

ORDINANCE NO. 17, 2020

**AN ORDINANCE APPROVING THE VACATION OF A PORTION OF  
CLAY STREET PURSUANT TO R.C. 723.05, AND DECLARING AN  
EMERGENCY**

**WHEREAS**, pursuant to the provision of R.C. 723.05, when the Village of St. Bernard, State of Ohio ("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;

**WHEREAS**, a portion of Clay Street was intended to be vacated by ordinance number 64-1973 but which was never shown on the tax maps of Hamilton County, Ohio; and

**WHEREAS**, the Village desires to confirm and re-vacate that portion of Clay Street as more described in Exhibit "A" attached hereto; and

**WHEREAS**, the Village further finds that vacation of this portion of Clay Street 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 Clay Street to be vacated; and

**WHEREAS**, the Village owns all property surrounding the area to be vacated and consents to such vacation; now therefore

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

**Section 1.** That the Village hereby finds and determines that good cause exists for the vacation of the portion of Clay Street as more fully described in as Exhibit "A". The Village finds further finds that such vacation shall not be detrimental to the general interest.

**Section 2.** That the Village hereby approves the vacation of the portion of Clay Street more fully described in Exhibit "A" attached hereto. 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 further authorizes the Building, Development, & Planning Director to forward a certified copy of this ordinance to the St. Bernard Community Improvement Corporation 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 shall be and 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 Andrew Avenue to begin the development 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 if approved by no more than the majority of the members of Council and in that event, law sets the emergency provisions herein at naught.

Passed this 24 day of September, 2020.

I certify this to be a true copy  
of the original document

Date: 9.24.2020

Signature: [Signature]  
Clerk of Council, St. Bernard, Ohio

 ORIGINAL

*Steve Asbach*

\_\_\_\_\_  
President of Council

ATTEST: *M. Sue Kathman*  
\_\_\_\_\_  
Clerk of Council

Approved this 24 day of ~~August~~ <sup>September</sup>, 2020.

*[Signature]*  
\_\_\_\_\_  
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 17, 2020, 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 \_\_\_\_\_, 2020.

ATTEST: *M. Sue Kathman* DATE 9.24.2020  
\_\_\_\_\_  
Clerk of Council

Approved as to form *Samuel Salsbery Wall* Date 9.24.2020  
\_\_\_\_\_  
Director of Law

**Ordinance No. 17, 2020  
Page 3 of 5**

**EXHIBIT "A"**

**DESCRIPTION FOR: The Village of St. Bernard**

**LOCATION: Clay Street Vacation (adjacent to Lot 4)**

Situate in Section 11, Town 3, Fractional Range 2, Village of St. Bernard, Hamilton County, Ohio and being part of John T. Wright's Ludlow Grove Subdivision made by D.W. Strickland, Master Commissioner, in Case No. 51582 shown in Plat Book 74, Page 389, records of the Hamilton County, Common Pleas Court and also being the south half of Clay Street (former 50' R/W) vacated by Ordinance Number 64, 1973 as recorded in Deed Book 3954, Page 493, record of the Hamilton County, Ohio Recorder's Office and also being more particularly described as follows:

Beginning at a set cross notch at the intersection of the south line of said Clay Street with the east line of Vine Street (60' R/W), said point of beginning being the northwest corner of Lot 4 of said subdivision and also being the northwest corner of lands conveyed to The City of St. Bernard by deed recorded in Deed Book 3703, Page 880, record of the Hamilton County, Ohio Recorder's Office;

Thence, along the east line of said Vine Street, North 12°20'00" East, 25.26 feet to a set cross notch in the centerline of said Clay Street;

Thence, along said centerline, South 85°55'59" East, 125.00 feet to a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon");

Thence, South 12°20'00" West, 25.26 feet to a set pin in the south line of aforesaid Clay Street at the northeast corner of aforesaid lands and Lot 4;

Thence, with the north line of said lands and Lot 4, along the south line of said Clay Street, North 85°55'59" West, 125.00 to the point of beginning.

Containing 0.0717 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared from a Vacation Plat by McGill Smith Punshon, Inc. dated 20<sup>th</sup> of August, 2020. The bearings in the above description are based on Dedication Plat as recorded in Plat Book 168, Pages 48-49, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: 20 AUG 2020  
MSP No.: 19579.00

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McGill Smith Punshon, Inc.  
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
513.759.0004 ■ Fax 513.563.7099 ■ www.mspsdesign.com



**Ordinance No. 17, 2020**  
**Page 4 of 5**

**EXHIBIT "A"**

**DESCRIPTION FOR:** **The Village of St. Bernard**  
**LOCATION:** **Clay Street Vacation (adjacent to Lot 5)**

Situate in Section 11, Town 3, Fractional Range 2, Village of St. Bernard, Hamilton County, Ohio and being part of John T. Wright's Ludlow Grove Subdivision made by D.W. Strickland, Master Commissioner, in Case No. 51582 shown in Plat Book 74, Page 389, records of the Hamilton County, Common Pleas Court and also being the north half of Clay Street (former SO' R/W) vacated by Ordinance Number 64, 1973 as recorded in Deed Book 3954, Page 493, record of the Hamilton County, Ohio Recorder's Office and also being more particularly described as follows:

Beginning at a set cross notch at the intersection of the north line of said Clay Street with the east line of Vine Street (60' R/W), said point of beginning being the southwest corner of Lot 5 of said subdivision and also being the southwest corner of lands conveyed to The City of St. Bernard by deed recorded in Deed Book 1.165, Page 525, record of the Hamilton County, Ohio Recorder's Office;

Thence, with the south line of said lands, with the south line of said Lot 5 and with the north line of said Clay Street, South 85°55'59" East, 125.00 feet to a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon");

Thence, South 12°20'00" West, 25.26 feet to a set pin in the centerline of said Clay Street;

Thence, along said centerline, North 85°55'59" West, 125.00 feet to a set cross notch in the east line of aforesaid Vine Street;

Thence, along the east line of said Vine Street, North 12°20'00" East, 25.26 feet to the point of beginning.

Containing 0.0717 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared from a Vacation Plat by McGill Smith Punshon, Inc. dated 20<sup>th</sup> of August, 2020. The bearings in the above description are based on Dedication Plat as recorded in Plat Book 168, Pages 48-49, Hamilton County, Ohio Recorder's Office.

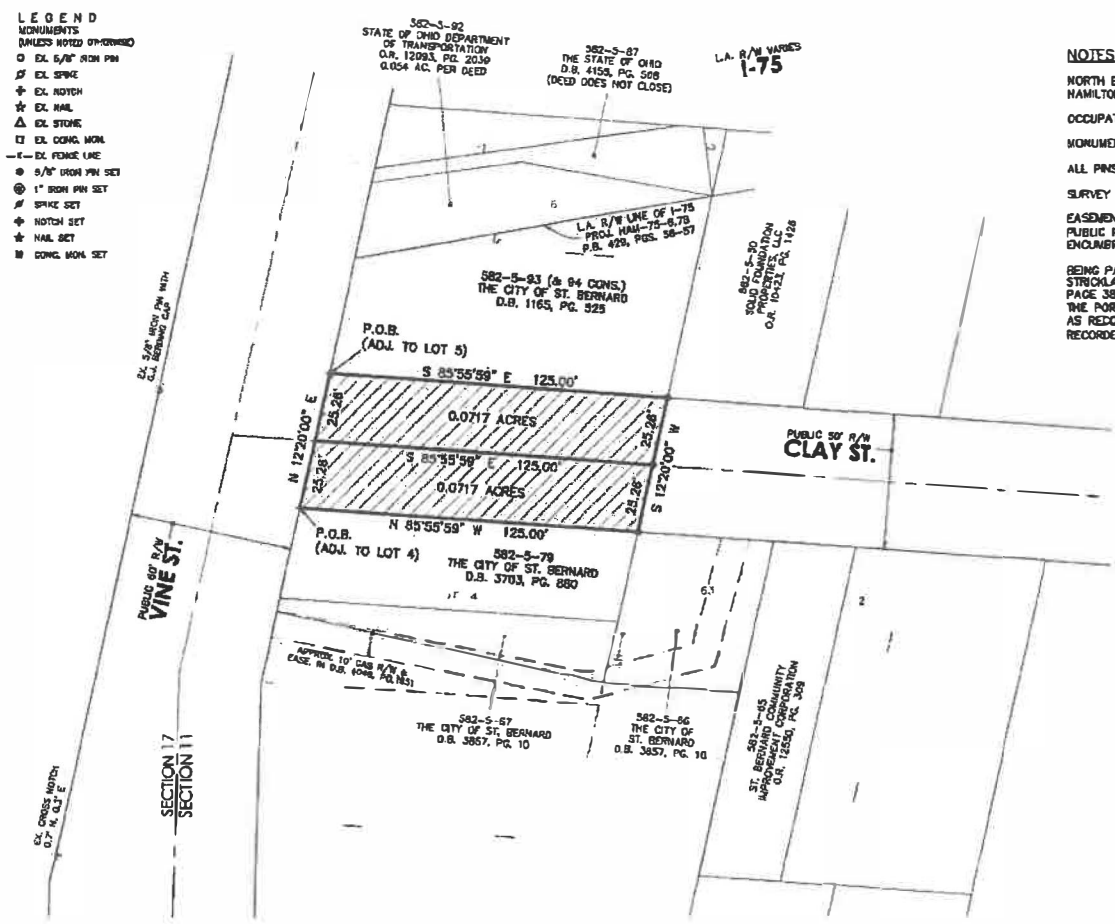
Prepared by: McGill Smith Punshon, Inc.  
Date: 20AUG 2020  
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McGill Smith Punshon, Inc.  
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
513.759.0004 ■ Fax 513.563.7099 ■ www.mapdesign.com



- LEGEND**  
MONUMENTS  
UNLESS NOTED OTHERWISE  
○ EX. 5/8" IRON PIN  
⊕ EX. SPIKE  
⊕ EX. NAIL  
△ EX. STONE  
□ EX. CONG. MARK  
— EX. FENCE LINE  
● 5/8" IRON PIN SET  
⊙ 1" IRON PIN SET  
# SPIKE SET  
⊕ NAIL SET  
⊕ NAIL SET  
■ CONG. MARK SET



**NOTES**

NORTH BASED ON DEDICATION PLAT AS RECORDED IN PLAT BOOK 168, PAGES 48-49, HAMILTON COUNTY, OHIO RECORDER'S OFFICE.  
OCCUPATION IN GENERAL FITS SURVEY EXCEPT AS SHOWN.  
MONUMENTS GENERALLY IN GOOD CONDITION UNLESS NOTED OTHERWISE.  
ALL PINS SET ARE 5/8" IRON REBAR, 30" IN LENGTH, CAPPED "MCGILL SMITH PUNSHON".  
SURVEY BASED ON FIELD EVIDENCE AND DEEDS & PLATS OF RECORD NOTED HEREON.  
EASEMENTS SHOWN HEREON WERE DISCOVERED DURING THE COURSE OF RESEARCH OF PUBLIC RECORDS AND MAY NOT COMPRISE ALL OF THE EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.  
BEING PART OF JOHN T. WRIGHT'S LUDLOW GROVE SUBDIVISION MADE BY D.W. STRICKLAND, MASTER COMMISSIONER, IN CASE NO. 51582 AND SHOWN IN PLAT BOOK 74, PAGE 389, RECORDS OF THE HAMILTON COUNTY, COMMON PLEAS COURT AND ALSO BEING THE PORTION OF CLAY STREET (FORMER 50' R/W) VACATED BY ORDINANCE No. 64, 1873 AS RECORDED IN DEED BOOK 3884, PAGE 493, RECORD OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE. NOTE: VACATION NOT SHOWN ON CURRENT TAX MAPS.

**LOT 4 CLOSURE SUMMARY**

Precision, 1 part in:	300520000.000'
Error distance:	0.000'
Error direction:	N00°00'00"E
Area:	0.0717 acres
Square area:	3124.685
Perimeter:	300.520'
Point of Beginning	
Eastings:	10558.5542'
Northings:	5746.4147'
Side 1: Line	
Direction:	N12°20'00"E
Distance:	25.260'
Eastings:	10563.9487'
Northings:	6771.0817'
Side 2: Line	
Direction:	S85°55'58"E
Distance:	125.000'
Eastings:	10568.6348'
Northings:	6782.2265'
Side 3: Line	
Direction:	S12°20'00"W
Distance:	25.260'
Eastings:	10583.2394-N
Northings:	6737.5485'
Side 4: Line	
Direction:	N85°55'58"W
Distance:	125.000'
Eastings:	10558.5542'
Northings:	5746.4147'

**LOT 5 CLOSURE SUMMARY**

Precision, 1 part in:	300520000.000'
Error distance:	0.000'
Error direction:	N00°00'00"E
Area:	0.0717 acres
Square area:	3124.685
Perimeter:	300.520'
Point of Beginning	
Eastings:	10568.3482'
Northings:	6785.7736'
Side 1: Line	
Direction:	S85°55'58"E
Distance:	125.000'
Eastings:	10564.0314'
Northings:	6788.9083'
Side 2: Line	
Direction:	S12°20'00"W
Distance:	25.260'
Eastings:	10568.6335'
Northings:	6782.2313'
Side 3: Line	
Direction:	N85°55'58"W
Distance:	125.000'
Eastings:	10563.9507'
Northings:	6771.0866'
Side 4: Line	
Direction:	N12°20'00"E
Distance:	25.260'
Eastings:	10568.3482'
Northings:	6785.7736'



**VACATION PLAT  
CLAY STREET  
0.1434 AC. TOTAL**

SECTION 11, TOWN 3, FRACTIONAL RANGE 2  
VILLAGE OF ST. BERNARD  
HAMILTON COUNTY, OHIO

JOHN T. WRIGHT'S LUDLOW GROVE SUBDIVISION  
MADE BY D.W. STRICKLAND, MASTER COMMISSIONER  
P.B. 74, P. 389 - CASE No. 51582  
HAMILTON COUNTY, COMMON PLEAS COURT

THE PORTION OF CLAY STREET SHOWN HEREON CROSS HATCHED WAS VACATED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO, BY ORDINANCE

No. \_\_\_\_\_ DATED \_\_\_\_\_

CLERK OF COUNCIL

I HEREBY CERTIFY THAT I HAVE SURVEYED CLAY STREET AS SHOWN HEREON AND SET MONUMENTS AS INDICATED HEREON.

RICHARD D. NICHOLS, P.S.  
OHIO REGISTRATION No. 7929

Date	20 AUG 2020
Scale	1"=30'
Drawn By	CHB
Survey Assistant	RDN
DWG	10472
Project	1957903-VAC-00
Project Number	19579.00
File No.	19579
Sheet No.	1 / 1

**MSP**  
DESIGN  
McGill Smith Punshon

Architectural  
Engineering  
Landscape Architecture  
Planning  
Surveying

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