

City of Cincinnati

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An Ordinance No. 296

- 2024

AUTHORIZING the City Manager to execute a Lease Agreement with The East Walnut Hills Assembly, Inc., pursuant to which the City will lease a portion of certain real property located between Madison Road on the north and Myrtle Avenue on the south in the East Walnut Hills neighborhood of Cincinnati, for continued use as a public parking lot for the benefit of the general public.

WHEREAS, the City of Cincinnati owns certain real property consisting of approximately .794 acres of land located between Madison Road on the north and Myrtle Avenue on the south, in the East Walnut Hills neighborhood, (“Property”), which is under the management and control of the City’s Department of Community and Economic Development (“DCED”); and

WHEREAS, the City leased the Property to The East Walnut Hills Assembly, Inc. (“Lessee”) as a public parking lot for the benefit of the general public pursuant to the terms and conditions of a Lease Agreement dated December 2, 2013 (“Prior Lease”); and

WHEREAS, the Prior Lease expired on December 1, 2021, but Lessee has continued to Lease the Property on a month-to-month basis since that time; and

WHEREAS, Lessee desires to enter into a new lease and the City is agreeable to lease the Property to Lessee on the terms and conditions as more particularly described in the lease agreement (“Lease”) attached as Attachment A to this ordinance and incorporated by reference; and

WHEREAS, the City Manager, in consultation with DCED, has determined that (i) the Property is not needed for any municipal purpose for the duration of the Lease; and (ii) leasing the Property to Lessee is not adverse to the City’s retained interest in the Property; and

WHEREAS, pursuant to Section 331-1, Cincinnati Municipal Code, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market rental value of the Property is \$30,000 per year, however the City is agreeable to leasing the Property to Lessee for less than fair market rental value; namely, for \$0.00 per year, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hills neighborhood business district, for the benefit of the neighborhood and the City, as approved in advance by the City; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease 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 the City has determined that eliminating competitive bidding is in the best interest of the public because (i) Lessee is a local neighborhood nonprofit organization with a mission to promote the general welfare of the East Walnut Hills community; (ii) Lessee has demonstrated experience leasing the public parking lots in the neighborhood from the City; and (iii) Lessee acknowledges and agrees that all revenue derived from the use of Property are restricted funds to be reinvested into the operation and maintenance of the Property, with any excess revenue to be used for the promotion and improvement of the East Walnut Hills neighborhood business district, as approved in advance by the City; and

WHEREAS, City Planning Commission, having the authority to approve the change in use of City-owned property, approved the lease of the Property at its meeting on June 21, 2024; 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 The East Walnut Hills Assembly, Inc., an Ohio nonprofit corporation (“Lessee”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference (“Lease”), pursuant to which the City of Cincinnati will lease to Lessee the property located between Madison Road on the north and Myrtle Avenue to the south in the East Walnut Hills neighborhood, as more particularly depicted in the Lease (“Property”), for use as a public parking lot for the benefit of the general public.

Section 2. That (i) the Property is not needed for municipal purposes during the term of the Lease; and (ii) leasing the Property to Lessee is not adverse to the City’s retained interest in the Property.

Section 3. That the fair market rental value of the Property, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$30,000 per year; however, the City is justified in leasing the Property to Lessee for less than fair market rental value; namely, for \$0.00 per year, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the

expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hills neighborhood business district, for the benefit of the neighborhood and the City.

Section 4. That eliminating competitive bidding in connection with the City's lease of the Property is in the best interest of the City because Lessee is a local neighborhood nonprofit organization with a mission to promote the general welfare of the East Walnut Hills community and Lessee has demonstrated experience leasing the public parking lots in the neighborhood from the City.

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 and the Lease, including, without limitation, executing any and all ancillary agreements and other documents such as amendments or supplements to the Lease deemed by the City Manager to be in the vital and best interests of the City.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 19, 2024

Jamichael L. Kearney
Vill. Mayor

Attest: [Signature]
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 296-2024
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10/11/2024
[Signature]
CLERK OF COUNCIL