

EMERGENCY
City of Cincinnati
An Ordinance No. 359

CHM

AWB

- 2020

AUTHORIZING the City Manager to execute a *Property Transfer Agreement* with BJ Homes Limited Partnership under which the City will acquire fee interest in and to certain real property located adjacent to Boldface Park at 3110 Illinois Avenue in the Sedamsville neighborhood of Cincinnati.

WHEREAS, BJ Homes Limited Partnership is the owner of certain real property located adjacent to Boldface Park at 3110 Illinois Avenue in the Sedamsville neighborhood of Cincinnati, as more particularly described in the *Property Transfer Agreement* attached to this ordinance as Attachment A (the "Property"); and

WHEREAS, pursuant to a *Settlement Agreement*, the City Solicitor and BJ Homes Limited Partnership have agreed to settle or compromise all claims in an action to which the City is a party, namely Hamilton County Court of Common Pleas Case No. A1902806, *City of Cincinnati v. Robert Dressman, et al.*, pursuant to which BJ Homes Limited Partnership will convey to the City all its right, title, and interest in the Property by general warranty deed; and

WHEREAS, James A. R. Flax, a reputable attorney-at-law practicing in Hamilton County, Ohio, has determined that BJ Homes Limited Partnership holds title to the Property in fee simple, free and clear of all encumbrances of every kind except for taxes for the second half of the year 2019 and taxes not yet assessed for 2020 to date; and

WHEREAS, the City Manager, upon consultation with the Director of Recreation, recommends the Council to accept the conveyance, finding that it is a proper municipal purpose to acquire the Property to provide land for recreation purposes as an addition to Boldface Park; and

WHEREAS, at its meeting on August 18, 2020, the Cincinnati Recreation Commission approved the acceptance of the conveyance as an addition to Boldface Park; and

WHEREAS, upon transfer of the property to the City, the City's Department of Buildings & Inspections will take prompt action to demolish the existing structure and remove hazardous nuisance conditions at the site so that the property will be appropriate for recreational uses as an expansion to Boldface Park; and

WHEREAS, at its meeting on September 18, 2020, the City Planning Commission approved the expansion of Boldface Park; 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 *Property Transfer Agreement* with BJ Homes Limited Partnership, in substantially the form attached to this ordinance as Attachment A, pursuant to which BJ Homes Limited Partnership will convey to the City by general warranty deed all its right, title, and interest to certain real property more particularly described as follows (“Property”):

Situated in the City of Cincinnati, County of Hamilton and State of Ohio in Section 35, Township 4, Fractional Range 1, Storrs Township, and more particularly described as follows:

Beginning at a point in the North line of the right of way known as Illinois Avenue where the same is intersected by the West line of the property of the City of Cincinnati and used for a playground and called Boldface Playground and which point is also the Easterly terminus of said Illinois Avenue; thence North, along the West line of said playground, North 59°35' West, 200 feet to a point in the West line of said playground, which point is also the Northeasterly corner of the premises conveyed to Lawrence E. Pool, et al. by deed recorded in Deed Book No. 1116, Page 514, Hamilton County Records, thence Southwardly along the East line of said Pool property, 215 feet to a point in the North line of said Illinois Avenue, which point is also the Southeasterly corner of said Pool property and which point is also 143 feet West of the place of beginning; thence Eastwardly along the North line of said Illinois Avenue, 143 feet to the place of beginning.

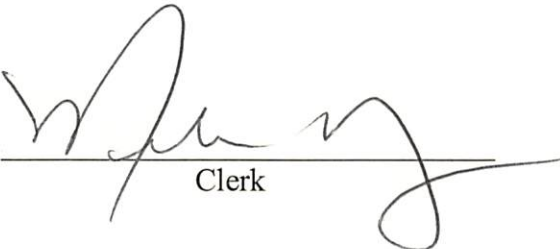
Commonly known as 3110 Illinois Avenue, Cincinnati, Ohio 45204. Hamilton County Auditor Parcel ID: 153-0005-058-00.

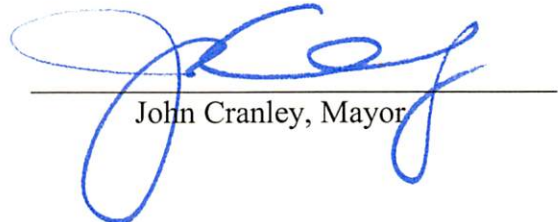
Section 2. That the Council hereby authorizes the proper City officials to take all necessary and proper actions to carry out the terms of this ordinance, including the execution of all necessary real estate documents, to accept and confirm the conveyance instrument to the City, and to note such acceptance on the conveyance instrument.

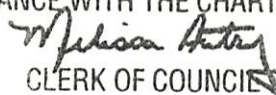
Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's office, and recorded in the Hamilton County, Ohio Recorder's office.

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 for the City to execute the *Property Transfer Agreement* and accept the instrument conveying the Property to the City so that the City may promptly abate hazardous nuisance conditions at the Property and move forward with the planned expansion of Boldface Park.

Passed: October 28, 2020

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 359-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-10-2020

CLERK OF COUNCIL