

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2020

AUTHORIZING the City Manager to execute a *Lease Agreement* with OTR Collective LLC, doing business as Cobblestone OTR, pursuant to which the City will lease a portion of Baldwin Alley south of West 12th Street in the Over-the-Rhine neighborhood for a term of up to twenty years.

WHEREAS, the City of Cincinnati owns certain real property, designated as right of way, commonly known as Baldwin Alley in the Over-the-Rhine neighborhood, which property is generally located south of West 12th Street and north of Central Parkway (the “Property”) and is under the management of the Department of Transportation and Engineering (“DOTe”); and

WHEREAS, OTR Collective LLC, doing business as Cobblestone OTR (“Grantee”), has a leasehold interest in certain real property abutting the Property and has requested to lease from the City a portion of the Property as more particularly depicted in the *Lease Agreement* incorporated herein as Attachment A (the “Lease Area”); and

WHEREAS, the City Manager, in consultation with DOTe, has determined that (i) the Lease Area, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, and (ii) leasing the Lease Area to Grantee is not adverse to the City’s retained interest in the Lease Area and the Property; and

WHEREAS, the City’s Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area is approximately \$200 per year, which Grantee has agreed to pay; and

WHEREAS, pursuant to Section 331-5 of the Cincinnati Municipal Code, Council may authorize the lease of City-owned 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 lease of the Lease Area at its meeting on September 4, 2020; 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 *Lease Agreement* with OTR Collective LLC, doing business as Cobblestone OTR (“Grantee”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant

to which the City of Cincinnati will lease a portion of Baldwin Alley south of West 12th Street, as more particularly depicted in the *Lease Agreement* (the "Lease Area") for a term of up to 20 years.

Section 2. That the Lease Area, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease.

Section 3. That leasing the Lease Area to Grantee is not adverse to the City's retained interest in the Lease Area.

Section 4. That eliminating competitive bidding in connection with the City's lease of the Lease Area is in the best interest of the City because as a practical matter, no one other than Grantee, an abutting long-term leasehold tenant, would have any interest in leasing the Lease Area and assuming responsibility for the maintenance and repair thereof.

Section 5. That the fair market value of the lease, as determined by appraisal by the City's Real Estate Services Division, is \$200 per year, which Grantee has agreed to pay.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the *Lease Agreement*, including executing any and all ancillary documents associated therewith.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk