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City of Cincinnati
An Ordinance No. 337 - 2022

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Market House, LLC, pursuant to which the City of Cincinnati will grant an access easement across a portion of City-owned real property in Over-the-Rhine.

WHEREAS, pursuant to a *Quitclaim Deed* authorized by Ordinance No. 212-2018, passed by Cincinnati City Council on June 27, 2018, the City of Cincinnati ("City") conveyed to Market House, LLC, an Ohio limited liability company ("Grantee"), all its right, title, and interest in and to an air parcel consisting of the upper floors of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street (the "Benefitted Property") at Findlay Market in the Over-the-Rhine neighborhood; and

WHEREAS, the City owns an adjoining parcel of real property identified as Hamilton County, Ohio Auditor's Parcel ID No. 094-0008-0376-00, as more particularly described and depicted in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference ("Property"), which Property consists of vacated former public right-of-way that is under the management of the City's Department of Public Services ("DPS"); and

WHEREAS, Grantee has undertaken a project to renovate the Benefitted Property into a residential dwelling (the "Project"), and Grantee requires an access easement across the Property to the Sellew Alley and West Elder Street public rights-of-way, as more particularly detailed in Attachment A ("Easement"); and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing; and

WHEREAS, pursuant to Ordinance No. 212-2018, the Council determined that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, the City Manager, in consultation with DPS, has determined that granting the Easement to Grantee is not adverse to the City's retained interest in the Property; 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 \$900.00; however, the City has agreed to grant the Easement to Grantee for \$1.00 because the City will receive benefits from the Project that equal or exceed the fair market value of the Easement through the creation of temporary construction jobs and the increased availability of adequate housing in the City; 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 August 5, 2022; 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 Market House, LLC, an Ohio limited liability company ("Grantee") and the owner of an air parcel consisting of the upper floors of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street (the "Benefitted Property") at Findlay Market in Over-the-Rhine, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati ("City") will grant to Grantee an access easement ("Easement") across a portion of certain real property identified as Hamilton County, Ohio Auditor's Parcel ID No. 094-0008-0376-00, as more particularly described and depicted in Attachment A ("Property").

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

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 \$900.00; however, the City has agreed to grant the Easement to Grantee for \$1.00 because the City will receive benefits

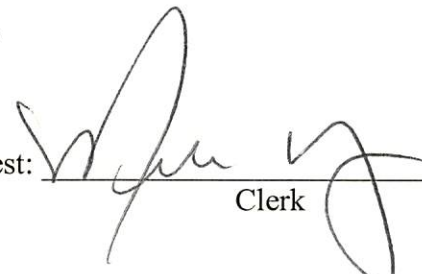
from Grantee's renovation of the Benefitted Property into a residential dwelling that equal or exceed the fair market value of the Easement through the creation of temporary construction jobs and the increased availability of adequate housing in the City.


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.

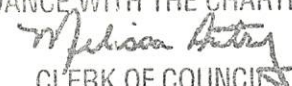
Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other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

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 26, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 337-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-8-2022

CLERK OF COUNCIL