

EMERGENCY
City of Cincinnati

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An Ordinance No. 324 - 2021

AUTHORIZING the City Manager to execute a *Grant of Encroachment Easements* in favor of Fort Wash Hills, LLC, pursuant to which the City of Cincinnati will grant easements over and across property known as Hammond Street in the Central Business District to allow access and temporary construction rights.

WHEREAS, Fort Wash Hills, LLC, an Ohio limited liability company (“Grantee”), owns certain real property located at 312 Main Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns property adjoining Grantee’s property identified as Hamilton County, Ohio Auditor’s Parcel Identification No. 083-0003-0009-00 (the “Property”), which Property is known as Hammond Street and is under the management of the City’s Department of Transportation and Engineering (“DOTTE”); and

WHEREAS, Grantee has undertaken a project involving the redevelopment of its property into an approximately 61,500-square foot, 100-room hotel at an estimated aggregate development cost of \$16,830,000 (the “Project”) and has requested easements from the City, as more particularly depicted and described in the *Grant of Easements* attached to this ordinance as Attachment A and incorporated herein by reference, to permit access and temporary construction easements over and across portions of the Property; and

WHEREAS, the City Manager, in consultation with DOTTE, has determined (i) that granting the easements to Grantee is not adverse to the City’s retained interest in the Property and (ii) that granting the easements will not have an adverse effect on the usability or accessibility of any existing transportation facilities located on the Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by an appraisal that the fair market value of the easements is approximately \$62,325; however, the City is agreeable to grant the easements to Grantee for \$10,000, finding that the City will receive economic and noneconomic benefits from the Project equal to or exceeding the fair market value of the easements in that the City anticipates the Project will create up to 15 full-time equivalent permanent jobs and up to 100 full-time temporary construction jobs, stimulate economic growth in the Central Business District, and involves adaptive reuse of three contributing structures in the City’s Third and Main Street Local Historic District; 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 April 2, 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 *Grant of Easements* in favor of Fort Wash Hills, LLC, an Ohio limited liability company (“Grantee”), owner of the property located at 312 Main Street in the Central Business District, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee easements to permit access and temporary construction easements over and across property identified as Hamilton County, Ohio Auditor’s Parcel Identification No. 083-0003-0009-00 (the “Property”).

Section 2. That granting the easements to Grantee (i) is not adverse to the City’s retained interest in the Property and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located on the Property.

Section 3. That it is in the best interest of the City to grant the easements without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easements.

Section 4. That the fair market value of the easements, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$62,325; however, the City is agreeable to grant the easements to Grantee for \$10,000, finding that Grantee has undertaken a project involving the redevelopment of its property into an approximately 61,500-square foot, 100-room hotel at an estimated aggregate development cost of \$16,830,000 (the “Project”), and the City will receive economic and noneconomic benefits from the Project equal to or exceeding the fair market value of the easements in that the Project, namely: (i) the City anticipates the Project to

create up to 15 full-time equivalent permanent jobs and up to 100 full-time temporary construction jobs; (ii) the City anticipates that the Project will stimulate economic growth in the Central Business District; and (iii) the Project involves the adaptive reuse of three contributing structures within the City's Third and Main Street Local Historic District, preserving structures that reflect elements of the City's history, architecture, and culture.

Section 5. That the proceeds from the *Grant of Easements* 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 easements, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

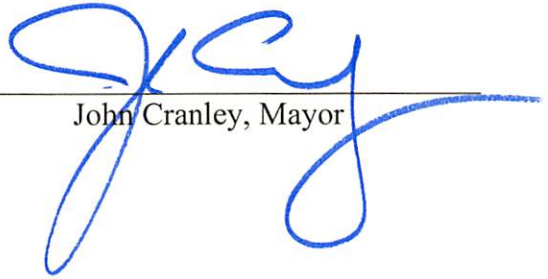
Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easements*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

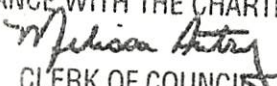
Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to enable the City to convey the easements as soon as possible

so that Grantee can promptly move forward with the Project, thereby creating a significant economic benefit and enhancement to the City at the earliest possible time.

Passed: August 4, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 324-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 8-17-2021

CLERK OF COUNCIL