

# City of Cincinnati

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## An Ordinance No. 177 - 2022

**AUTHORIZING** the City Manager to execute a *Supplemental Agreement* with the Cincinnati Museum Association, an Ohio nonprofit corporation doing business as the Cincinnati Art Museum, for the long-term use and maintenance of a portion of Eden Park in the Walnut Hills and Mt. Adams neighborhoods.

WHEREAS, the City owns the real property commonly known as Eden Park located in the Walnut Hills and Mt. Adams neighborhood (the "Property"), which is under the management and control of the Board of Park Commissioners for the City of Cincinnati (the "Park Board"); and

WHEREAS, pursuant to an *Agreement* by and between the City and the Cincinnati Museum Association, an Ohio nonprofit corporation doing business as the Cincinnati Art Museum ("CMA"), dated February 17, 1882, CMA maintains and uses a portion of the Property upon which CMA has constructed and operates a facility commonly known as the Cincinnati Art Museum ("Art Museum Grounds"); and

WHEREAS, CMA has requested a long-term, non-exclusive license to use and maintain an additional portion of the Property, as more particularly shown in the *Supplemental Agreement* attached to this ordinance as Attachment A and incorporated herein by reference ("License and Maintenance Area"), as a new privately funded and constructed entrance from Eden Park Drive to the Art Museum Grounds and for associated private infrastructure improvements ("Improvements") for a term that is coterminous with the term of the *Agreement*; and

WHEREAS, CMA has made a significant investment in designing and constructing the Improvements in contemplation of the execution of a supplemental agreement with the City pertaining thereto, and, under the proposed *Supplemental Agreement*, CMA will be required to keep and maintain the License and Maintenance Area and the Improvements in good, clean, and safe condition and repair and in accordance with the Park Board standards at no expense to the City; and

WHEREAS, in exchange for CMA's agreement to keep and maintain the License and Maintenance Area and the Improvements in good, clean, and safe condition and repair at no expense to the City, and in recognition of the ongoing benefit to the City of having access to cultural and educational programs, activities, and opportunities in areas directly concerned with the arts, the City is agreeable to permitting CMA to use and maintain the License and Maintenance Area and the Improvements on the Property without payment of a license fee or rent; and

WHEREAS, the City has determined that CMA's use and maintenance of the License and Maintenance Area and the Improvements will enhance and expand the community's

exposure to cultural and educational programs, activities, and opportunities in areas directly concerned with the arts, while maximizing the Property's natural features to ensure a safe and attractive space for use by citizens and visitors for park purposes, and that it is therefore in the vital and best interests of the City and the health, safety, and welfare of its residents, and is consistent with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, the Park Board approved the construction and installation of the Improvements and the use and maintenance of the License and Maintenance Area at its meeting on November 17, 2016; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City-owned property, approved the Improvements and the use and maintenance of the License and Maintenance Area at its meeting on June 3, 2022; now, therefore,

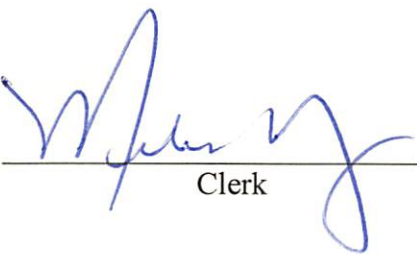
BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a *Supplemental Agreement* with the Cincinnati Museum Association, an Ohio nonprofit corporation doing business as the Cincinnati Art Museum ("CMA"), in substantially the form attached as Attachment A hereto and incorporated by reference, pursuant to which the City will grant CMA a non-exclusive license to use and maintain a portion of Eden Park to construct, use, and maintain a driveway entrance and associated infrastructure improvements, without payment of a license fee or rent, for a term that is coterminous with the term of the *Agreement* by and between the City and CMA dated February 17, 1882.

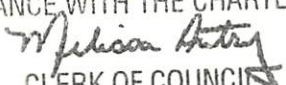
Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of the *Supplemental Agreement* and this ordinance, including, without limitation, executing any and all ancillary documents associated with the *Supplemental Agreement*, such as amendments or supplements to the *Supplemental Agreement* deemed by the City Manager to be in the vital and best interests of the City.

Section 3. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: June 23, 2022

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 177-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 7.5.2022  
  
CLERK OF COUNCIL