

EMERGENCY

City of Cincinnati

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An Ordinance No. 139

- 2022

AUTHORIZING the City Manager to execute a *Lease and Operating Agreement* with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate the City-owned shared-use path known as Lunken Trail in Linwood and the East End.

WHEREAS, the City of Cincinnati owns a shared-use path known as Lunken Trail that generally encircles Lunken Airport in Linwood and the East End, which trail is under the management of the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, pursuant to a *Grant of Easements* authorized by Ordinance No. 323-2020, passed by Council on September 16, 2020, the City granted Great Parks of Hamilton County, formerly known as the Hamilton County Park District, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), permanent easement rights upon certain City-owned property located adjacent to Lunken Trail to facilitate the Little Miami Scenic Trail Beechmont Bridge Project, which project connects the Great Parks-owned Little Miami Scenic Trail with the City-owned Otto Armleder Trail and Lunken Trail; and

WHEREAS, the City and Great Parks are parties to a *Lease and Operating Agreement* authorized by Ordinance No. 462-2021, passed by Council on December 8, 2021, pursuant to which Great Parks leases and operates the Otto Armleder Trail; and

WHEREAS, the City and Great Parks desire to enter into a *Lease and Operating Agreement* pursuant to which Great Parks will lease and operate Lunken Trail as a shared-use path open to the public for public use for a term of up to 20 years (namely, an initial term ending December 31, 2027, followed by three successive five-year renewal terms), as further described in the *Lease and Operating Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the “Agreement”); and

WHEREAS, the City Manager, in consultation with CRC and the Department of Transportation and Engineering, has determined that (i) Lunken Trail is not needed for a municipal purpose for the duration of the Agreement; and (ii) leasing Lunken Trail to Great Parks is not adverse to the City’s retained interest in Lunken Trail or Lunken Airport; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the lease 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 a professional appraisal that the fair market rental value of Lunken Trail is approximately \$10,250 per year; however, the City has agreed to lease Lunken Trail to Great Park for less than its fair market

rental value, namely, \$0.00, because the City will receive benefits from the Agreement that equal or exceed the fair market rental value of Lunken Trail in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of Lunken Trail throughout the term of the Agreement; and

WHEREAS, CRC approved the Agreement at its meeting on May 17, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of Lunken Trail at its meeting on May 20, 2022; 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 *Lease and Operating Agreement* (the “Agreement”) with Great Parks of Hamilton County, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease the shared-use path known as Lunken Trail that generally encircles Lunken Airport in Linwood and the East End, as more particularly depicted in the Agreement, for a period of up to 20 years (namely, an initial term ending December 31, 2027, followed by three successive five-year renewal terms).

Section 2. That Lunken Trail is not needed for a municipal purpose for the duration of the Agreement.

Section 3. That leasing Lunken Trail to Great Parks is not adverse to the City’s retained interest in Lunken Trail or Lunken Airport.

Section 4. That eliminating competitive bidding in connection with the City’s lease of Lunken Trail is in the best interest of the City because Great Parks is a governmental entity with extensive experience in operating the Otto Armleder and the Little Miami Scenic Trails that are interconnected with Lunken Trail. Therefore, the City desires Great Parks to operate Lunken

Trail to ensure access by the public to an attractive and uniform network of interconnected public shared-use paths for transportation and recreation purposes.

Section 5. That the City's Real Estate Services Division has determined by a professional appraisal that the fair market rental value of the Park is approximately \$10,250 per year; however, the City will lease Lunken Trail to Great Parks for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the Agreement that equal or exceed the fair market rental value of Lunken Trail in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of Lunken Trail during the term of the Agreement.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Agreement, including, without limitation, executing any and all ancillary documents associated with the Agreement, such as amendments or supplements to the Agreement deemed by the City Manager to be in the vital and best interests of the City.

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 the immediate need for the City to execute the Agreement so that Great Parks may undertake the operation and maintenance of Lunken Trail without delay to relieve the City of the ongoing budgetary expense and administrative burden of seasonal maintenance activities and for

the public to realize the attendant benefits of a standardized network of interconnected public trails for transportation and recreation purposes at the earliest possible time.

Passed: June 2, 2022

Attest: [Signature]
Clerk

[Signature]
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 139-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 6-14-2022
[Signature]
CLERK OF COUNCIL