

**Honorable City Planning Commission  
Cincinnati, Ohio**

January 18, 2008

**SUBJECT:** A report and recommendation on an ordinance to accept and confirm the dedication of a permanent easement to public use for construction, operation and maintenance of a storm sewer and appurtenances in accordance with a plat entitled "South Street Storm Sewer Outfall, Storm Sewer Easement Plat."

City Council at its session on December 12, 2007, referred to the City Planning Commission for review and report, the subject ordinance.

**PURPOSE**

To accept and confirm the dedication of a permanent easement granted to City of Cincinnati by the Board of County Commissioners for the maintenance, repair and reconstruction of the public storm sewer.

**BACKGROUND**

A permanent easement is needed for the construction, operation and maintenance of storm sewer and appurtenances in accordance with plat entitled "South Street Storm Sewer Outfall, Storm Sewer Easement Plat" to accommodate a new school in Price Hill.

The plat was reviewed by Stormwater Management Utility for its technical features and found it to be correct. A print of the easement is on file in the office of the Stormwater Management Utility Division of the Metropolitan Sewer District.

The Hamilton County Recorder via the City Solicitor's office will record the easement.

**RECOMMENDATION**

The staff of the Community Development and Planning Department recommends that the City Planning Commission take the following action:

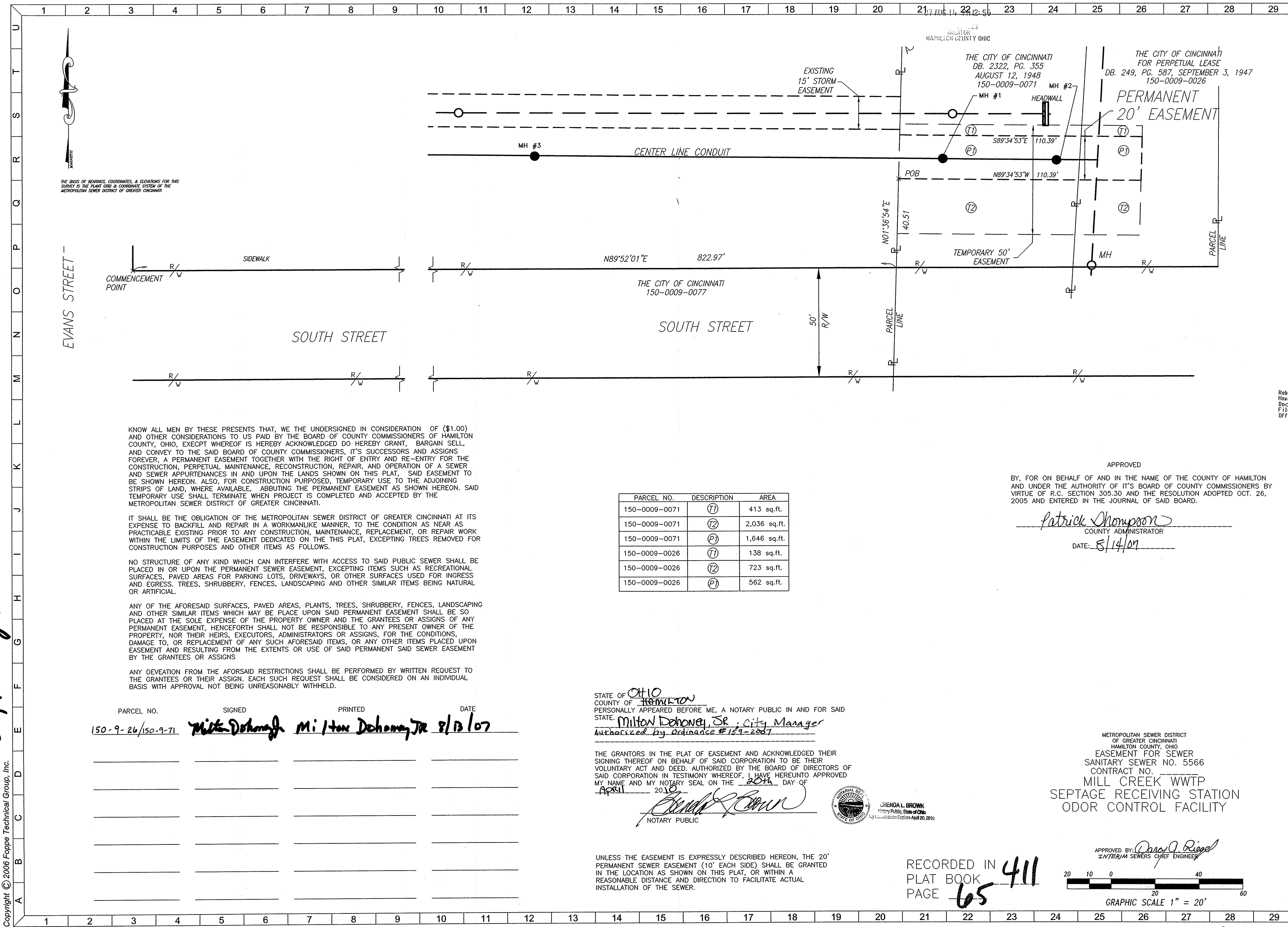
Approve an ordinance accepting and confirming the dedication of a permanent easement to public use for construction, operation and maintenance of a storm sewer and appurtenances in accordance with a plat entitled "South Street Storm Sewer Outfall, Storm Sewer Easement Plat."

Respectfully submitted,

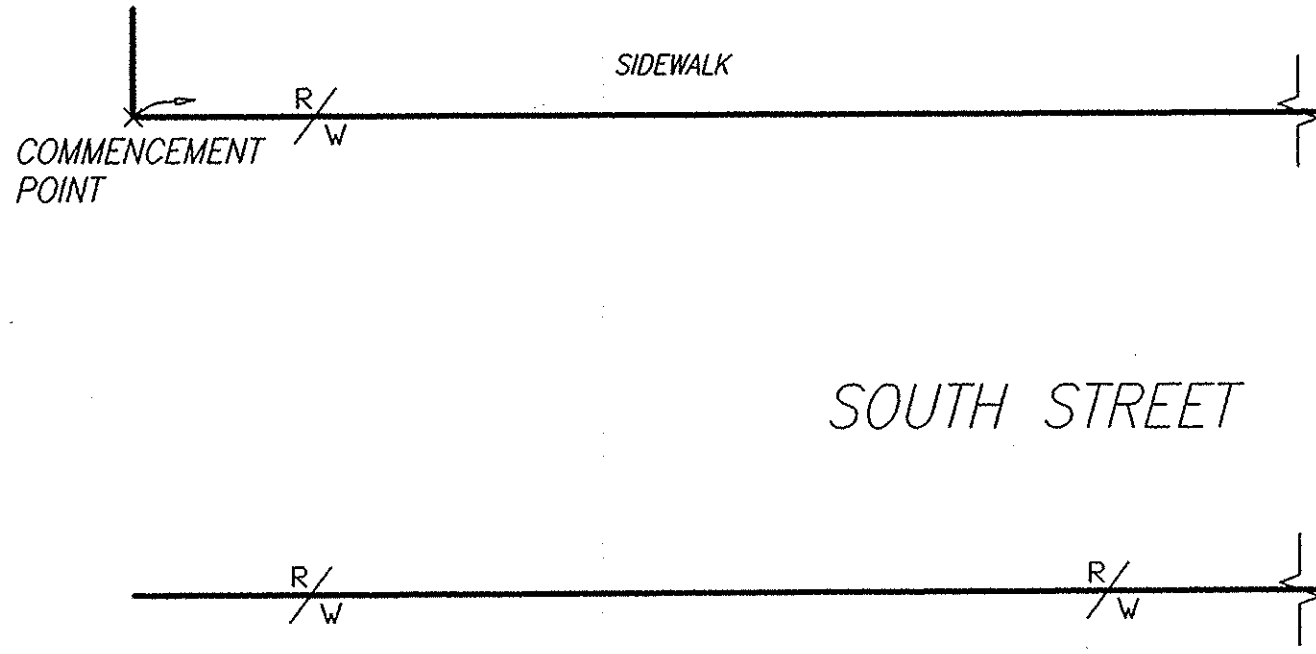
APPROVED:

Felix F. Bere, AICP  
Senior City Planner

Charles C. Graves, Director  
City Planning Department



THE BASIS OF BEARINGS, COORDINATES, & ELEVATIONS FOR THIS SURVEY IS THE PLANT GRID & COORDINATE SYSTEM OF THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI



KNOW ALL MEN BY THESE PRESENTS THAT, WE THE UNDERSIGNED IN CONSIDERATION OF (\$1.00) AND OTHER CONSIDERATIONS TO US PAID BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, EXCEPT WHEREOF IS HEREBY ACKNOWLEDGED DO HEREBY GRANT, BARGAIN SELL, AND CONVEY TO THE SAID BOARD OF COUNTY COMMISSIONERS, IT'S SUCCESSORS AND ASSIGNS FOREVER, A PERMANENT EASEMENT TOGETHER WITH THE RIGHT OF ENTRY AND RE-ENTRY FOR THE CONSTRUCTION, PERPETUAL MAINTENANCE, RECONSTRUCTION, REPAIR, AND OPERATION OF A SEWER AND SEWER APPURTENANCES IN AND UPON THE LANDS SHOWN ON THIS PLAT, SAID EASEMENT TO BE SHOWN HEREON. ALSO, FOR CONSTRUCTION PURPOSES, TEMPORARY USE TO THE ADJOINING STRIPS OF LAND, WHERE AVAILABLE, ABUTTING THE PERMANENT EASEMENT AS SHOWN HEREON. SAID TEMPORARY USE SHALL TERMINATE WHEN PROJECT IS COMPLETED AND ACCEPTED BY THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI.

IT SHALL BE THE OBLIGATION OF THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI AT ITS EXPENSE TO BACKFILL AND REPAIR IN A WORKMANLIKE MANNER, TO THE CONDITION AS NEAR AS PRACTICABLE EXISTING PRIOR TO ANY CONSTRUCTION, MAINTENANCE, REPLACEMENT, OR REPAIR WORK WITHIN THE LIMITS OF THE EASEMENT DEDICATED ON THE THIS PLAT, EXCEPTING TREES REMOVED FOR CONSTRUCTION PURPOSES AND OTHER ITEMS AS FOLLOWS.

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON THE PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, TREES, SHRUBBERY, FENCES, LANDSCAPING AND OTHER SIMILAR ITEMS BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING AND OTHER SIMILAR ITEMS WHICH MAY BE PLACE UPON SAID PERMANENT EASEMENT SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNER AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT, HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNER OF THE PROPERTY, NOR THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITIONS, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON EASEMENT AND RESULTING FROM THE EXTENTS OR USE OF SAID PERMANENT SAID SEWER EASEMENT BY THE GRANTEE OR ASSIGNS

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PERFORMED BY WRITTEN REQUEST TO THE GRANTEE OR THEIR ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS WITH APPROVAL NOT BEING UNREASONABLY WITHHELD.

PARCEL NO.	SIGNED	PRINTED	DATE
150-9-26/150-9-71	<i>Milton Dehoney Jr</i>	Milton Dehoney Jr	8/13/07

PARCEL NO.	DESCRIPTION	AREA
150-0009-0071	(T1)	413 sq.ft.
150-0009-0071	(T2)	2,036 sq.ft.
150-0009-0071	(P1)	1,646 sq.ft.
150-0009-0026	(T1)	138 sq.ft.
150-0009-0026	(T2)	723 sq.ft.
150-0009-0026	(P1)	562 sq.ft.

STATE OF OHIO  
 COUNTY OF HAMILTON  
 PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, Milton Dehoney, Jr., City Manager  
 Authorized by Ordinance #159-2007

THE GRANTORS IN THE PLAT OF EASEMENT AND ACKNOWLEDGED THEIR SIGNING THEREOF ON BEHALF OF SAID CORPORATION TO BE THEIR VOLUNTARY ACT AND DEED, AUTHORIZED BY THE BOARD OF DIRECTORS OF SAID CORPORATION IN TESTIMONY WHEREOF, I HAVE HEREUNTO APPROVED MY NAME AND MY NOTARY SEAL ON THE 20th DAY OF April 2007.

*Lrenda L. Brown*  
 NOTARY PUBLIC

UNLESS THE EASEMENT IS EXPRESSLY DESCRIBED HEREON, THE 20' PERMANENT SEWER EASEMENT (10' EACH SIDE) SHALL BE GRANTED IN THE LOCATION AS SHOWN ON THIS PLAT, OR WITHIN A REASONABLE DISTANCE AND DIRECTION TO FACILITATE ACTUAL INSTALLATION OF THE SEWER.

APPROVED  
 BY, FOR ON BEHALF OF AND IN THE NAME OF THE COUNTY OF HAMILTON AND UNDER THE AUTHORITY OF IT'S BOARD OF COUNTY COMMISSIONERS BY VIRTUE OF R.C. SECTION 305.30 AND THE RESOLUTION ADOPTED OCT. 26, 2005 AND ENTERED IN THE JOURNAL OF SAID BOARD.

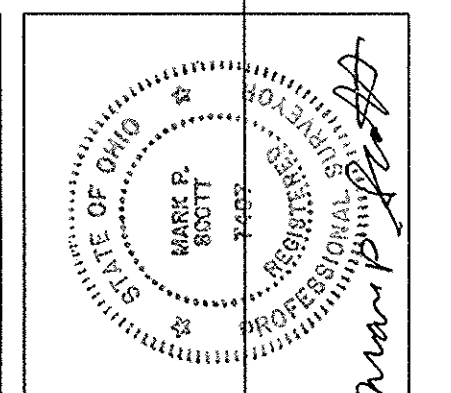
*Patrick Thompson*  
 COUNTY ADMINISTRATOR  
 DATE: 8/14/07

METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI  
 HAMILTON COUNTY, OHIO  
 EASEMENT FOR SEWER  
 SANITARY SEWER NO. 5566  
 CONTRACT NO. \_\_\_\_\_  
 MILL CREEK WWTP  
 SEPTAGE RECEIVING STATION  
 ODOR CONTROL FACILITY

APPROVED BY: *Daniel J. Riegel*  
 INTERIM SEWERS CHIEF ENGINEER

RECORDED IN PLAT BOOK PAGE 65 411

GRAPHIC SCALE 1" = 20'



CINCINNATI OFFICE  
 1144 S. WILSON AVE.  
 CINCINNATI, OHIO 45246  
 Tel: (513) 671-8144  
 Fax: (513) 671-8150

NORTHERN KENTUCKY OFFICE  
 7900 FLORENCE, KENTUCKY 41042  
 Tel: (606) 558-1163  
 Fax: (606) 558-1970

**Site Development Engineering**  
**FOPPE**  
 Technical Group

Designed By: \_\_\_\_\_  
 Drawn By: Tana Adkins  
 Checked By: Mark Scott  
 Approved By: Mark Scott

Revisions:

Rev. No.	Date	Description
1	08/25/07	Initial
2	08/25/07	Final

SANITARY SEWER EASEMENT PLAT  
 SECTION 30, TOWN 4, F.R. 1  
 CITY OF CINCINNATI  
 HAMILTON COUNTY, OHIO

EASEMENT PLAT  
 Scale: 1" = 20'  
 Date: 08/25/2006  
 Sheet No. **C100**  
 Project No. 05209A-33

M-53

*Milton Dehoney Jr*  
 City Manager