

City of Cincinnati

CHM

1881

An Ordinance No. 252

- 2020

AUTHORIZING the City Manager to execute a Grant of Encroachment Easements in favor of Willkommen Holding, LLC pursuant to which the City of Cincinnati will grant encroachment easements for a utility vault and window projections located at 1521-1525 Vine Street that encroach upon portions of the Vine Street public right-of-way in the Over-the-Rhine neighborhood of Cincinnati.

WHEREAS, Willkommen Holding, LLC ("Grantee") owns the property located at 1521-1525 Vine Street in Cincinnati; and

WHEREAS, the City of Cincinnati owns the adjoining Vine Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("DOTE"); 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 a proposed utility vault and proposed window projections to encroach upon portions of the Vine Street public right-of-way; and

WHEREAS, the City Manager, in consultation with DOTE, 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 \$1,520, 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 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 Willkommen Holding, LLC ("Grantee"), owner of the

property located at 1521-1525 Vine Street in Cincinnati, in substantially the form attached to this ordinance as Attachment A, pursuant to which the City of Cincinnati will grant to Grantee two encroachment easements over portions of the Vine Street public right-of-way for a utility vault and associated utility facilities and window projections to encroach upon the public right-of-way.

Section 2. That granting the easements to Grantee is not adverse to the City's retained interest in the Vine Street public right-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 \$1,520, 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.

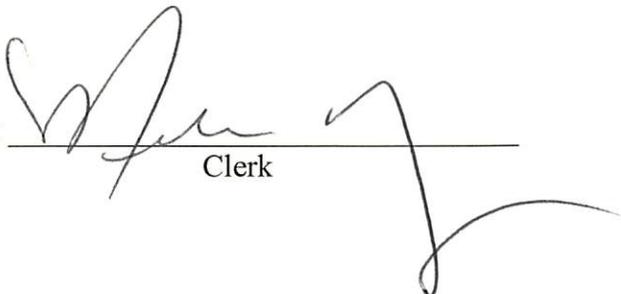
Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233x202306, "Street Improvements."

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

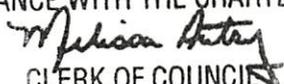
of the *Grant of Encroachment Easements*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 5, 2020

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 252-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 8-18-2020

CLERK OF COUNCIL