

EMERGENCY

City of Cincinnati

CHM

EESW

An Ordinance No. 335

- 2023

AUTHORIZING the City Manager to execute a Property Transfer Agreement with Riverside Lots LLC, pursuant to which the City will sell certain real property located at 256 Wenner Street and 248 Watson Street and acquire a portion of real property located at 260 Wenner Street to facilitate the development of a public parking lot in the East End neighborhood.

WHEREAS, the City owns the public right-of-way designated as Babb Alley in the East End neighborhood under the management of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, the City's Department of Economic and Community Development ("DCED"), under its Neighborhood Business District Improvement Program, has awarded funds to 3 East Community Development Corporation, an Ohio nonprofit corporation, to expand and improve portions of the Babb Alley public right-of-way located between Watson and Wenner Streets to create a public parking lot within the East End business district ("Project"); and

WHEREAS, Riverside Lots LLC, an Ohio limited liability company ("Developer"), owns certain real property adjoining the Babb Alley public right-of-way located at 260 Wenner Street, and to facilitate the Project, the City desires to acquire certain portions of Developer's property for public right-of-way purposes, as more particularly described and depicted in the Property Transfer Agreement attached to this ordinance as Attachment A and incorporated herein by reference ("Acquisition Property"); and

WHEREAS, the City owns certain real property located at 256 Wenner Street and 248 Watson Street, as more particularly described and depicted in the Property Transfer Agreement attached to this ordinance as Attachment A and incorporated herein by reference ("Sale Property"), which Sale Property is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, Developer has petitioned the City to purchase the Sale Property to assemble it with Developer's adjacent properties to facilitate the development of a residential subdivision; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, being the officer having custody and control of the Sale Property, upon consultation with CRC, has determined that the City does not need the Sale Property for recreation or other municipal purposes; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that: (i) the fair market value of the Sale Property is approximately \$40,000; and (ii) the fair market value of the Acquisition Property is approximately \$20,000, a difference of \$20,000, however, the City is agreeable to exchange the Sale Property for the Acquisition Property for \$0.00 because the City will receive economic and non-economic benefits from the transaction that are anticipated to equal or exceed the difference in fair market value of the Sale Property and the Acquisition Property because the Project will enhance access to the East End neighborhood business district by providing additional off-street parking capacity for patrons visiting the neighborhood business district, and because Developer's proposed residential subdivision will create additional housing and additional jobs, which the City anticipates will stimulate economic activity and growth in the East End neighborhood; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City and eliminating competitive bidding in connection with the City's sale of the Sale Property is appropriate because it will achieve two important objectives, namely: (i) it will enable Developer to assemble additional properties to accommodate the construction of a new residential subdivision, thereby creating temporary construction jobs that are likely to stimulate economic growth in the East End neighborhood; and (ii) it will enable the City to expand Babb Alley to facilitate the Project; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; 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, in furtherance of the foregoing public purposes, the City believes that the sale of the Sale Property is in the vital and best interests of the City and the health, safety, and welfare of its residents and is in accordance with applicable state and local laws; and

WHEREAS, the Public Recreation Commission approved the sale of the Sale Property to Developer at its meeting on January 18, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property at its meeting on January 20, 2023; 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 Property Transfer Agreement with Riverside Lots LLC, an Ohio limited liability company (“Developer”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will convey to Developer certain real property located at 256 Wenner Street and 248 Watson Street (“Sale Property”) and acquire from Developer a portion of real property located at 260 Wenner Street (“Acquisition Property”), as more particularly detailed in the Property Transfer Agreement.

Section 2. That the Sale Property is not needed for recreation purposes or any other municipal purpose.

Section 3. That the City’s Real Estate Services Division has determined, by professional appraisal: (i) the fair market value of the Sale Property is approximately \$40,000; and (ii) the fair market value of the Acquisition Property is approximately \$20,000, a difference of \$20,000, however, the City is agreeable to exchange the Sale Property for the Acquisition Property for \$0.00 because the City will receive economic and non-economic benefits from the transaction that are anticipated to equal or exceed the difference in fair market value of the Sale Property and the Acquisition Property because the Acquisition Property will facilitate the expansion and improvement of a portion of the Babb Alley public right-of-way located between Watson and Wenner Streets to create a public parking lot within the East End neighborhood business district that will enhance access to the East End neighborhood business district by providing additional off-street parking capacity for patrons visiting the area, and because the sale of the Sale Property to Developer will facilitate a residential subdivision that will create additional housing and

additional jobs, which the City anticipates will stimulate economic activity and growth in the East End neighborhood.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Sale Property is in the best interest of the City because it will achieve two important objectives, namely: (i) it will enable Developer to assemble additional properties to accommodate the construction of new single-family homes, thereby creating temporary construction jobs that are likely to stimulate economic growth in the East End neighborhood; and (ii) it will enable the City to expand Babb Alley to facilitate the creation of a public parking lot within the East End neighborhood business district.

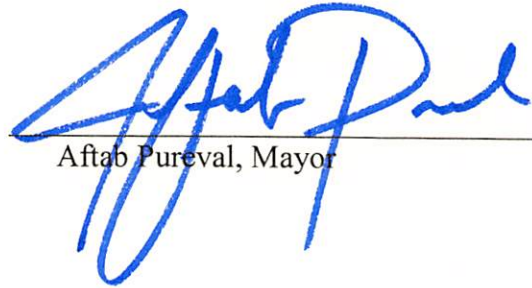
Section 5. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents to facilitate the sale of the Sale Property to Developer and to accept and confirm the conveyance of the Acquisition Property to the City, and to note such acceptance on the conveyance instrument.

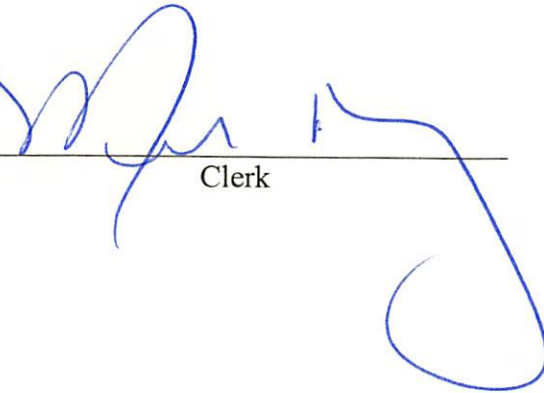
Section 6. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

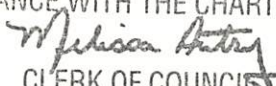
Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to accept and confirm the conveyance of the Acquisition Property without delay so that the City may promptly undertake and complete construction on the shovel-ready project to expand and improve the Babb Alley public

right-of-way and receive the economic and noneconomic benefits of said construction project at the earliest time.

Passed: October 11, 2023


Aftab Pureval, Mayor

Attest: 
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 335 2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10/24/2023

CLERK OF COUNCIL