

# City of Cincinnati

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## An Ordinance No. 374

- 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

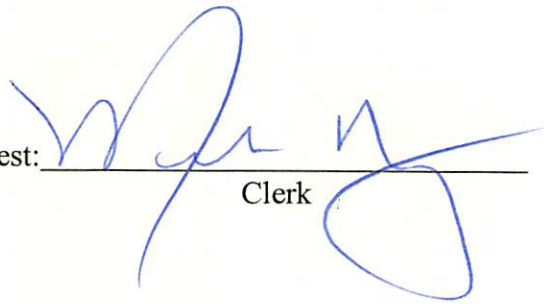
Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in March 2021. 5/8" iron pin set are 30" in length with a plastic cap stamped "V3CO.COM". Basis of bearings is the centerline of McMillan Street, 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.

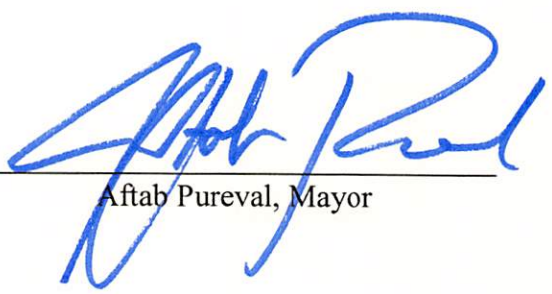
Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate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

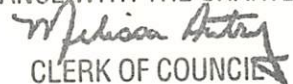
Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

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

Passed: November 9, 2023

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 374-2023  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 11/21/2023  
  
CLERK OF COUNCIL