

City of Cincinnati

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An Ordinance No. 402

- 2021

AUTHORIZING the City Manager to execute a *Lease and Operating Agreement* with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate a portion of the City-owned public park known as the Otto Armleder Memorial Park and Recreation Complex in Linwood.

WHEREAS, the City of Cincinnati owns the Otto Armleder Memorial Park and Recreation Complex located along the Little Miami River in Linwood (the "Property"), a portion of which is under the control of the Board of Park Commissioners for the City of Cincinnati (the "Park Board") and a portion of which is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, pursuant to a *Lease Agreement* authorized by Ordinance No. 300-2005, passed by Council on August 3, 2005, Great Parks of Hamilton County, formerly known as the Hamilton County Park District, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 ("Great Parks"), operates and manages a portion of the Property commonly known as the Passive Area (the "Park"), as more particularly depicted in the *Lease and Operating Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "New Agreement"); and

WHEREAS, the initial agreement with Great Parks expired on December 31, 2017, and the parties have continued to abide by the terms of that agreement since that time; and

WHEREAS, the City and Great Parks desire to enter into the New Agreement with a term ending on December 31, 2025, on the terms and conditions set forth in the New Agreement; and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that (i) the Park is not needed for a municipal purpose for the duration of the New Agreement; and (ii) leasing the Park to Great Parks is not adverse to the City's retained interest in the Park or the remainder of the Property; 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, eliminating competitive bidding in connection with the City's lease of the Park is in the best interest of the public because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park; and

WHEREAS, the City's Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$130,000 per year, however the City has agreed to lease the Park to Great Park for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement; and

WHEREAS, the Park Board approved the New Agreement at its meeting on September 16, 2021; and

WHEREAS, CRC approved the New Agreement at its meeting on September 21, 2021; 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 November 5, 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 a *Lease and Operating Agreement* (the "New Agreement") with Great Parks of Hamilton County, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 ("Great Parks"), 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 commonly known as the Passive Area of the Otto Armleder Memorial Park and Recreation Complex located along the Little Miami River in Linwood, as more particularly depicted in the New Agreement (the "Park"), for a period ending December 31, 2025.

Section 2. That the Park is not needed for a municipal purpose for the duration of the New Agreement.

Section 3. That leasing the Park to Great Parks is not adverse to the City's retained interest in the Park or the remainder of the Otto Armleder Memorial Park and Recreation Complex.

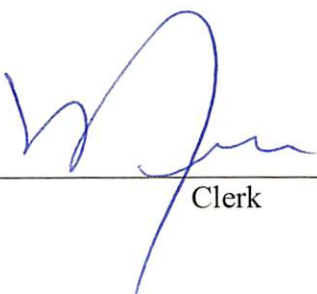
Section 4. That eliminating competitive bidding in connection with the City's lease of the Park is in the best interest of the City because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park.

Section 5. That the City's Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$130,000 per year, however the City will lease the Park to Great Parks for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement.

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 New Agreement, including, without limitation, executing any and all ancillary documents associated with the Agreement, such as amendments or supplements to the New 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.

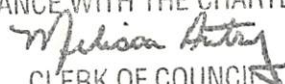
Passed: December 8, 2021

Attest:  _____
Clerk

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John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 467-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-21-2021

CLERK OF COUNCIL