

EMERGENCY
City of Cincinnati

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AWB

An Ordinance No. 341

- 2021

AUTHORIZING the City Manager to execute two deeds in favor of the State of Ohio, Department of Transportation, to convey land adjacent to Interstate 75 in the Carthage and Bond Hill neighborhoods in connection with transportation improvement project HAM 75 – 7.85.

WHEREAS, the City of Cincinnati owns property adjacent to Interstate 75 in the Carthage and Bond Hill neighborhoods, as more particularly described in the instruments attached to this ordinance as Attachment A (the “Property”), which Property is under the management and control of the City’s Department of Transportation and Engineering (“DOTE”); and

WHEREAS, the Ohio Department of Transportation (“ODOT”) is undertaking a transportation improvement project that will result in the widening of Interstate 75 (the “Project”), and ODOT desires to acquire all of the City’s right, title, and interest in and to the Property in connection therewith (designated by ODOT as HAM 75 – 7.85 Project Parcels 74-WL1 and 74-WL2, as generally depicted on the ODOT right-of-way plans attached to this ordinance as Attachment B); and

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

WHEREAS, the City Manager, being the officer having the custody and control of the Property, upon consultation with DOTE, has determined that the Property is not needed for a municipal purpose and that the conveyance to ODOT of all the City’s right, title, and interest in and to the Property will not be detrimental to the interests of the general public; and

WHEREAS, the City’s Real Estate Services Division has determined, by a professional appraisal, that the approximate fair market value of the Property is \$600.00, which ODOT has agreed to pay; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, 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 interests of the City; and

WHEREAS, the City has determined that the City’s disposition of the Property, without competitive bidding, is in the City’s best interests because ODOT desires to acquire the Property to facilitate a public transportation improvement project that will benefit the public; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City property, approved the sale of the Property to ODOT at its meeting on June 4, 2021; 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 two deeds in favor of the State of Ohio, Department of Transportation (“ODOT”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will convey to ODOT all its right, title, and interest in and to certain land in order to facilitate a public transportation improvement project (“Project”), which land consists of (i) approximately 0.048 acres of unimproved public right-of-way designated as Regina Greater Way, located adjacent to Interstate 75 in the Bond Hill neighborhood (HAM 75 - 7.85 Project Parcel 74-WL1), and (ii) approximately 0.191 acres of unimproved public rights-of-way designated as Canal and East 67th Streets, located adjacent to Interstate 75 in the Carthage neighborhood of Cincinnati (HAM 75 – 7.85 Project Parcel 74-WL2, and together with HAM 75 -7.85 Project Parcel 74-WL1, referred to herein as the “Property”), and which land is generally depicted on the ODOT right-of-way plans attached as Attachment B to this ordinance, incorporated herein by reference.

Section 2. That the Property is not needed for a municipal purpose, and that the City’s conveyance to ODOT of all its right, title, and interest in and to the Property will not be detrimental to the interests of the general public.

Section 3. That the fair market value of the Property, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$600.00, which ODOT has agreed to pay.

Section 4. That it is in the best interests of the City to convey to ODOT all its right, title, and interest in and to the Property without competitive bidding because the Property is needed to facilitate a public transportation improvement project that will benefit the public.

Section 5. That all proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including executing all necessary deeds, plats, and other real estate documents.

Section 6. 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.

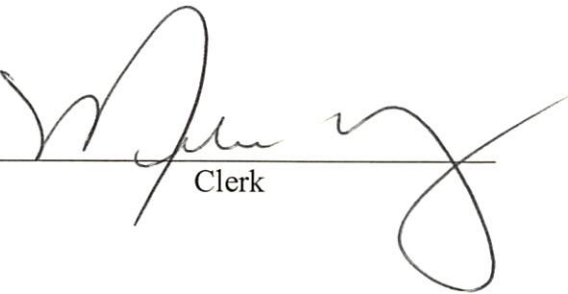
Section 7. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

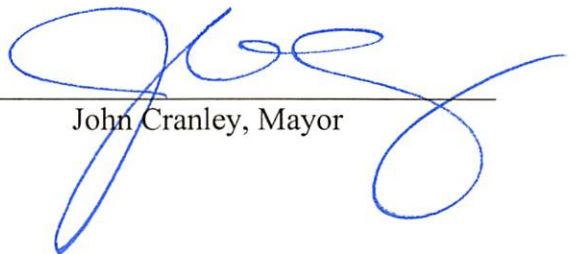
Section 8. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

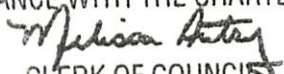
Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the

terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to convey the Property to ODOT to avoid delaying the Project.

Passed: September 1, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 341 2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9.14 2021

CLERK OF COUNCIL