



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Climate, Environment & Infrastructure

Chairperson, Meeka Owens
Vice Chairperson, Mark Jeffreys
Councilmember, Jeff Cramerding
Vice Mayor, Jan-Michele Kearney

Tuesday, February 15, 2022

11:00 AM

Council Chambers, Room 300

PRESENTATIONS

Illegal Dumping: Keep Cincinnati Beautiful

Jonathan Adee and Alistair Probst

Litter and Illegal Dumping

Jerry Wilkerson, Department of Public Services

Private Lot Abatement Program (PLAP)

Ed Cunningham, Department of Buildings and Inspections

Cardinal Land Conservancy Winton Road Nature Preserve – Clean Ohio Grant Application

Andy Dickerson, Executive Director

Bill Hopple, Board Chair

AGENDA

- [202200417](#) **PRESENTATION**, submitted by Councilmember Owens from Andy Dickerson, Executive Director and Bill Hopple, Board Chair entitled Cardinal Land Conservancy Winton Road Nature Preserve- Clean Ohio Grant Application.
Sponsors: Owens
Attachments: [Cardinal Winton Road Clean Ohio Presentation](#)
- [202200433](#) **PRESENTATION**, submitted by Councilmember Owens from the Department of Public Services entitled Department of Public Services Litter & Illegal Dumping.
Sponsors: Owens
Attachments: [PRESENTATION](#)
- [202200434](#) **PRESENTATION**, submitted by Councilmember Owens from Jonathan Adee, Executive Director and Alistair Probst, Environmental Services and

Greenspace Director, Keep Cincinnati Beautiful.

Sponsors: Owens

Attachments: [PRESENTATION](#)

4. [202200435](#) **PRESENTATION**, submitted by Councilmember Owens from the Department of Buildings and Inspections entitled Private Lot Abatement Program.

Sponsors: Owens

Attachments: [PRESENTATION](#)

5. [202200194](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/2/2022, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains, appurtenances, fixtures, and equipment in and upon certain real property located in Miami Township related to The Reserve at Deer Run, Phase 3 Subdivision.

Sponsors: City Manager

Attachments: [Ordinance](#)
[Transmittal](#)

6. [202200183](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/9/2022, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of HG Pearl Provident, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Vine and E. Seventh Streets in the Central Business District.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

7. [202200310](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration provide a report within thirty (30) days on the cost and timing of doing a comprehensive, multi-year plan across the 52 neighborhoods for pedestrian safety as a roadmap to achieving the City of Cincinnati's Vision Zero policy. This integrated, neighborhood-by-neighborhood plan should include Complete Streets plans where there are structural changes needed to traffic (e.g. road diets, bump outs, speed humps, etc.), as well as protected bike lanes (connecting anchor point destinations of employment, recreation and shopping), permanent implementation of rush hour parking in neighborhood business districts, and dedicated bus lanes-all of which reduce crashes and make our streets safer. The outcome of this report will be a decision on whether to pursue this comprehensive plan based on process, costs, and timing outlined. (STATEMENT ATTACHED).

Sponsors: Jeffreys

Attachments: [Motion](#)

8. [202200330](#) **MOTION**, submitted by Councilmember Owens, In an effort to further environmental development and climate protection in the City of Cincinnati, **WE MOVE** that the Administration provide a report within thirty (30) days on the

status of the 2018 Green Cincinnati Plan. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

Sponsors: Owens

Attachments: [Motion 202200330](#)

9. [202200332](#) **MOTION**, submitted by Councilmember Owens, **WE MOVE** that the Administration prepare a report, to be submitted within 30 days, cataloguing the following: 1) All infrastructure projects within the City of Cincinnati that are currently underway; and 2) All infrastructure projects within the City of Cincinnati that have been started or worked on since January 1st, 2019 but have since been paused. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED)

Sponsors: Owens

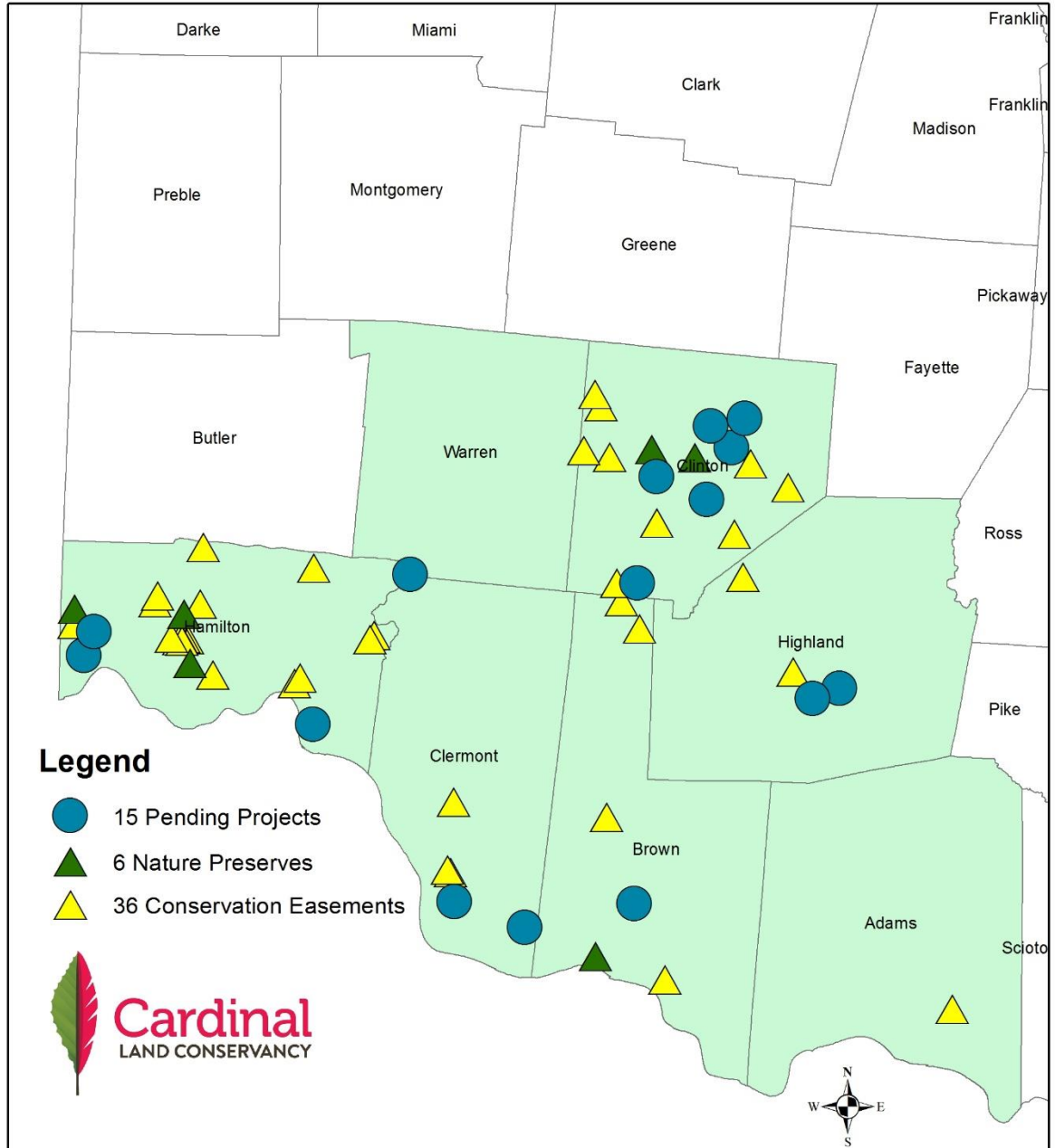
Attachments: [Motion](#)

ADJOURNMENT

Cardinal Land Conservancy Winton Road Nature Preserve- Clean Ohio Grant Application

Andy Dickerson - Executive Director

Cardinal Land Conservancy in SW Ohio



Cardinal Land Conservancy Inc.

- ▶ A not-for-profit corporation incorporated in Ohio, first incorporated in 1999 here in SW Ohio.
- ▶ Covers 7 Counties: Adams, Brown, Clermont, Clinton, Hamilton, Highland & Warren.
- ▶ 200 member/donors in 2020.
- ▶ Active core of 20 volunteers
- ▶ 11 member Board of Trustees
- ▶ Paid staff with volunteers
- ▶ Operations & Stewardship Endowments to build a sustainable base



Mission

- ▶ To preserve natural habitats, waterways, and productive lands we love in southwest Ohio by working with individuals, families and communities

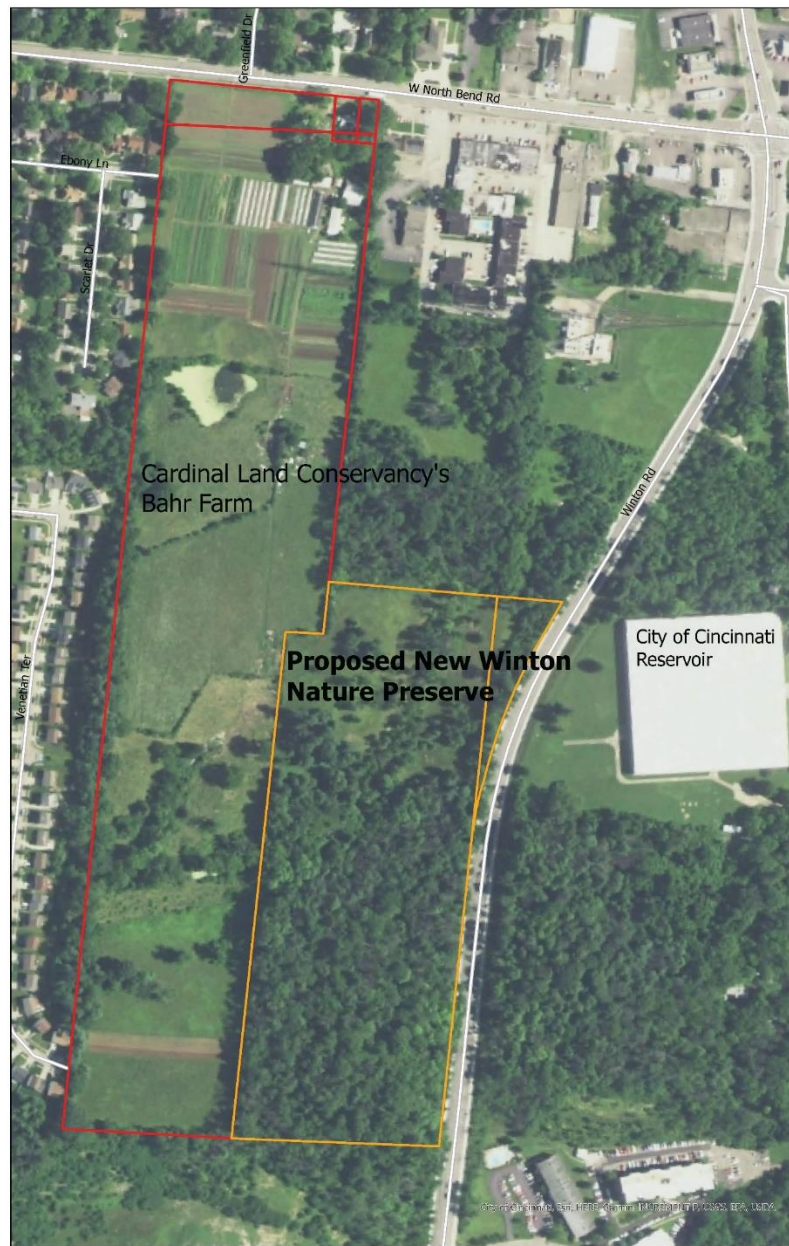
How the Project Came About...

- ▶ We own the neighboring Bahr Farm
- ▶ Worked out a deal with Cincinnati Waldorf School to purchase their ~20 acres
- ▶ We will add this as a nature preserve open to the public



Winton Nature Preserve

Where is it?



250 Feet



This Project is Unique

- ▶ Great Location
- ▶ Beautiful Woods and existing 1 mile trail
- ▶ Adjacent to our Bahr Farm
- ▶ Working with Cincinnati Public Schools
- ▶ Open to public



What We Need

- ▶ We are seeking a resolution of support as required by Ohio Revised Code
- ▶ We are not seeking any local funding

- ▶ Andy Dickerson - Executive Director
- ▶ Cardinal Land Conservancy
 - ▶ P.O. Box 957, Milford, OH 45150
 - ▶ (513) 207-0700



Department of Public Services Litter & Illegal Dumping

Climate, Environment & Infrastructure Committee

February 15, 2022

ROW/ Street Cleaning Staffing

Full Time Equivalent (FTE)

- ROW/ Illegal Dumping Section – 4.0
- Neighborhood Litter Program – 18.0
- Street Sweeping Section – 10.0
- Tire Collection Section – 1.0



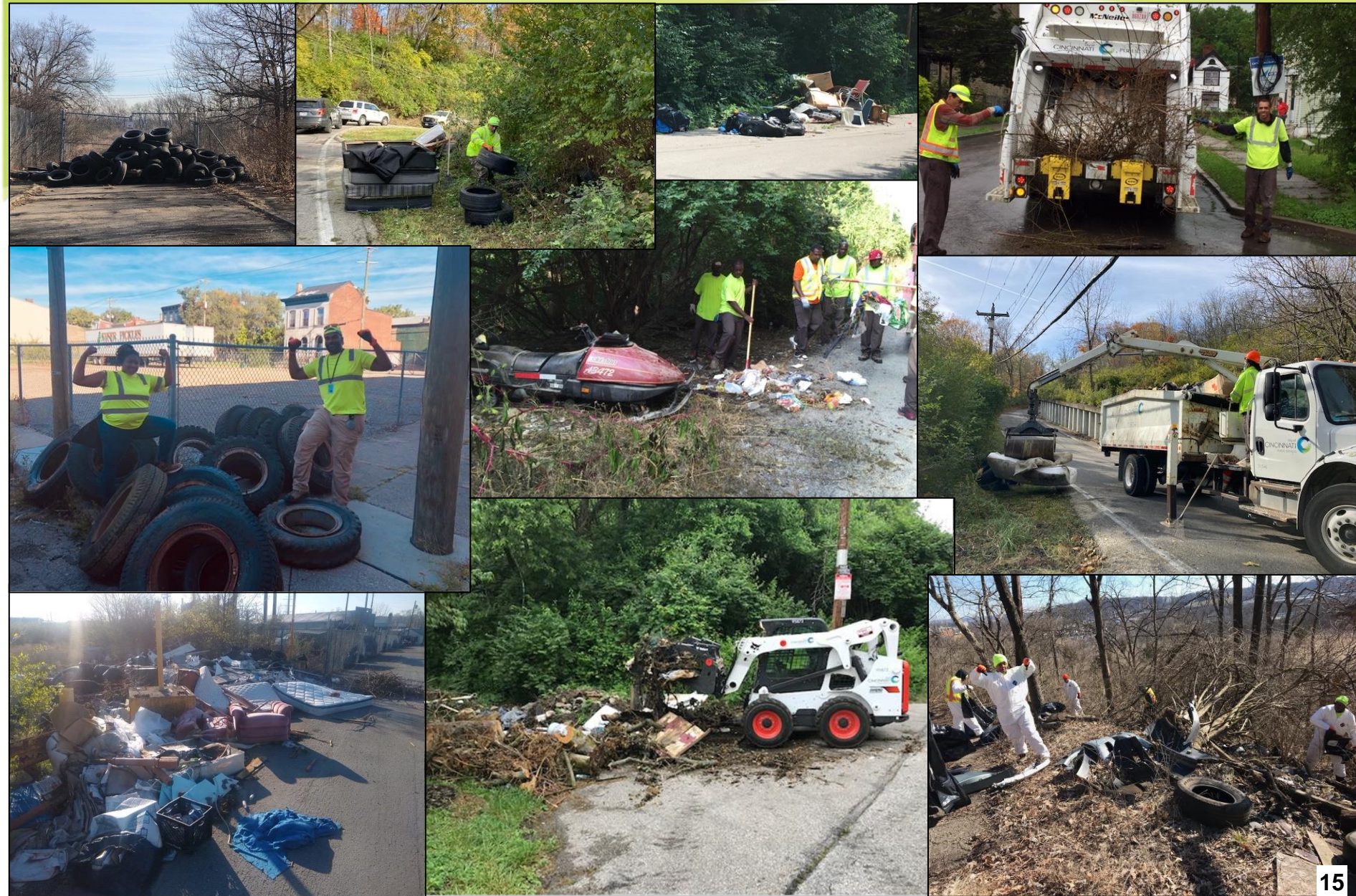
Illegal Dumping Section

Purpose:

To remove any illegally discarded waste such as furniture, appliances, trash, litter or landscape cuttings upon any public right-of-way.



ROW & Illegal Dumping



Neighborhood Litter Program

Purpose:

To enhance litter and loose trash collection efforts in the 52 neighborhoods with special emphasis on clearing debris around stormwater intakes, inlets, and swales. Sometimes may involve trimming and light mowing efforts.



Neighborhood Litter Program



Public Services

DPS Communications

Connect with us online!

www.cincinnati-oh.gov/public-services



Follow us on Facebook & Twitter!
@CinPubServices



Join us on Nextdoor!

<https://nextdoor.com/city/feed/>



QUESTIONS??

city of
CINCINNATI
PUBLIC SERVICES





KEEP CINCINNATI BEAUTIFUL

AN AFFILIATE OF KEEP AMERICA BEAUTIFUL

SWEAT.
DIRT.
smiles.



Love
THY
'NATI





HELLO!

Jonathan Adee

Executive Director

Jonathan@keepcincinnatibeautiful.org

Alistair Probst

Environmental Services & Greenspace Director

Alistair@keepcincinnatibeautiful.org

**Cincinnati is beautiful.
We're committed to keeping it that way.**

We empower people to build community and create a positive future through neighborhood revitalization, education, and mobilization.

We help neighbors connect, collaborate and problem-solve through a grassroots network that spans Cincinnati's 52 neighborhoods.

By putting passion to work, boots on the ground, and tools in hands, we ignite a collective force for good that only continues to grow.

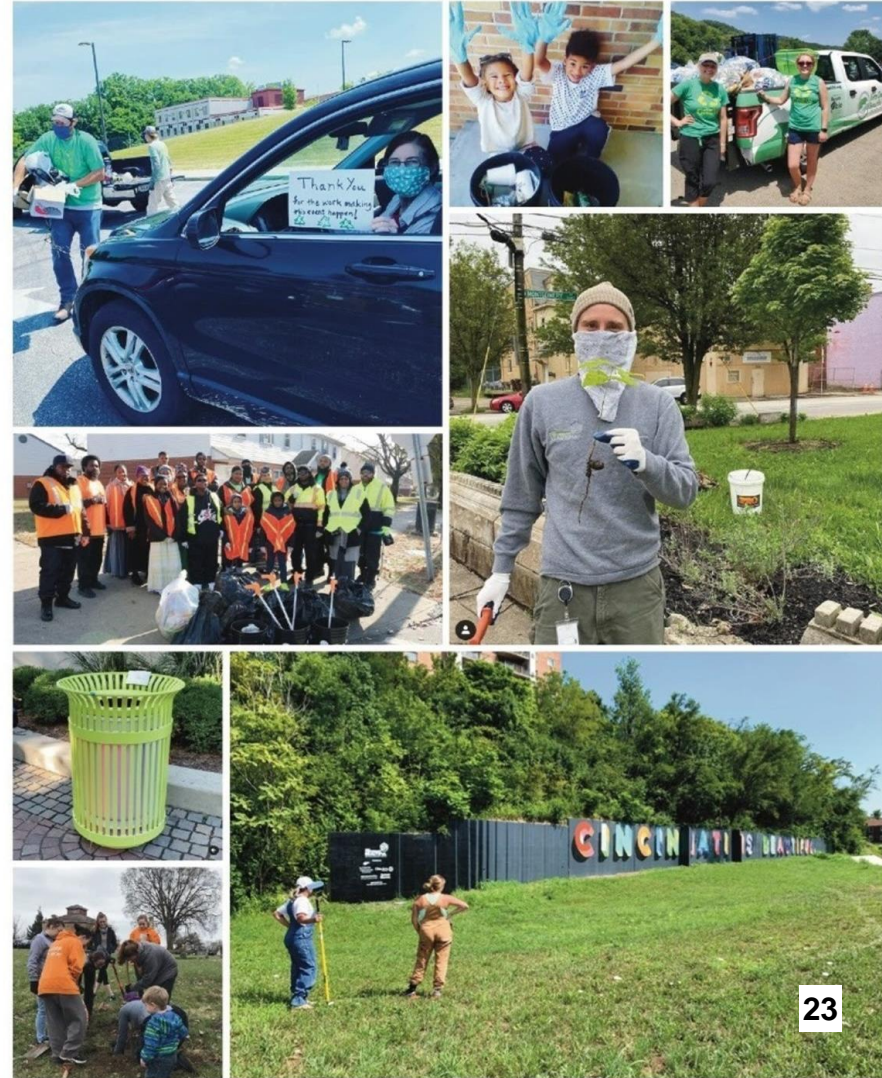


Growing community stewardship in every neighborhood.

We were started in June 1978 as Clean Cincinnati Inc. our name was changed in 1993 but the mission has stayed the same.

In just the past 10 years we have educated 200,000+ children, planted 100,000+ trees and flowers, coordinated 120,000+ volunteers and painted 1,000+ buildings.

Perhaps our greatest impact is what people don't see, like the eight million pounds of litter and 42,000+ tires collected, 7,000+ graffiti tags removed and dozens of illegal dumpsites shut down.



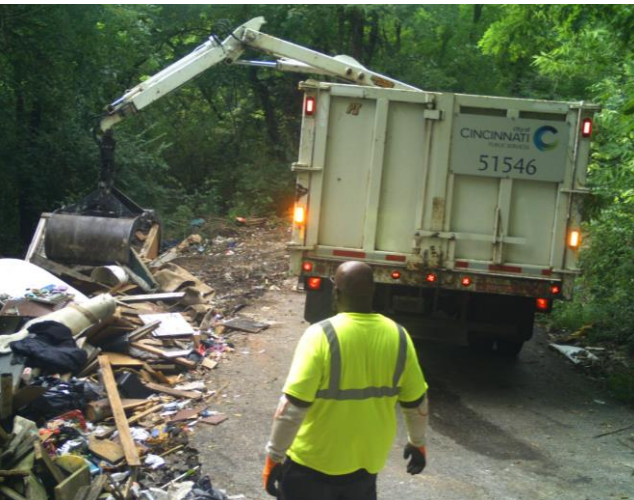
KCB has 5 core program areas:

1. Great American Cleanup
2. Arts
3. Environmental Education
- 4. Environmental Services**
5. Greenspace



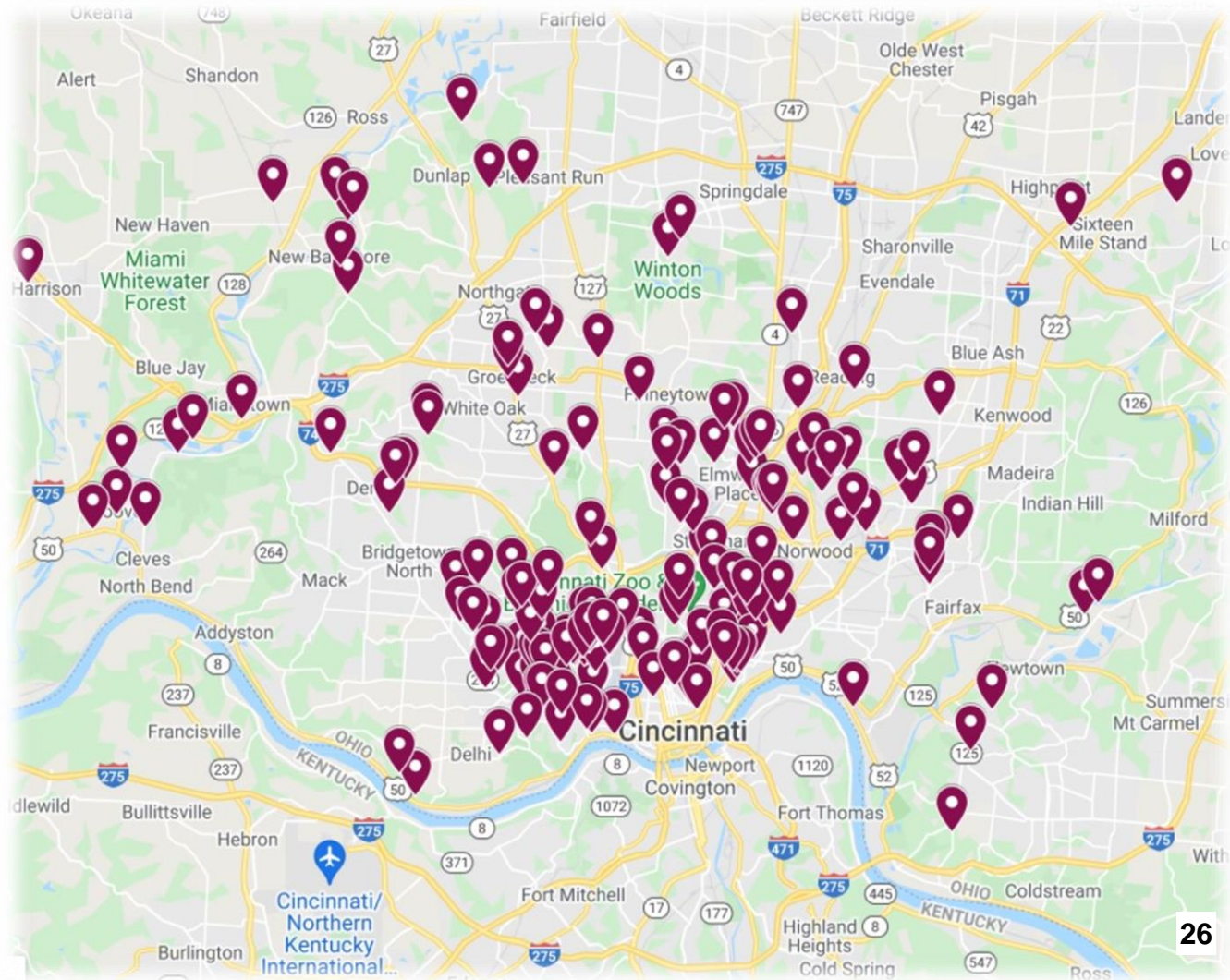
Illegal Dumping Abatement

- Providing resources to remove litter and debris
- Bridging communication between communities and government agencies to address dumping hot spots
- Monitoring chronic dumping locations to aide law enforcement officials



ILLEGAL DUMPING HAMILTON COUNTY ENVIRONMENTAL CRIMES

209 COMPLAINTS
were made in the
City of Cincinnati
out of the **TOTAL**
262 COMPLAINTS
received by Hamilton
County during 2021



ILLEGAL DUMPING FOCUS GROUPS

Beekman Corridor Coalition

- Working in Neighborhoods
- North Fairmount
- South Fairmount
- South Cumminsville
- Millvale
- English Woods

Environmental Crimes Taskforce

- Hamilton County R3Source
- Hamilton County Sheriff Department
- Hamilton County Prosecutor's Office
- Hamilton County Public Health
- Keep Cincinnati Beautiful
- Cincinnati Public Services
- Cincinnati Buildings & Inspections
- Cincinnati Health Department



- Some neighborhoods are **plagued by chronic illegal dumping**
- Many communities hard hit with acts of environmental crimes are also those with the **highest economic despair**, leaving the residents with little to few resources to tackle the problem
- Illegal dumping has a **detrimental impact** on Cincinnati's **environmental, economic and social health**



- Mosquito or disease carrying pests
- Air, soil, and water contamination
- Exposure to harmful or hazardous materials
- Can leach into local waterways, which ultimately contributes to oceanic pollution
- Attracts other crimes
- Social-well being and overall community moral



- On average collect around **10,000 illegally dumped tires** each year
- Monitor on average **20 - 25 dumpsites** each month
- We turn over around **100 dumping vandals** each year to law enforcement



- On average removes **250K pounds of litter, recycling, and illegally dumped debris** each year
- The City Department of Public Services cleans on average **20 to 25 illegal dump sites each month**, costing up to **\$8,000 per cleanup**
- Costs the city over **\$2 million a year** for illegal dumping cleanup



- **EDUCATION AND AWARENESS**
- **ACCESS TO RESOURCES**
- **BEAUTIFICATION!**





THANK YOU

Jonathan Adee

Executive Director

Jonathan@keepcincinnatibeautiful.org

Alistair Probst

Environmental Services & Greenspace Director

Alistair@keepcincinnatibeautiful.org



Private Lot Abatement Program

Department Of Buildings & Inspections

Private Lot Abatement (PLAP)

- What is PLAP?
- Code Enforcement Process
- If You Receive a Citation
- Fines & Abatement
- 2021 Stats

B&I Code Enforcement- Mission

- To protect the health, safety, and quality of life of the public by assisting citizens with construction and land use code compliance, elimination of blight and building safety hazards, and promoting new development and renovation through excellent customer service, education, and fair and equitable enforcement.

What is PLAP

- PLAP is the code enforcement unit that handles complaints of litter, weeds, dumping and related violations on private property.
- Public property (such as City owned property) is addressed by Public Services and other City Departments who control the public property.
- The work of PLAP normally includes litter on privately owned property, weeds, improper trash can set out, and dumping.
- If private property owners do not cut weeds and clean litter having been cited, PLAP uses a private contractor to perform the work

The Code Enforcement Process

- INTAKE- Complaint Generated by Citizen, Neighbor or Inspector
- INSPECTION- Inspector responds within 24 to 72 hours
- CIVIL CITATION- If violation exist, a civil citation is issued
- LITTER & TALL GRASS VIOLATIONS- Reinspected for compliance in 7-10 days, if still in violation 2nd citation is issued and referral sent to Abatement Program (to be cleaned/cut by a contractor)
- 30 DAY INSPECTION- All grass and litter violations for properties in Abatement Program until owner bring property into compliance. If property falls into violation again, a citation is issued, and another referral is created for abatement
- TRASH SET OUT VIOLATIONS- Civil citations can be issued daily as violations exist

If you receive a citation

- Correct the violation ASAP, notify the Enforcement Officer of completion or with questions, request a hearing to receive a “Cure Credit.”
- You may request a hearing if you disagree with the Citation
- Pay any citation you owe timely to avoid collections. Late payments double.
- Take preventive measures to avoid citations going forward.
- If you are a victim of “third party littering” submit a plan of litter prevention and adhere to it to avoid on going violations.

Fines & Abatement

city of CINCINNATI

NOTICE OF \$75.00 CIVIL FINE
PSC2110858-01

AMOUNT: \$75.00

OFFENSE: BASH-AD

DATE: 12/11 PM

LOCATION: Contained to be Removed from Collection Points

DESCRIPTION AND LOCATION NOTES: Observed Trash or Recycling Toters on curb on 12/11.

Fine Class	Fine	Reduction	Previously Cited
A	\$75.00	0%	

Officer Signature: *Ellen Swallow*

Officer Title: Ellen Swallow

Department: Public Services - Litter/Trash/Com

THIS TICKET IS NOT A WAIVER

You have been cited and fined for violating the Cincinnati Municipal Code. You must pay the amount of the penalty listed on this ticket to the Office of Administrative Hearings.

Two Centennial Plaza
805 Central Avenue, Suite 110
Cincinnati, Ohio 45202

You may also pay on line at: www.cincinnati-oh.gov/oaah

If you dispute this ticket, you must schedule a hearing by mail, fax or email your written request to the Office of Administrative Hearings at:

Office of Administrative Hearings
Two Centennial Plaza
805 Central Avenue, Suite 110
Cincinnati, Ohio 45202

Or OAH@cityofcincinnati-oh.gov or fax to 513-252-4888.

After your request for a hearing is received you will be notified of the hearing date and time. All hearings are held in person unless you request otherwise. If you do not appear for your hearing, you may be fined or charged a fee for this hearing:

- \$10 for Class A, K1 and B Civil Offenses
- \$25 for Class B1, C, and G Civil Offenses
- \$75 for Class D and E Civil Offenses
- \$100 for Class F1, G2, G3, and F Civil Offenses



**YOU HAVE BEEN F
CINCINNATI MUNICIPAL
TO THIS TICKET AND
DOUBLE THE FINE
IF**

- Fines are issued directly when a violation is documented under the C.M.C.
- Fines are \$500 for Grass & Litter Violations
- Fines are up to \$750.00 for Trash Set Out Violations
- Fines go to collections if unpaid
- Abatement Costs for weed and litter clean ups are invoiced and if unpaid are assessed to the property tax bill for payment with property taxes under state law
- Debris at curb for Trash Set Out violations is referred to DPS for removal

2021 Stats

- 11,917 New serviced request
- 974 Tall grass abatements
- 272 Litter abatements
- \$483,028 Abatement cost
- 1060 Properties currently in abandoned property program

Weeds, Improper Set Out, Litter



Thank you!
Questions?

City of Cincinnati
An Ordinance No. _____

CHM

AWB

- 2022

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains, appurtenances, fixtures, and equipment in and upon certain real property located in Miami Township related to The Reserve at Deer Run, Phase 3 Subdivision.

WHEREAS, DRCC, LLC, an Ohio limited liability company, and Deer Run Neighborhood Association, Inc., an Ohio nonprofit corporation, have granted an easement in favor of the City of Cincinnati for water mains, appurtenances, fixtures, and equipment in and upon certain real property located in Miami Township related to The Reserve at Deer Run, Phase 3 Subdivision, as more particularly depicted and described on an easement plat recorded in Plat Book 482, Page 86, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by DRCC, LLC, an Ohio limited liability company, and Deer Run Neighborhood Association, Inc., an Ohio nonprofit corporation, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances in and upon certain real property located in Miami Township related to The Reserve at Deer Run, Phase 3 Subdivision, as depicted on the plat entitled *Waterline Easement Plat WSL# 3628 PS- The Reserve at Deer Run, Phase 3 – E-1048*, as more particularly depicted and described on an easement plat recorded in Plat Book 482, Page 86, Hamilton County, Ohio Recorder's Office and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Tract I

SITUATE IN SECTION 2, TOWN 1, FRACTIONAL RANGE 2, MIAMI TOWNSHIP, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF LOT 145, THE RESERVE AT DEER RUN, PHASE 3, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 484, PAGES 83 AND 84, OF THE HAMILTON COUNTY RECORDER'S OFFICE, CINICINNATI, OHIO

Tract II

SITUATE IN SECTION 2, TOWN 1, FRACTIONAL RANGE 2, MIAMI TOWNSHIP, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF LOT 146, THE RESERVE AT DEER RUN, PHASE 3, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 484, PAGES 83 AND 84, OF THE HAMILTON COUNTY RECORDER'S OFFICE, CINICINNATI, OHIO

Tract III

SITUATE IN SECTIONS 1 AND 2, TOWN 1, FRACTIONAL RANGE 2, MIAMI TOWNSHIP, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET 5/8" IRON PIN AND CAP (#7862) AT THE NORTHWEST CORNER OF LOT 20 OF DEER RUN COUNTRY CLUB ESTATES, SECTION 1 AS RECORDED IN PLAT BOOK 262, PAGES 97 AND 98 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE LINES OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 1 THE FOLLOWING FIVE COURSES AND DISTANCES, SOUTH 37°28'39" EAST, 151.45 FEET TO A POINT IN THE NORTHWESTERLY RIGHT OF WAY OF PICKWAY DRIVE; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY OF PICKWAY DRIVE, ALONG A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 325.00 FEET; A DISTANCE OF 30.07 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 48°55'30" WEST, 30.06 FEET TO A POINT; THENCE LEAVING THE NORTHWESTERLY RIGHT OF WAY OF PICKWAY DRIVE, NORTH 37°28'39" WEST, 165.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 73°02'10" WEST, 134.17 FEET TO A POINT, BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.23 FEET NORTH; THENCE NORTH 71°47'55" WEST, 51.99 FEET TO THE NORTHWEST CORNER OF SAID DEER

RUN COUNTRY CLUB ESTATES, SECTION 1 BEING THE NORTHEAST CORNER OF DEER RUN COUNTRY CLUB ESTATES, SECTION 2A AS RECORDED IN PLAT BOOK 270, PAGE 19 AND 20 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.24 FEET NORTH; THENCE LEAVING THE NORTHERLY LINE OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 1 ALONG THE NORTHERLY LINES OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 2A THE FOLLOWING TWO COURSES AND DISTANCES, NORTH 67°04'01" WEST, 186.91 FEET TO A POINT, BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.23 FEET WEST; THENCE NORTH 83°20'12" WEST, 262.49 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AT THE NORTHWEST CORNER OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 2A BEING THE NORTHEAST CORNER OF DEER RUN COUNTRY CLUB ESTATES, SECTION 2B AS RECORDED IN PLAT BOOK 278, PAGES 96 AND 97 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE LEAVING THE NORTHERLY LINE OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 2A ALONG THE LINES OF SAID DEER RUN COUNTRY CLUB ESTATES SECTION 2B THE FOLLOWING TWENTY THREE COURSES AND DISTANCES, NORTH 49°19'01" WEST, 238.68 FEET TO AN EXISTING IRON PIN AND CAP; THENCE NORTH 45°51'26" WEST, 217.34 FEET TO AN EXISTING IRON PIN AND CAP; THENCE NORTH 86°50'03" WEST, 98.04 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 64°31'12" WEST, 125.26 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 39°58'14" WEST, 127.51 FEET TO AN EXISTING 5/8" IRON PIN; THENCE SOUTH 02°25'11" EAST, 160.14 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 61°02'47" EAST, 224.30 FEET TO AN EXISTING 5/8" IRON PIN; THENCE SOUTH 40°40'59" WEST, 85.00 FEET TO A POINT, BEING WITNESSED BY AN EXISTING 5/8" IRON PIN WHICH IS 0.89 FEET WEST; THENCE NORTH 63°24'10" WEST, 236.47 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 65°00'16" WEST, 230.07 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 08°58'21" EAST, 233.55 FEET TO A POINT, BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.37 FEET NORTH AND 0.29 FEET EAST; THENCE SOUTH 62°19'01" EAST, 215.00 FEET TO A POINT; THENCE SOUTH 78°16'01" EAST, 20.19 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 28°12'35" WEST, 168.92 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 10°23'00" EAST, 58.66 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 28°01'01" EAST, 97.78 FEET TO AN EXISTING 5/8" IRON PIN; THENCE SOUTH 68°21'51" EAST, 166.81 FEET TO AN EXISTING 5/8" IRON PIN; THENCE NORTH 88°28'59" EAST, 134.05 FEET TO AN EXISTING IRON PIN AND CAP; THENCE NORTH 17°26'23" EAST, 334.22 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 26°45'26" EAST, 70.67

FEET TO AN EXISTING IRON PIN AND CAP; THENCE NORTH 40°35'36" EAST, 162.40 FEET TO AN EXISTING IRON PIN AND CAP AND NORTH 23°21'54" EAST, 28.49 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AT THE SOUTHWEST CORNER OF LOT 38 OF THE AFOREMENTIONED DEER RUN ESTATES, SECTION 2A; THENCE LEAVING THE LINES OF SAID DEER RUN COUNTRY CLUB ESTATES, SECTION 2B ALONG THE LINES OF SAID DEER RUN COUNTRY CLUB ESTATES SECTION 2A THE FOLLOWING NINE COURSES AND DISTANCES, SOUTH 68°08'22" EAST, 80.93 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 79°04'27" EAST, 86.90 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 21°53'11" WEST, 38.67 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 38°14'11" WEST, 337.56 FEET TO AN EXISTING 5/8" IRON PIN; THENCE SOUTH 10°01'54" EAST, 230.60 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 78°48'04" EAST, 248.65 FEET TO AN EXISTING IRON PIN AND CAP; THENCE NORTH 37°43'03" EAST, 196.98 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 41°42'29" EAST, 283.50 FEET TO A POINT; BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.17 FEET SOUTH AND 0.22 FEET WEST; THENCE NORTH 10°58'53" EAST, 108.00 FEET TO AN EXISTING 1" IRON PIN AT THE SOUTHWEST CORNER OF LOT 16 OF THE AFOREMENTIONED DEER RUN ESTATES, SECTION 1; THENCE LEAVING THE LINES OF SAID DEER RUN ESTATES, SECTION 2A ALONG THE LINES OF SAID DEER RUN ESTATES SECTION 1 THE FOLLOWING FOURTEEN COURSES AND DISTANCES, SOUTH 84°22'26" EAST, 97.07 FEET TO A POINT; BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.34 FEET SOUTH AND 0.51 FEET WEST; THENCE SOUTH 00°16'15" WEST, 53.01 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 20°08'59" EAST, 188.48 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 55°47'14" EAST, 142.20 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 72°24'08" EAST, 188.81 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 20°35'19" EAST, 151.65 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 18°25'48" WEST, 188.03 FEET TO A POINT; BEING WITNESSED BY AN EXISTING 5/8" IRON PIN WHICH IS 0.23 FEET NORTH AND 0.28 FEET WEST; THENCE NORTH 37°28'39" WEST, 199.30 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF PICKWAY DRIVE; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF PICKWAY DRIVE, ALONG A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 375.00 FEET; A DISTANCE OF 30.05 FEET, THE CHORD OF SAID CURVE BEARS NORTH 49°24'22" EAST, 30.04 FEET TO A POINT; THENCE SOUTH 37°28'39" EAST, 128.81 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 66°27'27" EAST, 105.00 FEET TO AN EXISTING 1" IRON PIN, THENCE SOUTH 44°11'11" EAST, 84.57 FEET TO A SET 5/8" IRON PIN AND CAP (#7862);

THENCE SOUTH 74°43'19" EAST, 101.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 53°24'39" EAST, 140.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AT THE SOUTHEAST CORNER OF SAID DEER RUN ESTATES, SECTION 1, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 284 OF KIRKRIDGE ACRES, BLOCK "L" AS RECORDED IN PLAT BOOK 256, PAGE 37 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE LEAVING SAID DEER RUN ESTATES SECTION 1 ALONG THE WESTERLY LINES OF SAID KIRKRIDGE ACRES, BLOCK "L" THE FOLLOWING FOUR COURSES AND DISTANCES, SOUTH 04°57'04" WEST, 81.49 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 01°22'20" EAST, 156.50 FEET TO AN EXISTING IRON PIN AND CAP WHICH IS 1.81 FEET SOUTH AND 0.95 FEET EAST; THENCE SOUTH 43°55'59" WEST, 50.00 FEET A POINT, BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 2.16 FEET SOUTH AND 1.36 FEET EAST; THENCE SOUTH 46°04'01" EAST, 182.37 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) IN THE NORTHERLY LINE OF THE PROPERTY AS CONVEYED TO ERNEST AND JEANNE CIAMBARELLA IN DEED BOOK 4347, PAGE 1156 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE LEAVING THE WESTERLY LINE OF SAID KIRKRIDGE ACRES, BLOCK "L" ALONG THE NORTHERLY LINES OF SAID CIAMBARELLA TRACT THE FOLLOWING FOUR COURSES AND DISTANCES, SOUTH 73°30'23" WEST, 369.52 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 43°55'59" WEST, 329.02 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 46°04'01" WEST, 131.10 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AND SOUTH 51°55'59" WEST, 640.41 FEET TO A POINT IN THE NORTHERLY LINE OF THE PROPERTY AS CONVEYED TO RUSSELL G. AND SUSAN J. CORNETT IN OFFICIAL RECORD 12582, PAGE 448 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH IS 0.24 FEET NORTH; THENCE LEAVING THE NORTHERLY LINE OF SAID CIAMBARELLA TRACT ALONG THE NORTHERLY LINE OF SAID CORNETT TRACT THE FOLLOWING SIX COURSES AND DISTANCES, NORTH 38°04'01" WEST, 4.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 85°12'19" WEST, 217.00 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 77°58'59" WEST, 178.62 FEET TO AN EXISTING IRON PIN AND CAP; THENCE SOUTH 61°28'59" WEST, 69.83 FEET TO AN EXISTING 5/8" IRON PIN; THENCE SOUTH 74°26'59" WEST, 86.92 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AND SOUTH 61°00'26" WEST, 257.03 FEET TO THE NORTHWEST CORNER OF SAID CORNETT TRACT; SAID POINT BEING IN THE NORTHEASTERLY LINE OF THE PROPERTY S CONVEYED TO WESTERN WILDLIFE CORRIDOR, INC. IN OFFICIAL RECORD 12786, PAGE 1198 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING WITNESSED BY A 5/8" IRON PIN WHICH IS

0.37 FEET WEST; THENCE LEAVING THE NORTHERLY LINE OF SAID CORNETT TRACT ALONG THE NORTHERLY LINE OF SAID WESTERN WILDLIFE CORRIDOR TRACT THE FOLLOWING TWO COURSES AND DISTANCES, NORTH 81°06'01" WEST, 81.76 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); AND NORTH 53°55'01" WEST, 5.68 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) ; THENCE LEAVING THE NORTHEASTERLY LINE OF SAID WESTERN WILDLIFE CORRIDOR TRACT ALONG A NEW DIVISION LINE THE FOLLOWING TWENTY SIX COURSES AND DISTANCES, NORTH 05°02'20" WEST, 537.81 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 76.00 FEET; A DISTANCE OF 35.15 FEET; THE CHORD OF SAID CURVE BEARS NORTH 81°47'17" WEST, 34.84 FEET TO A POINT; THENCE SOUTH 58°28'12" WEST, 12.13 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 86.00 FEET; A DISTANCE OF 23.46 FEET, THE CHORD OF SAID CURVE BEARS NORTH 55°51'08" WEST, 23.38 FEET TO A POINT; THENCE NORTH 48°02'20" WEST, 288.86 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 114.00 FEET, A DISTANCE OF 41.27 FEET, THE CHORD OF SAID CURVE BEARS NORTH 58°24'32" WEST, 41.04 FEET TO A POINT; THENCE NORTH 68°46'43" WEST, 193.06 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 40.00 FEET; A DISTANCE OF 27.27 FEET, THE CHORD OF SAID CURVE BEARS NORTH 01°41'37" EAST, 26.74 FEET TO A POINT; THENCE NORTH 46°33'10" EAST, 150.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 57°29'39" WEST, 165.10 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 03°24'08" EAST, 790.85 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 05°31'33" EAST, 68.29 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 27°45'13" EAST, 55.88 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 38°24'08" EAST, 239.48 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 45°50'18" EAST, 66.18 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 59°39'05" EAST, 66.18 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 73°28'25" EAST, 66.18 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 87°17'46" EAST, 66.18 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 79°27'24" EAST, 70.85 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 76°35'52" EAST, 354.94 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 85°11'05" EAST, 267.63 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 76°35'31" EAST, 592.82 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 57°35'30" EAST, 383.65 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 17°34'01" EAST, 107.53 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 37°55'59" WEST, 114.46

FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 52°04'01" EAST, 12.00 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 37°55'59" WEST, 125.00 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 56.6128 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 2, 2022

To: Mayor and Members of City Council
From: John P. Curp, Interim City Manager
Subject: Ordinance-Reserve at Deer Run Phase 3 Easement

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains, appurtenances, fixtures, and equipment in and upon certain real property located in Miami Township related to The Reserve at Deer Run, Phase 3 Subdivision.

The City's Greater Cincinnati Water Works (GCWW) provides retail water service to a portion of Miami Township in Hamilton County that is being developed by the owner, DRCC, LLC as the Reserve at Deer Run, Phase 3 Subdivision. To benefit the development, DRCC is installing certain water mains and other water appurtenances that will be owned and maintained by GCWW following completion and GCWW acceptance. This ordinance is to accept an easement from DRCC, LLC for the City to access, operate, maintain, repair, and replace the City-owned water facilities on the developer's property.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works

CBB by PSC

Date: February 9, 2022

To: Mayor and Members of City Council 202200183
From: John P. Curp, Interim City Manager
Subject: ORDINANCE – GRANT OF EASEMENT – HG PEARL PROVIDENT LLC (VINE AND E. SEVENTH STREETS)

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of HG Pearl Provident, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Vine and E. Seventh Streets in the Central Business District.

HG Pearl Provident, LLC, an Indiana limited liability company (“Grantee”) owns the property located at 630 Vine Street in the Central Business District and has requested an encroachment easement for the purpose of installing seven out-swinging doors, which will encroach upon portions of Vine and E. Seventh Streets.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way and that granting the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities.

The fair market value of the easements is approximately \$980 which Grantee has agreed to pay.

The City Planning Commission approved the easements at its meeting on December 3, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easement

cc: John S. Brazina, Director, Transportation and Engineering John B.

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of HG Pearl Provident, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Vine and E. Seventh Streets in the Central Business District.

WHEREAS, HG Pearl Provident, LLC, an Indiana limited liability company (“Grantee”), owns certain real property located at 630 Vine Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns the adjoining Vine Street and E. Seventh Street public rights-of-way (the “Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, Grantee has requested easements from the City for encroachments upon portions of the Property, namely, seven out-swinging doors, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with DOT, has determined (i) that granting the easements to Grantee is not adverse to the City’s retained interest in the Property and; (ii) that granting the easements will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by an appraisal that the fair market value of the easements is approximately \$980, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on December 3, 2021; 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 *Grant of Easement* in favor of HG Pearl Provident, LLC, an Indiana limited liability company (“Grantee”), owner of the property located at 630 Vine Street in the Central Business District, in substantially the form

attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee easements for encroachments upon the Vine Street and E. Seventh Street public rights-of-way (the “Property”).

Section 2. That granting the easements to Grantee (i) is not adverse to the City’s retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way.

Section 3. That it is in the best interest of the City to grant the easements without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easements.

Section 4. That the fair market value of the easements, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$980, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the *Grant of Easement*, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. 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 and to fulfill the terms

of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachments upon portions of Vine and E. Seventh Streets)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **HG PEARL PROVIDENT, LLC**, an Indiana limited liability company, with a tax mailing address of 630 Vine Street, Cincinnati, OH 45202 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on March 21, 2018, in OR 13629, Page 1682, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 630 Vine Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Vine and E. Seventh Streets public rights-of-way, which are under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant easements for encroachments on and across the Vine and E. Seventh Streets public rights-of-way, i.e., out-swinging doors (the "**Encroachments**").

D. The City Manager, in consultation with DOT, has determined that (i) the easements will not have an adverse effect on the City's retained interest in the Vine and E. Seventh Streets public rights-of-way, and (ii) granting the easements will not have an adverse effect on the usability or accessibility of any existing Vine and E. Seventh Streets public rights-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$980, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on December 3, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. [____]-2022, passed on [____], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, seven non-exclusive encroachment easements to use, maintain, repair, reconstruct, replace, and remove out-swinging doors in, on, and across the Vine and E. Seventh Streets public rights-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (*Legal Description-Out-Swinging Door Easements*) hereto (the "**Door Easements**" or "**Door Easement Areas**", as applicable). Grantee shall not make any modifications to the Encroachments within the Door Easement Areas without the City's prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Door Easements shall automatically terminate upon (i) the complete or respective partial demolition of the Encroachments within the Door Easement Areas, such that the Door Easements would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Door Easement Areas, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act ("**ADA**") regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachments are creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachments in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Door Easement Areas ("**Third-Party Utility Lines**"). In connection with Grantee's maintenance, repair, and use of the Encroachments, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachments under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Door Easement Areas. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Encroachments, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachments.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOT:

(i) The doors must remain in their existing recessed position—the same doorjamb.

(ii) Grantee must provide a clear pedestrian path of at least 8 feet from the outswing door edge to the curb.

(iii) Grantee must obtain zoning approval, including, but not limited to, a Certificate of Appropriateness issued by the Urban Conservator or Historic Conservation Board, as applicable.

(B) Cincinnati Bell: There are existing underground telephone facilities at or around this location. The existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this instrument will be handled entirely at Grantee's expense.

(C) Buildings and Inspections: Grantee shall record a consolidation plat for the Benefitted Property.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description - Out-Swinging Door Easements*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

HG PEARL PROVIDENT, LLC,
an Indiana limited liability company,

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **HG PEARL PROVIDENT, LLC**, an Indiana limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

Situated in the City of Cincinnati, Hamilton County, Ohio, at the southeast corner of Vine Street and Seventh Street and being all of Lots 17, 18, 24, 25 and 26 and part of Lots 23 and 27 of J.S. Gano Subdivision as recorded in Plat Book M, Volume 1, Page 689 of the Hamilton County, Ohio Records, and being more particularly described as follows:

Commencing at the intersection of the South line of Seventh Street and the East line of Vine Street, also being the northwest corner of said J.S. Gano Subdivision; thence from said beginning point eastwardly along the South line of Seventh Street and along the North lines of Lots 25, 24, and 17 of said J. S. Gano Subdivision to the West line of Lodge Street, said point also being the northeast corner of Lot No. 17 of said J. S. Gano Subdivision; thence southwardly along the west line of Lodge Street and along the East line of Lots 17 and 18 of J. S. Gano Subdivision to the North line of Gano Street, said point also being in the southeast corner of Lot 18 of J. S. Gano Subdivision; thence westwardly along the North line of Gano Street and along the South lines of Lot 18 and 23 of J. S. Gano Subdivision a distance of 72 feet 8 inches more or less to the Southeast corner of Registered Land Certificate No. 14138; thence North 16 degrees West along the East line of Registered Land Certificate No. 14138 a distance of 70.95 feet to the Northeast corner of Registered Land Certificate No. 14138; thence South 74 degrees 06' West 116.45 feet to the East line of Vine Street and the northwest corner of Registered Land Certificate No. 14138; thence northwardly along the East line of Vine Street a distance of 117.50 feet, more or less to the place of beginning.

The above property is also described as follows:

Situated in Section 18, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, Ohio, being all of Lots 17, 18, 24, 25 and 26 and part of Lots 23 and 27 of John S. Gano Subdivision, as recorded in Deed Book M. Volume 1, Page 689 of the Hamilton County Ohio Records, described as follows:

Beginning at the intersection of the south line of Seventh Street with the east line of Vine Street thence North 74°06'30" East, along the South line of Seventh Street, a distance of 189.53 feet to the west line of Ruth Lyons Lane (formerly Lodge Street); thence South 16°03'30" East, along the west line of Ruth Lyons Lane, a distance of 188.24 feet, to the north line of Gano Street; thence South 74°06'30" West, along the north line of Gano Street, a distance of 73.17 feet, to the east line of Registered Land No. 148881 (formerly Registered Land No. 14138); thence North 16°00' West, along the east line of Registered Land No. 148881 and No. 121267, a distance of 70.83 feet, to the northeast corner of Registered Land No. 121267 (formerly Registered Land No. 14138); thence South 74°06' West, along the north line of Registered Land No. 121267, a distance of 116.45 feet, to the northwest corner of Registered Land No. 121267 and the east line of Vine Street; thence North 16°03'30" West, along the east line of Vine Street, a distance of 117.42 feet, to the place of beginning.

EXHIBIT B

to Grant of Easement

Survey Plat

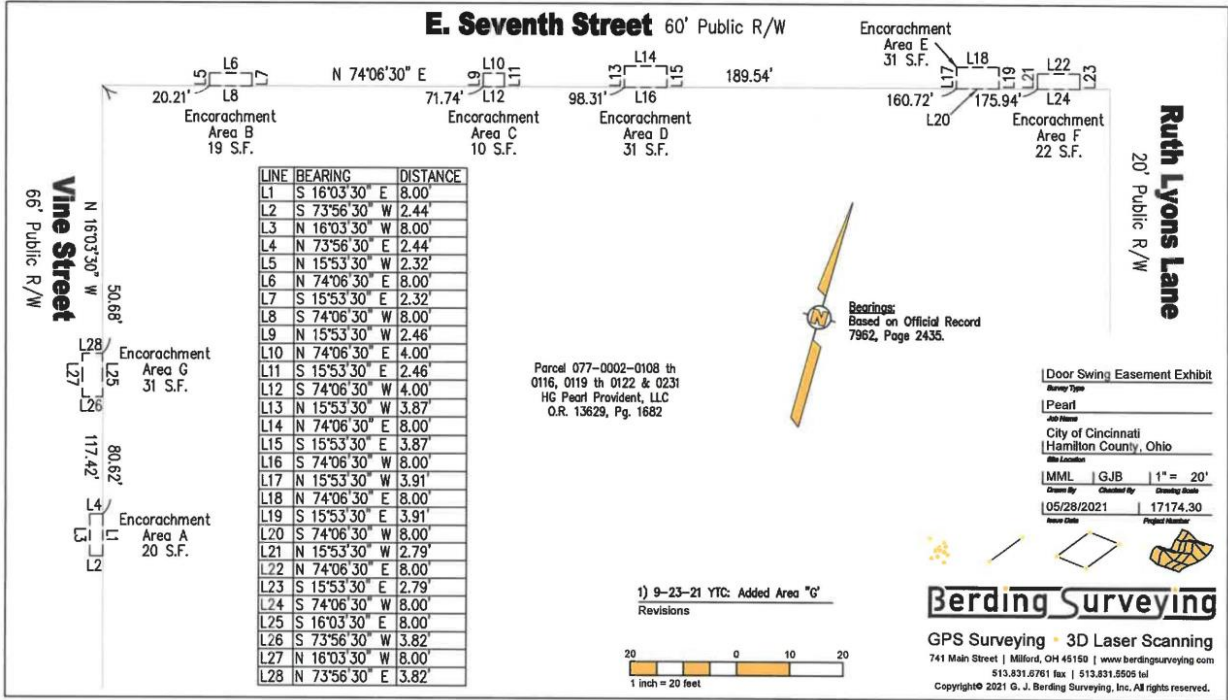


EXHIBIT C

to Grant of Easement

Legal Description – Out-Swinging Door Easements

Description for: Door Swing Encroachment Easement AREA A

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the east line of Vine Street, South 16°03'30" East, 80.62 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence along the east line of said Vine Street, South 16°03'30" East, 8.00 feet;

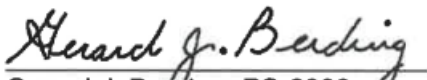
Thence through the right of way of said Vine Street the following three (3) courses:

1. South 73°56'30" West, 2.44 feet,
2. North 16°03'30" West, 8.00 feet,
3. North 73°56'30" East, 2.44 feet to the **POINT OF BEGINNING**.

CONTAINING 20 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA B

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the south line of East Seventh Street, North 74°06'30" East, 20.21 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence through the right of way of said East Seventh Street the following three (3) courses:

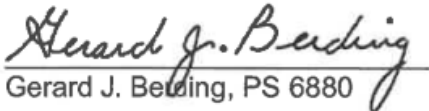
1. North 15°53'30" West, 2.32 feet,
2. North 74°06'30" East, 8.00 feet,
3. South 15°53'30" East, 2.32 feet to the south line of aforesaid East Seventh Street;

Thence along the south line of East Seventh Street, South 74°06'30" West, 8.00 feet to the **POINT OF BEGINNING.**

CONTAINING 19 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA C

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the south line of East Seventh Street, North 74°06'30" East, 71.74 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence through the right of way of said East Seventh Street the following three (3) courses:

1. North 15°53'30" West, 2.46 feet,
2. North 74°06'30" East, 4.00 feet,
3. South 15°53'30" East, 2.46 feet to the south line of aforesaid East Seventh Street;

Thence along the south line of East Seventh Street South 74°06'30" West, 4.00 feet to the **POINT OF BEGINNING.**

CONTAINING 10 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA D

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the south line of East Seventh Street, North 74°06'30" East, 98.31 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence through the right of way of said East Seventh Street the following three (3) courses:

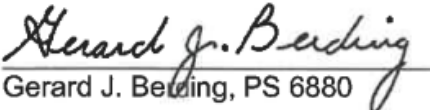
1. North 15°53'30" West, 3.87 feet,
2. North 74°06'30" East, 8.00 feet,
3. South 15°53'30" East, 3.87 feet to the south line of aforesaid East Seventh Street;

Thence along the south line of East Seventh Street, South 74°06'30" West, 8.00 feet to the **POINT OF BEGINNING.**

CONTAINING 31 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA E

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the south line of East Seventh Street, North 74°06'30" East, 160.72 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence through the right of way of said East Seventh Street the following three (3) courses:

1. North 15°53'30" West, 3.91 feet,
2. North 74°06'30" East, 8.00 feet,
3. South 15°53'30" East, 3.91 feet to the south line of aforesaid East Seventh Street;

Thence along the south line of East Seventh Street, South 74°06'30" West, 8.00 feet to the **POINT OF BEGINNING.**

CONTAINING 31 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA F

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the south line of East Seventh Street, North 74°06'30" East, 175.94 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence through the right of way of said East Seventh Street the following three (3) courses:

1. North 15°53'30" West, 2.79 feet,
2. North 74°06'30" East, 8.00 feet,
3. South 15°53'30" East, 2.79 feet to the south line of aforesaid East Seventh Street;

Thence along the south line of East Seventh Street, South 74°06'30" West, 8.00 feet to the **POINT OF BEGINNING**.

CONTAINING 22 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

05-28-2021
Date



EXHIBIT C (Cont.)

Description for: Door Swing Encroachment Easement AREA G

Location: E. Seventh St. & Vine St. City of Cincinnati, Hamilton County, Ohio

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

BEGINNING in the east line of Vine Street, South 16°03'30" East, 50.68 feet from the intersection of the south line of East Seventh Street and the east line of Vine Street;

Thence along the east line of said Vine Street, South 16°03'30" East, 8.00 feet;

Thence through the right of way of said Vine Street the following three (3) courses:

1. South 73°56'30" West, 3.82 feet,
2. North 16°03'30" West, 8.00 feet,
3. North 73°56'30" East, 3.82 feet to the **POINT OF BEGINNING**.

CONTAINING 31 SQUARE FEET.

Bearings based on Official Record 7962, Page 2435 as recorded at the Hamilton County Recorder's Office.

Based on an easement exhibit prepared by G.J. BERDING SURVEYING, INC.


Gerard J. Berding, PS 6880

09-23-2021
Date





Mark Jeffreys
Councilmember

February 1, 2022

MOTION

WE MOVE that, the Administration provide a report within thirty (30) days on the cost and timing of doing a comprehensive, multi-year plan across the 52 neighborhoods for pedestrian safety as a roadmap to achieving the City of Cincinnati's Vision Zero policy. This integrated, neighborhood-by-neighborhood plan should include Complete Streets plans where there are structural changes needed to traffic (e.g. road diets, bump outs, speed humps, etc.), as well as protected bike lanes (connecting anchor point destinations of employment, recreation and shopping), permanent implementation of rush hour parking in neighborhood business districts, and dedicated bus lanes--all of which reduce crashes and make our streets safer. The outcome of this report will be a decision on whether to pursue this comprehensive plan based on the process, costs, and timing outlined.

STATEMENT

Despite an increase in funding for Vision Zero pedestrian safety initiatives in the city in 2021, there were 305 accidents involving pedestrians and cyclists in 2021 that included 7 deaths.¹ The city rightfully seeks a solution to a "problem intersection" when there is an incident; however, that reaction is not grounded in a comprehensive, neighborhood-by-neighborhood pedestrian safety plan.

Data demonstrates that tools used for other transportation objectives have a separate benefit of pedestrian safety but are usually not considered as speed calming measures. Specifically, protected bike lanes reduce crashes by 47% for cars, pedestrians, and cyclists. Data from the Clifton Avenue temporary protected bike lanes reinforced this with 6,300 fewer cars speeding per week as a result of the protected bike lanes. Separate data on dedicated bus lanes, including bus rapid transit lanes, and implementation of rush hour parking in neighborhood business districts has also show a reduction in crashes due to those measures' resulting in a reduction in speeding.

¹ <https://insights.cincinnati-oh.gov/stories/s/sj28-dfcf>

Development of this comprehensive, 52-neighborhood plan would involve engaging Community Councils, neighborhood stakeholders, and all residents to fully understand the needs of each community as well as advocacy groups. While we would expect this comprehensive roadmap of action could take a year or so to develop, the intent of this motion is not to delay immediate work under way now to address urgent issues involving pedestrian safety over the next year throughout the city.

The expectation is that the ultimate comprehensive plan would require significant investment in time and resources of the Department of Transportation & Engineering (DOT&E) to implement changes needed to make our streets safer across all 52 neighborhoods. After we understand that full cost and plan then we can tackle the tough challenge of identifying dedicated funding sources for these multi-year needs rather than the patchwork solution we have today on this issue.



Councilmember Mark Jeffreys

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2/9/2022
Calendar
JR72



Meeka D. Owens
Cincinnati City Council

February 8, 2022

MOTION

In an effort to further environmental development and climate protection in the City of Cincinnati, WE MOVE that the Administration provide a report within thirty (30) days on the status of the 2018 Green Cincinnati Plan, outlining:

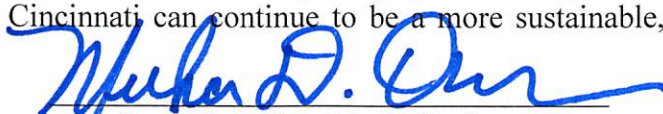
- 1) which recommendations have been completed; and
- 2) which recommendations have been started but are not yet completed; and
- 3) which recommendations have yet to be addressed or begun; and
- 4) the cost, feasibility, and potential timeline to complete the remaining, uncompleted recommendations.

In addition, we further MOVE that the Administration present recommendations for projects that could be undertaken if a Green Cincinnati Fund were to be established within the City of Cincinnati using the rebate of up to \$100,000 per year from Dynegy Energy Services, LLC pursuant to the Dynegy Greenback Program, including the rebate that has already been accepted by the City Manager for FY 2022, and the rebates that will be given to the city for FY 2023 through FY 2026.

STATEMENT

In 2011, Cincinnati voters approved a ballot initiative to implement an opt-out electric aggregation program that enables the City to negotiate reduced energy rates on behalf of program participants and take advantage of collective purchasing power. The City entered an agreement with Dynegy Energy Services, LLC (“Dynegy”) beginning in May 2021 to administer the electric aggregation program. The City’s agreement with Dynegy includes the Dynegy Greenback Program, which offers up to \$100,000 in annual rebates for energy efficiency work performed and completed at City services locations each calendar year from 2021 to 2025. City Council authorized the acceptance of these rebates in January 2022.

As the rebates from the Dynegy Greenback Program come from energy efficiency work, the funds saved should be reapplied towards other green projects that fight climate change and improve the environment so that Cincinnati can continue to be a more sustainable, equitable, and resilient city.


Councilmember Meeka D. Owens

MONICA windholtz 11:46 am 2/18/22

CAL

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202200332

Meeka D. Owens
Cincinnati City Council

February 8, 2022

MOTION

We MOVE that the Administration prepare a report, to be submitted within 30 days, cataloguing the following:

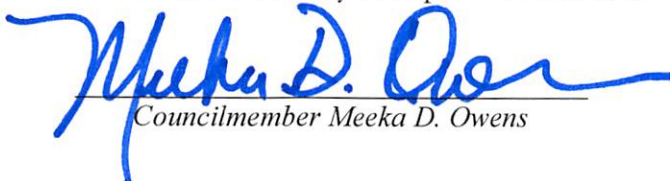
- 1) All infrastructure projects within the City of Cincinnati that are currently underway; and
- 2) All infrastructure projects within the City of Cincinnati that have been started or worked on since January 1st, 2019 but have since been paused. In addition, the report should detail why the projects have been paused; and
- 3) All infrastructure projects that are scheduled to begin at any date after this motion is submitted.

We further MOVE that the Administration organize the above information by the neighborhoods in which the project is located, with an additional section for projects that span across more than one neighborhood.

STATEMENT

The Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Bill, was signed into law on November 15, 2021. The law includes approximately \$1.2 trillion in spending, which will provide expansive funding for both physical infrastructure and human/social infrastructure. This includes projects ranging from transit, highway safety, research, rail programs, broadband access, clean water, and electric grid renewal. Funds from the law are available for municipalities to put towards local projects. In preparation for applications to these funds, it is pivotal that the City of Cincinnati have a reference to the projects that are underway or anticipated to begin soon.

By preparing a report as detailed in this Motion, City Administration will be able to identify areas that could benefit from receipt of funding from the Bipartisan Infrastructure Bill. Maximizing the City's applications and projects addressed will allow the City to improve in countless ways in the future.


Councilmember Meeka D. Owens

monica windholt 2:11:46am 2/8/27

CAZ

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