

# City of Cincinnati

CHM

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## An Ordinance No. 411

- 2021

**AUTHORIZING** the City Manager to execute a *Lease and Management Agreement* with The Northside Business Association, pursuant to which the City will lease a public parking lot commonly known as the Lingo Street Parking Lot in the Northside neighborhood for up to 20 years.

WHEREAS, the City owns a public parking lot commonly known as the Lingo Street Parking Lot, which parking lot is comprised of (i) certain real property located at the northeast corner of the intersection of Lingo Street and Hamilton Avenue; and (ii) certain real property generally lying between Chase Avenue and Pope Alley in Northside (the "Property"), which Property is under the management of the Department of Community and Economic Development ("DCED"); and

WHEREAS, the City presently leases the Property to The Northside Business Association, an Ohio nonprofit corporation ("Operator") pursuant to a *Lease and Management Agreement* that expired on January 27, 2021, and the *Lease and Management Agreement* has continued on a month-to-month basis since that time; and

WHEREAS, Operator desires to continue to lease and manage the Property as a parking lot for the benefit of the general public for up to an additional 20 years (namely, an initial 5-year term, followed by three successive 5-year renewal terms), as further described in a *Lease and Management Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Agreement"); and

WHEREAS, the City Manager, in consultation with DCED, has determined that (i) the Property is not needed for a municipal purpose for the duration of the lease; and (ii) leasing the Property to Operator is not adverse to the City's retained interest in the Property; and

WHEREAS, the City's Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Property is approximately \$12,300 per year, however the City has agreed to lease the Property to Operator for less than its fair market rental value, namely, \$0.00, because (i) the City will receive benefits from the Agreement that equal or exceed the fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of the Agreement; and (ii) the Agreement requires Operator to use all revenue generated from the Property to pay operating expenses associated with the Property and to use any and all excess parking revenue to pay for the construction of City-approved public improvements to the Northside neighborhood business district for the benefit of the City; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, 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 Property at its meeting on September 17, 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 execute a *Lease and Management Agreement* (the “Agreement”) with The Northside Business Association, an Ohio nonprofit corporation (“Operator”), 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 certain real property located in the Northside neighborhood and designated as Hamilton County, Ohio Auditor’s Parcel Nos.: (i) 196-22-9 (-9 & -10 cons.); (ii) 196-22-8; (iii) 196-22-168; and (iv) 196-22-12 (-12 & -13 cons.) (the “Property”) for up to 20 years (namely, an initial 5-year term, followed by 3 successive 5-year renewal terms).

Section 2. That the Property is not needed for a municipal purpose for the duration of the lease.

Section 3. That leasing the Property to Operator is not adverse to the City’s retained interest in the Property.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Property is in the best interest of the City because: (i) Operator is a local neighborhood nonprofit organization with a mission to promote the general welfare of the Northside neighborhood; (ii) Operator has demonstrated experience managing and operating public parking lots in Northside and owns and operates a public parking lot that abuts the Property; and (iii) all revenue derived from the Property will be reinvested into the operation and maintenance of the Property, with any excess revenue to be used to construct City-approved public improvements within the Northside business district.

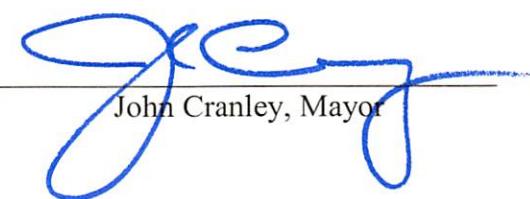
Section 5. That the City's Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Property is approximately \$12,300 per year, however the City will lease the Property to Operator for less than its fair market rental value, namely, \$0.00, because (i) the City will receive benefits from the Agreement that equal or exceed the fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of the Agreement; and (ii) the Agreement requires Operator to use all revenue generated from the Property to pay operating expenses associated with the Property and to use any and all excess parking revenue to pay for the construction of City-approved public improvements to the Northside neighborhood business district for the benefit of the City.

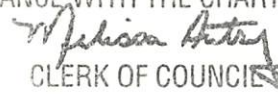
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Agreement, including, without limitation, executing any and all ancillary documents associated with the Agreement, such as amendments or supplements to the Agreement deemed by the City Manager to be in the vital and best interests of the City.

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

Passed: October 07, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 411-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 11.9.2021  
  
CLERK OF COUNCIL