

EMERGENCY

City of Cincinnati

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An Ordinance No. 164

- 2024

AUTHORIZING the City Manager to take any and all steps as may be necessary in order to vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street in the Central Business District of Cincinnati, and to release and quitclaim any and all public walkway easements over and across the site of the former Millennium Hotel, all to facilitate the Duke Energy Convention Center renovation project.

WHEREAS, the City of Cincinnati (the "City") owns approximately 0.7968 acres of public rights-of-way known as (i) the portion of Elm Street located between Fifth and Sixth Streets, (ii) Convention Way, (iii) Opera Alley, (iv) Hatters Alley, (v) Thorp Alley, and (vi) the residue portion of Sixth Street located at the southeast corner of Elm and Sixth Streets, all in the Central Business District of Cincinnati, and as more particularly described on Attachment A and depicted on Attachment B 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 City, Hamilton County, and Cincinnati Center City Development Corporation (3CDC) are partnering on the redevelopment of the City-owned Duke Energy Convention Center (the "DECC"), including through the creation of a plaza immediately adjacent thereto for coordinated programming for the DECC (collectively, the "Project"); and

WHEREAS, the Port of Greater Cincinnati Development Authority (the "Port") currently owns certain real property where the former Millennium Hotel was located, generally bounded by Elm Street, Fifth Street, Sixth Street, and the 84.51 headquarters building (the "Millennium Site"); and

WHEREAS, the City desires to (i) vacate as public right-of-way and retain ownership of the City ROW, and (ii) release and quitclaim any and all public walkway easements over and across the Millennium Site (the "Walkway Easements"), all to create a consolidated Project site when combined with the DECC and the Millennium Site; and

WHEREAS, a reputable attorney practicing in Hamilton County, Ohio, will have provided an Attorney's Certificate of Title, certifying as to the owners of all real property abutting the City ROW, prior to the City Manager vacating 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, the City Manager, in consultation with DOTE, has determined that: (i) the City ROW and Walkway Easements are not needed for transportation or public right-of-way purposes, (ii) the Walkway Easements are not needed for any municipal purpose, (iii) there is good cause to vacate the City ROW and release the Walkway Easements, and (iv) the vacation of the City ROW as public right-of-way and the release of the Walkway Easements will not be detrimental to the general interest; and

WHEREAS, the City believes that the Project 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 public purposes and provisions of applicable federal, state, and local laws and regulations; 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 May 3, 2024; 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 any and all documents that may be necessary to (a) vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street, all as more particularly described on Attachment A and depicted on Attachment B to this ordinance (the “City ROW”); and (b) release and quitclaim any and all public walkway easements over and across the site of the former Millennium Hotel (the “Walkway Easements”).

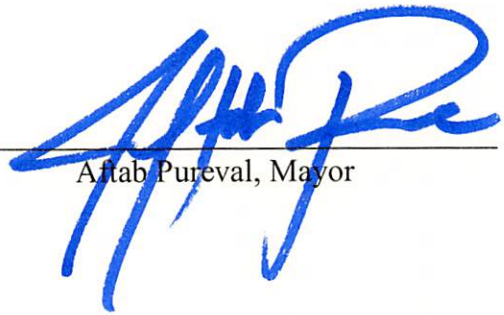
Section 2. That the City ROW and Walkway Easements are not needed for transportation or public right-of-way purposes, that the Walkway Easements are not needed for any other municipal purposes, that there is good cause to vacate and retain the City ROW and release the Walkway Easements, and that such vacation and release will not be detrimental to the general interest.

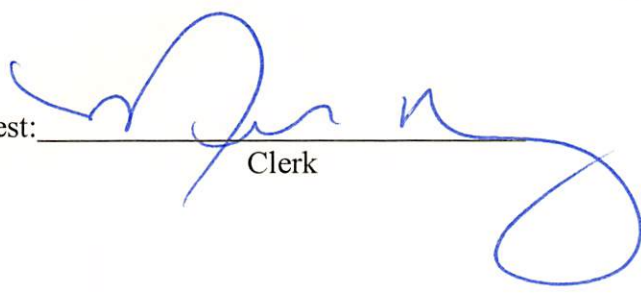
Section 3. That, pursuant to Ohio Revised Code Section 723.041, any affected public utility shall be deemed to have a permanent easement in the City ROW to maintain, operate, renew, reconstruct, and remove its utility facilities and for purposes of access to said facilities.

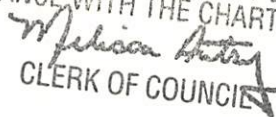
Section 4. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this ordinance, including, without limitation, executing all agreements, deeds, easements, conveyance documents, plats, amendments, and other documents to effectuate the vacation of the City ROW and the release of the Walkway Easements.

Section 5. 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 urgency to commence the renovation of the Duke Energy Convention Center and auxiliary improvements in accordance with the established construction timeline.

Passed: May 22, 2024


Aftab Pureval, Mayor

Attest: 
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 164-2024
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 6/4/2024

CLERK OF COUNCIL