

## **EMERGENCY**

**MAH**

**- 2025**

**AUTHORIZING** the City Manager to execute a Property Sale and Development Agreement with American Craft Brewery LLC (d/b/a Samuel Adams Cincinnati Brewery), pursuant to which the City will vacate and convey portions of the public rights-of-way known as Eve Alley and Snyder Alley and all of the public right-of-way known as Bauman Street, all in the West End neighborhood of Cincinnati, to facilitate the company's construction of a truck staging area to support the company's main production brewery, at an estimated total project cost of approximately \$7,477,143.

WHEREAS, the City of Cincinnati (the "City") owns approximately 0.1516 acres of real property designated as public rights-of-way consisting of portions of Eve Alley and Snyder Alley and all of Bauman Street, all as more particularly depicted and described in the Property Sale and Development Agreement attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), which Property is under the management and control of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, American Craft Brewery LLC, a Massachusetts limited liability company d/b/a Samuel Adams Cincinnati Brewery ("Developer"), owns adjoining properties and desires to purchase the Property from the City for consolidation with Developer's adjoining properties to facilitate the construction of a truck staging area to support Developer's main production brewery (the "Project"); and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the fair market value of the Property is approximately \$9,400, which Developer has agreed to pay; and

WHEREAS, Developer has delivered or will deliver to the City (i) an Attorney's Certificate of Title certifying as to the owners of all the real property abutting the Property, and (ii) the written consent of all necessary abutters to the City's vacation and sale of the Property to Developer; 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, pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for

streets if it has determined that the property is not needed for municipal purposes and that the sale will not be detrimental to the general interest; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, and upon verification from the City's Department of Transportation and Engineering, the Metropolitan Sewer District of Greater Cincinnati ("MSD"), Greater Cincinnati Water Works ("GCWW"), and the City's Stormwater Management Utility ("SMU"), has determined that the Property is not needed for transportation or other municipal purposes, that there is good cause for vacating the Property as public rights-of-way, and that such vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Section 723.041 of the Ohio Revised Code, any affected public utility, including, without limitation, MSD, GCWW, SMU, Duke Energy, and Cincinnati Bell/Altafiber, shall be deemed to have permanent easements in the Property for their existing utility facilities, if any; and

WHEREAS, the City has determined that it is in the best interest of the City to eliminate competitive bidding in connection with the sale of the Property because Developer owns the real property abutting the Property, Developer has obtained or will obtain the consent of all necessary abutters to the City's vacation and sale of the Property, and as a practical matter no one other than an abutting property owner would have any use for the Property; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's vacation and sale of the Property at its meeting on August 1, 2025; 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 of Cincinnati (the "City") will vacate and convey to American Craft Brewery LLC (d/b/a Samuel Adams Cincinnati Brewery) ("Developer") portions of the public rights-of-way known as Eve Alley and Snyder Alley and all of the public right-of-way known as Bauman Street, all in the West End neighborhood of Cincinnati (the "Property"), for Developer to (a) consolidate with adjoining property Developer owns (together with the Property, the "Project Site"), and (b) construct a truck staging area on the consolidated Project Site to support Developer's main production brewery, at an estimated total project cost of

approximately \$7,477,143 (the “Project”).

Section 2. That the City’s Real Estate Services Division has determined, by professional appraisal, that the fair market value of the Property is approximately \$9,400, which Developer has agreed to pay.

Section 3. That the Property is not needed for transportation or other municipal purposes, and that the vacation and sale of the Property (subject to the creation of utility easements for existing utilities, if any, as provided for under Section 723.041 of the Ohio Revised Code) will not be detrimental to the general interest.

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 owns the real property that abuts the Property, Developer has obtained or will obtain the consent of all necessary abutters to the City’s vacation and sale of the Property, and as a practical matter no one other than an abutting property owner would have any use for the Property.

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 parties' 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: \_\_\_\_\_, 2025

\_\_\_\_\_  
Aftab Pureval, Mayor

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