

EMERGENCY

City of Cincinnati

JML

AWB

An Ordinance No. \_\_\_\_\_

- 2021

**CLASSIFYING** certain improvements to real property located at 3035 Clifton Avenue in the CUF neighborhood of Cincinnati as residential improvements eligible for a real property tax abatement, notwithstanding Ordinance Nos. 274-2017, 275-2017, 276-2017, and 370-2020.

WHEREAS, Ordinance No. 274-2017, passed by this Council on September 27, 2017, as amended by Ordinance No. 166-2018, passed by this Council on June 27, 2018 (as amended, the “Reauthorizing Ordinance”), designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” (“CRA”) pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, the Reauthorizing Ordinance also classifies what constitutes commercial improvements and what constitutes residential improvements eligible for a real property tax abatement; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Ordinance No. 275-2017, passed by this Council on September 27, 2017 (as subsequently amended, the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial structures in the CRA; and

WHEREAS, Ordinance No. 276-2017, passed by this Council on September 27, 2017 (the “Residential CRA Policy Ordinance” and together with the Commercial Policy Ordinance and the Reauthorizing Ordinance, collectively, the “2017 Ordinances”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled residential structures in the CRA; and

WHEREAS, Ordinance No. 370-2020, passed by this Council on November 12, 2020 (the “2020 Ordinance”), amends the 2017 Ordinances to (i) expand the definition of residential properties to include structures containing four dwelling units, and (ii) create additional caps on residential real property tax abatements and make certain other changes; and

WHEREAS, The Phi Delta Theta Chapter House Association of Cincinnati (“Developer”) purchased property located at 3035 Clifton Avenue, which property is more particularly described on Attachment A hereto (the “Property”), on November 8, 2016, and demolished the previously existing structure thereon on January 11, 2018; and

WHEREAS, Developer recently constructed a LEED Gold certified off-campus communal housing facility consisting of 15 bedrooms, at a cost to Developer of \$1,794,499.70, which was completed on August 21, 2019; and

WHEREAS, prior to the date of this ordinance, Developer submitted to the Department of Community and Economic Development all necessary applications, fees, certificates, and other paperwork that would otherwise be required for a real property tax abatement of residential improvements; and

WHEREAS, pursuant to the 2017 Ordinances and the 2020 Ordinance, fraternities and sororities are treated as commercial improvements that require an executed CRA agreement prior to commencing construction pursuant to the Statute; and

WHEREAS, Developer commenced construction prior to the execution of a CRA agreement on the well-intentioned belief that the improvements to the Property constituted residential improvements eligible for a real property tax abatement and thus a CRA agreement would not be required; and

WHEREAS, Developer represents that it will enter into a contribution agreement with the Board of Education of the Cincinnati City School District (the "Board of Education") to contribute an amount equal to 33% of the abated real property taxes to the Board of Education for the term of the abatement; and

WHEREAS, in consideration for the significant improvements that Developer has made to the Property, Council desires to classify the improvements to the Property as residential improvements eligible for a real property tax abatement, notwithstanding the 2017 Ordinances and the 2020 Ordinance; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That this Council desires to classify the improvements to the property described on Attachment A to this ordinance (the "Property") as residential improvements eligible for a real property tax abatement in the amount of up to \$562,000 in market improved value, for a period of up to 15 years, subject to and in accordance with Ohio Revised Code Sections 3735.65 through 3735.70.

Section 2. That this Council enacts Section 1 of this ordinance notwithstanding Ordinance Nos. 274-2017, 275-2017, 276-2017, and 370-2020 (collectively, the "CRA Ordinances").

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 and 2 herein.

Section 4. That all other provisions of the CRA Ordinances, except as expressly stated in Sections 1 and 2 of this ordinance, remain in full force and effect with respect to the Property.

Section 5. 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 allow the real property tax abatement described herein to take effect as soon as allowable by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk

Attachment A  
LEGAL DESCRIPTION

Parcel I

Situate in Section 20, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:  
Beginning at a point in the west line of Clifton Avenue 424.32 feet northwardly along said line from the northwest corner of Riddle and Clifton Avenue; thence northwardly along said west line 50 feet; thence westwardly at right angles with said east line 300 feet to a point, marked by a cross in concrete; thence southwardly parallel with said Clifton Avenue 50 feet to a stake; thence eastwardly 300 feet to the place of beginning.

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Parcel II

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, an more particularly described as follows, to-wit: Commencing at a point in the west line of Clifton Avenue 524.32 feet northwardly from the northwest corner of Riddle Road and Clifton Avenue; thence westwardly 225 feet on a line at right angles to Clifton Avenue for the place of beginning; thence westwardly continuing on said line extended 75 feet; thence southwardly 50 feet on a line parallel with the west line of Clifton Avenue; thence eastwardly 75 feet on a line at right angles to Clifton Avenue; thence northwardly on a line parallel with the west line of Clifton Avenue 50 feet to the place of beginning.

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Parcel No. 1001-0004-0027-00