

City of Cincinnati

CHM *BWB*

An Ordinance No. 99

- 2022

AUTHORIZING the City Manager to execute a *Lease Agreement* with Mutual Dance Theatre and Arts Centers pursuant to which Mutual Dance Theatre and Arts Centers will lease the College Hill Town Hall located at 1805 Larch Avenue in the College Hill neighborhood for up to 10 years.

WHEREAS, the City owns certain real property located at 1805 Larch Avenue in the College Hill neighborhood commonly known as the College Hill Town Hall (the “Property”), as more particularly described in the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the “Lease Agreement”), which Property is under the management of the Department of Public Services (“DPS”); and

WHEREAS, pursuant to that certain *Lease Agreement*, dated July 8, 1999, the City leases the Property to Contemporary Dance Theater, Inc., an Ohio nonprofit corporation (“CDT”) for a term of up to 30 years, with the current term set to expire on July 8, 2024, for use as a civic center for the College Hill community and as theater instructional space (the “Existing Lease”); and

WHEREAS, CDT has merged out of existence into Mutual Dance Theatre and Arts Centers, an Ohio nonprofit corporation (“MDT”), and MDT desires to terminate the Existing Lease and execute a new lease agreement with the City to use the Property in the same or a similar manner, namely, as a civic center for the College Hill Community and as theater instructional space for a period of up to 10 years (i.e., an initial five-year term and an optional renewal term of five years); 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 an appraisal that the fair market rental value of the Property is approximately \$9,000 per year; however, the City has agreed to lease the Property to MDT for less than the fair market rental value, namely \$1.00 per year, because the City will receive benefits from the Lease Agreement that equal or exceed the fair market rental value of the Property, including relief from the expense and administrative burden of the management, operation, and security of the Property and the expansion of cultural and educational programs, activities, and opportunities for the broader community; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the use of the Property as a civic center and theater instructional space at its meeting on June 18, 1999; 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 Agreement* (the “Lease Agreement”) with Mutual Dance Theatre and Arts Centers, an Ohio nonprofit corporation (“MDT”), 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 certain real property located at 1805 Larch Avenue in College Hill commonly known as the College Hill Town Hall (the “Property”) to MDT for a 10-year term, which Property is more particularly identified in the Lease Agreement.

Section 2. That the Property is not needed for a municipal purpose for the duration of Lease Agreement.

Section 3. That leasing the Property to MDT is not adverse to the City’s retained interest in the Property.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Property is in the best interest of the public because the City has determined that MDT is a community-oriented nonprofit organization with a mission to promote the general health and welfare of the College Hill community and has demonstrated the ability to maintain the Property in a good and safe condition.

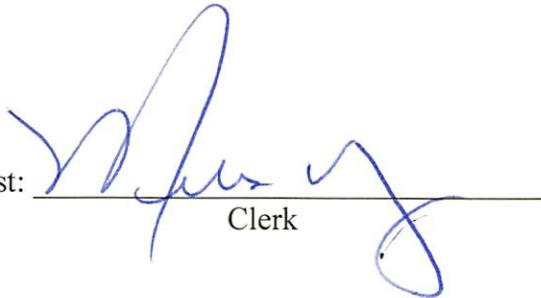
Section 5. That the City’s Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Property is approximately \$9,000 per year; however, the City has agreed to lease the Property to MDT for less than the fair market rental value, namely \$1.00 per year, because the City will receive benefits from the Lease Agreement that equal or exceed the fair market rental value of the Property, including relief from the expense and administrative burden of the management, operation, and security of the Property

and the expansion of cultural and educational programs, activities, and opportunities for the broader community.

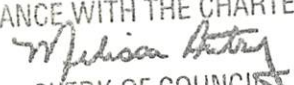
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Lease Agreement; including, without limitation, executing any and all ancillary documents associated with the Lease Agreement, such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

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 27, 2022

Attest: 
Clerk


Vice - Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 98-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 5-10-2022

CLERK OF COUNCIL