

City of Cincinnati

JRS

An Ordinance No. 384

- 2021

AWG

AUTHORIZING the City Manager to execute a *Lease Agreement* with Brewing Arts, LLC, pursuant to which the City will lease for a five-year term an above grade portion of the excess right of way located north of Blue Rock Street, and between Cherry Street and Turrill Street, in the Northside neighborhood.

WHEREAS, the City of Cincinnati owns certain real property, designated as public right of way, and more particularly described as an above grade portion of the excess right of way located north of Blue Rock Street, and between Cherry Street and Turrill Street, in the Northside neighborhood (the "Property"), which Property is under the management of the Department of Transportation and Engineering ("DOT"); and

WHEREAS, Brewing Arts, LLC, an Ohio limited liability company ("Lessee"), owns or otherwise controls certain real property abutting the Property located at 1662 Blue Rock Street, and has requested to lease from the City a portion of the Property, as more particularly depicted in the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Lease Area"); and

WHEREAS, the City Manager, in consultation with DOT, has determined that (i) the Lease Area is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, and (ii) leasing the Lease Area to Lessee is not adverse to the City's retained interest in the Lease Area or 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 \$2,400 per year, which Lessee has agreed to pay; 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 Lease Area at its meeting on August 20, 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 Brewing Arts, LLC, an Ohio limited liability company (“Lessee”), 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 a five-year term an above grade portion of the excess right of way located north of Blue Rock Street, and between Cherry Street and Turrill Street, in the Northside neighborhood, as more particularly depicted in the *Lease Agreement* (the “Lease Area”).

Section 2. That the Lease Area is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease.

Section 3. That leasing the Lease Area to Lessee is not adverse to the City’s retained interest in the Lease Area.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Lease Area is in the best interest of the City because as a practical matter, no one other than Lessee, an abutting property owner, would have any interest in leasing the Lease Area and assuming responsibility for the maintenance and repair thereof.

Section 5. That the fair market value of the lease, as determined by appraisal by the City’s Real Estate Services Division, is \$2,400 per year, which Lessee has agreed to pay.

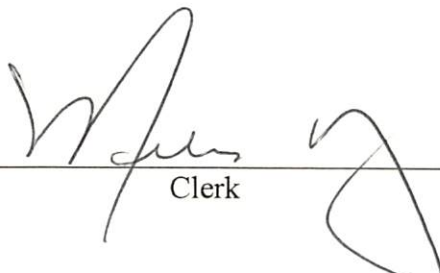
Section 6. That the proceeds from the lease of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the lease, and that the City’s Finance Director is hereby authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

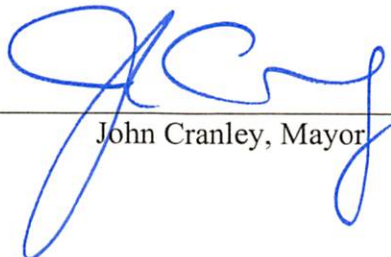
Section 7. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

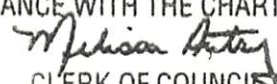
Section 8. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the *Lease Agreement* including by generating and installing street signage in accordance with the Department of Transportation and Engineering's policies and procedures, and 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 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 6, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 304 2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10-19-2021

CLERK OF COUNCIL