

City of Cincinnati

CHM *AWG*

An Ordinance No. 285 - 2020

**AUTHORIZING** the City Manager to execute a *Grant of Encroachment Easements* in favor of K-S Realty Holdings, LLC pursuant to which the City of Cincinnati will grant encroachment easements for two out-swinging doors and steps located at 3044 Harrison Avenue that encroach upon portions of the Harrison Avenue and Ruehlman Place public rights-of-way in the Westwood neighborhood of Cincinnati.

WHEREAS, K-S Realty Holdings, LLC (“Grantee”) owns the building located at 3044 Harrison Avenue in Cincinnati; and

WHEREAS, the City of Cincinnati owns the adjoining Harrison Avenue and Ruehlman Place public rights-of-way, which are under the management of the City’s Department of Transportation and Engineering (“DOTTE”); and

WHEREAS, Grantee has requested encroachment easements from the City, as depicted and described in the *Grant of Encroachment Easements* attached to this ordinance as Attachment A, for two out-swinging doors and steps that encroach upon portions of the Harrison Avenue and Ruehlman Place public rights-of-way; and

WHEREAS, the City Manager, in consultation with DOTTE, has determined that granting the easements 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 easements is approximately \$100 which Grantee has deposited with the City Treasurer; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on July 17, 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 K-S Realty Holdings, LLC (“Grantee”), owner of the

building located at 3044 Harrison Avenue in Cincinnati, in substantially the form attached to this ordinance as Attachment A, pursuant to which the City of Cincinnati will grant to Grantee three encroachment easements over portions of the Harrison Avenue and Ruehlman Place, public rights-of-way, for two out-swinging doors and steps that encroach upon the public rights-of-way.

Section 2. That granting the easements to Grantee is not adverse to the City's retained interest in the Harrison Avenue and Ruehlman Place 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 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 \$100, 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.

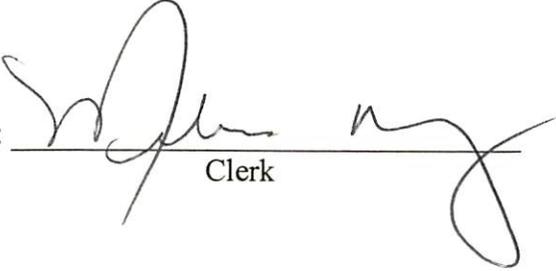
Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233x202306, "Street Improvements."

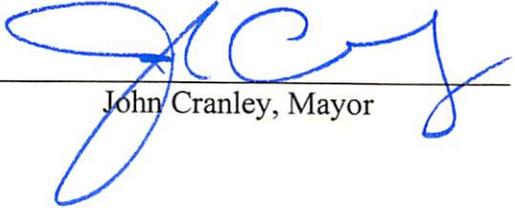
Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms

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 2, 2020

Attest:   
Clerk

  
John Cranley, Mayor