

City of Cincinnati

CHM

An Ordinance No. 15

- 2023

EESW

AUTHORIZING the City Manager to execute a *Lease and Operating Agreement* with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate the City-owned public park known as Fernbank Park in Saylor Park.

WHEREAS, the City of Cincinnati owns Fernbank Park, consisting of approximately 58 acres located on Thornton Avenue along the Ohio River in Saylor Park (“Park”), which is under the control of the Board of Park Commissioners for the City of Cincinnati (“Park Board”); and

WHEREAS, pursuant to a *Lease and Operating Agreement* authorized by Ordinance No. 327-2018, passed by Council on October 17, 2018, Great Parks of Hamilton County, formerly known as the Hamilton County Park District, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), operates and manages the Park, and the parties now desire to enter a new 5-year lease on the terms and conditions set forth in the *Lease and Operating Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (“New Agreement”); and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that (i) the Park is not needed for a municipal purpose for the duration of the New Agreement; and (ii) leasing the Park to Great Parks is not adverse to the City’s retained interest in the Park; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the lease 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, eliminating competitive bidding in connection with the City’s lease of the Park is in the best interest of the public because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park; and

WHEREAS, the City’s Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$40,000 per year, however the City has agreed to lease the Park to Great Park for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement; and

WHEREAS, the Park Board approved the New Agreement at its meeting on December 15, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Park at its meeting on December 2, 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 *Lease and Operating Agreement* (“New Agreement”) with Great Parks of Hamilton County, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease certain real property commonly known as Fernbank Park, consisting of approximately 58 acres located on Thornton Avenue along the Ohio River in Saylor Park, as more particularly depicted in the New Agreement (“Park”), for a five-year term.

Section 2. That the Park is not needed for a municipal purpose for the duration of the New Agreement.

Section 3. That leasing the Park to Great Parks is not adverse to the City’s retained interest in the Park.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Park is in the best interest of the City because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park.

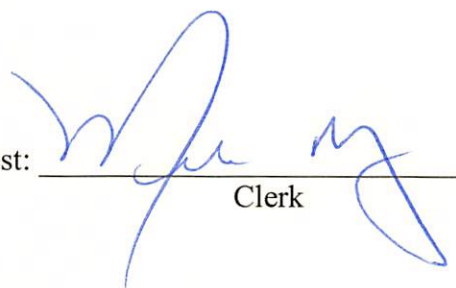
Section 5. That the City’s Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$40,000 per year, however the City will lease the Park to Great Parks for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the

fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement.

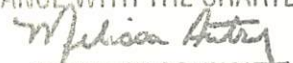
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the New Agreement, including, without limitation, executing any and all ancillary documents associated with the Agreement, such as amendments or supplements to the New Agreement deemed by the City Manager to be in the vital and best interests of the City.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 19, 2023

Attest: 
Clerk


VICE - Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 15-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 1-31-2023

CLERK OF COUNCIL