

An Ordinance No. 369

- 2023

AUTHORIZING the City Manager to execute a Grant of Easement in favor of the Board of Trustees of Anderson Township, Hamilton County, Ohio, pursuant to which the City of Cincinnati will grant temporary and perpetual easements to construct and maintain a public shared-use path upon portions of City-owned property located south of Beechmont Avenue and west of Elstun Road in the Mt. Washington neighborhood of Cincinnati, thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails.

WHEREAS, the City of Cincinnati owns certain real property generally located south of Beechmont Avenue in Cincinnati, designated as Hamilton County, Ohio Auditor's Parcel No. 004-0008-0001-90 ("Property"), which is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, the Board of Trustees of Anderson Township, Hamilton County, Ohio, an Ohio political subdivision ("Grantee"), has requested the City to grant temporary and perpetual easements upon the Property, as depicted and described in the Grant of Easement attached to this ordinance as Attachment A and incorporated herein by reference ("Easements") to construct and maintain a shared use path connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails; and

WHEREAS, the City Manager, in consultation with CRC, has determined that granting the Easements to Grantee (i) is not adverse to the City's retained interest in the Property, and (ii) will not unreasonably interfere with the City's use of the Property for recreation or other municipal purposes; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, the City has determined that eliminating competitive bidding in connection with granting the Easements is in the best interest of the City because the Easements are needed to enable Grantee to construct and maintain the proposed shared-use path and, as a practical matter, no one else would have any need for the Easements; and

WHEREAS, the fair market value of the Easements, as determined by a professional appraisal by the City's Real Estate Services Division, is \$28,816; however, the City desires to grant the Easements for less than their estimated fair market value, namely, \$0.00, because (i) Grantee is a governmental entity, (ii) the Easements will serve and benefit the public, and (iii) the City will receive economic and non-economic benefits from the public shared-use path that equal or exceed the estimated fair market value of the Easements in that the City will be relieved of the expense and administrative burden of the construction and maintenance of the shared-use path in perpetuity; and

WHEREAS, CRC approved the grant of the Easements to Grantee at its regular meeting on September 19, 2023; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements at its meeting on October 20, 2023; 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 Grant of Easement in favor of the Board of Trustees of Anderson Township, Hamilton County, Ohio (“Grantee”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will grant to Grantee temporary and perpetual easements to construct and maintain a proposed public shared-use path (“Easements”) upon portions of City-owned property located south of Beechmont Avenue and west of Elstun Road designated as Hamilton County, Ohio Auditor’s Parcel No. 004-0008-0001-90 (“Property”), thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails.

Section 2. That granting the Easements to Grantee (i) is not adverse to the City’s retained interest in the Property, and (ii) will not unreasonably interfere with the City’s use of the Property for recreation or other municipal purposes.

Section 3. That the fair market value of the Easements, as determined by a professional appraisal by the City’s Real Estate Services Division, is \$28,816; however, the City desires to grant the Easements for less than their estimated fair market value, namely, \$0.00, because (i) Grantee is a governmental entity, (ii) the Easements will serve and benefit the public, and (iii) the City will receive economic and non-economic benefits from the public shared-use path that is anticipated to equal or exceed the estimated fair market value of the Easements in that the

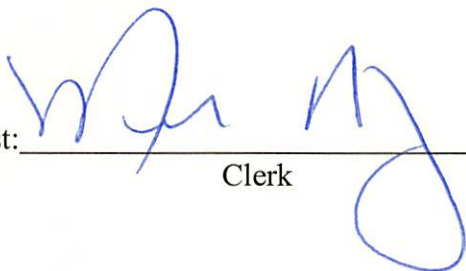
City will be relieved of the expense and administrative burden of the construction and maintenance of the shared-use path in perpetuity.

Section 4. That it is in the best interest of the City to grant the Easements without competitive bidding because the Easements are needed to enable Grantee to construct and maintain the public shared-use path and, as a practical matter, no one else would have any need for the Easements.

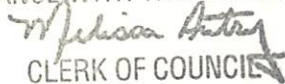
Section 5. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance, including without limitation execution of any and all ancillary agreements, plats, and other documents associated with the Easement, such as amendments and supplements to the Easement as deemed necessary or appropriate by the City Manager to be in the vital and best interests of the City.

Section 6. 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 grant the Easements to Grantee so that Grantee may begin construction without delay and within timelines established by the Ohio Department of Transportation.

Passed: November 1, 2023

Attest: 
Clerk


VICE - Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 309-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11/14/2023

CLERK OF COUNCIL