

EMERGENCY

CHM

- 2020

AUTHORIZING the City Manager to execute a *Grant of Easements* in favor of Great Parks of Hamilton County, granting temporary and permanent easements over City-owned land near the Beechmont Avenue Bridge, on either side of the Little Miami River, in the Linwood and Mt. Washington neighborhoods of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property located east and west of the Beechmont Avenue Bridge in Cincinnati, designated as Hamilton County Auditor parcel nos. 015-0003-0029-90, 004-0008-0001-90, 0500-0430-0138-90, and 004-0008-0001-90 (the "Property"), which is under the management of the City's Department of Transportation and Engineering; and

WHEREAS, Great Parks of Hamilton County, an Ohio political subdivision ("Grantee"), has requested the City to grant temporary and permanent easements over, under, and across the Property, as depicted in the *Grant of Easements* attached to this ordinance as Attachment A, in connection with the Little Miami Scenic Trail Beechmont Bridge Project, which project will link the Little Miami Scenic Trail, the Otto Armeleder Trail, and the Lunken Bike Trail over the Little Miami River; and

WHEREAS, the City Manager has determined that the grant of easements to Grantee is not adverse to the City's retained interest in the Property; and

WHEREAS, 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 expand and maintain the Little Miami Scenic Trail, and, as a practical matter, no one else would have any need for such easements; and

WHEREAS, the fair market value of the easements, as determined by an appraisal by the City's Real Estate Services Division, is \$33,800, however, the City intends to grant the easements to Grantee for \$0.00 because Grantee is a governmental entity and the easements will serve and benefit the public; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the grant of easements at its meeting on September 4, 2020; 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 Easements* in favor of Great Parks of Hamilton County (“Grantee”) pursuant to which the City will grant to Grantee temporary and permanent easements over and across certain portions of City-owned property east and west of the Beechmont Avenue Bridge in Cincinnati (the “Property”), in substantially the form attached to this ordinance as Attachment A, for the construction, use and maintenance of the Little Miami Scenic Trail.

Section 2. That granting the easements to Grantee is not adverse to the City’s retained interest in the Property.

Section 3. That the fair market value of the easements, as determined by an appraisal by the City’s Real Estate Services Division, is \$33,800, however, the City intends to grant the easements to Grantee for \$0.00 because Grantee is a governmental entity and the easements will serve and benefit the public.

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 Little Miami Scenic Trail for the use and benefit of the public.

Section 5. 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, including without limitation execution of any and all ancillary agreements, plats and other documents.

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: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk