

City of Cincinnati

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An Ordinance No. 515

- 2021

AUTHORIZING the City Manager to execute a Property Sale and Development Agreement with The Acanthus Group, LLC for the sale of City-owned real property located at 127 Green Street in the Over-the-Rhine neighborhood.

WHEREAS, the City owns certain real property located at 127 Green Street in the Over-the-Rhine neighborhood, as more particularly described and depicted in the Property Sale and Development Agreement attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), which Property is under the management of the City's Department of Community and Economic Development ("DCED"); and

WHEREAS, The Acanthus Group, LLC, an Ohio limited liability company ("Developer"), submitted a proposal in response to a Request for Proposals issued by the City to solicit offers to develop the Property, which proposal the City Manager, in consultation with DCED, determined to be the most advantageous to the City and involves a capital investment of approximately \$604,284.70 to construct a new multi-unit residential structure (the "Project"); 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 the custody and control of the Property, and upon consultation with DCED, has determined that the Property is not needed for any municipal purpose; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$54,000, however, the City has agreed to convey the Property for \$20,000 because the City anticipates that it will receive a combination of economic and non-economic benefits from the Project that will equal or exceed the fair market value of the Property and because the Project will create additional housing and additional jobs and stimulate other economic development in the Over-the-Rhine 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

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 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, the City Manager believes 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 Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Property at its meeting on December 3, 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 *Property Sale and Development Agreement* with The Acanthus Group, 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 sell to Developer certain real property located at 127 Green Street in the Over-the-Rhine neighborhood, as more particularly described on Attachment A and incorporated herein by reference (the “Property”), for Developer to construct a new multi-unit residential structure involving a capital investment of approximately \$604,284.70 (the “Project”).

Section 2. That the Property is not needed for any municipal purpose.

Section 3. That the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$54,000, however, the City has agreed to convey the Property for \$20,000 because the City anticipates that it will receive a

combination of economic and non-economic benefits from the Project that will equal or exceed the fair market value of the Property and because the Project will create additional housing and additional jobs and stimulate other economic development in the Over-the-Rhine neighborhood.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because, following the issuance of a Request for Proposals, the City Manager, in consultation with the Department of Community and Economic Development, determined Developer's proposal to be the most advantageous to the City.

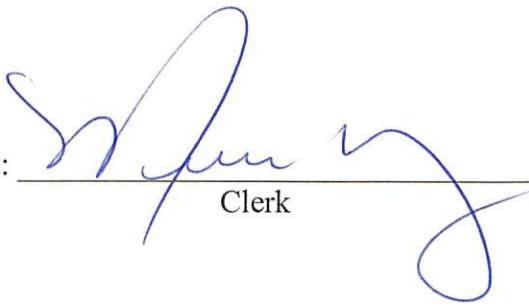
Section 5. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x162x211641, "DCED Property Improvements."

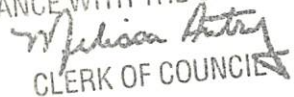
Section 7. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents to facilitate all transactions contemplated by the *Property Sale and Development Agreement*.

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

Passed: December 15, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 515.2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 12.28.2021  
  
CLERK OF COUNCIL