

EMERGENCY

City of Cincinnati

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An Ordinance No. 141

- 2021

**AUTHORIZING** the City Manager to execute a *Lease Agreement* with UC Health, LLC, pursuant to which the City will lease for up to sixty-two years a portion of Goodman Street located west of Burnet Avenue, a portion of Highland Avenue located north of Piedmont Avenue, and certain other real property used for transportation purposes in the Corryville neighborhood.

WHEREAS, the City owns certain real property identified as Hamilton County, Ohio Auditor's Parcel Identification No.: 104-0001-0259-00 (-259, -260, and -261 consolidated) which is used for transportation purposes and certain additional real property designated as public right-of-way, respectively known as Goodman Street located west of Burnet Avenue and as Highland Avenue located north of Piedmont Avenue in Corryville, which property is more particularly depicted in the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), and which Property is under the management of the Department of Transportation and Engineering ("DOTE"); and

WHEREAS, the City owns certain real property located adjacent to the Property commonly known as University Hospital, which property UC Health, LLC, an Ohio limited liability company ("UC Health"), leases from the City; and

WHEREAS, UC Health desires to lease the Property from the City to close certain portions of the right of way to construct entryway improvements to the University Hospital Emergency Department and to improve vehicular and pedestrian access around and to the University Hospital Emergency Department; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that (i) the Property, including those portions of the Property on which UC Health proposes to construct improvements, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, (ii) there is good cause to close certain portions of the Property, and the closure of those portions of the Property and the lease of the Property to UC Health will not be detrimental to the general interest, and (iii) leasing the Property to UC Health is not adverse to the City's retained interest in the Property; and

WHEREAS, the City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area is approximately \$20,000 per year, however, in consideration of UC Health assuming responsibility for the maintenance and repair of the Property at its sole cost, the City is agreeable to lease the Property to UC Health for \$1.00/year; and

WHEREAS, Monica D. Kohnen, Esq., a reputable attorney practicing in Hamilton County, Ohio, has delivered to the City an Attorney Certificate of Title certifying that the owners of all the real property abutting the Property are as follows: (i) University of Cincinnati Medical Center, LLC, an Ohio limited liability company, (ii) the City, (iii) Shriners Hospitals for Children, a Colorado nonprofit corporation (formerly known as Shriners Hospitals for Crippled Children), (iv) the State of Ohio, for the use and benefit of the University of Cincinnati, and (v) UC Health, and the City has received the written consent from all necessary abutters to the lease of the Property to UC Health; 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 Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Property at its meeting on April 16, 2021; 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* with UC Health, LLC, an Ohio limited liability company (“UC Health”), 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 for up to sixty-two years certain real property identified as Hamilton County, Ohio Auditor’s Parcel Identification No.: 104-0001-0259-00 (-259, -260, and -261 consolidated), a portion of public right-of-way commonly known as Goodman Street located west of Burnet Avenue, and a portion of public right-of-way commonly known as Highland Avenue located north of Piedmont Avenue in Corryville, as more particularly depicted in the *Lease Agreement* (the “Property”).

Section 2. That (i) the Property, including those portions of the Property on which UC Health proposes to construct improvements, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, (ii) there is good cause to close certain portions of the Property, and the closure of those portions of the Property and the lease of the Property to UC Health will not be detrimental to the general interest, and (iii) leasing the

Property to UC Health is not adverse to the City's retained interest in the Property.

Section 3. That eliminating competitive bidding in connection with the City's lease of the Property is in the best interest of the City because as a practical matter, no one other than UC Health, an abutting property owner, would have any interest in leasing the Property and assuming responsibility for the maintenance and repair thereof, and UC Health has obtained the consent from all necessary abutting property owners to the Property.

Section 4. That the fair market rental value of the Property, as determined by appraisal by the City's Real Estate Services Division, is \$20,000 per year, however, in consideration of UC Health assuming responsibility for the maintenance and repair of the Property at its sole cost, the City is agreeable to lease the Property to UC Health for \$1.00/year.

Section 5. That the proceeds from the lease of the Property, 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 lease, 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.

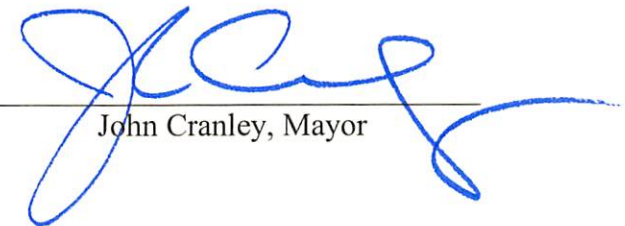
Section 7. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the *Lease Agreement*, including by executing any and all ancillary documents associated with the *Lease Agreement*,

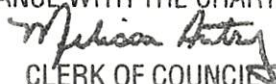
such as amendments or supplements to the *Lease Agreement* deemed by the City Manager to be in the vital and best interests of the City.


Section 8. 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 to enable the parties to execute the *Lease Agreement* without delay, thereby permitting UC Health to assume control of the Property immediately to undertake construction and minimize access-related disruptions to the University Hospital Emergency Department.

Passed: April 28, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 41-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 5-11-2021  
  
CLERK OF COUNCIL

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CLERK OF COUNCIL