

# City of Cincinnati

CHM

## An Ordinance No. \_\_\_\_\_

EESW  
- 2022

**AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Robert B. Hinton, Jr., pursuant to which the City of Cincinnati will grant an easement for retaining walls and pavement that encroach upon portions of Handasyde Court and Menlo Avenue in Hyde Park.

WHEREAS, Robert B. Hinton, Jr. (“Grantee”), holds title to certain real property located at 2503 Handasyde Court in the Hyde Park neighborhood; and

WHEREAS, the City of Cincinnati (“City”) owns the adjoining Handasyde Court and Menlo Avenue public rights-of-way (“Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOTTE”); and

WHEREAS, Grantee has requested an easement from the City for certain improvements that encroach upon portions of the Handasyde Court and Menlo Avenue public rights-of-way, namely, retaining walls and pavement for a driveway, as more particularly described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”); and

WHEREAS, the City Manager, in consultation with DOTTE, has determined (i) that granting the Easement to Grantee is not adverse to the City’s retained interest in the Property and (ii) that granting the Easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, Council may authorize the encumbrance 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’s Real Estate Services Division has determined by an appraisal that the fair market value of the Easement is approximately \$3,150, however, in consideration of the costs incurred by Grantee in constructing a public sidewalk in the Handasyde Court and Menlo Avenue public rights-of-way at the request of the City, the City has agreed to convey the Easement for \$1.00 because the City anticipates that the City and the general pedestrian public will receive a combination of economic and non-economic benefits from the public sidewalk that will equal or exceed the fair market value of the Easement; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on January 19, 2018; 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 Robert B. Hinton, Jr. (“Grantee”), the owner of the property located at 2503 Handasyde Court in Hyde Park, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an easement to construct and maintain encroachments (“Easement”) upon portions of the Handasyde Court and Menlo Avenue public rights-of-way (“Property”), as more particularly described in Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$3,150, however, in consideration of the costs incurred by Grantee in constructing a public sidewalk in the Handasyde Court and Menlo Avenue public rights-of-way at the request of the City, the City has agreed to convey the Easement for \$1.00 because the City anticipates that the City and the general pedestrian public will receive a combination of economic and non-economic benefits from the public sidewalk that will equal or exceed the fair market value of the Easement.

Section 5. That the proceeds from the *Grant of Easement* 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 *Grant of Easement*, and that the City’s Finance Director is

hereby authorized to deposit amounts in excess thereof, if any, 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 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 *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk