

# City of Cincinnati

CHM

EESW

## An Ordinance No. \_\_\_\_\_ - 2023

**AUTHORIZING** the City Manager to execute an *Easement Plat* in favor of the Board of County Commissioners, Hamilton County, Ohio granting a utility easement across a portion of City-owned property generally located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio.

WHEREAS, the City of Cincinnati owns certain real property located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio, containing the Delhi Hills Water Tower (“City Property”), which City Property is under the management of the Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, 643 COV LLC, an Ohio limited liability company (“Developer”), has undertaken a project to redevelop certain real property abutting the City Property into a 44-unit residential condominium community and has requested the City to grant a public utility easement across the City Property in favor of the Board of County Commissioners, Hamilton County, Ohio (“Grantee”) for sanitary sewer lines and associated equipment, appurtenances, and restrictions to serve the residential condominium development, as more particularly depicted on the *Easement Plat* attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”); and

WHEREAS, the City Manager, in consultation with GCWW, has determined that granting the Easement to Grantee is not adverse to the City’s retained interest in the City Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, 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 fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$5,279, which sum Developer 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 Easement at its meeting on May 6, 2022; 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 an *Easement Plat*, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, in favor of the Board of County Commissioners, Hamilton County, Ohio (“Grantee”), pursuant to which the City will grant to Grantee a utility easement for sanitary sewer lines and associated equipment, appurtenances, and restrictions (“Easement”) across City-owned real property generally located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio, as more particularly described and depicted on Attachment A (“Property”).

Section 2. That granting the Easement to Grantee is not adverse to the City’s retained interest in the Property.

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

Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$5,279, which has been deposited with the City Treasurer.

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 Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Water Works Fund 101.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Easement Plat* including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 7. 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**

# SANITARY SEWER EASEMENT DEDICATION PLAT FOR GARDEN GROVE DEVELOPMENT 643 COVEDALE AVENUE

SECTION 12, TOWN 3, F. RANGE 1, BTM  
DELHI TOWNSHIP  
HAMILTON COUNTY, OHIO

CURVE TABLE				
Curve	Delta	Radius	Length	Chord
C-1	51°58'32"	31.50'	34.03'	587.55'±26.7"
C-2	38°02'28"	31.50'	24.88'	517.55'±26.7"

**LEGEND**

- Found 3/4" Iron Pin (Use as noted)
- Set 3/4" Iron Pin (Use as noted)
- Found Iron Pipe
- Found Concrete

EASEMENT TABLE	
540-0050-0084	Permanent Sanitary Sewer Easement #1 0.1385 Ac.
540-0050-0567	Permanent Sanitary Sewer Easement #2 0.2591 Ac.



VICINITY MAP  
D.L.S.

**DEDICATION STATEMENT**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED IN CONSIDERATION OF \$1.00 AND OTHER CONSIDERATIONS TO BE PAID BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO FOR THE USE AND BENEFIT OF THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI (CPT) WHEREOF IS HEREBY ADOPTED AND HEREBY GRANT, BARGAIN, SELL AND CONVEY TO THE SAID DISTRICT OF GREATER CINCINNATI AND ITS SUCCESSORS AND ASSIGNS FOREVER A PERMANENT EASEMENT TOGETHER WITH THE RIGHT OF ENTRY AND REENTRY FOR THE CONSTRUCTION, PERPETUAL MAINTENANCE, RECONSTRUCTION, REPAIR AND OPERATION OF A SEWER AND SEWER APPURTENANCES AND UPON THE LANDS SHOWN ON THIS PLAT INCLUDING BUT NOT LIMITED TO DRIVEWAYS AND PARKING AREAS, SAID PERMANENT SEWER EASEMENT TO BE 20 FEET IN WIDTH AND BEING 10 FEET ON EACH SIDE OF THE CENTERLINE OF THE SAID SEWER AS CONSTRUCTED OR AS SHOWN ON THIS PLAT. THE PERMANENT SEWER EASEMENTS ARE SUBJECT TO THE FOLLOWING RESTRICTIONS:

**RESTRICTIONS ON SEWER EASEMENTS**

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

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT SHALL BE SOURCEAGED AT THE SOLE EXPENSE OF THE PROPERTY OWNER, AND THE GRANTEE OR ASSIGNEE 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 ALL SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT OR TEMPORARY CONSTRUCTION SEWER EASEMENT BY THE GRANTEE OR ASSIGNS, ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

IT SHALL BE THE OBLIGATION OF THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI AT ITS EXPENSE TO REPAIR THE EXISTING LINE IN A WORKMANLIKE MANNER, TO THE CONDITION AS NEAR AS PRACTICABLE TO THE LASTING CONDITION PRIOR TO ANY CONSTRUCTION, MAINTENANCE, REPLACEMENT OR REPAIR WORK TO THE SANITARY SEWER WITHIN THE LIMITS OF THE EASEMENT DESCRIBED ON THIS PLAT.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE RETROFITTED BY WRITTEN REQUEST TO THE GRANTEE OR THEIR ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS. THE GRANTEE OR ASSIGNS SHOWN ON THIS PLAT SHALL BE SUBJECT TO ALL APPLICABLE SANITARY SEWER CHARGES, ASSESSMENTS, TARIFFS OR FEES WHICH HAVE BEEN OR MAY BE ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY. HAMILTON COUNTY AUDITOR'S PARCELS# 540-0050-0084

UNLESS THE EASEMENTS ARE EXPRESSLY DESCRIBED HEREON, THE SEWER EASEMENTS SHALL BE GRANTED IN THE LOCATIONS AND AS DESCRIBED HEREON OR WITHIN A REASONABLE DISTANCE AND DIRECTION TO FACILITATE ACTUAL INSTALLATION OF THE SEWERS. SANITARY SEWER EASEMENTS ARE FOR THE USE AND BENEFIT OF ADJACENT LOTS AND/OR FUTURE DEVELOPMENTS FOR THE PURPOSE OF INSTALLATION, OPERATION, MAINTENANCE, REPAIR, EXTENSION, OR REPLACEMENT OF SANITARY SEWER BUILDING CONNECTIONS AND/OR SANITARY MAINLINE SEWERS APPROVED BY M.S.D.

**OWNER'S CERTIFICATE**

PROPERTY SHOWN HEREON ON THIS PLAT WAS CONVEYED TO 643 COV AVENUE LLC BY DEED RECORDED IN OFFICIAL RECORD #1839, PAGE 1103, OFFICIAL RECORD #1430, PAGE 1980 AND OFFICIAL RECORD #1435, PAGE 2905 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND REFERENCED IN THE AUDITOR'S BOOK 540, PAGE 0050, PARCEL 0567 OF THIS A.C.D.O.

AND CITY OF CINCINNATI BY DEED RECORDED IN DEED BOOK 341, PAGE 388 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND REFERENCED IN THE AUDITOR'S BOOK 540, PAGE 0050, PARCEL 0084 OF THIS A.C.D.O.

**APPROVED:**

SEWERS CHIEF ENGINEER - MSD

**SANITARY SEWER ACCEPTANCE**

THE COUNTY OF HAMILTON, OHIO HEREBY APPROVES BY, FOR, ON BEHALF OF AND IN THE NAME OF THE COUNTY OF HAMILTON AND UNDER THE AUTHORITY OF ITS BOARD OF COUNTY COMMISSIONERS BY VIRTUE OF R.C. SECTION 265.30 AND THE RESOLUTION ADOPTED APRIL 26, 2018 AND ENTERED INTO THE JOURNAL OF SAID BOARD.

CITY ADMINISTRATOR: \_\_\_\_\_ DATE: \_\_\_\_\_

**RECOMMENDED BY:**

CATHY B. BAILEY, DIRECTOR, GREATER CINCINNATI WATER WORKS

**OWNER'S CERTIFICATE**

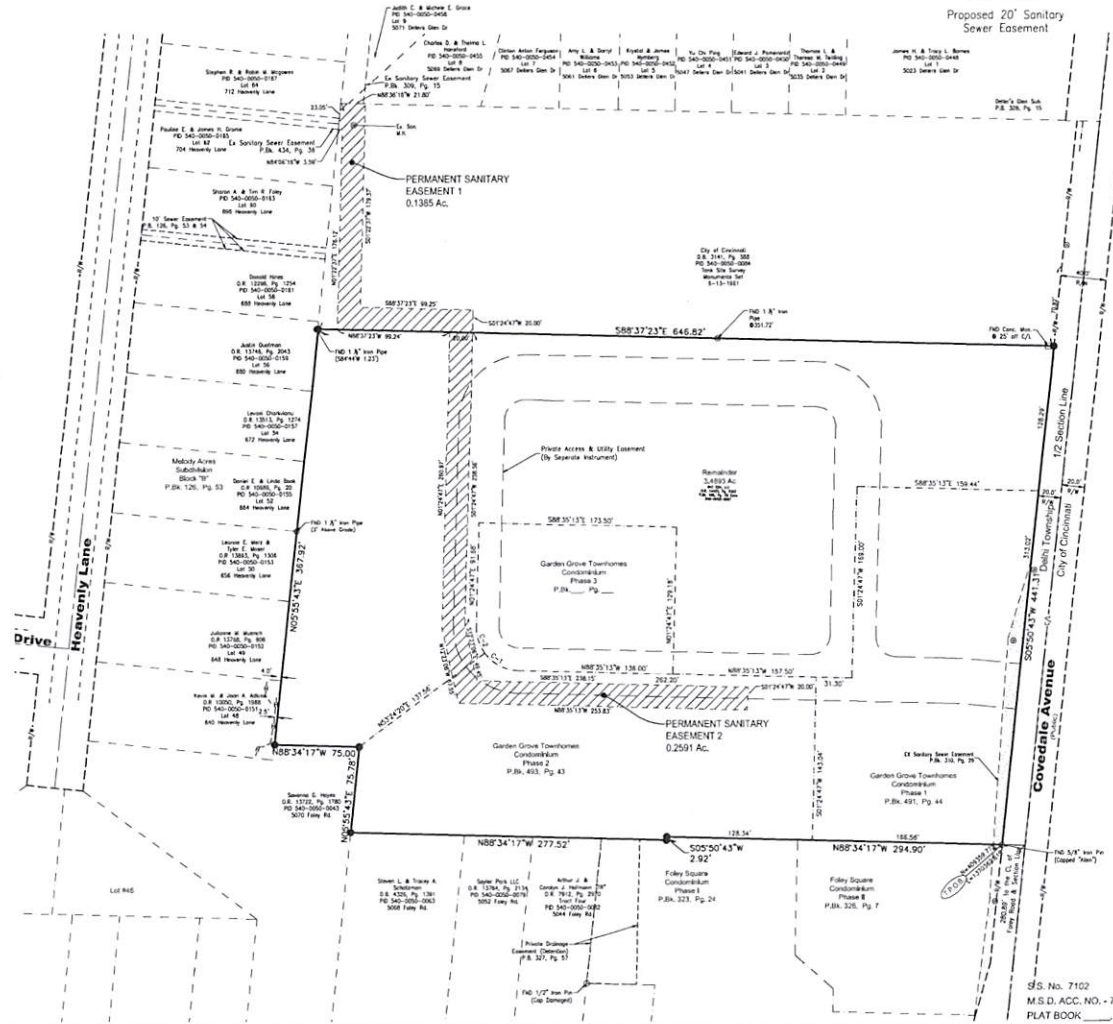
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY THE CITY MANAGER OF THE CITY OF CINCINNATI, AN OHIO MUNICIPAL CORPORATION, ON BEHALF OF THE MUNICIPAL CORPORATION BY APPROVED ORDINANCE.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATION**

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE ACCOMPANYING PLAT IS THE RETURN OF A SURVEY MADE UNDER MY DIRECTION.

JEFFREY Q. LAMBERI, P.E.  
REGISTERED SURVEYOR #7969 STATE OF OHIO



S.S. No. 7102  
M.S.D. ACC. NO. - 78615  
PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



Sheet	Drawn	Checked	Date
1	JQL	JQL	11/20/23
2	JQL	JQL	11/20/23
3	JQL	JQL	11/20/23
4	JQL	JQL	11/20/23
5	JQL	JQL	11/20/23
6	JQL	JQL	11/20/23
7	JQL	JQL	11/20/23
8	JQL	JQL	11/20/23
9	JQL	JQL	11/20/23
10	JQL	JQL	11/20/23

**643 COVEDALE AVENUE  
GARDEN GROVE**  
SECTION 12, TOWN 3, F. RANGE 1, BTM  
DELHI TOWNSHIP  
HAMILTON COUNTY, OHIO  
EASEMENT PLAT



Drawn by: 20-0171 EP MSD  
Checked by: JQL  
Issue Date: 7-30-21