

City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2023

ACCEPTING AND CONFIRMING the dedication to public use of an approximately 0.005-acre tract of real property as a portion of the Moerlein Avenue public right-of-way for street purposes in the CUF neighborhood of Cincinnati.

WHEREAS, Moerlein Properties LLC, an Ohio limited liability company (“Developer”), by and through its duly authorized representative, has dedicated to public use an approximately 0.005-acre tract of real property (“Dedication Property”) as a portion of the Moerlein Avenue public right-of-way for street purposes by a plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”); and

WHEREAS, Peter E. Koenig, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney’s Certificate of Title dated July 13, 2023, certifying that Developer holds title to the Dedication Property depicted on the Dedication Plat in fee simple, with full power to convey, subject to certain encumbrances, including real estate taxes not yet due and payable, and that the Law Department’s Real Estate Services Division has reviewed the encumbrances and Dedication Plat and found that Developer has made satisfactory provision for the subordination of the encumbrances and payment of all real estate taxes and assessments; and

WHEREAS, the office of the City Engineer has examined and checked the Dedication Plat as to its technical features and found it to be correct; and

WHEREAS, the City Planning Commission approved the Dedication Plat and the dedication of the additional portions of Moerlein Avenue to public use as public right-of-way for street purposes at its meeting on August 18, 2023; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the City’s Department of Transportation and Engineering, recommends that Council accept and confirm the dedication of the Dedication Property as portions of the Moerlein Avenue public right-of-way for street purposes; now, therefore,

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

Section 1. That the dedication to public use of an approximately 0.005-acre tract of real property (“Dedication Property”) in CUF as a portion of the Moerlein Avenue public right-of-way for street purposes, as depicted on the plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”) and described below and on the legal

description attached to this ordinance as Attachment B and incorporated herein by reference is hereby accepted and confirmed. The Dedication Property is more particularly described as follows:

Situated in the State of Ohio, County of Hamilton, Millcreek Township, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a 1.344 acre tract of land, to Moerlein Properties LLC, by deed of record in Official Record 14942, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio, said tract bounded and described as follows:

Beginning at an iron pin found (bent) in the easterly right-of-way line of Moerlein Avenue (50 feet in width), in the northerly line of said tract conveyed to Moerlein Properties LLC, and at the southwesterly corner of Lot 25, as shown upon the plat entitled Adeline L. Brashear's Heirs Subdivision of Part 1 of Block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 8, Volume 2, Page 11, said pin being S 15° 38' 32" W a distance of 98.87 feet from a point at the intersection of the westerly right-of-way line of Moerlein Avenue with the southerly right-of-way line of McMillan Street (60 feet in width), said point being referenced by a 1" Solid found northwesterly a distance of 0.57 feet;

thence S 15° 38' 32" W along the easterly right-of-way line of Moerlein Avenue and crossing said Lot 23 a distance of 150.00 feet to a 5/8" iron pin set in the northerly right-of-way line of Lyon Street (36 feet in width) and in the southerly line of said Lot 23;

thence N 83° 52' 34" W along a portion of the northerly right-of-way line of Lyon Street and along a portion of the southerly line of said Lot 23 a distance of 1.64 feet to a 1/2" solid found at the southwest corner of said 1.344-acre tract conveyed to Moerlein Properties LLC;

thence N 15° 38' 32" E along the westerly line of said 1.344-acre tract conveyed to Moerlein Properties LLC a distance of 150.00 feet to an iron pin found (bent, 0.4' westerly) at the northwest corner of said 1.344-acre tract conveyed to Moerlein Properties LLC;

thence S 83° 52' 34" E along a portion of the northerly line of said 1.344-acre tract conveyed to Moerlein Properties LLC a distance of 1.64 feet to the place of beginning; containing 253 square feet (= 0.005 acre) of land, more or less, and being subject to all highways, easements, restrictions of record. The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, ofV3

Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in March 2021. 5/8" iron pin set are 30" in length with a plastic cap stamped "V3CO.COM". Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E, derived from VRS observations referencing monument, PID designation of DH9007 and CORSID of KYBO, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

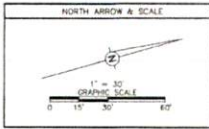
Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

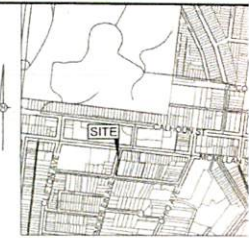
Attest: _____
Clerk

ATTACHMENT A



MOERLEIN AVENUE DEDICATION PLAT

SECTION 13, TOWN 3, FRACTIONAL RANGE 2, SYMMES' PURCHASE
MILLCREEK TOWNSHIP,
CITY OF CINCINNATI, HAMILTON CO., OHIO
0.005 ACRE



LOCATION MAP
NO SCALE

Situated in the State of Ohio, County of Hamilton, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Gramm & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a tract of land in Moerlein Properties, LLC, by deed of record in Official Record 18482, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio.

The undersigned, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, owner of the land platted herein, being duly authorized in the premises, does hereby certify that this plat correctly represents its "MOERLEIN AVENUE DEDICATION PLAT", a dedication of a portion of Moerlein Avenue for public use for street purposes, and does hereby accept this plat of same and dedicates to the City of Cincinnati as such all or parts of the Road shown hereon and not heretofore dedicated. We also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

In Witness Whereof, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, by Richard H. Kirk, Manager, has hereunto set his hands this 30th day of July, 2023.

MOERLEIN PROPERTIES LLC
an Ohio limited liability company,
150 East Broad Street,
Columbus, Ohio 43215

By: *Richard H. Kirk, Manager*
Richard H. Kirk, Authorized Signatory

Before me, a Notary Public in and for said State, personally appeared Richard H. Kirk, Manager of MOERLEIN PROPERTIES LLC, an Ohio limited liability company, who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed and the free and voluntary act and deed of MOERLEIN PROPERTIES LLC, for the uses and purposes therein expressed.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 30th day of July, 2023.



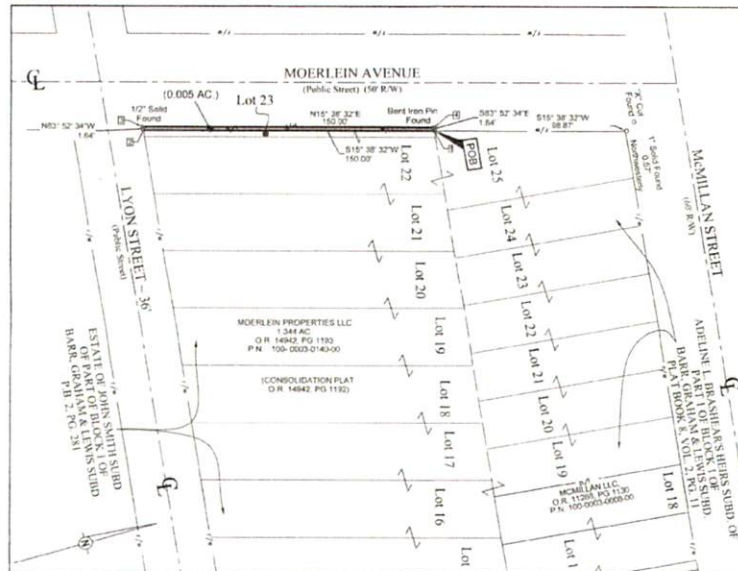
[Signature]
Notary Public, State of Ohio
County of Franklin

The undersigned Mortgagee pursuant to mortgage filed of record in O.R. 14447 Pg. 1027, Recorder's Office, Hamilton County, Ohio, does hereby consent to and accept this plat.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 7th day of July, 2023.

WEBBANCO BANK, INC.
a West Virginia banking corporation

By: *[Signature]*



PLANNING COMMISSION APPROVAL
The dedication of the portion of Moerlein Avenue, as dedicated hereon, was approved by the Cincinnati City Planning Commission on _____, 2023.

- Approved this ___ day of _____, 2023
Katherine Keough-Jurs
Director, Department of City Planning & Engagement
- Approved this ___ day of _____, 2023
[Signature]
Sewer Chief Engineer
Metropolitan Sewer District of Greater Cincinnati
- Approved this ___ day of _____, 2023
[Signature]
City of Cincinnati, Stormwater Utility Management Eng
- Approved this ___ day of _____, 2023
[Signature]
City Engineer
Department of Transportation Engineering
- Approved this ___ day of _____, 2023
[Signature]
Assistant City Solicitor

The dedication of the portion of Moerlein Avenue, as depicted hereon, is accepted by Cincinnati City Council by Ordinance No. _____ passed by the Cincinnati City Council on _____.

City of Cincinnati Clerk of Council

The Owners of all Properties shown hereon shall be subject to all applicable sewer charges, assessments, tap-in charges, or fees which have been or may be established by the Board of County Commissioners, Hamilton County, Ohio.

No part of any driveway approach within the Roadway right-of-way shall be installed closer than five (5) feet to any inlet, utility pole, street light pole, traffic control device, guy wire or fire hydrant.

- NOTES:
1. Source Documents are as noted.
 2. Occupation, in general fits survey.
 3. Monumentation used as shown and in general good condition unless otherwise noted.

ROW Dedication	0.005 Acre for Moerlein Avenue
	Total 0.005 Acre for RW Dedication
Total Site Area	0.005 Acres

We do hereby certify that we have surveyed the above premises and prepared the attached plat and that said plat is correct. All measurements are shown in feet and decimal parts thereof. Dimensions along curves are chord measurements unless otherwise indicated. 5/8" Iron Pins 3/4" long, set with yellow plastic caps stamped "V3CO.COM", unless otherwise shown, and are indicated by the following symbol: —○—

BASIS OF BEARINGS: Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E derived from VRS observations referencing monument, PID designation of DH907 and CORS ID of KY182, Ohio South Zone, NAD 83 (2011 Ad), and all other bearings are based upon this meridian.

By: *Kevin L. Baxter* 6/30/23
Kevin L. Baxter - Ohio Professional Surveyor No. 7697 Date:



Point #	Northing	Eastings	Description
1	416885.86	1396324.27	Bent Iron Pin Found
2	416841.41	1396263.83	Bent Iron Pin Found
3	416841.59	1396262.22	1/2" Steel Flag
4	416885.03	1396322.64	5/8" Iron Pin Set

MOERLEIN AVENUE
DEDICATION PLAT

ATTACHMENT B

June 23, 2023

**DESCRIPTION OF A 0.005 ACRE PORTION OF RIGHT-OF-WAY
ALONG MOERLEIN AVENUE, BETWEEN McMILLAN STREET & LYON STREET,
CITY OF CINCINNATI, MILLCREEK TOWNSHIP, HAMILTON CO., OHIO**

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Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697

