

Date: October 20, 2021

To: Mayor and Members of City Council 202103001
From: Paula Boggs Muething, City Manager
Subject: EMERGENCY ORDINANCE – CINCINNATI ZOO PROPERTY TRANSFER AGREEMENT

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Property Transfer Agreement* with Cincinnati Zoo Properties, LLC, pursuant to which the City will vacate and convey portions of certain real property designated as public right-of-way known as Louis Avenue, Euclid Avenue, and an unnamed alley; release and terminate portions of public right-of-way easements located at the intersection of Vine Street and Louis Avenue; and grant and convey encroachment easements on, under, over, and across Erkenbrecher Avenue to facilitate the construction of a new surface parking lot and aerial pedestrian bridge for the benefit of the Cincinnati Zoo and Botanical Garden in the Avondale neighborhood.

The City of Cincinnati owns public rights-of-way generally located south of the Cincinnati Zoo and Botanical Garden (Louis Avenue, Euclid Avenue, and an unnamed alley between Vine Street and Euclid Avenue) in the Avondale neighborhood (“ROW Property”), which is under the management and control of the City’s Department of Transportation and Engineering (“DOT”).

The City owns Cincinnati Zoo and Botanical Garden, which is under the management and control of the Board of Park Commissioners and is operated and maintained by the Zoological Society of Cincinnati, an Ohio nonprofit corporation, which owns or otherwise controls Cincinnati Zoo Properties, LLC (“Petitioner”). Petitioner owns certain real property south of the Cincinnati Zoo, generally bound by Erkenbrecher Avenue, Euclid Avenue, Shields Street, and Vine Street (“Petitioner’s Property”). Petitioner desires to improve Petitioner’s Property by reconstructing and expanding a surface parking lot and constructing a pedestrian bridge across Erkenbrecher Avenue to connect the surface parking lot to the Cincinnati Zoo (the “Project”).

To facilitate the Project, Petitioner has petitioned the City for the following: (i) to vacate and convey portions of the ROW Property to Petitioner; (ii) to release and terminate certain portions of the public right-of-way easements presently encumbering the Zoo Property at the intersection of Vine Street and Louis Avenue (the “ROW Easements”); (iii) to grant encroachment easements on, under, over, and across Erkenbrecher Avenue to allow for the construction of the proposed aerial pedestrian bridge (the “Pedestrian Bridge Easement”).

The City Manager, upon consultation with DOTE, has determined that the ROW Property and ROW Easements are not needed for transportation purposes or any other municipal purpose; there is good cause to vacate the ROW Property and to release and terminate the ROW Easements; the vacation of the ROW Property and the release and termination of the ROW Easements will not be detrimental to the general interest; granting the Pedestrian Bridge Easement will not have an adverse effect of the City's retained interest in the Erkenbrecher Avenue public right-of-way; and granting the Pedestrian Bridge Easement will not have an adverse effect on the usability or accessibility of any existing Erkenbrecher Avenue public right-of-way facilities.

The approximate fair market value of the ROW Property, including the release of the ROW Easements, is approximately \$151,450, and the fair market value of the Pedestrian Bridge Easement is approximately \$9,823; however, the City is agreeable to convey the aforementioned interests in real property for \$0.00 because the City will receive economic and non-economic benefits from the Project.

The City Planning Commission approved the vacation and conveyance of the ROW Property, the release of the ROW Easements, and the grant of the Pedestrian Bridge Easement at its meeting on September 17, 2021.

The reason of the emergency is the immediate need to authorize the execution of the *Property Transfer Agreement* without delay, so that Petitioner may promptly undertake and complete construction to minimize disruptions to vehicular and pedestrian circulation patterns in and around the Cincinnati Zoo and Botanical Garden.

The Administration recommends passage of the attached ordinance.

Attachment I – Property Transfer Agreement

cc: John S. Brazina, Director, Transportation and Engineering