

## EMERGENCY

DMZ

- 2026

**AUTHORIZING** the City Manager to execute any and all agreements and documents and take such other steps as may be necessary to vacate and sell approximately 0.6306 acres of public right-of-way known as Beechmont Avenue in the Mt. Washington neighborhood of Cincinnati, to the Mt. Washington Community Development Corporation, subject to the reservation of easements and a declaration of restrictions, in order to facilitate the Mt. Washington Community Development Corporation's development of an affordable senior housing facility on its adjacent site.

WHEREAS, the City of Cincinnati (the "City") owns approximately 0.6036 acres of public rights-of-way known as Beechmont Avenue, in the Mt. Washington neighborhood of Cincinnati, being a portion of Hamilton County, Ohio tax parcel 0004-0007-0068 and being more particularly described on Attachment A (Legal Description) and depicted on Attachment B (Sale Plat) to this ordinance (collectively, the "City ROW"), which is under the management and control of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, the Mt. Washington Community Development Corporation ("MWCDC") owns the properties designated as Hamilton County Auditor's Parcel Nos. 0004-0007-0101 and 0004-0007-0009 through 0013, which abut the southern line of the City ROW (the "MWCDC Property"); and

WHEREAS, MWCDC intends to develop an affordable senior living facility on the MWCDC Property (the "Project") and, in order to do so, it is necessary for MWCDC to acquire the City ROW and consolidate it with the MWCDC Property; and

WHEREAS, the City desires to vacate as public right-of-way the City ROW and sell the same to MWCDC, subject to the reservation of easements and a declaration of restrictions, in order to allow the consolidation of the City ROW and the MWCDC property to facilitate the development of the Project; and

WHEREAS, William A. Volck, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney's Certificate of Title, certifying as to the owners of all real property abutting the City ROW; and

WHEREAS, MWCDC is the only owner of property abutting the City ROW and has consented to the City's vacation of the City ROW; and

WHEREAS, if applicable, all necessary abutters will have consented to the City's vacation of the City ROW by executing and delivering quitclaim deeds prior to the City Manager vacating the City ROW; and

WHEREAS, pursuant to Ohio Revised Code Section 723.05, the City may vacate a street or alley if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the sale 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 selling the City ROW to MWCDC is in the best interest of the City because (i) there is no entity other than MWCDC that could have any practical use for the City ROW, and (ii) it is desirable for the City to have affordable housing options within the City, which MWCDC's project will provide; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that: (i) the City ROW is not needed for transportation or public right-of-way purposes, (ii) there is good cause to vacate the City ROW because the City supports the development of the Project, and (iii) the vacation of the City ROW as public right-of-way will not be detrimental to the general interest; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the fair market value of the City ROW is \$7,900, which MWCDC 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 vacation of the City ROW at its meeting on April 3, 2026;

WHEREAS, the City believes that vacating and selling the City ROW to MWCDC is in the vital and best interests of the City and the health, safety, and welfare of its residents and is in accordance with the provisions of applicable federal, state, and local laws and requirements; 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 do all things necessary to vacate approximately 0.6036 acres of public right-of-way known as Beechmont Avenue in the Mt. Washington neighborhood, as more particularly described on Attachment A (Legal Description) and depicted on Attachment B (Sale Plat) attached hereto and incorporated herein by reference (the "City ROW").

Section 2. That the City Manager is hereby authorized execute a Property Sale Agreement with the Mt. Washington Community Development Corporation ("MWCDC") in substantially the

from attached to this ordinance as Attachment C (Property Sale Agreement) and incorporated herein by reference, pursuant to which the City will to MWDCD the City ROW.

Section 3. That the City ROW is not needed for transportation or public right-of-way purposes, that there is good cause to vacate and sell the City ROW to MWDCD, and that such vacation and sale will not be detrimental to the general interest.

Section 4. That the fair market value of the City ROW is \$7,900.00, which MWDCD has agreed to pay.

Section 5. That the proceeds from the sale of the City ROW, if any, 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 amount thereof 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 eliminating competitive bidding for the City's sale of the City ROW, in accordance with Section 331-5, Cincinnati Municipal Code, is in the best interest of the City because (i) there is no entity other than MWDCD that could have any practical use for the City ROW, and (ii) it is desirable for the City to have affordable housing options within the City, which MWDCD's project will provide.

Section 8. That, pursuant to Ohio Revised Code Section 723.041, any affected public utility shall be deemed to have a permanent easement in the City ROW to maintain, operate, renew,

reconstruct, and remove its utility facilities and for purposes of access to said facilities, and the City will reserve additional easements as depicted in Attachment B and described in Attachment C.

Section 9. That the City Manager and other proper City officials are hereby authorized to take all necessary and proper actions to fulfill the terms of this ordinance, including, without limitation, executing all agreements, deeds, easements, conveyance documents, plats, amendments, and other documents to effectuate the vacation and sale of the City ROW.

Section 10. That the City Solicitor may cause an authenticated copy of this ordinance to be duly recorded in the Hamilton County, Ohio Recorder's Office.

Section 11. 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 enable MWDC to promptly proceed with the redevelopment efforts on its adjoining property which will provide needed, affordable housing benefits for senior residents of the City.

Passed: \_\_\_\_\_, 2026

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Aftab Pureval, Mayor

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