

December 21, 2022

**To:** Mayor and Members of City Council

**From:** Sheryl M.M. Long, City Manager *SML*

**Subject:** **Ordinance – Improving the efficiency and transparency of the City’s process for conveying easements in city-owned real property**

202202273

Attached is an ordinance captioned as follows:

**MODIFYING** Chapter 119 of the Cincinnati Municipal Code, “Prohibition on the Solicitation of or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” by amending Section 119-1-C2, “City Business”; **MODIFYING** Chapter 331 of the Cincinnati Municipal Code, “Sale or Lease of City-Owned Real Property – Approval as to Form and Recording of Conveyance Documents” by amending Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval”; and **MODIFYING** Chapter 1101 of the Cincinnati Municipal Code, “Administration,” by amending Section 1101-15, “Permits, Prior Approvals Required,” all to improve the efficiency and transparency of the City’s process for conveying easements in city-owned real property.

City Council considers numerous requests for easements in city-owned real property each year. While some easements may be related to large development projects or involve more expansive use of city-owned property, many of them are for stoops, fire escapes, cornices, out-swinging doors, water-main work, and other minor encroachments. These requests often are submitted by limited liability corporations or other legal entities where the individuals associated with the legal entity making the request are not obvious or identified. There has been interest in providing more transparency for Councilmembers who vote on the City’s grant of easements. In reviewing the easement ordinances that Council approves, it became clear that many of them are for minor, low-value encroachments, which could be handled administratively instead.

The Administration recommends amending CMC Chapter 331 to permit administrative approval for easements with an estimated valuation of \$25,000 or less. This change will improve government efficiency and shorten approval times for many projects.

Simultaneously, the Administration recommends amending provisions of CMC Chapter 119 to include easements which have an estimated value of over \$25,000 for increased transparency and disclosure requirements. City Council enacted CMC Chapter 119 to require the disclosure of those people who have a financial interest in development incentives with an estimated potential value of \$100,000 or more per year, sales of City property with an estimated fair market value of \$200,000 or more, and zoning changes (“Financially Interested Persons”) so Council would

know which individuals were seeking these incentives before Council voted on them. These incentive requests are included on the City Business List. In addition, Chapter 119 prohibits current City elected officials who are campaigning for a City elected office from accepting campaign contributions from those Financially Interested Persons while the incentive legislation is pending before Council. Easements with an estimated value over \$25,000 would now be included in Chapter 119 and included on the City Business List to improve transparency in who has requested and is receiving the benefit of an easement.

The Administration recommends passage of this Ordinance.

Attachment  
373571

cc: Emily Smart Woerner, City Solicitor

EESW