

EMERGENCY
City of Cincinnati

AWG/EESW

An Ordinance No. 451

KMG

- 2021

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with KeyMark QALICB LLC, an affiliate of College Hill Community Urban Redevelopment Corporation and 8K Construction Company, LLC, for the sale of City-owned real property located at 1537 Marlowe Avenue in the College Hill neighborhood of Cincinnati, for the construction of certain improvements to the public parking lot located thereon.

WHEREAS, the City owns certain real property located at 1537 Marlowe Avenue in Cincinnati, as described and depicted in the *Property Sale and Development Agreement* attached to this ordinance as Attachment A (the "Property"), which is under the management and control of the City's Department of Community and Economic Development; and

WHEREAS, KeyMark QALICB LLC ("Developer") desires to purchase the Property from the City and construct certain improvements to the public parking lot located thereon, at an estimated project cost of \$440,300 (the "Project"); and

WHEREAS, the City desires that the Property be put to its highest and best use; and

WHEREAS, the City's Real Estate Services Division has determined, by appraisal, that the fair market value of the Property is approximately \$9,600; however, to facilitate the Project and promote its economic feasibility, the City desires to sell the Property to Developer for less than fair market value; namely, for \$1.00, because the City will receive economic and non-economic benefits that equal or exceed the fair market value of the Property because the Project will support the College Hill neighborhood business district; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution and research; and

WHEREAS, the City has determined that: (i) the Property is not needed for municipal purposes; (ii) the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents; (iii) it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the Property to Developer because Developer (and/or its affiliate) owns or will own and control the adjoining property and consolidation of the Property will put the Property to the highest and best use; and (iv) the City's sale of the Property to Developer to complete the Project will support the business district in the College Hill neighborhood since the improved public parking lot will serve the College Hill neighborhood for

no less than twenty years, thereby contributing to the social and economic viability and stability of the neighborhood; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale 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 *Property Sale and Development Agreement*, in substantially the form attached to this ordinance as Attachment A (the "Agreement"), pursuant to which the City will sell to KeyMark QALICB LLC ("Developer") certain real property located at 1537 Marlowe Avenue in Cincinnati (the "Property"), for Developer to construct certain improvements to the public parking lot located thereon (the "Project").

Section 2. That the Property is not needed for municipal purposes.

Section 3. That the fair market value of the Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$9,600; however, the City is justified in selling the Property to Developer for less than fair market value; namely, for \$1.00, because the City will receive economic and non-economic benefits that equal or exceed the fair market value of the Property because the Project will support the College Hill neighborhood business district.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Developer (and/or its affiliate) owns or will own and control the adjoining property and consolidation and redevelopment of the Property with Developer's (or its affiliate's) parcels will put the Property to the highest and best use.

Section 5. That proceeds from the sale of the Property shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services


Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof into Miscellaneous Permanent Improvement Fund 757.

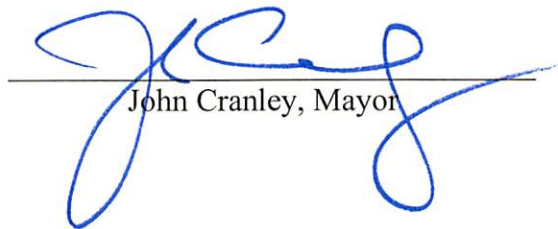
Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, amendments, deeds, plats, terminations, releases, and other documents.

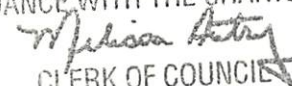
Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to expedite the City's execution of the Agreement, so that Developer can move forward with the Project without delay, enabling the Property to be put to its highest and best use, for the economic benefit of the City, at the earliest possible time.

Passed: December 1, 2021

Attest:


Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 451-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-14-2021

CLERK OF COUNCIL