

AUTHORIZING the City Manager to execute *Property Sale Agreements* with Ann Marie Wuertemberger and William Barone to sell two equal half portions of City-owned real property located at 6006 Belmont Avenue in the College Hill neighborhood.

WHEREAS, the City owns certain real property located at 6006 Belmont Avenue in the College Hill neighborhood, as more particularly described in the *Property Sale Agreements* attached to this ordinance as Attachment A and Attachment B (the “Property”), which Property is under the management of the Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, pursuant to Ordinance No. 296-2016, the City acquired the Property to undertake a capital improvement project known as the *Belmont Avenue Storm Sewer Repair Project*, which involved razing a single-family residence located thereon to repair and restore City-owned stormwater sewer infrastructure located beneath the Property (the “Project”); and

WHEREAS, GCWW has completed the Project and proposes to split and convey the Property in equal halves to the adjoining property owners to the east and west; and

WHEREAS, Ann Marie Wuertemberger and William Barone (“Petitioners”) each separately own the adjoining properties located on either side of the Property to the east and west, and each is agreeable to accept an equal half portion of the Property to expand the side yard of their respective properties; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, and upon consultation with GCWW, has determined that the Property is not needed for any municipal purpose, except for a public stormwater sewer easement associated with the stormwater sewer infrastructure located beneath the Property; and

WHEREAS, considering that the City will retain unrestricted access rights to a permanent stormwater sewer easement reserved over the entirety of the Property, including associated land use restrictions that prohibit future development, installation of site improvements, changes in grade, and underground disturbance, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of each half of the Property subject to the aforementioned land use restrictions is \$750.00; however, the City is agreeable to convey each half portion of the Property for \$1.00 because the City anticipates that it will receive a combination of economic and noneconomic benefits from the sale that will equal or exceed the

fair market value of the Property because the sale will relieve the City of annual maintenance costs associated with the Property and will return the Property to tax generating status; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale 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

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Property at its meeting on March 4, 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 *Property Sale Agreements* with Ann Marie Wuertemberger and William Barone (“Petitioners”), in substantially the form attached to this ordinance as Attachment A and Attachment B, each incorporated herein by reference, pursuant to which the City will sell each petitioner an approximately 3,688-square foot tract of real property located at 6006 Belmont Avenue and more particularly identified as portions of Hamilton County, Ohio Auditor’s Parcel No. 228-0002-0013 in College Hill (the “Property”).

Section 2. That the Property is not needed for any municipal purpose, except for a public stormwater sewer easement associated with the stormwater sewer infrastructure located beneath the Property.

Section 3. That the fair market value of each half of the Property is \$750.00; however, the City is agreeable to convey the Property to each petitioner for \$1.00 because the City anticipates that it will receive a combination of economic and noneconomic benefits from the sale that will equal or exceed the fair market value of the Property because the sale will relieve the City of annual maintenance costs associated with the Property and will return the Property to tax generating status.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Petitioners each separately own the adjoining properties to the east and west and, as a practical matter, only an abutting property owner would have any practical use for half the Property encumbered by a stormwater sewer easement and associated development restrictions.

Section 5. That the proceeds from the sale of the Property, if any, 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 sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. 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, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents to facilitate the sale of the Property to Petitioners, including by executing the *Property Sale Agreements* in substantially the form attached to this ordinance as Attachment A.

Section 7. 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