

EMERGENCY

City of Cincinnati

CHM

AWB

An Ordinance No. 127

- 2022

AMENDING Ordinance No. 227-2006 to correct the legal description attached thereto and **REAUTHORIZING** the City Manager to vacate and sell the public right-of-way in the Avondale neighborhood designated as Dolores Alley to the Hamilton County Mental Health and Recovery Services Board, the successor county instrumentality and agency of the Hamilton County Alcohol and Drug Addiction Services Board, to carry out the transaction as originally intended by Ordinance No 227-2006.

WHEREAS, on August 2, 2006, Council approved Ordinance No. 227-2006, which authorized the City Manager to vacate and sell by quitclaim deed the public right-of-way in the Avondale neighborhood designated as Dolores Alley, as more particularly depicted on a vacation plat attached hereto as Attachment A and incorporated herein by reference (the "Property") to the Hamilton County Alcohol and Drug Addiction Services Board (the "ADAS Board"); and

WHEREAS, pursuant to a resolution adopted by the Board of County Commissioners, Hamilton County, Ohio ("Hamilton County Commissioners"), on September 13, 2006, and recorded in the Hamilton County Commissioners' Minutes Vol. 303, Image No. 11165 ("County Resolution"), the Hamilton County Commissioners dissolved the ADAS Board and created the Hamilton County Board of Alcohol, Drug Addiction, and Mental Health Services, now known as the Hamilton County Mental Health and Recovery Services Board, an instrumentality and agency of Hamilton County, Ohio (the "MHRS Board"); and

WHEREAS, Ohio Revised Code Section 723.04 calls for the City to record the original ordinance or a certified copy thereof declaring the vacation of a public street or alley in the official records of the Hamilton County Recorder; however, Section 1 of Ordinance No. 227-2006 contains scriveners' errors in the legal description that render the ordinance unrecordable; and

WHEREAS, by virtue of the County Resolution and Ohio Revised Code Section 340.021, all right, title, and interest to all real property held by the ADAS Board has transferred to, and vested with, the MHRS Board following the dissolution of the ADAS Board; and

WHEREAS, the MHRS Board has now petitioned the City to correct the scriveners' errors contained in Ordinance No. 227-2006 to permit the transaction to proceed as originally intended; and

WHEREAS, Council wishes to amend Ordinance No. 227-2006 to correct the legal description of the Property and to reauthorize the City Manager to convey the Property by quitclaim deed to the MHRS Board as the successor county instrumentality and agency of the ADAS Board, permitting the parties to proceed with the transaction; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 227-2006 is hereby amended as follows:

Section 1. That Dolores Alley, as more particularly depicted on a vacation plat attached hereto as Attachment A and incorporated herein by reference, and more particularly described below, is no longer needed for municipal or street purposes: That Dolores Alley, belonging to the City of Cincinnati, is no longer needed for municipal or street purposes. The Alley is depicted on a plat that is on file in the office of the City Engineer, and is more particularly described as follows:

Situate in Section 14, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, State of Ohio, being all of a 15 foot unnamed Street, later called Dolores Alley, of the Burnet and Reeder's Subdivision as recorded in Plat Book 1, Pages 4 thru 7, Hamilton County Recorder's Office, and more particularly described as follows: Commencing at the ~~northeast~~ southeast corner of Martin Luther King, Jr. Drive and Highland Avenue, said point being the northwest corner of Lot 294; thence South ~~00° 00' 53" East, 104.72 feet (105.00 feet Subdivision Plat)~~ along said east line of Highland Avenue and the west line of said Lot 294, to the northeast corner of Highland Avenue and Dolores Alley, said point also being the southwest corner of said Lot 294 and the point of beginning; thence North 89° 52' 03" East, 245.45 feet (245.00 feet Subdivision Plat) along the north line of Dolores Alley and the south line of Lots 294 thru 303 to a point, said point being the southeast corner of Lot 303; thence along the east line of Lot 303 and the west line of Dolores Alley, North 00° 05' 49" West, 105.02 feet, (105.00 feet Subdivision Plat) to a point on the south line of Martin Luther King, Jr. Drive and the northeast corner of Lot 303; thence along the south line of Martin Luther King Jr. Drive, North 89° 47' 55" East, 15.03 feet (15.00 feet Subdivision Plat) to a point on the south line of Martin Luther King, Jr. Drive and the northwest corner of Lot 508; thence along the east line of Dolores Alley and the west lines of Lots 508 thru 511, South 00° 06' 19" East, 119.77 feet (120.00 feet Subdivision Plat) to a point; thence along the south line of Dolores Alley and the north line of the German Protestant Orphan Asylum and School Lot, South 89° 52' 03" West, 260.52 feet (260.00 feet Subdivision Plat) to a point on the east line of Highland Avenue; thence along the east line of Highland Avenue, North 00° 00' 53" West, 14.74 feet (15.00 feet Subdivision Plat), to the point of beginning.

Section 2. That existing Section 1 of Ordinance No. 227-2006 is hereby repealed.

Section 3. That Section 2 of Ordinance No. 227-2006 is hereby amended as follows:

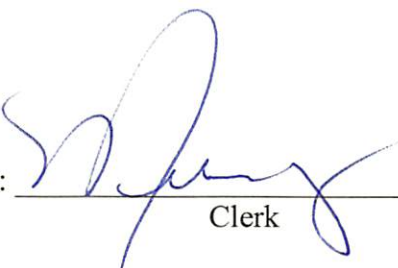
Section 2. That the City Manager, being the officer having custody, supervision, and management of the Alley, is hereby authorized to sell it by quit-claim deed, to the Hamilton County Alcohol and Drug Addiction Services Board, or the successor county instrumentality or agency thereof, subject to any and all taxes and assessments that are a lien against it at the time of conveyance although the amounts thereof may not have been determined at that time.


Section 4. That existing Section 2 of Ordinance No. 227-2006 is hereby repealed.

Section 5. That all terms of Ordinance No. 227-2006 not amended in this ordinance remain in full force and effect.

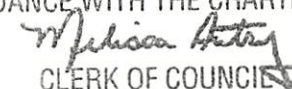
Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to close on the transaction contemplated by Ordinance 227-2006 so that the vacation and sale of Dolores Alley can proceed as originally intended.

Passed: May 19, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

Deletions are struck through. Additions are underlined.

I HEREBY CERTIFY THAT ORDINANCE NO. 22-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 5-31-2022

CLERK OF COUNCIL