

City of Cincinnati

CHM

BWB

An Ordinance No. 14 - 2021

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of RGW Development, LLC pursuant to which the City of Cincinnati will grant a driveway encroachment easement to construct and maintain paved driveways upon portions of the Columbus Avenue public right-of-way in the Hyde Park neighborhood of Cincinnati.

WHEREAS, RGW Development, LLC, an Ohio limited liability company (“Grantee”), owns the properties located at 3657 and 3658 Columbus Avenue in the Hyde Park neighborhood of Cincinnati; and

WHEREAS, the City of Cincinnati owns the adjoining Columbus Avenue public right-of-way, which is under the management of the City’s Department of Transportation and Engineering (“DOTe”); and

WHEREAS, Grantee has requested a driveway encroachment easement from the City, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated by reference, to construct and maintain paved driveways upon portions of the Columbus Avenue public right-of-way; and

WHEREAS, the City Manager, in consultation with DOTe, has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way; and

WHEREAS, pursuant to Section 331-5 of the Cincinnati Municipal Code, 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 appraisal that the fair market value of the easement is approximately \$5,800, which has been deposited with the City Treasurer; 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 December 18, 2020; 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 RGW Development, LLC, an Ohio limited liability company (“Grantee”), owner of the

properties located at 3657 and 3658 Columbus Avenue in Cincinnati, in substantially the form attached to this ordinance as Attachment A and incorporated by reference herein, pursuant to which the City of Cincinnati will grant to Grantee an encroachment easement to construct and maintain paved driveways upon portions of the Columbus Avenue public right-of-way.

Section 2. That granting the easement to Grantee is not adverse to the City's retained interest in the Columbus Avenue public right-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, the owner of real property abutting either side of the existing right of way, would have any use for the easement.

Section 4. That the fair market value of the easement, as determined by appraisal by the City's Real Estate Services Division, is approximately \$5,800, which has been deposited with the City Treasurer.

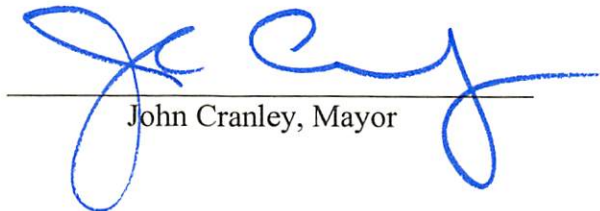
Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the easements, and that the City's Finance Director is hereby authorized to deposit amounts 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 appropriate 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.

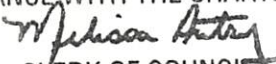
Passed: January 21, 2021



John Cranley, Mayor

Attest: 

Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 16-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 2-2-2021

CLERK OF COUNCIL