

City of Cincinnati

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An Ordinance No. 337 - 2021

AUTHORIZING the City Manager to execute a *Grant of Encroachment Easements* in favor of Ingalls Hotel, LLC, pursuant to which the City of Cincinnati will grant encroachment easements to permit a subsurface air intake system, two out-swinging doors, a cornice projection, and basement/subbasement space to encroach upon portions of the Vine Street and East Fourth Street public rights-of-way in the Central Business District.

WHEREAS, Ingalls Hotel, LLC (“Grantee”) owns the building located at 6 East Fourth Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns the adjoining Vine Street and East Fourth Street public rights-of-way, which are under the management of the City’s Department of Transportation and Engineering (“DOTe”); and

WHEREAS, Grantee has requested encroachment easements from the City, as more particularly depicted and described in the *Grant of Encroachment Easements* attached to this ordinance as Attachment A and incorporated herein by reference, to permit a subsurface air intake system, two out-swinging doors, an existing cornice projection, and existing basement/subbasement space to encroach upon portions of the Vine Street and East Fourth Street public rights-of-way; and

WHEREAS, the City Manager, in consultation with DOTe, has determined (i) that granting the easements to Grantee is not adverse to the City’s retained interest in the public right-of-way, and (ii) that granting the easements will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities; 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 easements is approximately \$24,860, which Grantee has 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 easements at its meeting on June 19, 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 Encroachment Easements* in favor of Ingalls Hotel, LLC (“Grantee”), owner of the building located at 6 East Fourth Street in the Central Business District, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee five encroachment easements over, across, and under portions of the Vine Street and East Fourth Street public rights-of-way to permit a subsurface air intake system, two out-swinging doors, an existing cornice projection, and existing basement/subbasement space to encroach upon the Vine and East Fourth Street public rights-of-way.

Section 2. That granting the easements to Grantee (i) is not adverse to the City’s retained interest in the Vine Street and East Fourth Street public rights-of-way, and (ii) will not have an adverse effect on the usability or accessibility of any existing Vine Street or East Fourth Street public right-of-way facilities.

Section 3. That it is in the best interest of the City to grant the easements without competitive bidding because, as a practical matter, no one other than Grantee would have any use for the easements.

Section 4. That the fair market value of the easements, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$24,860, which Grantee has deposited with the City Treasurer.

Section 5. That the proceeds from the grant of easements 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

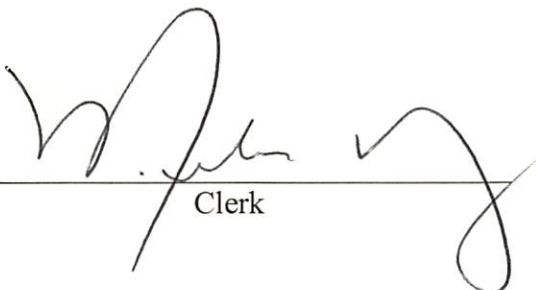
authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

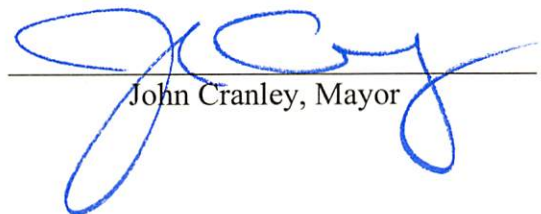
Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

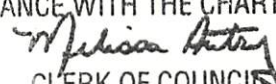
Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Encroachment Easements*, including, without limitation, executing any and all ancillary agreements, 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: September 1, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 337-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9-14-2021

CLERK OF COUNCIL