

# City of Cincinnati

CHM

*AWB*

## An Ordinance No. 115

- 2021

**AUTHORIZING** the City Manager to execute a *Lease Agreement* with Daoud Realty, LLC, pursuant to which the City will lease for a five-year term a portion of Doerr Alley located south of Weaver Alley and north of Garfield Place; and **MODIFYING** Chapter 507, "One-Way Streets" of Title V, "Traffic Code," of the Cincinnati Municipal Code by enacting new Section 507-1-D7, "Doerr Alley, south from West Ninth Street to Garfield Place" to provide for the safe and effective revitalization of Doerr Alley in the Central Business District.

WHEREAS, the City of Cincinnati owns certain real property, designated as public right-of-way, commonly known as Doerr Alley located south of West Ninth Street and north of Garfield Place in the Central Business District (the "Property"), which Property is under the management of the Department of Transportation and Engineering ("DOTE"); and

WHEREAS, Daoud Realty, LLC, an Ohio limited liability company ("Lessee"), owns or otherwise controls certain real property abutting the Property located at 14 Garfield Place 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, (ii) leasing the Lease Area to Lessee is not adverse to the City's retained interest in the Lease Area or the Property, and (iii) traffic circulation patterns in the area around the Property will improve by converting directional traffic on Doerr Alley south of West Ninth Street and north of Garfield Place to one-way southbound; 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 \$1,825 per year, which Lessee 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 March 5, 2021; 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 Daoud Realty, LLC, an Ohio limited liability company, (“Lessee”), 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 Ninth Street and north of Weaver Alley, 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 Lessee 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 Lessee, 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 \$1,825 per year, which Lessee has agreed to pay.

Section 6. That new Section 507-1-D7 of the Cincinnati Municipal Code is hereby enacted to read as follows:

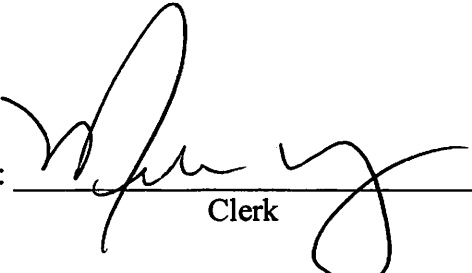
**Sec. 507-1-D7. Doerr Alley, south from West Ninth Street to Garfield Place.**

Section 7. 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 by generating and installing street signage in accordance with the Department of Transportation and Engineering’s policies and procedures, and by executing any and all ancillary

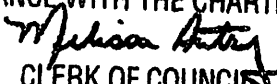
documents associated with the *Lease Agreement*, such as amendments or supplements to the *Lease Agreement* deemed by the City Manager to be in the vital and best interests of the City.

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

Passed: April 14, 2021

Attest:   
Clerk

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John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 115 2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 4-27-2021  
  
CLERK OF COUNCIL