

City of Cincinnati

CHM

AWB

An Ordinance No. 2

- 2021

AUTHORIZING the City Manager to execute a Property Sale Agreement with the Ohio Historical Society, doing business as Ohio History Connection, for the sale of City-owned real property generally located along Foraker Avenue and Martin Luther King Jr. Drive, adjacent to the Harriet Beecher Stowe House Local Historic Landmark, in the Walnut Hills neighborhood of Cincinnati.

WHEREAS, the City owns certain real property generally located along Foraker Avenue and Martin Luther King Jr. Drive in the Walnut Hills neighborhood, as more particularly described and depicted in the Property Sale Agreement attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), which is under the management of the City's Department of Transportation and Engineering ("DOTE"); and

WHEREAS, the Ohio Historical Society, doing business as Ohio History Connection, an Ohio nonprofit corporation, ("Purchaser") desires to purchase the Property from the City for integration with the adjacent real property commonly known as the Harriet Beecher Stowe House Local Historic Landmark (the "Stowe House"); and

WHEREAS, pursuant to Section 331-1 of the Cincinnati Municipal Code, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, and upon consultation with DOTE, has determined that the Property is not needed for transportation or any other municipal purpose; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$35,000, however, the City finds that the sale of the Property to Purchaser for \$1 is justified because the City will receive equivalent noneconomic benefits from the sale of the Property at a nominal price on account of Purchaser's nonprofit status and the purpose for which it is being acquired, namely, to support and enhance the Stowe House, which is recognized by the United States National Park Service, the State of Ohio, and the City as having significant historic value; and

WHEREAS, pursuant to Section 331-5 of the Cincinnati Municipal Code, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Property at its meeting on June 23, 2017; 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 Sale Agreement* with the Ohio Historical Society, doing business as Ohio History Connection (“Purchaser”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will sell to Purchaser approximately 0.6340 acres of City property generally located along Foraker Avenue and Martin Luther King Jr. Drive, adjacent to the Harriet Beecher Stowe House Local Historic Landmark (the “Property”).

Section 2. That the Property is not needed for transportation or any other municipal purpose.

Section 3. That the fair market value of the Property, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$35,000; however, the City finds that the sale of the Property to Purchaser for \$1 is justified because the City will receive equivalent noneconomic benefits from the sale of the Property at a nominal price on account of Purchaser’s nonprofit status and the purpose for which it is being acquired, namely, to support and enhance the Harriet Beecher Stowe House Local Historic Landmark, which is recognized by the United States National Park Service, the State of Ohio, and the City as having significant historic value.

Section 4. That eliminating competitive bidding in connection with the City’s sale of the Property is in the best interest of the City because the City desires to sell the Property to

Purchaser to support and enhance the Harriet Beecher Stowe House Local Historic Landmark.

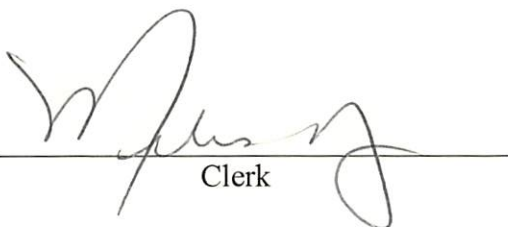
Section 5. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

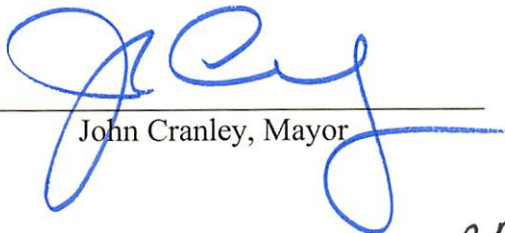
Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

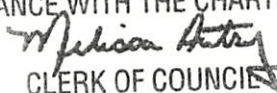
Section 7. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the *Property Sale Agreement*, including, without limitation, executing any and all other ancillary agreements, plats, deeds, easement agreements, affidavits, closing statements, and other documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 6, 2020

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 2-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 1-19-2021  
  
CLERK OF COUNCIL