

EMERGENCY

City of Cincinnati

CHM

1871

An Ordinance No. 253

- 2020

AUTHORIZING the City Manager to vacate and sell to Dennis M. Schnurr, Archbishop of Cincinnati, Trustee for Archbishop Elder High School, Cincinnati, Hamilton County, Ohio a portion of the public right-of-way known as Panther Court in the West Price Hill neighborhood of Cincinnati to facilitate the expansion of the Elder High School campus.

WHEREAS, the City of Cincinnati owns the public right-of-way known as Panther Court, including an approximately 0.0551 acre portion adjoining the Elder High School campus, as depicted in the *Property Sale Agreement* attached to this ordinance as Attachment A (the "Property"), which is under the management and control of the City's Department of Transportation and Engineering; and

WHEREAS, Dennis M. Schnurr, Archbishop of Cincinnati, Trustee for Archbishop Elder High School, Cincinnati, Hamilton County, Ohio ("Petitioner"), owns the adjoining property, Elder High School campus, and desires to acquire the Property from the City for future expansion of the campus; and

WHEREAS, Daniel Reitz, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Petitioner owns all of the real property abutting the Property; and

WHEREAS, pursuant to Section 723.04, Ohio Revised Code, 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, pursuant to Section 331-1, Cincinnati Municipal Code, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, pursuant to Section 331-1, Cincinnati Municipal Code, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$750, which Petitioner has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, 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 vacation and sale of the Property 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 vacate and sell to Dennis M. Schnurr, Archbishop of Cincinnati, Trustee for Archbishop Elder High School, Cincinnati, Hamilton County, Ohio (“Petitioner”) an approximately 0.0551 acre portion of the public right-of-way known as Panther Court, 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 \$750, which Petitioner is willing to pay.

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 Petitioner owns all of 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.”

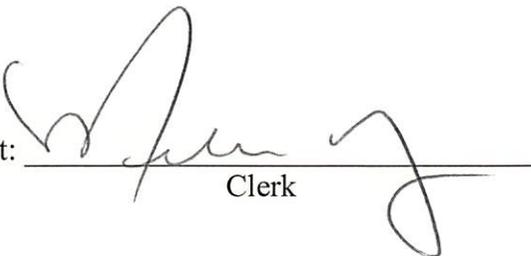
Section 7. That, pursuant to Section 723.041, Ohio Revised Code, any affected public utility shall be deemed to have a permanent easement in the Property for the purpose of maintaining, operating, renewing, reconstructing, and removing its utility facilities and for purposes of access to said facilities.

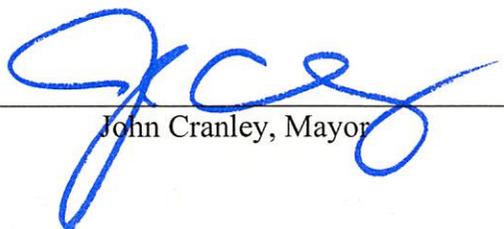
Section 8. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all other ancillary agreements, deeds, plats, and other documents to facilitate the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

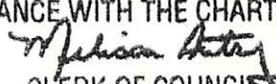
Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

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 to enable the City to vacate and sell the Property immediately so that Petitioner may proceed with construction without delay, thereby enabling Petitioner to minimize potential adverse impacts to traffic circulation patterns in and around the West Price Hill neighborhood during the school year.

Passed: August 5, 2020

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 253-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 8-18-2020

CLERK OF COUNCIL