

EMERGENCY

City of Cincinnati

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An Ordinance No. 314

- 2020

AUTHORIZING the City Manager to vacate and sell to 100 Medpace Way, LLC; 200 Medpace Way, LLC; 300 Medpace Way, LLC; 400 Medpace Way, LLC; and the Port of Greater Cincinnati Development Authority certain portions of the public right-of-way known as Medpace Way in the Madisonville neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns the public right-of-way known as Medpace Way in Cincinnati, which property is under the management and control of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, 100 Medpace Way, LLC; 200 Medpace Way, LLC; 300 Medpace Way, LLC; 400 Medpace Way, LLC; and the Port of Greater Cincinnati Development Authority ("Petitioners") own the properties abutting an approximately 0.3257 acre portion of Medpace Way, as depicted in the *Property Sale Agreement* attached to this ordinance as Attachment A (the "Property"); and

WHEREAS, Petitioners have requested that the City vacate the Property as public right of way and convey it to Petitioners as abutting property owners to facilitate the reconfiguration of the Medpace Way public right-of-way to promote efficient traffic circulation patterns in and around Planned Development No. 73, "Madison Center"; and

WHEREAS, pursuant to Ohio Revised Code Section 723.04, the City may, upon petition, vacate a street or alley if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, Barrett P. Tullis Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Petitioners and the City are the owners of all of the property that abuts the Property; 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's Real Estate Services Division has determined, by appraisal, that the approximate fair market value of the Property is \$26,550 however the City is agreeable to selling the Property to Petitioners for less than fair market value; namely, \$1.00 to facilitate the construction of a phased development on certain portions of the Property as part of a mixed-use office and commercial complex commonly known as Planned Development No. 73, "Madison Center" through which the City will receive economic benefits equal to or exceeding the fair market value of the Property by enabling the Property to be put to its highest and best use and lead to the creation of jobs in the City; 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, pursuant to Section 13 of Article VIII of the Ohio Constitution provides that it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution and research to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and sale of the Property at its meeting on February 7, 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 vacate and sell to 100 Medpace Way, LLC; 200 Medpace Way, LLC; 300 Medpace Way, LLC; 400 Medpace Way, LLC; and the Port of Greater Cincinnati Development Authority ("Petitioners") each a respective abutting portion of an approximately 0.3257 acre portion of the public right-of-way known as Medpace Way in Cincinnati (the "Property"), as described and depicted on the *Property Sale Agreement*, attached to this ordinance as Attachment A.

Section 2. That the Property is not needed for transportation or other municipal purposes, that there is good cause to vacate and sell the Property, and that such vacation and sale will not be detrimental to the general interest.

Section 3. That the fair market value of the Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$26,550, however the City is justified in selling the Property to Petitioners for less than fair market value, namely, for \$1.00, to facilitate the construction of a phased development on certain portions of the Property related to a mixed-use office and commercial complex commonly known as Planned Development No. 73, "Madison Center," through which the City will receive economic benefits equal to or exceeding

the fair market value of the Property by enabling the Property to be put to its highest and best use, leading to job creation in the City.

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 the City and Petitioners own all the abutting property and, as a practical matter, only an abutting property owner would have any practical use for the Property.

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'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, pursuant to Section 723.041, Ohio Revised Code, any affected public utility shall be deemed to have a permanent easement in the Property for the purpose of maintaining, operating, renewing, reconstructing, and removing its utility facilities and for purposes of access to said facilities.

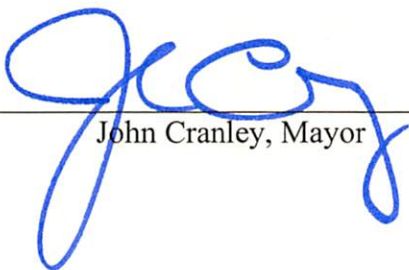
Section 8. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing the *Property Sale Agreement* substantially in the form as Attachment A, and any and all other ancillary agreements, deeds, plats, and other documents.

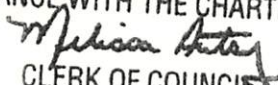
Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to vacate and sell the Property to Petitioners so that they may proceed with construction to reconfigure the public right-of-way known as Medpace Way without delay, thereby enabling Petitioner to minimize potential adverse impacts to traffic circulation patterns in and around Planned Development No. 73.

Passed: September 16, 2020

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 314-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9-29-2020

CLERK OF COUNCIL