

City of Cincinnati
An Ordinance No. _____

CHM

EESW

- 2022

AUTHORIZING the City Manager to execute a *Grant of Easements* in favor of OTR Holdings, Inc., pursuant to which the City of Cincinnati will grant easements for step encroachments upon portions of Green and Race Streets in Over-the-Rhine.

WHEREAS, OTR Holdings, Inc., an Ohio nonprofit corporation (“Grantee”), holds title to certain real property located at 1701-1705 Race Street in the Over-the-Rhine neighborhood; and

WHEREAS, the City of Cincinnati (“City”) owns the adjoining Green Street and Race Street public rights-of-way (“Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOTE”); and

WHEREAS, Grantee has requested easements from the City for step encroachments upon portions of the Green Street and Race Street public rights-of-way, as more particularly described in the *Grant of Easements* attached to this ordinance as Attachment A and incorporated herein by reference (“Easements”); 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 Property and (ii) that granting the Easements will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, 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 an appraisal that the fair market value of the Easements is approximately \$190, which Grantee has agreed to pay; 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 May 20, 2022; 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 Easements* in favor of OTR Holdings, Inc., an Ohio nonprofit corporation (“Grantee”) and the owner of the

properties located at 1701-1705 Race Street in Over-the-Rhine, 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 easements to construct and maintain step encroachments (“Easements”) upon portions of the Green Street and Race Street public rights-of-way (“Property”).

Section 2. That granting the Easements to Grantee (i) is not adverse to the City’s retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public rights-of-way.

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, an adjoining property owner, would have any use for the Easements.

Section 4. That the fair market value of the Easements, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$190, which Grantee has agreed to pay.

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 *Grant of 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 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: _____, 2022

Aftab Pureval, Mayor

Attest: _____

Clerk