

City of Cincinnati

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An Ordinance No. 50

- 2021

AUTHORIZING the City Manager to execute a *Lease Agreement* with Tender Mercies, Inc. pursuant to which the City will lease for a five-year term a portion of Doerr Alley located south of West 12th Street and north of Central Parkway in the Over-the-Rhine neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property, designated as public right-of-way, commonly known as Doerr Alley located south of West 12th Street and north of Central Parkway in the Over-the-Rhine neighborhood of Cincinnati (the "Property"), which Property is under the management of the Department of Transportation and Engineering ("DOTE"); and

WHEREAS, Tender Mercies, Inc., an Ohio nonprofit corporation ("Tender Mercies"), owns or otherwise controls certain real property abutting the Property and has requested to lease from the City a portion of the Property, as more particularly depicted in the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Lease Area"); and

WHEREAS, the City Manager, in consultation with DOTE, has determined that (i) the Lease Area, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, and (ii) leasing the Lease Area to Tender Mercies is not adverse to the City's retained interest in the Lease Area or the Property; and

WHEREAS, the City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area is approximately \$475 per year, which Tender Mercies has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, 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, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area at its meeting on September 4, 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 *Lease Agreement* with Tender Mercies, Inc., an Ohio nonprofit corporation, (“Tender Mercies”), 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 for a five-year term a portion of Doerr Alley located south of West 12th Street and north of Central Parkway, as more particularly depicted in the *Lease Agreement* (the “Lease Area”).

Section 2. That the Lease Area, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease.

Section 3. That leasing the Lease Area to Tender Mercies is not adverse to the City’s retained interest in the Lease Area.

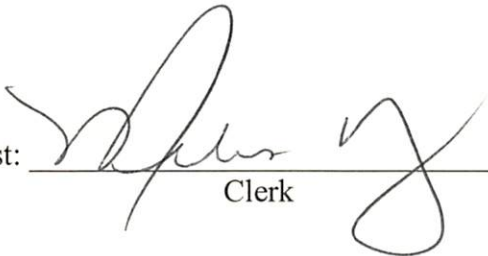
Section 4. That eliminating competitive bidding in connection with the City’s lease of the Lease Area is in the best interest of the City because as a practical matter, no one other than Tender Mercies, an abutting property owner, would have any interest in leasing the Lease Area and assuming responsibility for the maintenance and repair thereof.

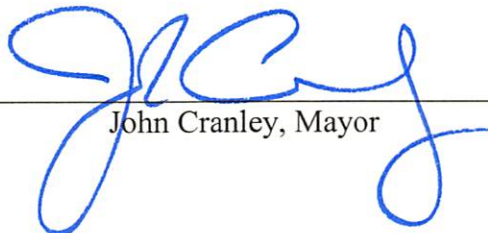
Section 5. That the fair market value of the lease, as determined by appraisal by the City’s Real Estate Services Division, is \$475 per year, which Tender Mercies has agreed to pay.

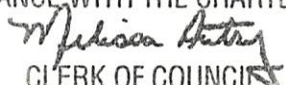
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the *Lease Agreement*, including executing any and all ancillary documents associated with the *Lease Agreement*, such as amendments or supplements to the *Lease 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: February 18, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 50-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 3-2-2021

CLERK OF COUNCIL