



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final

### Economic Growth & Zoning Committee

*Vice Mayor Christopher Smitherman, Chairperson*  
*Councilmember Steven Goodin, Vice-Chair*  
*Councilmember Betsy Sundermann, Member*  
*Councilmember Liz Keating, Member*  
*Councilmember Jan Michele Lemon Kearney, Member*

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Tuesday, August 3, 2021

11:40 AM

Council Chambers, Room 300

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#### AGENDA

[202102321](#)

**ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 6/23/2021, **ACCEPTING AND CONFIRMING** the dedication of approximately 0.211 acres of real property as public right-of-way for street purposes, as portions of the public street designated as Kellogg Avenue located in the East End neighborhood of Cincinnati.

**Sponsors:**

City Manager

**Attachments:**

[Transmittal](#)

[Ordinance](#)

[Attachment I](#)

ADJOURNMENT

Date: June 23, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

**202102321**

Subject: EMERGENCY ORDINANCE – DEDICATION OF PORTIONS OF KELLOGG AVENUE

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Attached is an emergency ordinance captioned as follows:

ACCEPTING AND CONFIRMING the dedication of approximately 0.211 acres of real property as public right-of-way for street purposes, as portions of the public street designated as Kellogg Avenue located in the East End neighborhood of Cincinnati.

The Tri-State Improvement Company (“Dedicator”) holds title to 0.211 acres of property along Kellogg Avenue in the East End. They would like to dedicate this property to public use for right-of-way purposes to be included as portions of Kellogg Avenue.

The City Engineer has examined the Dedication Plat as to its technical features and found it to be correct.

The City Planning Commission approved the Dedication Plat and the dedication of the 0.054-acre portion of the property to public use at its meeting on September 18, 2020.

The reason for the emergency is the immediate need to dedicate the property to street purposes so that the City may realize the corresponding benefits at the earliest possible date.

The Administration recommends passage of the attached emergency ordinance.

Attachment I – Kellogg Avenue Dedication Plat

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

EMERGENCY

City of Cincinnati

CHM

AWG

An Ordinance No. \_\_\_\_\_

- 2021

**ACCEPTING AND CONFIRMING** the dedication of approximately 0.211 acres of real property as public right-of-way for street purposes, as portions of the public street designated as Kellogg Avenue located in the East End neighborhood of Cincinnati.

WHEREAS, by virtue of two deeds recorded in OR 13440, Page 01930, Hamilton County, Ohio Records, and OR 13440, Page 01943, Hamilton County, Ohio Records, Tri-State Improvement Company, an Ohio corporation (“Dedicator”), holds title to four tracts of land totaling approximately 0.211 acres of real property generally located along Kellogg Avenue in the East End neighborhood, which tracts are more particularly identified as Hamilton County Auditor’s Parcel ID Nos.: (i) 011-0003-0024-00, (ii) 011-0003-0026-00, (iii) 011-0003-0028-00, and (iv) 011-0003-0030-00 (collectively, the “Dedication Property”); and

WHEREAS, Dedicator desires to dedicate the Dedication Property to public use for right-of-way purposes to be included as portions of the public street known as Kellogg Avenue and has prepared and executed a plat entitled “*Kellogg Avenue Dedication Plat*,” attached to this ordinance as Attachment A for such purpose (the “Dedication Plat”); and

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

WHEREAS, the City Planning Commission, at its meeting on September 18, 2020, approved the Dedication Plat and the dedication of the Dedication Property to public use for right-of-way purposes to be included as portions of the Kellogg Avenue public right-of-way; and

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

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

Section 1. That the City hereby accepts and confirms the dedication of an approximately 0.211-acre portion of real property located along Kellogg Avenue to public use for right of way purposes as portions of the public street designated as Kellogg Avenue, as depicted on the plat entitled “*Kellogg Avenue Dedication Plat*” (the “Dedication Plat”), which Dedication Plat is attached hereto as Attachment A and incorporated herein by reference. The real property hereby

accepted and confirmed as public right-of-way is more particularly described as follows (the “Dedication Property”):

**Tract 1:**

Auditor’s Parcel No.: 011-0003-0024-00

The land herein described is located in Section 23, Town 5 Range 1 City of Cincinnati, County of Hamilton, State of Ohio.

Being part of a 43.024-acre tract of land described in O.R. 12366 Pg. 2634 of the records of Hamilton County, Ohio, as deeded to 4601 Kellogg LLC an Ohio limited liability company and being described as follows:

Beginning in the westerly right of way of Kellogg Avenue at the southeast corner of parcel “A,” as defined in certificate number 64799 of the Hamilton County, Ohio registered land records; thence along westerly right of way of Kellogg Avenue, South 23° 55’ 51” East for a Distance of 993.89 feet to a cross notch found at a grantors northwest corner and being a southeast corner of a 0.496-acre tract described in O.R. 12717 Pg. 1186 of the records of Hamilton County, Ohio and being the True Point of Beginning for this description;

Thence with the grantors east line and the westerly right of way of Kellogg Avenue South 23° 55’ 51” East for a Distance of 201.22 feet to a set 5/8” rebar;

Thence thru the grantors lands on a new division line on a curve to the right having a long chord of North 28° 05’ 35” West for a Distance of 122.84 feet having a radius of 1420.35 for a deflection angle of 4° 57’ 25” to a set 5/8” rebar;

Thence continuing thru the grantors lands on a new division line North 25° 36’ 58” West for a Distance of 78.74 feet to a set 5/8” rebar in the grantors north line;

Thence with the said grantors north line North 66° 03’ 23” East for a Distance of 11.23 feet to the True Point of Beginning of this description;

Containing 0.033 Acres.

Being subject to all easements and restrictions of record.

**Tract 2:**

Auditor’s Parcel No.: 011-0003-0026-00

The land herein described is located in Section 23, Town 5, Range 1 City of Cincinnati, County of Hamilton, State of Ohio.

Being part of a 0.496-acre tract of land described in O.R. 12717 Pg. 1186 of the records of Hamilton County, Ohio, as deeded to 4601 Kellogg LLC an Ohio limited liability company and being described as follows:

Beginning in the westerly right of way of Kellogg Avenue at the southeast corner of parcel "A", as defined in certificate number 64799 of the Hamilton County, Ohio registered land records; thence along westerly right of way of Kellogg Avenue, South 23° 55' 51" East for a Distance of 821.88 feet to a rebar found at the grantors northeast corner and being the southeast corner of a 3.4019-acre tract described in O.R. 9993 Pg. 1324 parcel 2 of the records of Hamilton County, Ohio and being the True Point of Beginning for this description;

Thence with the grantors east line and the westerly right of way of Kellogg Avenue South 23° 55' 51" East for a Distance of 172.01 feet to cross notch found at the grantors southeast corner and being a northeast corner of a 43.024-acre tract of land described in O.R. 12366 Pg. 2634 of the records of Hamilton County, Ohio as deeded to 4601 Kellogg LLC;

Thence with the grantors south line and the north line of said 43.024-acre tract South 66° 03' 23" West for a Distance 11.23 feet to a set 5/8" rebar;

Thence thru the grantors lands on a new division line North 25° 36' 58" West for a Distance of 31.05 feet to a set 5/8" rebar;

Thence continuing thru the grantors lands on a new division line North 23° 55' 29" West for a Distance of 140.98 feet to a set 5/8" rebar in the grantors north line;

Thence with the said grantors north line North 66° 03' 19" East for a Distance of 12.13 feet to the True Point of Beginning of this description;

Containing 0.048 Acres.

Being subject to all easements and restrictions of record.

**Tract 3:**

Auditor's Parcel No.: 011-0003-0028-00

The land herein described is located in Section 23 & 24, Town 5, Range 1 City of Cincinnati, County of Hamilton, State of Ohio.

Being part of a 3.4019-acre tract of land described in O.R. 9993 Pg. 1324 parcel 2 of the records of Hamilton County, Ohio, as deeded to The Kellogg Group, LLC an Ohio limited liability company and being described as follows:

Beginning in the westerly right of way of Kellogg Avenue at the southeast corner of parcel "A", as defined in certificate number 64799 of the Hamilton County, Ohio registered land records; thence along westerly right of way of Kellogg Avenue, South 23° 55' 51" East for a Distance of 370.85 feet to a point at the grantors northeast corner and being the southeast corner of a 1.0881-acre tract described in O.R. 9993 Pg. 1324 parcel 1 of the records of Hamilton County, Ohio and being the True Point of Beginning for this description;

Thence with the grantors east line and the westerly right of way of Kellogg Avenue South 23° 55' 51" East for a Distance of 451.03 feet to found rebar at the grantors southeast corner and being the northeast corner of a 0.496-acre tract of land described in O.R. 12717 Pg. 1186 of the records of Hamilton County, Ohio as deeded to The 4601 Kellogg LLC;

Thence with the grantors south line and the north line of said 0.496-acre tract South 66° 03' 19" West for a Distance 12.13 feet to a set 5/8" rebar;

Thence thru the grantors lands on a new division line North 23° 55' 29" West for a Distance of 265.59 feet to a set 5/8" rebar;

Thence continuing thru the grantors lands on a new division line North 22° 13' 35" West for a Distance of 185.44 feet to a set 5/8" rebar in the grantors west line;

Thence with the said grantors north line North 65° 23' 09" East for a Distance of 6.58 feet to the True Point of Beginning of this description;

Containing 0.114 Acres.

Being subject to all easements and restrictions of record.

**Tract 4:**

Auditor's Parcel No.: 011-0003-0030-00

The land herein described is located in Section 24, Town 5, Range 1 City of Cincinnati, County of Hamilton, State of Ohio.

Being part of a 1.0881-acre tract of land described in O.R. 9993 Pg. 1324 parcel 1 of the records of Hamilton County, Ohio, as deeded to the Kellogg Group, LLC an Ohio limited liability company and being described as follows:

Beginning at a rebar found in the westerly right of way of Kellogg Avenue at the southeast corner of parcel "A", as defined in certificate number 64799 of the Hamilton County, Ohio registered land records; thence along westerly right of way of Kellogg Avenue, South 23° 55' 51" East for a Distance of 186.84 feet to a found rebar at the grantors northeast corner and being the southeast corner of a 0.75-acre

tract described in O.R. 11014 Pg. 142 of the records of Hamilton County, Ohio and being the True Point of Beginning for this description;

Thence with the grantors east line and the westerly right of way of Kellogg Avenue South 23° 55' 51" East for a Distance of 184.01 feet to a point at the grantors southeast corner and being the northeast corner of a 3.4019-acre tract of land described in O.R. 9993 Pg. 1324 parcel 2 in the records of Hamilton County, Ohio as deeded to The Kellogg Group LLC;

Thence with the grantors south line South 65° 23' 09" West for a Distance 6.58 feet to a set 5/8" rebar;

Thence thru the grantors lands on a new division line North 22° 13' 35" West for a Distance of 184.16 feet to a point in the grantors north line and the south line of said 0.75-acre tract;

Thence with the said grantors north line and the south line of said 0.75-acre tract North 65° 23' 09" East for a Distance of 1.11 feet to the True Point of Beginning of this description;

Containing 0.016 Acres.

Being subject to all easements and restrictions of record.

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 execution of all necessary real estate documents.

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 be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to dedicate the Dedication Property to street purposes so that the City may realize the corresponding benefits at the earliest possible date.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk



ATTACHMENT A

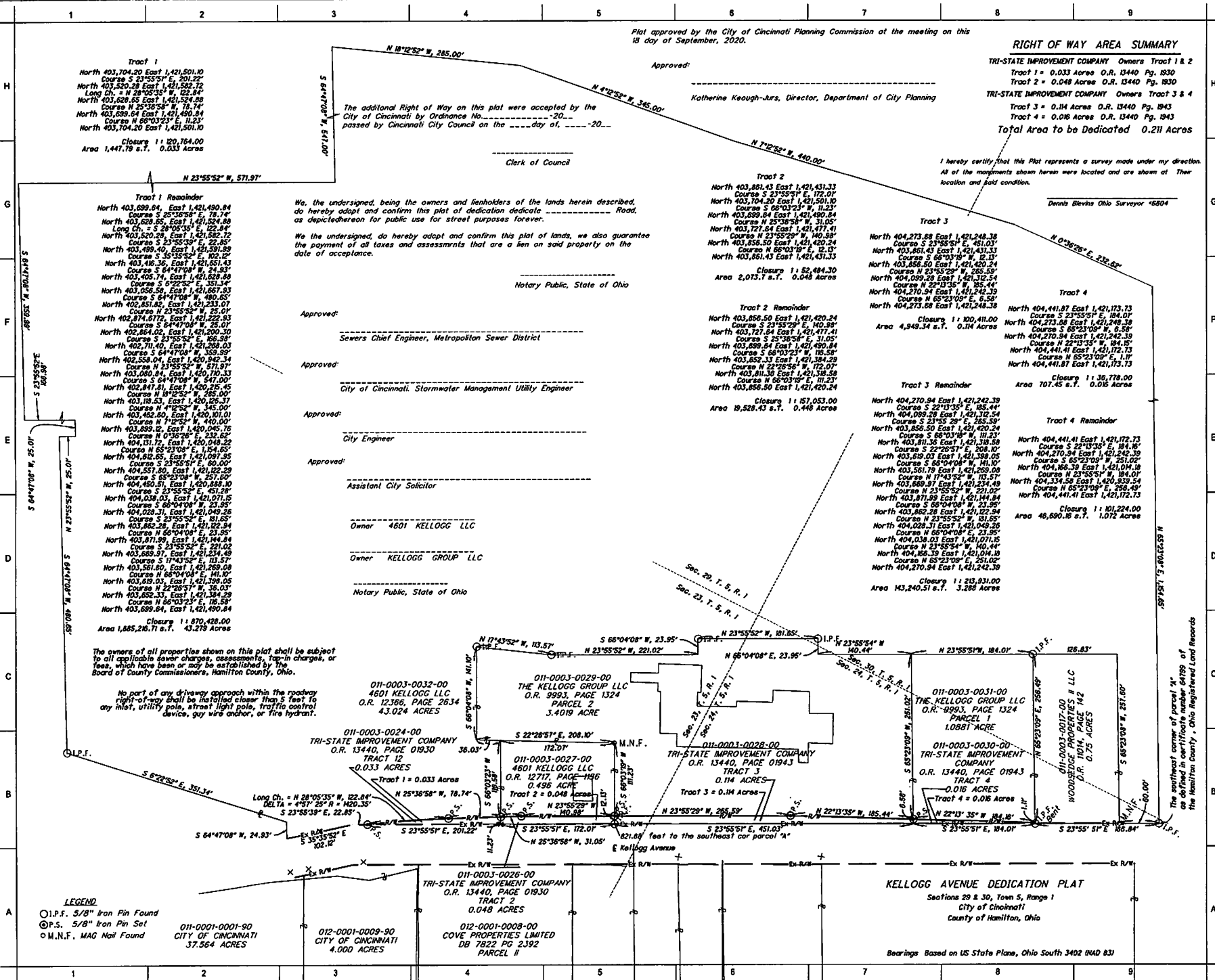
Plat approved by the City of Cincinnati Planning Commission at the meeting on this 18 day of September, 2020.

**RIGHT OF WAY AREA SUMMARY**

TRI-STATE IMPROVEMENT COMPANY Owners Tract 1 & 2  
 Tract 1 = 0.033 Acres O.R. 13440 Pg. 1930  
 Tract 2 = 0.048 Acres O.R. 13440 Pg. 1930  
 TRI-STATE IMPROVEMENT COMPANY Owners Tract 3 & 4  
 Tract 3 = 0.114 Acres O.R. 13440 Pg. 1943  
 Tract 4 = 0.016 Acres O.R. 13440 Pg. 1943  
**Total Area to be Dedicated 0.211 Acres**

**TEC** Engineering, Inc.  
**ENGINEERS**  
**PLANNERS**  
**SURVEYORS**

7288 Central Parke Blvd.  
 Mason, Ohio 45040  
 (513) 771-8628



**Tract 1**  
 North 403,704.20 East 1,421,501.10  
 Course S 23°55'52" E, 571.00'  
 North 403,520.28 East 1,421,582.72  
 Long Ch. = N 28°05'35" E, 122.84'  
 North 403,626.84 East 1,421,524.84  
 Course N 25°36'58" W, 78.74'  
 North 403,689.64 East 1,421,490.84  
 Course N 68°03'21" E, 112.23'  
 North 403,704.20 East 1,421,501.10  
 Closure 1: 120,764.00  
 Area 1,447.79 s.f. 0.033 Acres

**Tract 1 Remainder**  
 North 403,689.64 East 1,421,490.84  
 Course S 25°36'58" E, 78.74'  
 North 403,026.85 East 1,421,584.88  
 Long Ch. = S 28°05'35" E, 122.84'  
 North 403,520.28 East 1,421,582.72  
 Course S 23°55'52" E, 22.85'  
 North 403,499.40 East 1,421,591.89  
 Course S 35°35'52" E, 102.16'  
 North 403,406.36 East 1,421,551.43  
 Course S 64°47'08" W, 24.93'  
 North 403,406.74 East 1,421,628.48  
 Course S 22°26'56" W, 172.07'  
 North 403,056.58 East 1,421,667.03  
 Course S 64°47'08" W, 24.93'  
 North 403,056.58 East 1,421,667.03  
 Course S 64°47'08" W, 24.93'  
 North 403,056.58 East 1,421,667.03  
 Course S 64°47'08" W, 24.93'  
 North 402,874.6772 East 1,421,222.33  
 Course S 64°47'08" W, 25.01'  
 North 402,861.02 East 1,421,200.30  
 Course S 64°47'08" W, 25.01'  
 North 402,711.40 East 1,421,268.03  
 Course S 64°47'08" W, 33.99'  
 North 402,588.04 East 1,421,352.34  
 Course N 23°55'52" E, 571.91'  
 North 403,080.84 East 1,420,130.33  
 Course S 64°47'08" W, 33.99'  
 North 402,847.81 East 1,420,255.45  
 Course S 64°47'08" W, 33.99'  
 North 403,188.53 East 1,420,255.45  
 Course N 41°52'51" W, 345.00'  
 North 403,899.12 East 1,420,045.76  
 Course S 64°47'08" W, 33.99'  
 North 404,031.72 East 1,420,048.22  
 Course N 65°23'09" E, 154.85'  
 North 404,862.65 East 1,420,048.22  
 Course S 23°55'52" E, 60.00'  
 North 404,551.60 East 1,420,122.29  
 Course S 65°23'09" E, 251.60'  
 North 404,450.51 East 1,420,088.10  
 Course S 23°55'52" E, 251.60'  
 North 404,038.03 East 1,421,071.15  
 Course S 68°04'08" W, 23.95'  
 North 404,038.03 East 1,421,048.28  
 Course S 23°55'52" E, 251.60'  
 North 403,862.28 East 1,421,122.94  
 Course N 68°04'08" W, 23.95'  
 North 403,871.99 East 1,421,144.34  
 Course S 23°55'52" E, 221.02'  
 North 403,869.87 East 1,421,144.34  
 Course S 17°43'52" E, 113.57'  
 North 403,581.60 East 1,421,259.08  
 Course N 68°04'08" W, 23.95'  
 North 403,619.01 East 1,421,398.05  
 Course N 68°04'08" W, 23.95'  
 North 403,652.33 East 1,421,394.29  
 Course N 68°03'21" E, 112.23'  
 North 403,689.64 East 1,421,400.84  
 Closure 1: 170,428.00  
 Area 1,885,216.71 s.f. 43.273 Acres

The owners of all properties shown on this plat 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 5 feet to any inlet, utility pole, street light pole, traffic control device, sign wire anchor, or fire hydrant.

**LEGEND**  
 ○ I.P.F. 5/8" Iron Pin Found  
 ⊙ P.S. 5/8" Iron Pin Set  
 ○ M.N.F. MAG Nail Found

011-0001-0001-90  
 CITY OF CINCINNATI  
 37,564 ACRES

012-0001-0009-90  
 CITY OF CINCINNATI  
 4,000 ACRES

012-0001-0008-00  
 COVE PROPERTIES LIMITED  
 DB 7822 PG 2392  
 PARCEL II

**KELLOGG AVENUE DEDICATION PLAT**  
 Sections 29 & 30, Town S, Range 1  
 City of Cincinnati  
 County of Hamilton, Ohio

Bearings Based on US State Plane, Ohio South 3402 BMD 83

011-0003-0032-00  
 4601 KELLOGG, LLC  
 O.R. 12366, PAGE 2634  
 43.024 ACRES

011-0003-0029-00  
 THE KELLOGG GROUP LLC  
 O.R. 9993, PAGE 1324  
 PARCEL 2  
 3.4019 ACRE

011-0003-0027-00  
 4601 KELLOGG, LLC  
 O.R. 12717, PAGE 1196  
 0.496 ACRE

011-0003-0028-00  
 TRI-STATE IMPROVEMENT COMPANY  
 O.R. 13440, PAGE 01943  
 TRACT 4  
 0.114 ACRES

011-0003-0031-00  
 THE KELLOGG GROUP LLC  
 O.R. 8993, PAGE 1324  
 PARCEL 1  
 1.0881 ACRE

011-0003-0030-00  
 TRI-STATE IMPROVEMENT COMPANY  
 O.R. 13440, PAGE 01943  
 TRACT 3  
 0.114 ACRES

011-0003-0017-00  
 WOODBRIDGE PROPERTIES LLC  
 O.R. 0175, PAGE 142  
 0.175 ACRES

011-0003-0024-00  
 TRI-STATE IMPROVEMENT COMPANY  
 O.R. 13440, PAGE 01930  
 TRACT 12  
 0.033 ACRES

011-0003-0026-00  
 TRI-STATE IMPROVEMENT COMPANY  
 O.R. 13440, PAGE 01930  
 TRACT 1  
 0.048 ACRES

PROJECT NO. \_\_\_\_\_  
 DRAWING NUMBER \_\_\_\_\_  
 ELECTRONIC FILE NAME \_\_\_\_\_  
 DRAWN BY: KLL 3/8/17  
 CHECKED BY: BMB 3/8/17  
 EMAIL: BENDER@TECENGINEERING.COM

DATE	BY	REVISION

PLAT OF DEDICATION

DATE: 10/19

ET SIZE DWG: PLOT SIZE (30x42)

Plat approved by the City of Cincinnati Planning Commission at the meeting on this 18 day of September, 2020.

RIGHT OF WAY AREA SUMMARY

TRI-STATE IMPROVEMENT COMPANY Owners Tract 1 & 2
Tract 1 = 0.033 Acres O.R. 13440 Pg. 1930
Tract 2 = 0.048 Acres O.R. 13440 Pg. 1930
TRI-STATE IMPROVEMENT COMPANY Owners Tract 3 & 4
Tract 3 = 0.114 Acres O.R. 13440 Pg. 1943
Tract 4 = 0.016 Acres O.R. 13440 Pg. 1943
Total Area to be Dedicated 0.211 Acres

I hereby certify that this Plat represents a survey made under my direction. All of the monuments shown herein were located and are shown at Their location and said condition.

Dennis Blevins Ohio Surveyor #6804

DRAWING NO.



ENGINEERS PLANNERS SURVEYORS

7288 Central Parke Blvd. Mason, Ohio 45040 (513) 771-8828



HORIZONTAL SCALE IN FEET

SEAL

Table with columns: MARK, DATE, DIBBY, REVISION. Includes a grid for tracking revisions and dates.

PROJECT NO: DRAWING NUMBER: ELECTRONIC FILE NAME: DRAWN BY: KLL 3/8/17 CHK'D BY: BMB 3/8/17 E-MAIL: BBENDER@TECENG.COM SHEET TITLE: PLAT OF DEDICATION SHEET NO.



Tract 1
North 403,704.20 East 1,421,501.10
Course S 23°55'51" E, 201.22'
North 403,520.28 East 1,421,582.72
Long Ch. = N 28°05'35" W, 122.84'

Tract 1 Remainder
North 403,699.64, East 1,421,490.84
Course S 25°36'58" E, 78.74'

We, the undersigned, being the owners and lienholders of the lands herein described, do hereby adopt and confirm this plat of dedication...

We the undersigned, do hereby adopt and confirm this plat of lands, we also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

Approved: Sewers Chief Engineer, Metropolitan Sewer District

Approved: City of Cincinnati, Stormwater Management Utility Engineer

Approved: City Engineer

Approved: Assistant City Solicitor

Owner 4601 KELLOGG LLC

Owner KELLOGG GROUP LLC

Notary Public, State of Ohio

The owners of all properties shown on this plat 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 5 feet to any inlet, utility pole, street light pole, traffic control device, guy wire anchor, or tire hydrant.

- LEGEND
O.I.P.F. 5/8" Iron Pin Found
P.S. 5/8" Iron Pin Set
M.N.F. MAG Nail Found

011-0001-0001-90 CITY OF CINCINNATI 37.564 ACRES

012-0001-0009-90 CITY OF CINCINNATI 4.000 ACRES

011-0003-0026-00 TRI-STATE IMPROVEMENT COMPANY O.R. 13440, PAGE 01930 TRACT 2 0.048 ACRES

012-0001-0008-00 COVE PROPERTIES LIMITED DB 7822 PG 2392 PARCEL II

KELLOGG AVENUE DEDICATION PLAT
Sections 29 & 30, Town 5, Range 1
City of Cincinnati
County of Hamilton, Ohio

Bearings Based on US State Plane, Ohio South 3402 (NAD 83)