ORDINANCE NO. 8, 2018

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF HOWELLS BASIN PURSUANT TO R.C. 723.05, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the provision of R.C. 723.05, when the Village determines there is good cause to vacate a street or alley and that such vacation will not be detrimental to the general interest it may do so by Ordinance; and

WHEREAS, the Board of Education St. Bernard-Elmwood Place City School District is undertaking a school building project in the vicinity of Howells Basin; and

WHEREAS, the Village finds and determines that the school building project constitutes good cause for the vacation of the portion of Howells Basin more fully described in the legal description and plat attached hereto as Exhibit A; and

WHEREAS, the Village further finds that vacation of this portion of Howells Basin will not be detrimental to the public interest; and

WHEREAS, prior to approving any such vacation, the Village must provide notice of its intent in a newspaper of general circulation for six consecutive weeks unless the Village receives written consent from all property owners abutting the portion of Howells Basin to be vacated; and

WHEREAS, the Village has received written consent from the Board of Education St. Bernard-Elmwood Place City School District, which is the only owner abutting this portion of Howells Basin; now therefore

BE IT ORDAINED BY THE VILLAGE OF ST. BERNARD, STATE OF OHIO:

Section 1. That the Village hereby finds and determines that good cause exist for the vacation of the portion of Howells Basin as more fully described in Exhibit A attached hereto. The Village further finds that such vacation shall not be detrimental to the general interest.

Section 2. That the Village hereby approves the vacation of Howells Basin more fully described and shown in the legal description and plat attached hereto as Exhibit A. Pursuant to R.C. 723.05, the Village hereby authorizes the filing of a certified copy of this ordinance with the Hamilton County Recorder as required by law. The Village hereby authorized the Building, Development & Planning Director to forward a certified copy of this ordinance to the Board of Education of the St. Bernard-Elmwood Place City School District for that purpose.

Section 3. That it is hereby certified that all formal actions of the Council of the Village of St. Bernard relating to adoption of this ordinance were taken in an open meeting of the Council of the Village of St. Bernard and that all deliberations of this Council were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the immediate need to vacate the portion of Howells Basin to begin the building project. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.
Passed this 1st day of January, 2018.

__________________________
President of Council

ATTEST:

__________________________
Clerk of Council

Approved this 1st day of January, 2018.

__________________________
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 8, 2018, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing ________, 2018.

ATTEST: _______________________
Clerk of Council

DATE 2.1.18

Approved as to form ______________________
Date 2.1.18

Director of Law
GOVERNOR'S DEED:

KNOW ALL MEN BY THESE PRESENTS: that

WHEREAS, in and by the provisions of House
No. 431, passed by the 93rd General Assembly under
the date of April 14, 1939, and approved by the Governor
under date of April 24, 1939, the Governor is author-
ized and empowered to convey by proper deed in the name
of the State of Ohio all the right, title and interest
of said estate in and to a parcel of land now owned by
said estate in the City of St. Bernard, Ohio, and which
is now assessed and detailed by the Board of Education of
the City School District of the City of St. Bernard, Ohio
for public school purposes or other public purposes;

NOW, THEREFORE, the State of Ohio, by John H. Bricker,
Governor, in consideration of the premises and pursuant to
the authority conferred by the act of the General Assembly
aforesaid, does hereby bargain, sell and convey to said
City of St. Bernard, Ohio, and to its successors and assigns
forever, the following described real property, together
with all the right, title and interest of the State of Ohio
therein, to wit:

"Situated in the city of St. Bernad, county of Hamilton, State of Ohio, and bounded and described as follows: beginning at a point in the South line of Washington avenue, as the same appears on the plat records of the subdivision of Stephen Kemper's farm, in the city of St. Bernad, Ohio, where said line is intersected by the west line of Howell's basin as the same appears on the plat records of the Miami and Erie Canal in the Department of public works at Columbus, Ohio; thence along the south line of Washington avenue for a distance of ninety (90) feet more or less, to the eastern boundary line of Howell's basin; thence southwardly following the meandering east-

ly line of said Howell's basin for a distance of two hundred eighty-five (285) feet more or less to the southern terminus of said Howell's basin; thence westwardly following the meandering southern line of said Howell's basin for a distance of thirty (30) feet more or less; thence northwardly following the meandering northern line of said Howell's basin for a distance of two hundred seventy-five (275) feet more or less to the place of beginning.

To have and to hold said tract, with ... the privileges and appurtenances thereto belonging, in said city of St. Bernad, Ohio, and to its successors and assigns forever, so that neither the State of Ohio nor any person or persons claiming title through or under it, shall or shall hereafter claim or demand any right or title to said premises or any part thereof as against said grantees, its successors or assigns.

Provided, however, that the above described parcel of land be hereby conveyed to the Board of Education of the City School District of the city of St. Bernad, Ohio, for use as public school purposes or other public purposes, and if the said premises are not used for public school purposes at any time, the same shall be restored to said grantees..."
To Have and to Hold said premises, with all the
privileges and appurtenances thereunto belonging, to said
City of St. Bernard, Ohio, and to its successors and as-
signs forever, so that neither the State of Ohio nor any
person or persons claiming title through or under it, shall
or will hereafter claim or demand any right or title to
said premises or any part thereof as against said grantee,
its successors or assigns.

Provided, however, that the above described parcel of
land is hereby conveyed to the Board of Education of the
City School District of the City of St. Bernard, Ohio, for
use of public school purposes or other public purposes, and
if the said premises are not used for public school purposes
From: Graham Duncan [mailto:gduncan@csiohio.com]
Sent: Monday, July 31, 2017 6:00 PM
To: David Hester <dhester@sfa-architects.com>
Subject: St. Bernard Findings

David,

Attached is the findings letter for St. Bernard as well as a boring and test pit location plan. Please give me a call with any questions.

Thanks,
QUIT CLAIM DEED

Know All Mea by These Presents: That VILLAGE OF ST. BERNARD, a political subdivision of the State of Ohio, Grantor herein, whose tax mailing address is 105 Washington Ave., Cincinnati, OH 45217, for valuable consideration the receipt of which is hereby acknowledged, does hereby remise, release and forever quit claim to the BOARD OF EDUCATION OF THE ST. BERNARD-ELMWOOD PLACE CITY SCHOOL DISTRICT, Grantee herein, the following described real estate:

Parcel 582-8-145, 146, 147, 148, 149, 150, 151, Pt 176 and Pt 180
Prior Reference: Deed Book 1867, Page 295

Situated in the City of St. Bernard, County of Hamilton, State of Ohio, and bounded and described as follows:

Beginning at a point in the south line of Washington Avenue, as the same appears on the plat records of the Subdivision of Stephen Kemper's farm, in the City of St. Bernard, Ohio, where said line is intersected by the West line of Howell's basin as the same appears on the plat records of the Miami and Erie Canal in the Department of Public Works at Columbus, Ohio; thence along the South line of Washington Avenue for a distance of Ninety (90) feet more or less to the eastern boundary line of Howell's basin; thence Southwardly following the meandering Easterly line of said Howell's basin for a distance of Two Hundred Eighty-Five (285) feet more or less to the Southern terminus of said Howell's basin; thence Westwardly following the meandering Southern line of said Howell's basin for a distance of Thirty (30) feet more or less; thence Northwardly following the meandering Westerly line of said Howell's basin for a distance of Two Hundred Seventy Five (275) feet more or less to the place of beginning.

and all the estate, title and interest of the said Grantor, either in law or in equity, of, in and to the said premises; together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; to have and to hold the same to the only proper use of the
Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor, has caused its name to be subscribed hereto by John Estep, its Mayor, this 18th day of January, 2018.

GRANTOR

By

John Estep, Mayor

STATE OF OHIO:

COUNTY OF HAMILTON:

Be It Remembered, that on the 18th day of January, 2018, before me, the subscriber, a notary public, in and for said county and state, personally came John Estep, Mayor, of the Grantor in the foregoing Deed, and acknowledged the signing thereof on behalf of the Grantor to be his and its voluntary act and deed, pursuant to authority of the Village of St. Bernard.

In Testimony Whereof, I have hereunto subscribed my name, and affixed my notarial seal, on the day and year last aforesaid.

Notary Public

This instrument prepared by:
Ryan M. LeFlamme, Esq.
Ennis Britson Co., L.P.A.
1714 W. Galbraith Rd.
Cincinnati, OH 45239