecessor-in-interest to the Property and approved by the City Planning Commission; and

WHEREAS, USS has made application to rezone the Property rather than amend the existing concept plan; and

WHEREAS, USS has submitted a development program statement and a concept plan reflecting its development vision for the Property; and

WHEREAS, on April 15, 2011, the City Planning Commission approved the proposed rezoning of the Property from the Planned Development District (PD) #36 to Planned Development District (PD) #64, and conditionally accepted the proposed concept plan and development program statement; and

WHEREAS, Council considers this proposed amendment of the Zoning Map and the associated concept plan and program development statement to be in the best interests of the City and the general public; now, therefore,

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

Section 1. That the shape and area of the Zoning Map in the location of 4701 Marburg Avenue (the "Property") is amended from Planned Development District (PD) #36 to Planned

Development District (PD) #64. The Property is more fully described on Exhibit A attached hereto and made a part hereof. A plat showing the location of the Property is attached hereto as Exhibit B and made a part hereof.

Section 2. That the concept plan (“Concept Plan”) and development program statement (“Program Statement”) proposed for the Property and Planned Development District (PD) #64 are accepted in their entirety, subject to the following additional conditions:

- (a) Smaller commercial pads should be clustered contiguously along Vandercar Way before being developed on outlots. Outlot pads should be reserved for future development sites around parking fields.
- (b) Smaller office/retail development (not restaurants) should be developed as mixed-use structures with a minimum of two stories.
- (c) Vandercar Way, West Lane, and Central Boulevard should be developed as to accommodate a variety of users, such as automobiles, pedestrians, and cyclists within an urban main street setting.
- (d) The developer shall use its best efforts to make the retail, residential, and office structures LEED® certified by the U.S. Green Building Council (“USGBC”) and follow LEED-ND® in the development of the site to the greatest extent possible. The developer will not be required to pursue certification from USGBC, as this condition can be reviewed by the City Solicitor or the Department of City Planning and Buildings.
- (e) Walking paths should be incorporated into the site plan to better illustrate pedestrian scale.
- (f) A comprehensive sign package shall be submitted for review by the Director of City Planning and Buildings before any final development plans are approved.
- (g) No roof signs or changeable copy signs will be permitted in this PD, unless approved by the City Planning Commission.
- (h) If demolition occurs on the entire site before construction begins on Phase One, all other phase sites (two, three and four) must be seeded and maintained by the developer or tenant association.
- (i) Uncoated chain link, wire mesh or other utility-type fencing shall not be used on the site, including for security fencing purposes. Vinyl-coated chain link can be used for security fencing along the railroad, swimming pool, and tennis courts. Uncoated

- (j) chain link will only be appropriate as temporary construction fencing on the site. Details of the permanent fencing must be included in the final development plan.
- (k) No drive through facilities, other than for banking purposes, shall be permitted in this PD, unless approved by the City Planning Commission.
- (l) Trees shall be planted on the site consistent with the concept plan and must be shown as such in the final development plan.
- (m) To the greatest extent economically feasible, parking related to the office and residential uses should be located within structures.
- (n) Apartments are encouraged to be located on street corners to enhance security.
- (o) Madison Road should be connected to the street network of the development.
- (p) Stronger north and south street connections are encouraged.
- (q) Horizontal adjacency of residential and retail uses is encouraged.

The Concept Plan is attached hereto as Exhibit C, and the Program Statement is attached hereto as Exhibit D.

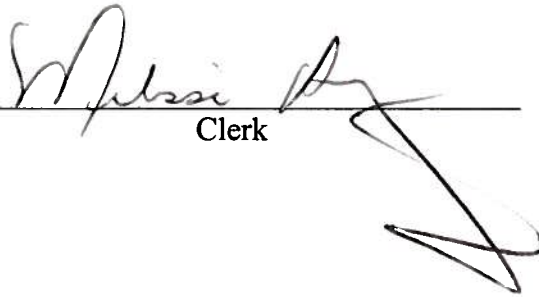
Section 3. That any and all concept plans and development program statements approved in connection with Planned Development District (PD) #36 are hereby superseded in their entirety by the Concept Plan and Program Statement. Notwithstanding the foregoing, if the Concept Plan and Program Statement lapse in accordance with Cincinnati Municipal Code Chapter 1429, or are otherwise withdrawn, the Property's zoning shall either (a) revert to Planned Development District (PD) #36, and the concept plan and development program statement approved in connection therewith shall be reinstated for a period of two (2) years from the date of the lapse or withdrawal, or (b) revert to a zoning district designation acceptable to the City Planning Commission and consistent with the Oakley North Urban Renewal Plan adopted on June 27, 2001, as amended.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 11, 2011



Mayor

Attest: 

Clerk

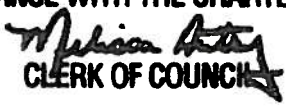
I HEREBY CERTIFY THAT ORDINANCE No. 149-2011
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 5-24-2011

CLERK OF COUNCIL

Exhibit D

OWNERS' CONSENT AND DEDICATION

WE, THE UNDERSIGNED, BEING THE OWNERS AND LIEN HOLDERS OF THE LANDS HEREIN DESCRIBED, DO HEREBY ADOPT AND CONFIRM THIS PLAT OF SUBDIVISION AND DEDICATE OF DISNEY STREET, VANDERCAR WAY AND FACTORY COLONY LANE AS SHOWN HEREON FOR PUBLIC USE FOR STREET PURPOSES FOREVER AND ESTABLISH SETBACK LINES AS SHOWN.

WE ALSO HEREBY ACKNOWLEDGE THAT WASTEWATER COLLECTION FACILITIES ARE NOT AVAILABLE AND NO TAP PERMITS SHALL BE ISSUED OR OCCUPANCY PERMITTED UNTIL THE WASTEWATER COLLECTION FACILITIES ARE COMPLETED, APPROVED, AND ACCEPTED BY BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, ITS SUCCESSORS AND ASSIGNS.

WE, THE UNDERSIGNED, DO HEREBY CONFIRM AND ADOPT THIS PLAT OF LANDS. WE ALSO GUARANTEE THE PAYMENT OF ALL TAXES AND ASSESSMENTS THAT ARE A LIEN ON SAID PROPERTY ON THE DATE OF ACCEPTANCE.

SANITARY SEWERS

SANITARY SEWER ACCEPTED FOR OPERATION AND MAINTENANCE WITHIN THE RIGHT-OF-WAY OF STREETS AND SANITARY SEWER EASEMENTS AS SHOWN. ACCEPTED ON THIS _____ DAY OF _____ A.D., 2012, BY, FOR, ON BEHALF OF AND IN THE NAME OF THE COUNTY OF HAMILTON AND UNDER THE AUTHORITY OF ITS BOARD OF COUNTY COMMISSIONERS BY VIRTUE OF R.C. SECTION 305.30 AND THE RESOLUTION ADOPTED OCTOBER 26, 2005.

COUNTY COMMISSIONER _____

APPROVED BY: _____
INTERM SEWERS CHIEF ENGINEER (MSD)

APPROVED BY: _____
CHIEF ENGINEER (STORMWATER MANAGEMENT UTILITY)

USS REALTY LLC

OWNER/AGENT (SIGNED NAME) _____ WITNESS (SIGNED NAME) _____

OWNER/AGENT (PRINTED NAME) _____ WITNESS (PRINTED NAME) _____

WITNESS (SIGNED NAME) _____

WITNESS (PRINTED NAME) _____

STATE OF OHIO)
COUNTY OF HAMILTON)
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____ A.D., 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME OF USS REALTY LLC, WHO, ON BEHALF OF SAID COMPANY AND FOR THEMSELVES AS SUCH OFFICERS DULY AUTHORIZED BY ITS BOARD OF DIRECTORS ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR/ITS VOLUNTARY ACT AND DEED FOR THE PURPOSES IN SAID INSTRUMENT MENTIONED IN TESTIMONY WHEREOF, I HERETO SET MY HAND AND AFFIX MY NOTARIAL SEAL ON THE DAY AND DATE AFORESAID.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

MILACRON LLC

OWNER/AGENT (SIGNED NAME) _____ WITNESS (SIGNED NAME) _____

OWNER/AGENT (PRINTED NAME) _____ WITNESS (PRINTED NAME) _____

WITNESS (SIGNED NAME) _____

WITNESS (PRINTED NAME) _____

STATE OF OHIO)
COUNTY OF HAMILTON)
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____ A.D., 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME OF MILACRON LLC, WHO, ON BEHALF OF SAID COMPANY AND FOR THEMSELVES AS SUCH OFFICERS DULY AUTHORIZED BY ITS BOARD OF DIRECTORS ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR/ITS VOLUNTARY ACT AND DEED FOR THE PURPOSES IN SAID INSTRUMENT MENTIONED IN TESTIMONY WHEREOF, I HERETO SET MY HAND AND AFFIX MY NOTARIAL SEAL ON THE DAY AND DATE AFORESAID.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

SEWER SERVICE CHARGES, ASSESSMENTS, AND FEES

THE OWNERS OF ALL PROPERTIES SHOWN ON THIS RECORD PLAT SHALL BE SUBJECT TO ALL APPLICABLE SEWER SERVICE CHARGES, ASSESSMENTS, TAP-IN CHARGES OR FEES WHICH MAY HAVE BEEN OR MAY BE ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OR THE CITY OF CINCINNATI, OHIO.

PRIVATE STREETS

INSPECTION, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, RECONSTRUCTION, OR REMOVAL OF STREETS MARKED "PRIVATE", INCLUDING EARTHWORK, STRUCTURES, PAVEMENT, CURBS, SIDEWALKS, TRAFFIC CONTROL DEVICES, STREET LIGHTING, AND PUBLIC UTILITIES, ARE THE RESPONSIBILITY OF PROPERTY OWNERS ABUTTING ON SAID STREETS FOR THEIR MUTUAL BENEFIT AND FOR EMERGENCY ACCESS, WHILE THE CITY OF CINCINNATI IS NOT RESPONSIBLE FOR AND CANNOT MAINTAIN PRIVATE STREETS, THE CITY OF CINCINNATI RESERVES THE RIGHT TO INSTALL AND MAINTAIN PAVEMENT MARKINGS AND TRAFFIC SIGNS ON PRIVATE STREETS AS THEY APPROACH PUBLIC STREETS ONCE PRIVATE STREETS ARE OPEN TO TRAFFIC.

DEEDS FOR PROPERTY ABUTTING ON A PRIVATE STREET SHALL CLEARLY INDICATE THAT THE STREET IS PRIVATELY MAINTAINED. THE OWNER, OR ANY AGENT OF THE OWNER, OF ANY LOT OF LAND ABUTTING ON A PRIVATE STREET, WHO SELLS OR CONTRACTS FOR THE SALE OF SUCH LOT SHALL, PRIOR TO THE EXECUTION OF SUCH SALE OR CONTRACT OF SALE, FURNISH THE INTENDING PURCHASER WITH A SIGNED STATEMENT AS TO WHETHER OR NOT THE LOCATION OF SUCH STREET OR WAY HAS BEEN APPROVED BY THE CINCINNATI CITY PLANNING COMMISSION.

CITY OF CINCINNATI DEPARTMENT OF TRANSPORTATION AND ENGINEERING

THIS PLAT IS RECOMMENDED FOR APPROVAL.

CITY ENGINEER _____ DATE _____

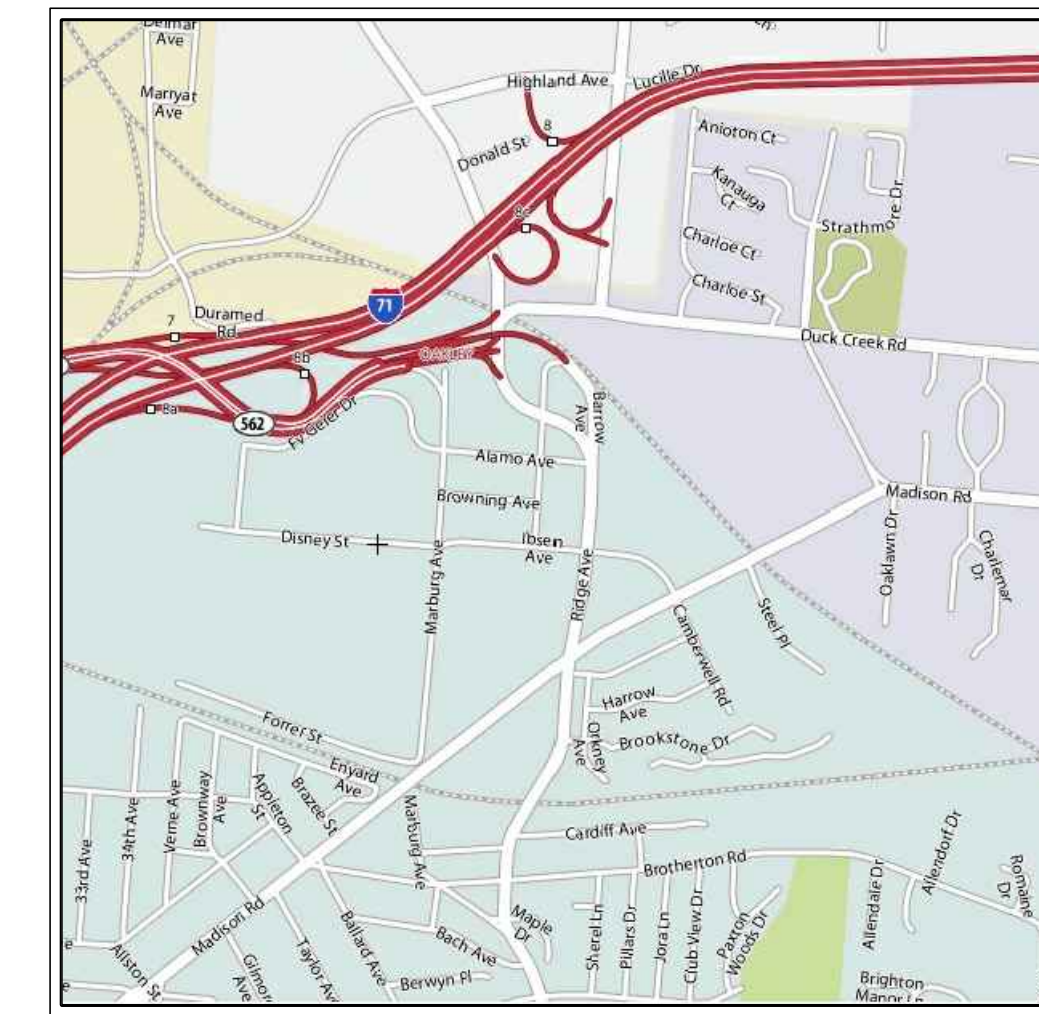
CITY OF CINCINNATI PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CINCINNATI AT A MEETING HELD THE _____ DAY OF _____ A.D., 2012.

APPROVED BY: _____
CHARLES C. GRAVES, III
DIRECTOR, DEPARTMENT OF CITY PLANNING AND BUILDING

GRANT OF EASEMENT

For valuable consideration, We, the undersigned ("Grantor") do hereby permanently grant to Duke Energy Ohio/Kentucky, Inc. and their parent entity (or entity controlling both entities), their respective subsidiaries or affiliate entities, ("Grantee") their successors and assigns, forever, non-exclusive easements, as shown on the within plat and designated as "Duke Energy Utility Easement" (hereinafter referred to as "Utility Easement") for the construction, operation, maintenance, repair, or replacement of any and all necessary fixtures for the overhead or underground distribution of gas, electric, and telecommunications (for sole use of Duke Energy) ("Grantee Facilities"). For that portion of the Duke Energy Utility Easement that runs concurrent with the 6.5' Storm Sewer Easement as depicted on this Plat (along the south side of the Disney Street right-of-way from Marburg Avenue west right-of-way line to a point approximately 1,662 feet west of the Marburg Avenue west right-of-way line), no Grantee Facilities shall be installed nearer than seven and one half feet (7.5') from the Disney Street south right-of-way line. The Grantee shall have the right of ingress and egress and also the right to cut, trim or remove any trees, undergrowth or overhanging branches within the Utility Easement or immediately adjacent thereto. No buildings or other structures may be built within the Utility Easement area, nor may the Utility Easement area be physically altered to (1) Reduce the clearances of either overhead or underground Facilities; (2) Impair the land support of Grantee Facilities; (3) Impair the ability to maintain the Facilities or; (4) Create a hazard. To have and to hold the easement forever. We acknowledge having the full power to convey this Utility Easement and will defend the same against all claims.



LOCATION MAP

BEARINGS HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, AS DETERMINED BY TIES TO THE CITY OF CINCINNATI CONTROL MONUMENTS 2509 AND 2510 AS SET FORTH IN PLAT OF SURVEY OF RECORD IN PLAT BOOK 350, PAGE 45.

LEGEND

- ⊙ RAILROAD SPIKE FOUND
- 5/8" IRON PIN FOUND (AS NOTED)
- MAG NAIL FOUND
- ⊙ 5/8" IRON PIN SET W/CAP "M-E COMPANIES" (TO BE SET AS SITE IS DEVELOPED)
- ⊙ IRON PIPE FOUND (AS NOTED)

DEED REFERENCE

PROPERTY OWNED OR ACQUIRED BY USS REALTY LLC, BEING ALL OF THE LAND CONVEYED BY A DEED RECORDED IN OFFICIAL RECORD BOOK 11973, PAGE 1921 OF THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO.

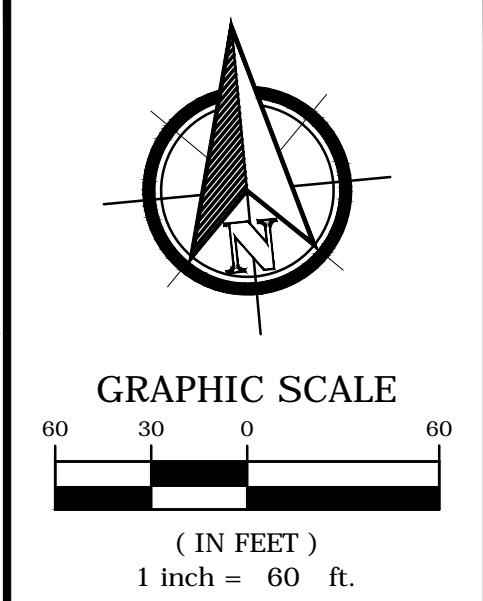
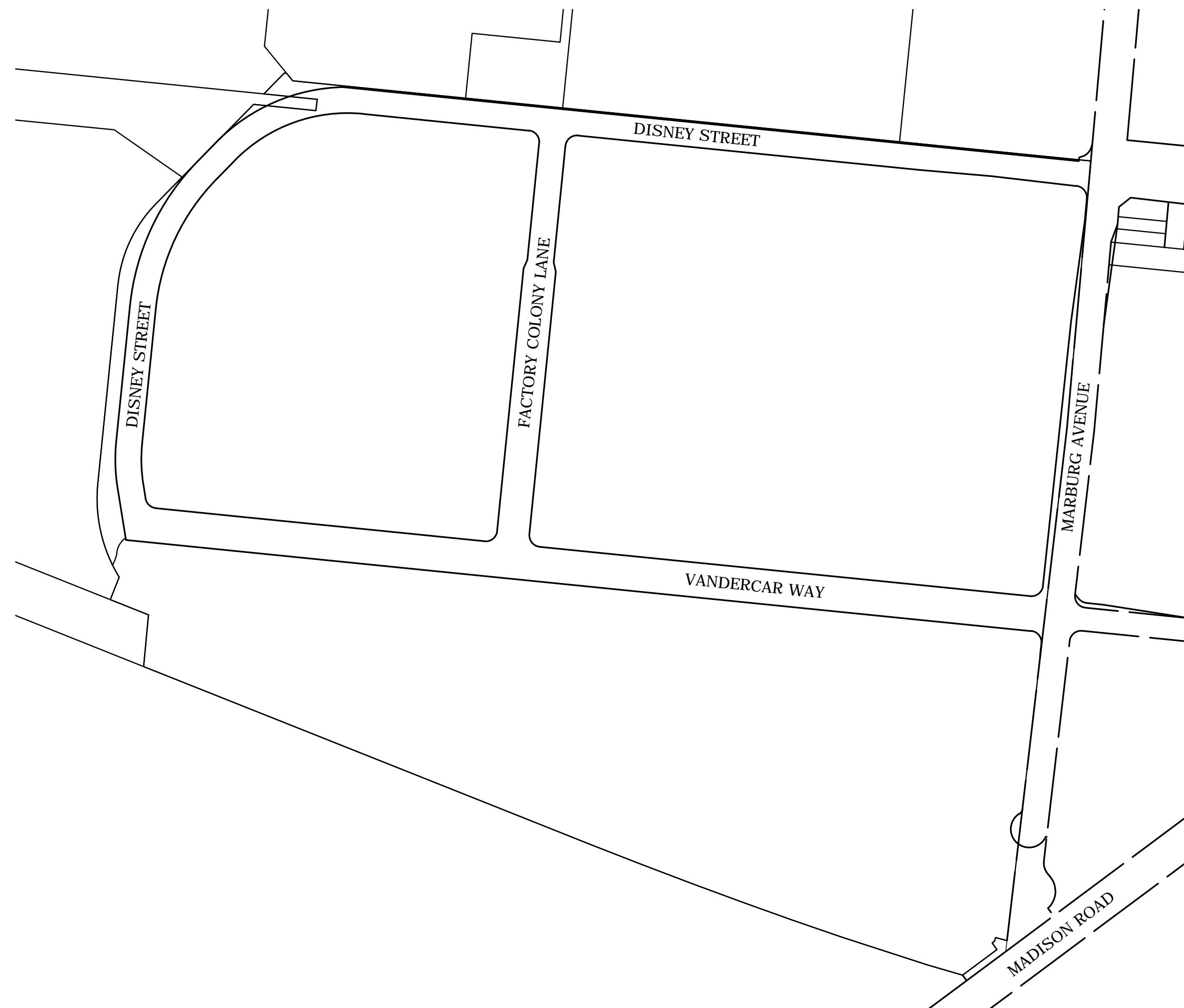
PROPERTY OWNED OR ACQUIRED BY MILACRON LLC, BEING ALL OF THE LAND CONVEYED BY A DEED RECORDED IN OFFICIAL RECORD BOOK 11259, PAGE 1042 OF THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO.

THIS RECORD PLAT IS RECORDED IN PLAT BOOK _____, PAGE(S) _____ OF THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO.

NO PART OF ANY DRIVEWAY OR DRIVEWAY APPROACH WITHIN THE ROADWAY RIGHT OF WAY SHALL BE INSTALLED CLOSER THAN 5 FEET TO ANY INLET, UTILITY POLE, GUY WIRE ANCHOR, OR FIRE HYDRANT.

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEY UPON WHICH IT IS BASED AND THAT BOTH WERE MADE UNDER MY SUPERVISION IN ACCORDANCE WITH OHIO REVISED CODE CHAPTER 711, CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE, AND HAMILTON COUNTY OHIO'S "TRANSFER AND CONVEYANCE STANDARDS", AS IN EFFECT ON THIS DATE. I FURTHER CERTIFY THAT ALL MONUMENTS SHOWN ON THIS PLAT EXIST AND THAT THEIR LOCATION, TYPE, AND SIZE ARE CORRECTLY SHOWN AND DESCRIBED.

PATRICK S. FINN P.S. 7181 _____ DATE _____



M-E COMPANIES
Achieving Exceptional Results through Management and Engineering
23 Triangle Park Drive, Suite 2300
Cincinnati, OH 45246
Contact: Nicholas Reed
513-942-3141 ext. 240
Fax: 513-881-2263
www.mecompanies.com

REVISION:

DEDICATION PLAT
PART OF A 72.331 ACRE CONSOLIDATION PLAT
PLAT BOOK 432, PAGE 97

SECTION 28, TOWN 4 FRACTIONAL RANGE 2,
MIAMI PURCHASE, CITY OF CINCINNATI,
COUNTY OF HAMILTON, OHIO

STATE: _____

FIELD	DRAFT	CHECK
TS	NR	PF

M-E NO.: 11-085

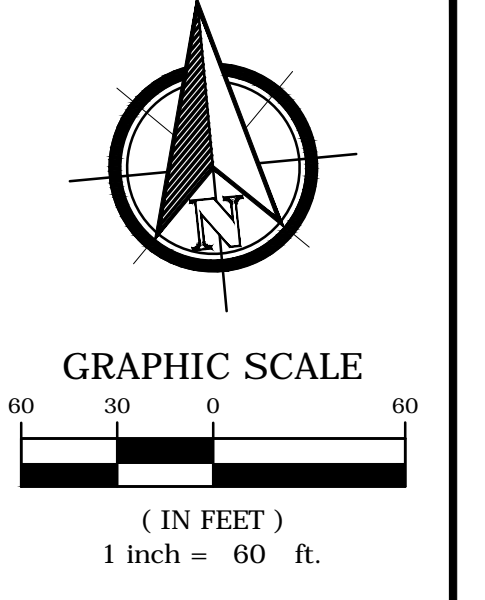
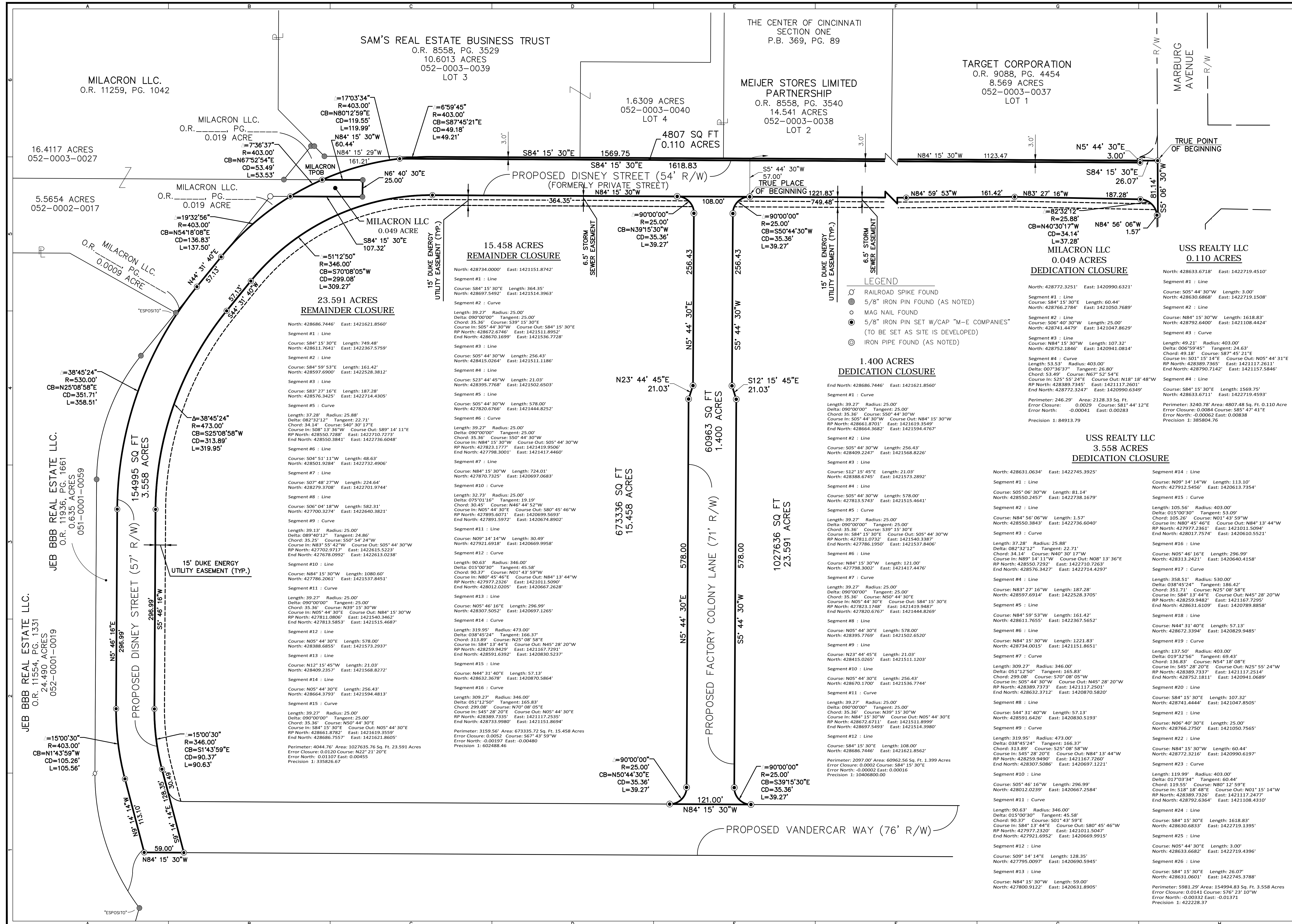
DATE: FEBRUARY, 2012

SCALE: 1" = 60'

PRINT DATE: _____

SHEET NO.: 1/3

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 Cincinnati, OH 45246
 Contact: Nicholas Reed
 513-942-3141 ext. 240
 Fax: 513-881-2263
 www.meicompanies.com

LEGEND
 X RAILROAD SPIKE FOUND
 ● 5/8" IRON PIN FOUND (AS NOTED)
 ○ MAG NAIL FOUND
 ● 5/8" IRON PIN SET W/CAP "M-E COMPANIES" (TO BE SET AS SITE IS DEVELOPED)
 ⊙ IRON PIPE FOUND (AS NOTED)

DEDICATION CLOSURE
 North: 428772.3251' East: 1420990.6321'
 Segment #1 : Line
 Course: S84° 15' 30"E Length: 60.44'
 North: 428766.2784' East: 1421050.7689'
 Segment #2 : Line
 Course: N84° 15' 30"W Length: 1618.83'
 North: 428792.6400' East: 1421108.4424'
 Segment #3 : Curve
 Length: 49.21' Radius: 403.00'
 Delta: 006°59'45" Tangent: 24.63'
 Chord: 49.18' Course: S87° 45' 21"E
 Course In: S01° 15' 14"W Course Out: N05° 44' 31"E
 RP North: 428389.7365' East: 1421117.2611'
 End North: 428790.7142' East: 1421157.5846'
 Segment #4 : Line
 Course: S84° 15' 30"E Length: 1569.75'
 North: 428633.6711' East: 1422719.4593'
 Perimeter: 3240.78' Area: 4807.48 Sq. Ft. 0.110 Acre
 Error Closure: 0.0084 Course: S81° 44' 12"E
 Error North: -0.0004 East: 0.00283
 Precision: 1: 84913.79

DEDICATION CLOSURE
 North: 428631.0634' East: 1422745.3925'
 Segment #1 : Line
 Course: S05° 06' 30"W Length: 81.14'
 North: 428550.2457' East: 1422738.1679'
 Segment #2 : Line
 Length: 105.56' Radius: 403.00'
 Delta: 038°45'24" Tangent: 186.42'
 Chord: 105.28' Course: N01° 43' 59"W
 Course In: N80° 45' 46"E Course Out: N84° 13' 44"W
 RP North: 427977.2361' East: 1421011.5094'
 End North: 428017.7574' East: 1420610.5521'
 Segment #3 : Curve
 Length: 37.28' Radius: 25.88'
 Delta: 082°32'12" Tangent: 22.71'
 Chord: 34.14' Course: N40° 30' 17"W
 Course In: N89° 14' 11"W Course Out: N08° 13' 36"E
 RP North: 428550.7292' East: 1422710.7263'
 End North: 428576.3427' East: 1422714.4297'
 Segment #4 : Line
 Course: N83° 27' 16"W Length: 187.28'
 North: 428597.6914' East: 1422528.3705'
 Segment #5 : Line
 Course: N84° 59' 53"W Length: 161.42'
 North: 428611.7655' East: 1422367.5652'
 Segment #6 : Line
 Course: N84° 15' 30"W Length: 1221.83'
 North: 428734.0015' East: 1421151.8651'
 Segment #7 : Curve
 Length: 137.50' Radius: 403.00'
 Delta: 019°32'56" Tangent: 69.43'
 Chord: 136.83' Course: N01° 43' 59"W
 Course In: S45° 28' 20"E Course Out: N25° 55' 24"W
 RP North: 428389.7337' East: 1421117.2514'
 End North: 428752.1811' East: 1420941.0689'
 Segment #8 : Line
 Course: N84° 15' 30"W Length: 107.32'
 North: 428741.4444' East: 1421047.8505'
 Segment #9 : Curve
 Length: 137.50' Radius: 403.00'
 Delta: 019°32'56" Tangent: 69.43'
 Chord: 136.83' Course: N01° 43' 59"W
 Course In: S45° 28' 20"E Course Out: N25° 55' 24"W
 RP North: 428389.7337' East: 1421117.2514'
 End North: 428752.1811' East: 1420941.0689'
 Segment #10 : Line
 Course: N84° 15' 30"W Length: 107.32'
 North: 428741.4444' East: 1421047.8505'
 Segment #11 : Curve
 Length: 119.99' Radius: 403.00'
 Delta: 017°03'34" Tangent: 60.44'
 Chord: 119.55' Course: N80° 12' 59"E
 Course In: S18° 18' 48"E Course Out: N01° 15' 14"W
 RP North: 428389.7326' East: 1421117.2477'
 End North: 428792.6364' East: 1421108.4310'
 Segment #12 : Line
 Course: S05° 46' 16"W Length: 296.99'
 North: 428633.6682' East: 1422719.4396'
 Segment #13 : Line
 Course: S84° 15' 30"E Length: 26.07'
 North: 428631.0601' East: 1422745.3788'
 Perimeter: 5981.29' Area: 154994.83 Sq. Ft. 3.558 Acres
 Error Closure: 0.0141 Course: S76° 23' 10"W
 Error North: -0.00332 East: -0.01371
 Precision: 1: 422228.37

DEDICATION CLOSURE
 North: 428633.6718' East: 1422719.4510'
 Segment #1 : Line
 Course: S05° 44' 30"W Length: 3.00'
 North: 428630.6868' East: 1422719.1508'
 Segment #2 : Line
 Course: N84° 15' 30"W Length: 1618.83'
 North: 428792.6400' East: 1421108.4424'
 Segment #3 : Curve
 Length: 49.21' Radius: 403.00'
 Delta: 006°59'45" Tangent: 24.63'
 Chord: 49.18' Course: S87° 45' 21"E
 Course In: S01° 15' 14"W Course Out: N05° 44' 31"E
 RP North: 428389.7365' East: 1421117.2611'
 End North: 428790.7142' East: 1421157.5846'
 Segment #4 : Line
 Course: S84° 15' 30"E Length: 1569.75'
 North: 428633.6711' East: 1422719.4593'
 Perimeter: 3240.78' Area: 4807.48 Sq. Ft. 0.110 Acre
 Error Closure: 0.0084 Course: S85° 47' 41"E
 Error North: -0.00062 East: 0.00838
 Precision: 1: 385804.76

DEDICATION PLAT
 PART OF A 72.331 ACRE CONSOLIDATION PLAT
 PLAT BOOK 432, PAGE 97
 SECTION 28, TOWN 4 FRACTIONAL RANGE 2,
 MIAMI PURCHASE, CITY OF CINCINNATI,
 COUNTY OF HAMILTON, OHIO

FIELD	DRAFT	CHECK
TS	NR	PF
M-E NO.:	11-085	
DATE:	FEBRUARY, 2012	
SCALE:	1"=60'	
PRINT DATE:		

SHEET NO.: 2/3

**3.444 ACRES
DEDICATION CLOSURE**

North: 427674.4160' East: 1422649.6115'
 Segment #1 : Line
 Course: S09° 40' 30"W Length: 131.76'
 North: 427843.5491' East: 1422634.2960'
 Segment #2 : Line
 Course: N01° 09' 54"E Length: 6.19'
 North: 427949.7378' East: 1422634.4219'
 Segment #3 : Line
 Course: N06° 04' 18"E Length: 24.43'
 North: 427974.0308' East: 1422637.0059'
 Segment #4 : Curve
 Length: 39.41' Radius: 25.00'
 Delta: 090°19'48" Tangent: 25.14'
 Chord: 35.46' Course: N39° 05' 36"W
 Course In: N83° 55' 42"W Course Out: N05° 44' 30"E
 RP North: 427576.6751' East: 1422612.1462'
 End North: 427601.5520' East: 1422614.6453'
 Segment #5 : Line
 Course: N84° 15' 30"W Length: 1933.74'
 North: 427795.0098' East: 1420690.6068'
 Segment #6 : Line
 Course: N09° 14' 14"W Length: 97.86'
 North: 427891.6008' East: 1420674.8980'
 Segment #7 : Curve
 Length: 32.73' Radius: 25.00'
 Delta: 075°01'16" Tangent: 19.19'
 Chord: 30.45' Course: S46° 44' 52"E
 Course In: N80° 45' 46"E Course Out: S05° 44' 30"W
 RP North: 427895.6139' East: 1420699.5738'
 End North: 427870.7361' East: 1420697.0761'
 Segment #8 : Line
 Course: S84° 15' 30"E Length: 1962.39'
 North: 427674.4131' East: 1420649.6110'
 Perimeter: 4228.52' Area: 150030.85 Sq. Ft. 3.444 Acre
 Error Closure: 0.0030 Course: S08° 45' 34"W
 Error North: -0.00293 East: -0.00045 Precision 1: 1407423.33

**24.410 ACRES
REMAINDER CLOSURE**

North: 426923.5703' East: 1422561.7395'
 Segment #1 : Line
 Length: 28.23' Radius: 85.00'
 Delta: 019°01'35" Tangent: 14.24'
 Chord: 28.10' Course: N20° 02' 26"E
 Course In: N60° 26' 46"W Course Out: S79° 28' 21"E
 RP North: 427788.0633' East: 1420528.2305'
 End North: 427772.5363' East: 1420611.8008'
 Segment #2 : Line
 Length: 25.94' Radius: 85.00'
 Delta: 019°01'35" Tangent: 14.24'
 Chord: 28.10' Course: N20° 02' 26"E
 Course In: N60° 26' 46"W Course Out: S79° 28' 21"E
 RP North: 427788.0633' East: 1420528.2305'
 End North: 427772.5363' East: 1420611.8008'
 Segment #3 : Curve
 Length: 39.31' Radius: 45.00'
 Delta: 050°03'20" Tangent: 21.04'
 Chord: 38.08' Course: N30° 31' 55"E
 Course In: S84° 29' 45"E Course Out: N34° 23' 17"W
 RP North: 427788.2200' East: 1420656.5933'
 End North: 427805.3534' East: 1420631.1763'
 Segment #4 : Line
 Course: S09° 14' 14"E Length: 4.50'
 North: 427800.9118' East: 1420631.8987'
 Segment #5 : Line
 Course: S84° 15' 30"E Length: 1992.75'
 North: 427601.5504' East: 1422614.6512'
 Segment #6 : Curve
 Length: 39.41' Radius: 25.00'
 Delta: 090°19'48" Tangent: 25.14'
 Chord: 35.46' Course: S39° 05' 36"E
 Course In: S05° 44' 30"W Course Out: S83° 55' 42"E
 RP North: 427576.6758' East: 1422612.1501'
 End North: 427574.0292' East: 1422637.0118'
 Segment #7 : Line
 Course: N72° 02' 27"W Length: 197.73'
 North: 427891.6008' East: 1422200.6684'
 Segment #8 : Curve
 Length: 582.52' Radius: 11395.28'
 Delta: 002°59'44" Tangent: 291.32'
 Chord: 582.46' Course: N69° 45' 37"W
 Course In: N18° 46' 31"E Course Out: S21° 42' 15"W
 RP North: 437719.7940' East: 1425868.3213'
 End North: 427132.3749' East: 1421654.1827'
 Segment #9 : Line
 Course: N68° 17' 45"W Length: 1058.64'
 North: 427523.8789' East: 1420670.5850'
 Segment #10 : Line
 Course: N05° 16' 15"E Length: 113.64'
 North: 427637.0384' East: 1420681.0244'
 Segment #11 : Line
 Course: N68° 17' 45"W Length: 90.06'
 North: 427670.3438' East: 1420597.3491'
 Segment #12 : Line
 Course: N21° 42' 15"E Length: 52.79'
 North: 427719.3913' East: 1420616.8716'
 Segment #13 : Curve
 Length: 30.53' Radius: 330.43'
 Delta: 005°17'37" Tangent: 15.28'
 Chord: 30.52' Course: N28° 47' 38"W
 Course In: N58° 33' 33"E Course Out: S63° 51' 11"W
 RP North: 427891.7495' East: 1420698.7876'
 End North: 427746.1378' East: 1420602.1713'
 Segment #14 : Curve
 Length: 28.23' Radius: 85.00'
 Delta: 019°01'35" Tangent: 14.24'
 Chord: 28.10' Course: N20° 02' 26"E
 Course In: N60° 26' 46"W Course Out: S79° 28' 21"E
 RP North: 427788.0633' East: 1420528.2305'
 End North: 427772.5363' East: 1420611.8008'
 Segment #15 : Curve
 Length: 77.95' Radius: 40.00'
 Delta: 111°39'08" Tangent: 58.91'
 Chord: 66.19' Course: S01° 51' 18"W
 Course In: S32° 19' 08"E Course Out: S36° 01' 44"W
 RP North: 427167.4103' East: 1422610.0228'
 End North: 427135.0585' East: 1422586.4950'
 Segment #16 : Line
 Course: S06° 04' 18"W Length: 24.43'
 North: 427549.7362' East: 1422634.4278'
 Segment #17 : Line
 Course: S06° 40' 30"W Length: 333.66'
 North: 427212.1492' East: 1422595.5181'
 Segment #18 : Curve
 Length: 13.35' Radius: 15.00'
 Delta: 051°00'22" Tangent: 7.16'
 Chord: 12.92' Course: S32° 10' 41"W
 Course In: N83° 19' 30"W Course Out: S32° 19' 08"E
 RP North: 427213.8928' East: 1422580.6198'
 End North: 427201.2138' East: 1422588.6376'
 Segment #19 : Curve
 Length: 77.95' Radius: 40.00'
 Delta: 111°39'08" Tangent: 58.91'
 Chord: 66.19' Course: S01° 51' 18"W
 Course In: S32° 19' 08"E Course Out: S36° 01' 44"W
 RP North: 427167.4103' East: 1422610.0228'
 End North: 427135.0585' East: 1422586.4950'
 Segment #20 : Line
 Course: S06° 04' 18"W Length: 24.43'
 North: 427549.7362' East: 1422634.4278'
 Segment #21 : Line
 Course: S06° 40' 30"W Length: 333.66'
 North: 427212.1492' East: 1422595.5181'
 Segment #22 : Curve
 Length: 13.35' Radius: 15.00'
 Delta: 051°00'22" Tangent: 7.16'
 Chord: 12.92' Course: S32° 10' 41"W
 Course In: N83° 19' 30"W Course Out: S32° 19' 08"E
 RP North: 427213.8928' East: 1422580.6198'
 End North: 427201.2138' East: 1422588.6376'
 Segment #23 : Curve
 Length: 77.95' Radius: 40.00'
 Delta: 111°39'08" Tangent: 58.91'
 Chord: 66.19' Course: S01° 51' 18"W
 Course In: S32° 19' 08"E Course Out: S36° 01' 44"W
 RP North: 427167.4103' East: 1422610.0228'
 End North: 427135.0585' East: 1422586.4950'
 Segment #24 : Line
 Course: S06° 40' 30"W Length: 212.94'
 North: 426923.5619' East: 1422561.7434'
 Perimeter: 5130.01' Area: 1063289.84 Sq. Ft. 24.410 Acres
 Error Closure: 0.0092 Course: S24° 57' 10"E
 Error North: -0.00838 East: 0.00390
 Precision 1: 556937.83

**0.023 ACRE
DEDICATION CLOSURE**

North: 427212.1500' East: 1422595.5122'
 Segment #1 : Line
 Course: S06° 40' 30"W Length: 77.61'
 North: 427135.0661' East: 1422586.4910'
 Segment #2 : Curve
 Length: 77.95' Radius: 40.00'
 Delta: 111°39'09" Tangent: 58.92'
 Chord: 66.19' Course: N01° 51' 18"E
 Course In: N36° 01' 44"E Course Out: N32° 19' 07"W
 RP North: 427167.4141' East: 1422610.0187'
 End North: 427212.2214' East: 1422588.6336'
 Segment #3 : Curve
 Length: 13.35' Radius: 15.00'
 Delta: 051°00'17" Tangent: 7.16'
 Chord: 12.92' Course: N32° 10' 41"E
 Course In: N32° 19' 11"W Course Out: S83° 19' 28"E
 RP North: 427213.8928' East: 1422580.6198'
 End North: 427212.1568' East: 1422595.5142'
 Perimeter: 168.91' Area: 1018.47 Sq. Ft. 0.023 Acre
 Error Closure: 0.0071 Course: N16° 05' 18"E
 Error North: 0.00685 East: 0.00197 Precision 1: 22073.24

**0.232 ACRE
DEDICATION CLOSURE**

North: 428550.2457' East: 1422738.1679'
 Segment #1 : Line
 Course: S05° 06' 30"W Length: 506.51'
 North: 428045.7475' East: 1422693.0687'
 Segment #2 : Line
 Course: S06° 40' 30"W Length: 373.87'
 North: 427674.4118' East: 1422649.6110'
 Segment #3 : Line
 Course: N84° 15' 30"W Length: 36.77'
 North: 427678.0904' East: 1422613.0255'
 Segment #4 : Curve
 Length: 39.13' Radius: 25.00'
 Delta: 089°40'12" Tangent: 24.86'
 Chord: 35.25' Course: N50° 54' 24"E
 Course In: N05° 44' 30"E Course Out: S83° 55' 42"E
 RP North: 427702.9649' East: 1422615.5266'
 End North: 427700.3185' East: 1422640.3837'
 Segment #5 : Line
 Course: N06° 04' 18"E Length: 582.31'
 North: 428279.3619' East: 1422701.9760'
 Segment #6 : Line
 Course: N07° 48' 27"E Length: 224.64'
 North: 428501.9196' East: 1422732.4923'
 Segment #7 : Line
 Course: N04° 51' 11"E Length: 48.63'
 North: 428550.3752' East: 1422736.6064'
 Segment #8 : Line
 Course: S84° 56' 06"E Length: 1.57'
 North: 428550.2366' East: 1422738.1703'
 Perimeter: 1813.43' Area: 10,126.31 Sq. Ft. 0.232 Acre
 Error Closure: 0.0094 Course: S14° 38' 37"E
 Error North: -0.00907 East: 0.00237 Precision 1: 192505.32

JEB BBB REAL ESTATE LLC, O.R. 11554, PG. 1331, 24.490 ACRES, 052-0001-0019
 JEB BBB REAL ESTATE LLC, O.R. 11936, PG. 1661, 0.635 ACRES, 051-0001-0059

△=50°03'20" R=45.00' CB=N30°31'55"E CD=38.08' L=39.31'
 △=19°01'35" R=85.00' CB=N20°02'26"E CD=28.10' L=28.23'
 △=5°17'37" R=330.43' CB=N28°47'38"W CD=30.52' L=30.53'

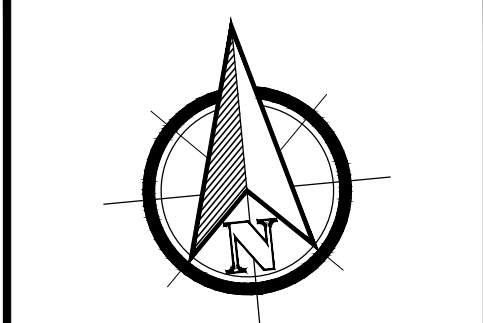
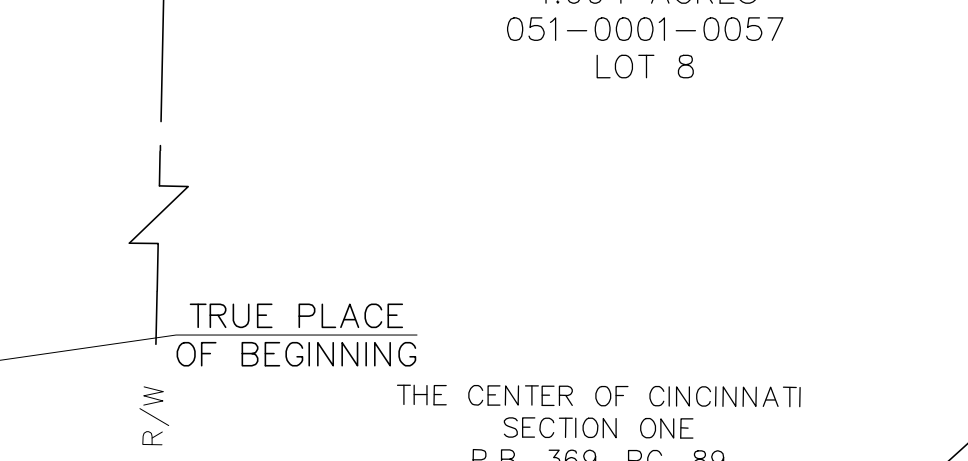
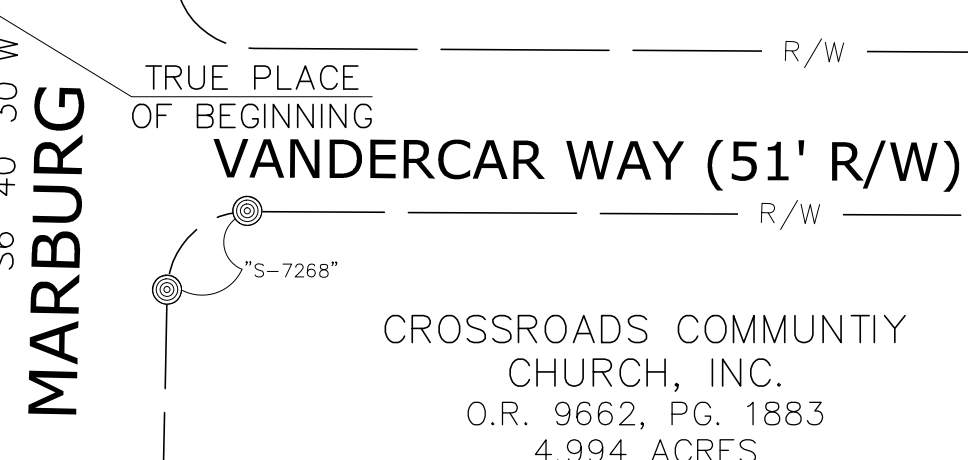
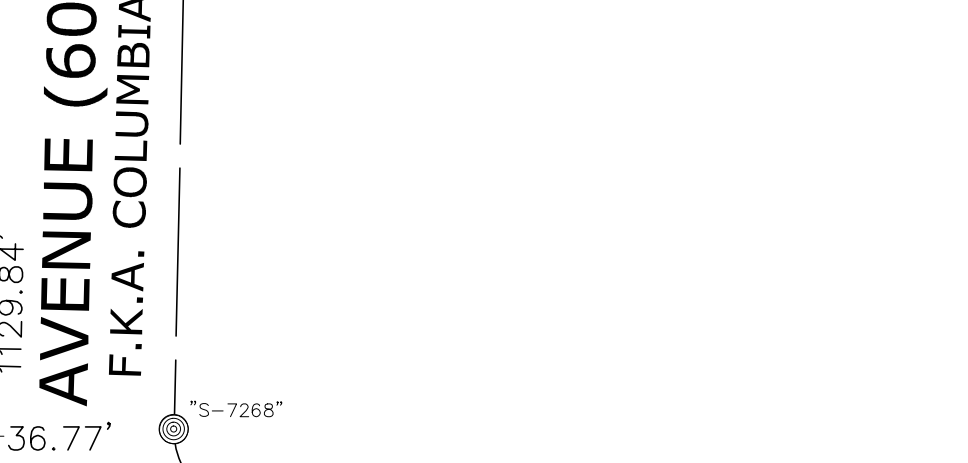
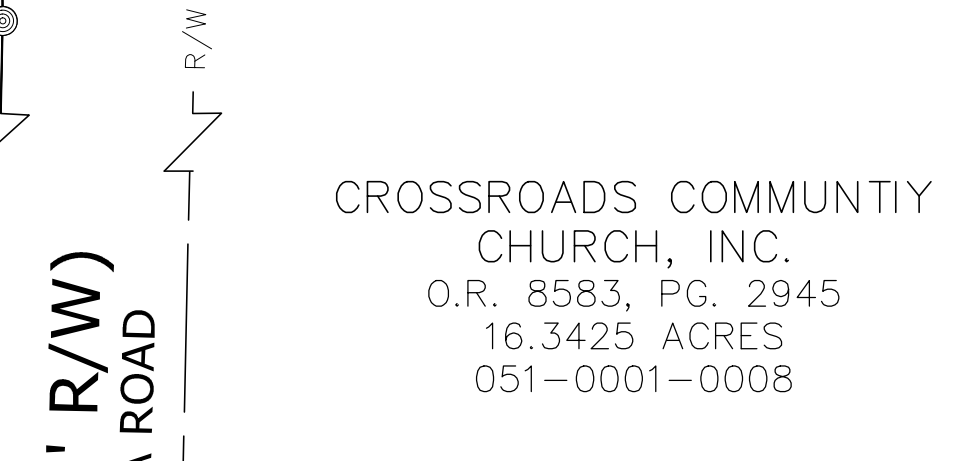
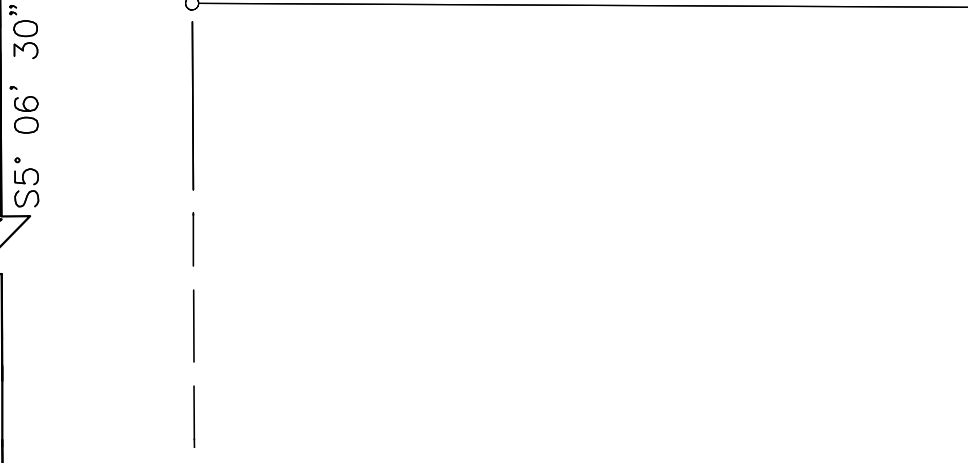
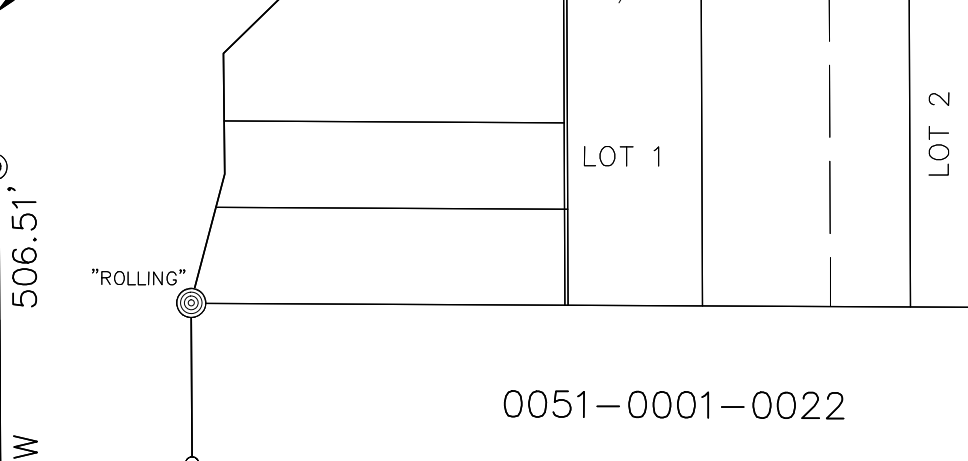
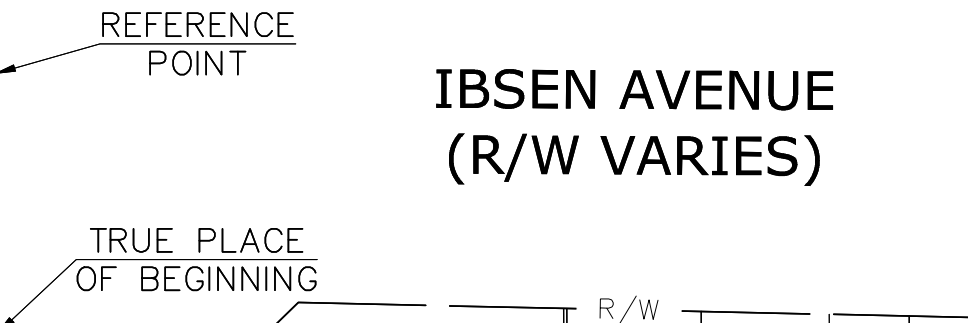
2.8747 ACRES, 049-0002-0002, 049-0002-0003, 049-0002-0004

724.01' 1933.74' 150,031 SQ FT, 3.444 ACRES
 PROPOSED VANDERCAR WAY (76' R/W)

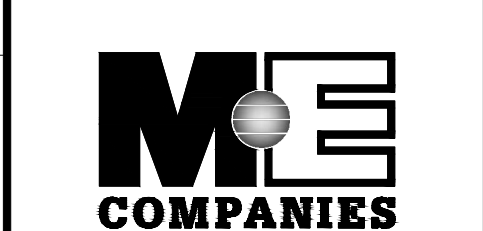
1,063,290 SQ FT, 24.410 ACRES

10,126 SQ FT, 0.232 ACRES

1,018 SQ FT, 0.023 ACRES



GRAPHIC SCALE
 60 30 0 60
 (IN FEET)
 1 inch = 60 ft.



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DEDICATION PLAT
 PART OF A 72.331 ACRE CONSOLIDATION PLAT
 PLAT BOOK 432, PAGE 97
 SECTION 28, TOWN 4 FRACTIONAL RANGE 2,
 MIAMI PURCHASE, CITY OF CINCINNATI,
 COUNTY OF HAMILTON, OHIO

FIELD	DRAFT	CHECK
TS	NR	PF

ME NO.: 11-085
 DATE: FEBRUARY, 2012

SCALE: 1"=60'
 PRINT DATE:

SHEET NO.: 3/3

131111-085.dwg(SUBSET)ME\Projects\432\432-97.dwg by reed on 05/02/2012 @ 10:57:43 am - © ME Companies, Inc.

Exhibit E

Urbancsik, Jesse

From: Urbancsik, Jesse
Sent: Monday, September 20, 2021 12:01 PM
To: Jim Obert
Subject: RE: [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

Jim,

Thanks for getting back to me. You are correct, none of this will affect Graphite Oakley!

Please do not hesitate to reach out to me if you have any more questions.

Thank you and have a great day.

Jesse Urbancsik | City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

jesse.urbancsik@cincinnati-oh.gov

513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



From: Jim Obert <jimo@hillsinc.com>
Sent: Monday, September 20, 2021 11:43 AM
To: Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>
Subject: [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

External Email Communication

Jesse – this appears to be pretty clear but can you confirm none of the Graphite Oakley property is affected by the requested re-zoning? Your maps do not include a metes and bounds description nor a plat reference. I've attached the platting documentation related to our property to this email.

Jim Obert

VP of Planning, Zoning & Development

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Cincinnati, Ohio 45242

c. 513-477-7003

o. 513-618-7721

jimo@hillsinc.com

www.hillsproperties.com



From: Urbancsik, Jesse <jesse.urbancsik@cincinnati-oh.gov>
Sent: Wednesday, September 15, 2021 2:32 PM
To: Jim Obert <jimo@hillsinc.com>
Subject: Zone Change Clean Up along Disney St and Jared Ellis Dr

Good afternoon Jim,

I hope that you are doing well.

I'm Jesse Urbancsik, with the Department of City Planning & Engagement for the City of Cincinnati.

I wanted to make you aware of a City-initiated zone change 'cleanup' that is going to occur shortly near the Oakley Station development. There are four small portions of property located along Disney Street and Jared Ellis Drive that are requesting to change the zoning districts to adjust the zoning lines to match existing property boundaries. The zoning districts lined up with the property lines PD-64 (Oakley Station) was created in 2011. Since then, inconsistencies were created due to property reconfiguration for the development of Oakley Station including the installation of Disney Street as a public street. I have attached a map that displays all of this.

We are basically considering this a 'cleanup' because there is a future development on the site located to the west of Disney St and south of Jared Ellis Dr who wants to make the entire property the same zone (CG-A). Our department felt it was necessary to adjust the changes to the north of Disney St as well to make it consistent.

I'd be happy to jump on a call if you have any questions!

Thank you very much and have a great day.

Jesse Urbancsik | City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

jesse.urbancsik@cincinnati-oh.gov

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Urbanicsik, Jesse

From: Steve Dragon <sdragon@vanhold.com>
Sent: Wednesday, September 15, 2021 3:00 PM
To: Urbanicsik, Jesse
Subject: [External Email] RE: Zone Change Clean Up along Disney St and Jared Ellis Dr

External Email Communication

Thank you, Jesse. I do not have any objection to the proposed changes.

Steve

Steven N. Dragon, P.E.

VANDERCAR

5027 Madison Road
Suite 200
Cincinnati, OH 45227
(513) 272-1700 ext. 5
(513) 600-7370 mobile

From: Urbanicsik, Jesse <jesse.urbanicsik@cincinnati-oh.gov>
Sent: Tuesday, September 14, 2021 3:24 PM
To: Steve Dragon <sdragon@vanhold.com>
Subject: Zone Change Clean Up along Disney St and Jared Ellis Dr

Good afternoon Steve,

I hope that you are doing well.

I'm Jesse Urbanicsik, with the Department of City Planning & Engagement for the City of Cincinnati. I have taken over for Steve Briggs in multiple facets of our department.

I wanted to make you aware of a City-initiated zone change 'cleanup' that is going to occur shortly near the Oakley Station development. There are four small portions of property located along Disney Street and Jared Ellis Drive that are requesting to change the zoning districts to adjust the zoning lines to match existing property boundaries. The zoning districts lined up with the property lines PD-64 (Oakley Station) was created in 2011. Since then, inconsistencies were created due to property reconfiguration for the development of Oakley Station including the installation of Disney Street as a public street. I have attached a map that displays all of this.

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I'd be happy to jump on a call if you have any questions!

Thank you very much and have a great day.

Jesse Urbanicsik | City Planner

City of Cincinnati | Department of City Planning and Engagement
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202
jesse.urbanicsik@cincinnati-oh.gov
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THREE OAKS SINGLE FAMILY LLC
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USS REALTY LLC
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MIAMISBURG OH 45342

OAKLEY COMMUNITY COUNCIL
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CINCINNATI OH 45209