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BWB

City of Cincinnati

An Ordinance No. _____ - 2020

AUTHORIZING the City Manager to execute a *Release of Easements* to release public pedestrian ingress and egress easements across certain real property located at 525 Vine Street in the Central Business District of Cincinnati to facilitate the redevelopment of Fountain Square West.

WHEREAS, Cincinnati Center City Development Corporation (“Developer”) owns certain real property commonly known as Fountain Square West, which property adjoins certain real property located at 525 Vine Street in Cincinnati; and

WHEREAS, Developer desires to redevelop Fountain Square West and, in connection with such redevelopment, Developer has requested that the City release public pedestrian ingress and egress easements that encumber portions of the property located at 525 Vine Street, as described in the *Release of Easements* attached to this ordinance as Attachment A; and

WHEREAS, the City Manager, in consultation with the Department of Transportation and Engineering, has determined that the easements are not needed for any municipal or public purpose and therefore is agreeable to releasing the easements in order to facilitate Developer’s redevelopment of Fountain Square West; and

WHEREAS, the City Planning Commission approved the City’s release of the easements at its meeting on October 2, 2020; 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 a *Release of Easements*, in substantially the form attached to this ordinance as Attachment A, to release public pedestrian easements that encumber property located at 525 Vine Street in Cincinnati to facilitate the redevelopment of adjoining property commonly known as Fountain Square West.

Section 2. That the easements are not needed for any municipal or public purpose and the release of the easements will not be detrimental to the interests of the general public.

Section 3. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including without limitation executing any and all ancillary agreements, plats, and other real estate documents.

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

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

Property: 525 Vine Street

RELEASE OF EASEMENTS

THIS RELEASE is executed by the **City of Cincinnati**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), with reference to the following facts:

Recitals:

A. By a *Deed of Easement* executed on March 30, 1983, and recorded in Deed Book 4253, Page 563, Hamilton County, Ohio Records, the City reserved certain pedestrian ingress and egress easements for the benefit of the general pedestrian public described in section "A", "Easement No. 1," of the *Deed of Easement* over certain portions of real property, as more particularly described on Exhibit A (Legal Description—Public Pedestrian Easement No. 1) ("**Public Pedestrian Easement 1**"), including certain portions of improvements to be constructed thereon, generally located at 525 Vine Street, Cincinnati, Ohio and more particularly described on Exhibit B (Legal Description—525 Vine Property) hereto, (the "**Property**").

B. By a *Partial Release of Reservation of Pedestrian Ingress and Egress Rights and Maintenance and Repair Obligations* executed on March 23, 2006, and recorded in Official Record 10203, Page 1667, Hamilton County, Ohio Records (the "**Partial Release**"), the City released certain pedestrian ingress and egress easement rights burdening the Property that it had reserved and created for the benefit of the general public.

C. By a *Grant of Easement* executed on May 16, 2006, and recorded in Official Record 10254, Page 2163, Hamilton County, Ohio Records, 525 Vine Street, LLC granted to the City for the benefit of the general public certain pedestrian ingress and egress rights across and through the Property ("**Public Pedestrian Easement 2**" and together with Public Pedestrian Easement 1, the "**Public Pedestrian Easements**").

D. Cincinnati Center City Development Corporation desires to redevelop a property adjoining the Property, and in connection therewith has requested that the City release the Public Pedestrian Easements.

E. The City Manager, in consultation with the Department of Transportation and Engineering and the Department of Community and Economic Development, has determined that the Public Pedestrian Easements no longer serve any municipal or public purpose because they were granted to the City in connection with the City's then-existing pedestrian skywalk network, including the pedestrian skywalk bridges above Vine and Race Streets, which bridges have been dismantled.

F. The City is agreeable to release and terminate the Public Pedestrian Easements to facilitate the redevelopment of the adjoining property under the ownership or control of Cincinnati Center City Development Corporation.

G. The City's release and termination of the Public Pedestrian Easements was authorized by Ordinance No. _____ passed by Cincinnati City Council on _____.

NOW THEREFORE, for valuable consideration received, the City hereby releases and forever quitclaims any and all right and interest in the Public Pedestrian Easements and confirms that the same have been terminated and are null and void.

Executed on the date of acknowledgment indicated below.

CITY OF CINCINNATI

By: _____
Paula Boggs Muething,
Interim City Manager

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Paula Boggs Muething, Interim City Manager of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Recommended by:

John S. Brazina, Director
Department of Transportation and Engineering

Recommended by:

Markiea L. Carter, Interim Director
Department of Community Development

Approved as to Form:

Assistant City Solicitor

Accepted and Agreed to by:

HUNTINGTON CENTER CINCINNATI REALTY LP,
a Delaware limited partnership

By: _____

Printed name: _____

Title: _____

Date: _____, 2020

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____, partner (or agent) on behalf of **HUNTINGTON CENTER CINCINNATI REALTY LP**, a Delaware limited partnership. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202

Exhibits:

Exhibit A – *Legal Description—Public Pedestrian Easement No. 1*

Exhibit B – *Legal Description—525 Vine Property*

Exhibit A
to Release of Easement
Legal Description – Public Pedestrian Easement No. 1

Situated in the City of Cincinnati, Hamilton County, Ohio, being an aerial easement between elevation 566.50 feet above sea level, and elevation 860.00 feet above sea level, over the following area: Beginning at the northwest corner of Vine Street and Opera Place, thence South 74° 12' West, along the north line of Opera Place, a distance of 224.00 feet; thence South 15° 48' East, a distance of 40.00 feet to the south line of Opera Place; thence North 74° 12' East, a distance of 224.14 feet to the west line of Vine Street; thence North 16° 00' West, a distance of 40.00 feet to the place of beginning.

Exhibit B
to Release of Easement
Legal Description—525 Vine Property

Situated in the City of Cincinnati, Hamilton County, Ohio and being all of Lots 67, 68, 113, 114 and 115, and part of Lot 112 of James Ferguson's Subdivision of Lots in Cincinnati, as recorded in Deed Book V2, Page 412 of the Hamilton County, Ohio Records and being more particularly described as follows:

Beginning at the northwest corner of Vine Street and Opera Place,

- thence North 16°-00' West, along the west line of Vine Street, a distance of 83.45 feet to the south line of Thorp Alley;**
- thence South 74°-09' West, along the south line of Thorp Alley, a distance of 224.12 feet;**
- thence South 16°-05' East, a distance of 83.25 feet to the north line of Opera Place;**
- thence North 74°-12' East, along the north line of Opera Place, a distance of 224.00 feet to the place of beginning.**

CONTAINING 18,675 square feet.

SUBJECT to easements and restrictions of record.