

## EMERGENCY

CHM

- 2021

**AUTHORIZING** the City Manager to execute a *Permanent Aerial Easement* and *Temporary Easement* pursuant to which the City of Cincinnati will grant easements to the State of Ohio, Department of Transportation, for the construction and maintenance of elevated highway structures on and over the City-owned Crossett parking lots located between West Third Street and West Pete Rose Way in downtown Cincinnati.

WHEREAS, the City of Cincinnati owns the Crossett parking lots located between West Third Street and West Pete Rose Way in Cincinnati (“Property”), which are under the management and control of the City’s Department of Community and Economic Development (“DCED”); and

WHEREAS, the State of Ohio, Department of Transportation (“ODOT”), is conducting a transportation improvement project related to the Brent Spence Bridge and has requested a permanent aerial easement and temporary construction easement over portions of the Property, as described in the *Permanent Aerial Easement* and *Temporary Easement* attached to this ordinance as Attachment A and Attachment B, respectively, for the construction and maintenance of elevated highway structures; and

WHEREAS, the City Manager, in consultation with DCED, has determined that granting the easements will not be adverse to the City’s retained interest in the Property or the abutting public rights-of-way; and

WHEREAS, the City has determined that eliminating competitive bidding in connection with granting the easements is in the best interest of the City because the easements are needed for the sole purpose of enabling ODOT to complete the transportation improvement project; and

WHEREAS, the City’s Real Estate Services Division has determined, by appraisal, that the fair market value of the permanent aerial easement is approximately \$349,573, and that the fair market value of the temporary construction easement is approximately \$1,677,064, for a total of \$2,026,637, which ODOT has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on November 2, 2018; 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 *Permanent Aerial Easement* and *Temporary Easement* in favor of the State of Ohio, Department of Transportation (“ODOT”), in substantially the forms attached to this ordinance as Attachment A and Attachment B, respectively, pursuant to which the City of Cincinnati will grant to ODOT a permanent aerial easement and temporary construction easement over portions of the City-owned Crossett parking lots located between West Third Street and West Pete Rose Way in Cincinnati for the construction and maintenance of elevated highway structures.

Section 2. That granting the easements to ODOT is not adverse to the City’s retained interest in the property or the abutting public rights-of-way.

Section 3. That it is in the best interest of the City to grant the easements without competitive bidding because the easements are needed solely to enable ODOT to complete the transportation improvement project.

Section 4. That the City’s Real Estate Services Division has determined, by appraisal, that the fair market value of the permanent aerial easement is approximately \$349,573, and that the fair market value of the temporary easement is approximately \$1,677,064, for a total of \$2,026,637, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Permanent Aerial Easement* 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 this transaction, and that the City’s Finance Director is hereby authorized to distribute amounts in excess thereof, if any, into the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757.

Section 6. That the proceeds from the *Temporary Easement* 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 this transaction, and that the City's Finance Director is hereby authorized to distribute amounts in excess thereof, if any, into the unappropriated surplus of Parking System Facilities Fund 102.

Section 7. 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 to fulfill the terms of the *Permanent Aerial Easement* and *Temporary Easement*, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents.

Section 8. 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 the immediate need for ODOT to obtain control of the property without delay in order to keep its transportation improvement project on schedule.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk