

# City of Cincinnati

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## An Ordinance No. 234

-2022

**AUTHORIZING** the City Manager to execute a *Partial Release of Water Main Right of Way Easement* for partial release of the water main right of way easement across the real properties located at 2940 Disney Street, 2900 Disney Street, 2910 Disney Street, 3011 Jared Ellis Drive, and 3033 Jared Ellis Drive in the Oakley neighborhood of Cincinnati to facilitate development on the properties, while retaining the water main easement rights over the unreleased property.

WHEREAS, pursuant to a certain *Right of Way Agreement* dated August 25, 1941 and recorded in Deed Book 1933, page 493, of the Official Record of Hamilton County, Ohio, the City is the beneficiary of a water main right of way easement (“Easement”) encumbering certain real estate in the Oakley neighborhood as follows: 3011 Jared Ellis Drive (Auditor ID 52-1-28), 3033 Jared Ellis Drive (Auditor ID 52-1-26), and 2910 Disney Street (Auditor ID 52-1-24) owned by Local Oakley LLC; 2900 Disney Street (Auditor ID 52-1-25) owned by PS Mid-West BSS Cincinnati LLC; 2940 Disney Street (Auditor ID 52-1-34) owned by Graphite Oakley LLC (collectively, the “Development Properties”), and 3000 Disney Street (Auditor ID 52-2-27) owned by Milacron LLC; and

WHEREAS, the owners of the Development Properties desire to redevelop the Properties, and in connection with such redevelopment, have requested that the City release the portion of the Easement encumbering the Development Properties, as described in Exhibit B to the *Partial Release of Right of Way*, attached to this ordinance as Attachment A; and

WHEREAS, the City Manager, in consultation with the Greater Cincinnati Water Works Director, has determined that the portion of the Easement encumbering the Development Properties is not needed for any municipal or public purpose because the portion of the water main in the Development Properties has been functionally abandoned, and therefore the City administration is agreeable to releasing that portion of the Easement in order to facilitate redevelopment of the Development Properties, while retaining the easement rights over the 3000 Disney Street property; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Partial Release of Water Main Right of Way Easement*, in substantially the form attached to this ordinance as Attachment A, to release that portion of the water main right of way easement granted to the City in the *Right of Way Agreement* dated August 25, 1941, and recorded in Deed Book 1933, page 493, of the Official Record of Hamilton County, Ohio (“Easement Agreement”) and encumbering

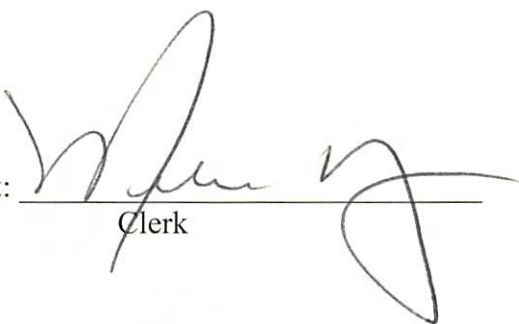
3011 Jared Ellis Drive (Auditor ID 52-1-28), 3033 Jared Ellis Drive (Auditor ID 52-1-26), 2910 Disney Street (Auditor ID 52-1-24); 2900 Disney Street (Auditor ID 52-1-25), and 2940 Disney Street (Auditor ID 52-1-34) (“Development Properties”) to facilitate the redevelopment of these properties. The release of the Development Properties from the Easement Agreement shall not terminate or release the City’s easement rights encumbering 3000 Disney Street (Auditor ID 52-2-27) owned by Milacron LLC, which shall remain in full force and effect.

Section 2. That the portion of the water main right of way easement over the Development Properties is not needed for any water works, municipal, or public purpose and its release will not be detrimental to the interests of the general public.

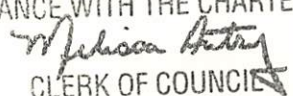
Section 3. That the City Manager and other City officials are authorized to take all the necessary and proper actions to carry out the provisions of this ordinance, including without limitation, executing and recording any and all ancillary agreements, plats, and other real estate documents.

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

Passed: August 3, 2022

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 234-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 8-16-2022  
  
CLERK OF COUNCIL