

EMERGENCY

DMZ

- 2026

AUTHORIZING the City Manager to execute a Declaration of Easement in favor of 101 West Fifth, LLC, pursuant to which the City will grant a no-build easement over a portion of its property known as 409 Race St., in the Central Business District of Cincinnati, in order to satisfy fire separation requirements established by the Ohio Building Code and allow 101 West Fifth LLC as necessary to obtain certain permit approvals from the City of Cincinnati's Department of Buildings and Inspections.

WHEREAS, the City of Cincinnati ("City") owns the property located at 409 Race St., in the Central Business District of Cincinnati, such property being designated as Hamilton County Ohio Parcel number 0145-0001-0436, and being further described in Attachment A hereto (the "Burdened Property"), which is under the management and control of the Cincinnati City Manager's Office; and

WHEREAS, 101 West Fifth LLC, an Ohio limited liability company ("Grantee"), owns the property at 425 Race St., in the Central Business District of Cincinnati, being designated as Hamilton County Ohio Parcel number 0145-0001-0458 and being further described in Attachment B hereto (the "Benefitted Property"), which is adjacent to the Burdened Property, and desires to renovate or remodel the Benefitted Property (the "Project"); and

WHEREAS, in order to comply with fire separation requirements of the Ohio Building Code and the requirements of the Cincinnati Department of Buildings and Inspections to complete the Project, Grantee has requested that the City grant a no-build easement over the area depicted in Attachment C (the "No Build Easement" or "No Build Easement Area" as applicable), which prohibits the owner of the Burdened Property from constructing any improvements upon the Burdened Property within the No Build Easement Area; and

WHEREAS, the City Manager has determined that granting the easement will not be adverse to the City's retained interest in the Burdened Property; and

WHEREAS, the City has determined that eliminating competitive bidding in connection with granting the easement is in the best interest of the City because the easement is needed to enable Grantee to complete the Project and because, as a practical matter, no other party would have any use for the easement; and

WHEREAS, the City's Real Estate Services Division has determined by appraisal that the fair market value of the easement is approximately \$11,700; and

WHEREAS, because the City will receive economic and non-economic benefits which equal or exceed the fair market value of the No Build Easement, the City has determined to grant the No Build Easement at no cost; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on May 1, 2026; 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 Declaration of Easement in favor of 101 West Fifth LLC, an Ohio limited liability company (“Grantee”), in substantially the form attached to this ordinance as Attachment D, pursuant to which the City of Cincinnati (“City”) will grant to Grantee a no build easement over an area of approximately 0.049 acres, and extending from an elevation of 544.33 ft to 716.00 ft as depicted in Attachment C hereto (the “No Build Easement” or “No Build Easement Area” as applicable), to prohibit the construction of improvements within the No Build Easement Area over the City owned property at 409 Race St., in the Central Business District of Cincinnati, which property is further described in Attachment A hereto (the “Burdened Property”) and provide for fire separation as necessary to comply with the Ohio Building Code and the requirements of the Cincinnati Department of Buildings and Inspections for Grantee to complete a renovation of its adjacent property at 425 Race St., as further described in Attachment B hereto (the “Benefitted Property”).

Section 2. That the grant of the No Build Easement to Grantee is not adverse to the City’s retained interest in the Burdened Property.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because the easement is needed for the Grantee to comply with the Ohio Building Code and the requirements of the City of Cincinnati Buildings and Inspections department in Grantee’s development of the Benefitted Property, and because, as a practical matter, no other party would have any use for the easement.

Section 4. That the fair market value of the easement, as determined by appraisal by the City's Real Estate Services Division, is approximately \$11,700.

Section 5. That because the City will receive economic and non-economic benefits by granting the No Build Easement to Grantee, the City has determined to grant the No Build Easement at no cost to Grantee.

Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the Declaration of Easement, including without limitation executing any and all ancillary agreements, plats, and other documents.

Section 7. 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 the for the emergency is to enable the immediate declaration of the No Build Easement by the City so that the Grantee may complete the renovation of the Benefitted Property and be in compliance with the Ohio Building Code and the requirements of the Cincinnati Department of Buildings and Inspections at the earliest possible time.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk