

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

WHEREAS, Mark W. Vincent and Nancy E. Hautman have granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 484, Page 19, Hamilton County, Ohio Recorder's Office; and

WHEREAS, Patricia E. Gutzwiller has granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 483, Page 88, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plats have been examined and approved as to their technical features by the City Stormwater Management Engineer, who has found them to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works on behalf of the Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the aforementioned stormwater sewer easements; now, therefore,

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

Section 1. That the easement granted by Mark W. Vincent and Nancy E. Hautman to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment A and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in Deed Book 4108, Page 913, Hamilton County, Ohio Records.

Section 2. That the easement granted by Patricia E. Gutzwiller to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment B and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in Official Record 13511, Page 474, Hamilton County, Ohio Records.

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

Section 4. 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

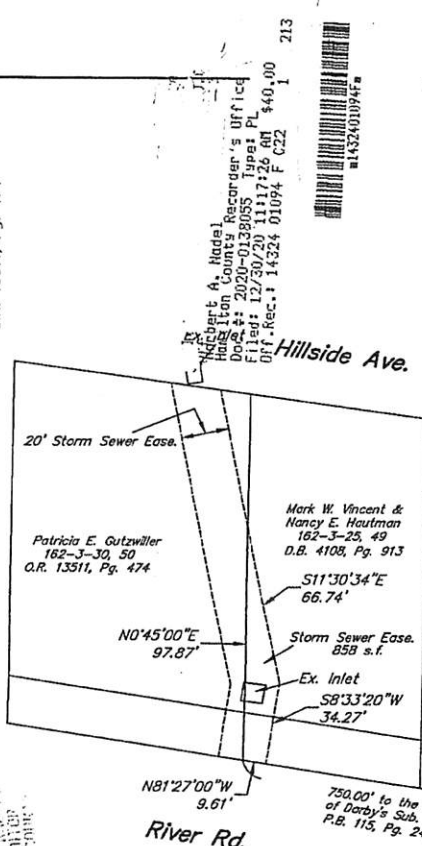
Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

O.R. 13511, Pg. 474



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described herein and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

By: *Mark W. Vincent*
Nancy E. Hautman

STORM SEWER EASEMENT
Parcel 162-3-25, 49
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'00" East, 66.74 feet to a point; thence South 88°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HEREOFTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this 8th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.

PB 484, Pg 19

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020



Tina Hayes

Joseph N. Koopman
Joseph N. Koopman
Ohio Reg. No. 7184

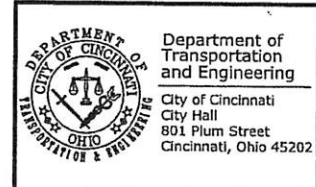
DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNW
CAGIS - _____

Approved as to form:
CRK
Sr. Asst. City Solicitor

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWM upon Council's acceptance.

APPROVED BY:
Cris Taylor
City Stormwater Management Engineer
Stormwater Management Utility



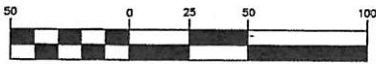
Department of
Transportation
and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Easement Plat

162-3-25, 49

Date: July, 2020

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

2020 DEC -8 PM 2:00
REGISTERED
DISTRICT CLERK

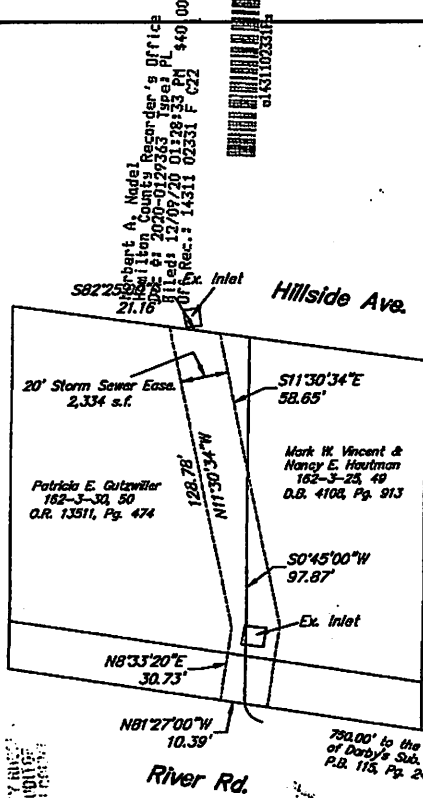
Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor

213

ATTACHMENT B

O.R. 13511, Pg. 474



The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller

By: *Patricia E. Gutzwiller*

STORM SEWER EASEMENT
Parcel 162-3-30, 50
July 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller, in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road North 01°27'00" West, 780.00 feet to the Place of Beginning; thence with the said north line, North 81°27'00" West, 10.39 feet to a point; thence North 08°33'20" East, 30.73 feet to a point; thence North 11°30'34" West, 128.78 feet to a point in the south line of Hillside Avenue; thence with the said south line, South 82°25'00" East, 21.16 feet to a point; thence South 11°30'34" East, 58.65 feet to a point; thence South 00°45'00" West, 97.87 feet to the Place of Beginning. Containing 2,334 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474.

RESTRICTIONS ON STORM SEWER EASEMENTS:

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ALEXANDRIA HAMILTON
Notary Public, State of Ohio
My Commission Expires:
1/28/2025

Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed, in testimony whereof I hereunto subscribe my name and affix my notary seal.

P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020
Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNN
CAGIS - _____

Approved as to form:

[Signature]
Sr. Asst. City Solicitor

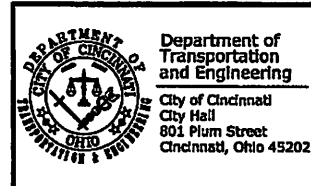
ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by CCRW upon Council's acceptance.

APPROVED BY:
[Signature]
City Stormwater Management Engineer
Stormwater Management Utility



[Signature] 9-14-20
Joseph N. Koopman
Ohio Reg. No. 7184

Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio



Easement Plat
162-3-30, 50
Date: July, 2020

Transfer Not Necessary

Dusty Rhodes

Hamilton County Auditor
GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

TRANSFERRED

2020 DEC -3 PM 2:03

DUSTY RHODES
HAMILTON COUNTY AUDITOR

414