

## 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.

 ORIGINAL

Passed this 1st day of February, 2018.

St. Aschub  
President of Council

ATTEST:

M. Sue Kathman  
Clerk of Council

Approved this 1st day of February, 2018.

John R. Estep  
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 2-1, 2018.

ATTEST: M. Sue Kathman DATE 2-1-18  
Clerk of Council

Approved as to form Michael W. Peck Date 2-1-18  
Director of Law





cleed 2-27-1940 20 10 14 a.m. 6/27/40  
CLERK, RECORDS, HAMILTON COUNTY, O.

Gen. Ind. 8th Ser. Bk. 57 P. 372

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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 date of April 14, 1939, and approved by the Governor under date of April 24, 1939, the Governor is authorized and empowered to convey by proper deed in the name of the State of Ohio all the right, title and interest of said state in and to a parcel of land now owned by said state in the City of St. Bernard, Ohio, and which is now needed and desired 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 W. 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:

01HO 10 ELVLS XHJ

attached this <sup>20th</sup> day of September, in the Year of our Lord, one thousand nine hundred and thirty-nine (1939).

In Testimony whereof, the State of Ohio, by John W. Bricker, Governor, has caused its Great Seal to be hereunto affixed and the Signature of said Governor to be hereto

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 or other public purposes the title in and to said property shall revert to the State of Ohio, and the state by its authorized officers and agents, may enter in and upon said premises and have and possess the same as of its former estate therein.

To Have and to Hold said premises, with all the  
 appurtenances thereto 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  
 persons 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 Krapfke,

Early 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 westerly following the meandering southern line of said Howell's basin for a distance of thirty (30) feet more or less; thence northerly 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."

[illegible]

1st time  
See  
next  
pg

1867 PAGE 296

2nd Time  
See next  
Pg

"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 east-

erly 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."

To Have and to Hold said premises, with all the privileges and appurtenances thereto belonging, to said City of St. Bernard, 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 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 or other public purposes the title to the same shall revert to the state of Ohio.

3rd time.

1867 296

"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, on the east corner of 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 east-

erly 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."

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 assigns 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

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RECORDED

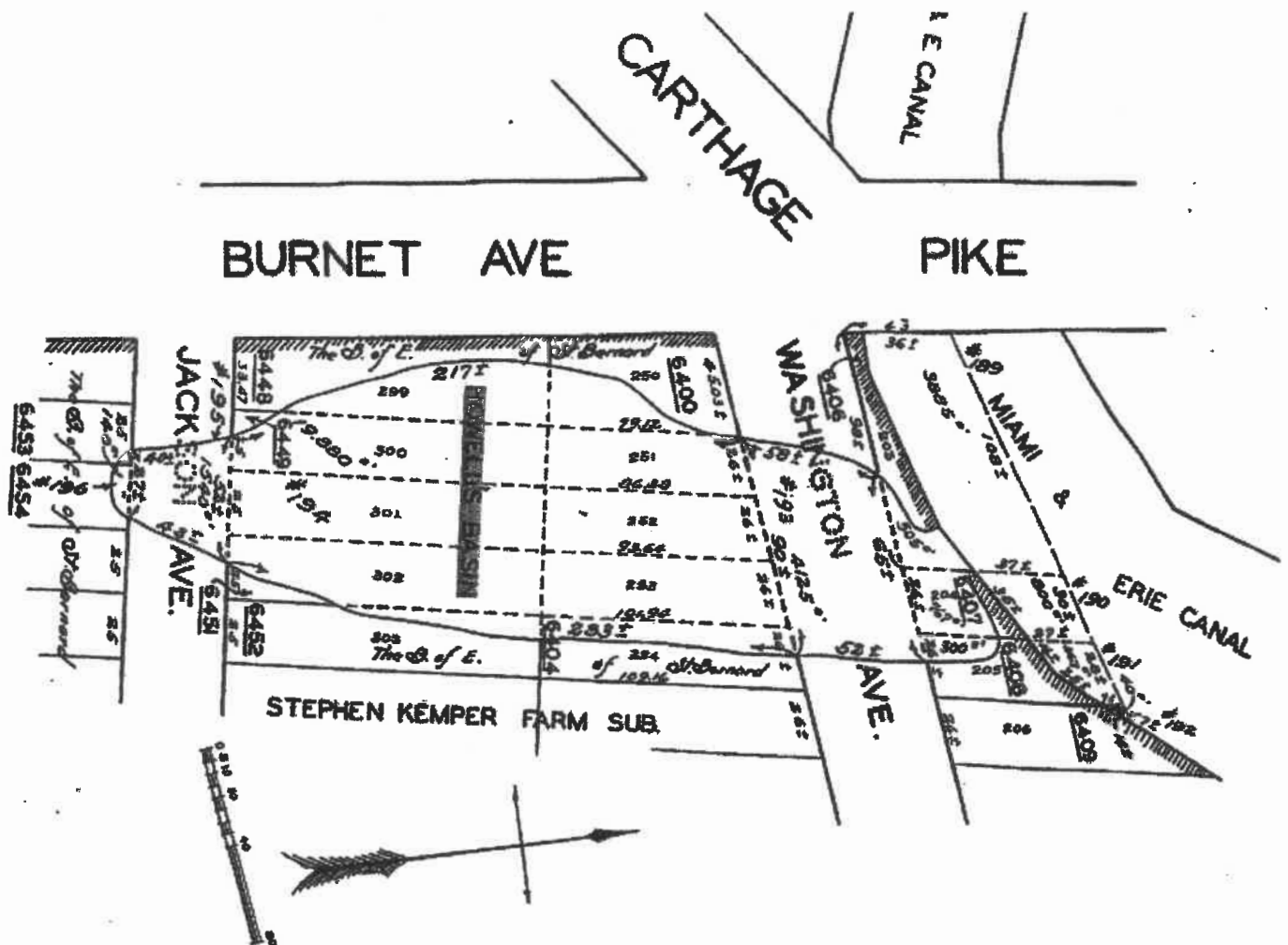
COUNTY RECORD

*Carl Griffith*  
Secretary of State.

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Filed 6-27-1940 19 AT 10:54 AM  
LEO. H. BELLMAN, RECORDER, HAMILTON COUNTY, O.





DAVID HESTER | PROJECT ARCHITECT  
513.721.0600 (x112) | 513.503.6844 - CELL

## SFA ARCHITECTS, INC.

### CINCINNATI

300 WEST FOURTH STREET | CINCINNATI, OHIO 45202 | 513.721.0600 - OFFICE | 513.721.0611 - FAX

### DAYTON

120 WEST SECOND STREET | SUITE 1800 | DAYTON, OHIO 45402 | 937.281.0600 - OFFICE | 937.281.0611 - FAX

### LEXINGTON

2360 CHAUVIN DRIVE | LEXINGTON, KENTUCKY 40517 | 859.455.6266 - OFFICE

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From: Graham Duncan [mailto:[gduncan@csiohio.com](mailto:gduncan@csiohio.com)]

Sent: Monday, July 31, 2017 6:00 PM

To: David Hester <[dhester@sfa-architects.com](mailto: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 Men 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 18<sup>th</sup> day of January, 2018.

**GRANTOR**

By \_\_\_\_\_  
John Estep, Mayor

STATE OF OHIO:

SS:

COUNTY OF HAMILTON:

Be It Remembered, that on the 18<sup>th</sup> 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. LaFlamme, Esq.  
Ennis Britton Co., L.P.A.  
1714 W. Galbraith Rd.  
Cincinnati, OH 45239