

EMERGENCY

JRS

- 2020

ACCEPTING and confirming the grant of a permanent sidewalk easement by BRE Retail Residual Owner 1 LLC in favor of the City of Cincinnati, on behalf of the general pedestrian public, across certain real property located in proximity to Werk Road in the Westwood neighborhood.

WHEREAS, BRE Retail Residual Owner 1 LLC, a Delaware limited liability company (“Grantor”), owns certain real property located at the corner of Glenway Avenue and Werk Road in the Westwood neighborhood, as more particularly described in the *Grant of Sidewalk Easement* attached to this ordinance as Attachment A (the “Property”); and

WHEREAS, Grantor is redeveloping the Property and in connection with said redevelopment seeks to make certain sidewalk improvements to connect the Property to the existing public sidewalk network located within the public right-of-way known as Werk Road; and

WHEREAS, Grantor desires to grant a permanent sidewalk easement to the City of Cincinnati, on behalf of the general pedestrian public, for use of Grantor’s sidewalk improvements on the Property, and has prepared and executed the *Grant of Sidewalk Easement* attached to this ordinance as Attachment A; and

WHEREAS, the City Manager, upon consultation with the City’s Department of Transportation and Engineering, recommends that the Council accept the sidewalk easement granted under the *Grant of Sidewalk Easement* for the benefit of the general pedestrian public to facilitate and enhance pedestrian mobility in the Westwood neighborhood, and because Grantor, at no expense to the City, shall maintain the sidewalk improvements and sidewalk easement area; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City hereby accepts and confirms the sidewalk easement granted to the City of Cincinnati by BRE Retail Residual Owner 1 LLC, a Delaware limited liability company, on behalf of the general pedestrian public, as set forth in *Grant of Sidewalk Easement* attached to this ordinance as Attachment A.

Section 2. That the Council hereby authorizes the proper City officials to take all necessary and proper actions to carry out the terms of this ordinance, including the execution of

all necessary documents, the acceptance and confirmation of the proper conveyance instrument to the City, and the confirmation of such acceptance by the City Manager on the *Grant of Sidewalk Easement* substantially in the form attached to this ordinance as Attachment A.

Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's Office, and recorded in the Hamilton County, Ohio Recorder's Office.

Section 4. 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 for the City to accept the sidewalk easement without delay so that the general pedestrian public may make use of, and benefit from, the sidewalk improvements at the earliest possible date.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk