



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, November 3, 2021

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MR. LANDSMAN

1. [202103054](#) **ORDINANCE**, dated 10/28/2021, submitted by Councilmember Landsman, from Andrew Garth, City Solicitor, **MODIFYING** the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by AMENDING Section 871-9, "Obligations of Landlords and Tenants," to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

Recommendation LAW AND PUBLIC SAFETY COMMITTEE

Sponsors: Landsman

MR. SEELBACH

2. [202103055](#) **ORDINANCE**, dated 10/28/2021, submitted by Councilmember Seelbach, from Andrew Garth, City Solicitor, **MODIFYING** the provisions of Chapter 407, "Public Vehicles," Chapter 408, "Drivers' Licenses for Public Vehicles," Chapter 510, "Assemblages and Parades," Chapter 765, "Special Events," and Chapter 850, "Advertising of Tobacco Products" of the Cincinnati Municipal Code by AMENDING Section 407-1-P1, "Public Vehicle," Section 407-3, "License Fees for Public Vehicles," Section 407-5, "Application for License," Section 407-30, "Uninsured and Underinsured Motorist Coverage Insurance," Section 407-35, "Insignia," Section 407-55, "Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages," Section 407-69, "Rates To Be Filed With Director," Section 407-71, "Rate Card or Rate Information to be Reviewable by Passengers," Section 407-83, "Illegal Use of Hotel or Bus Zones," Section 407-107, "Equipment Requirements," Section 407-117-A, "Animal-Drawn Carriage and Pedicab Stands," Section 407-125, "Rules and Regulations," Section 408, "Driver's License for Public Vehicles," Section 408-1, "Application and Digital Identification Permit," Section 408-3, "Driver's License Fee," Section 408-5, "Examination of Applicant," Section 408-7, "Issuance or Denial of License," Section 408-25, "Smoking Prohibited," Section 408-45, "Rules and Regulations," Section 510-3, "Special Parades Requiring Permits," Section 765-11, "Required Terms and Conditions," and Section 850-1-P3, "Public Vehicle"; **ORDAINING** new Section

407-12, "Animal-Drawn Carriages,"; and REPEALING in their entirety Section 407-137, "Litter Control for Animal-Drawn Carriages," Section 407-139, "Dimensions for Animal-Drawn Carriages," and Section 407-143, "Veterinarian's Certificate Required," to prohibit the use of animal-drawn carriages for commercial purposes.

Recommendation EQUITY, INCLUSION, YOUTH & THE ARTS COMMITTEE

Sponsors: Seelbach

MR. SMITHERMAN

3. [202103052](#) **ORDINANCE**, dated 10/28/2021, submitted by Vice Mayor Smitherman, from Andrew Garth, City Solicitor, **DECLARING** that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way in memory of Cincinnati Police Officer Clifford William George and in recognition of his service to the City of Cincinnati.

Recommendation NEIGHBORHOODS COMMITTEE

Sponsors: Smitherman

4. [202103065](#) **ORDINANCE (EMERGENCY) (B VERSION)**, dated 11/2/2021, submitted by Vice Mayor Smitherman, **DECLARING** that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary named of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

Recommendation NEIGHBORHOODS COMMITTEE

Sponsors: Smitherman

CITY MANAGER

5. [202103053](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **ACCEPTING AND CONFIRMING** the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

6. [202103056](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

7. [202103059](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **RENAMING** the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum

neighborhood as "Flinn Avenue."

Recommendation NEIGHBORHOODS COMMITTEE

Sponsors: City Manager

8. [202103060](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **AUTHORIZING** the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

9. [202103061](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 11/3/2021, **MODIFYING** Section 324-7, "Scope and Effective Period of Chapter," of Chapter 324, "Minority and Women Business Enterprise Programs," of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

10. [202103057](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Richard M. Fletcher, Chief Executive Officer, Real Estate Association Management, 14 Knollcrest Drive, Cincinnati, Ohio 45236. (CINCINNATI AREA BOARD OF REALTORS)

Recommendation FILE

Sponsors: Clerk of Council

11. [202103058](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Carrie Arblaster, Vice President of Advocacy, Government Affairs, 14 Knollcrest Drive, Cincinnati, Ohio 45236. (CINCINNATI AREA BOARD OF REALTORS)

Recommendation FILE

Sponsors: Clerk of Council

ANNOUNCEMENTS

Adjournment

Date: October 28, 2021

To: Councilmember Greg Landsman
From: Andrew Garth, City Solicitor *AWG*
Subject: **Ordinance – Modifying CMC Chapter 871-9 Affirmative Defense Recognition**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, “Obligations of Landlords and Tenants,” to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

AWG/EEF/(lnk)
Attachment
346165

City of Cincinnati

EEF

AWB

An Ordinance No. _____

- 2021

MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, “Obligations of Landlords and Tenants,” to recognize the right of tenants living in residential rental properties to assert payment of past due rent as a defense in any forcible entry and detainer (eviction) action filed on the basis of nonpayment of rent.

WHEREAS, over a year and a half after the Governor of the State of Ohio declared a public health emergency due to the global pandemic caused by the novel coronavirus (“COVID-19”), the pandemic persists and the rate of transmission of COVID-19 continues to increase despite the widespread availability of vaccines demonstrated to reduce transmission; and

WHEREAS, as of August 16, 2021, there are approximately 192 cases of COVID-19 being reported per day in Hamilton County, marking a 137% increase from two weeks ago; and

WHEREAS, the full scope of the long-term economic impact of the COVID-19 pandemic on the state, region, City, and tenants of residential rental properties is not yet ascertainable, but evidence to date demonstrates that there have been record unemployment filings across the state and widespread loss of employment attributable to the COVID-19 pandemic; and

WHEREAS, despite an August 13, 2021 ruling from the federal court in the District of Columbia denying a request to block the enactment of the current eviction moratorium issued by the Center for Disease Control, which moratorium is in effect up to and including October 3, 2021, the Hamilton County Municipal Court has determined to allow eviction actions to proceed; and

WHEREAS, there are currently millions of dollars in rental and utility assistance funds available to qualifying residential tenants and landlords who have experienced financial hardship due to COVID-19, which low-barrier funds may be used to pay for multiple months of unpaid monthly rent and utility bills to ensure housing stability; and

WHEREAS, Ohio courts have long recognized that residential tenants subject to eviction actions may assert late payment of rental payments owed as an affirmative defense in eviction matters, including in the decisions in *Bester v. Owens*, 1999 Ohio App. LEXIS 1439 (2d Dist. 1999); *Northlake Hills Co-op v. Barrett*, 1986 WL 14238 (2d Dist. 1999); and *CMHA v. Green*, 41 Ohio App. 3d 365 (1st Dist. 1987), and courts may decline to terminate lease agreements in such cases; now, therefore,

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

Section 1. That Section 871-9, "Obligations of Landlords and Tenants," of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 871-9. – Obligations of Landlords and Tenants.

(a) In every rental agreement there shall be imposed upon the landlord the following obligations to the tenant:

- (1) The landlord shall conform to the "Obligations of Landlords" as set out in Section 5321.04 of the Ohio Revised Code.
- (2) The landlord shall maintain the rental unit in substantial compliance with the provisions applicable to landlords in the Cincinnati - Ohio Basic Building Code, the Cincinnati Fire Prevention Code, and the regulations of the board of health;
- (3) So long as the tenant continues to meet their obligation under paragraph 871-9(b)(2), no landlord shall raise the agreed rent for the rental unit above the rent charged for comparable rental units, or otherwise increase the obligations of the tenant in any way, or terminate the tenancy, or bring an action for forcible entry and detainer, in retaliation for the tenant's availing themselves of any right or remedy under this chapter or because:
 - (A) The tenant has complained in good faith to the landlord or their agent or employees of conditions in or affecting the tenant's rental unit which the tenant believes may constitute a violation of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law.
 - (B) The tenant has complained in good faith to a body charged with the enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, or the regulations of the board of health, or any other law of a condition in or affecting the rental unit which the tenant believes may constitute a violation of such codes, regulations or other laws; or
 - (C) In response to a complaint of the tenant, the body charged with enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law has served a notice or complaint of a violation on the landlord, agents, or employees of the landlord.

- (4) Within six months after the occurrence of any event referred to in this paragraph 871-9(a)(3), an action for forcible entry and detainer shall be presumed to be in retaliation for that event and the landlord shall not be entitled to recover possession unless landlord proves by a preponderance of the evidence that:
- (A) The tenant is committing waste, creating a nuisance, using the rental unit for an illegal purpose or for other than living or dwelling purposes, or substantially impairing the quiet enjoyment of the property by the other occupants of the property; or
 - (B) The landlord desires possession of the rental unit for immediate use as landlord's own abode; or
 - (C) The rental unit must be vacated in order to make necessary repairs; or
 - (D) The landlord plans permanently and immediately to remove the rental unit from the rental market.
- (5) The obligations of a tenant under any agreement or under this chapter shall not be modified by this section, but failure of the tenant to perform any obligations other than those specified in paragraphs 871-9(b)(2) and 871-9(a)(4) shall not be grounds for eviction.
- (6) Prior to entry into the rental agreement and thereafter upon request by the tenant, the landlord shall provide to the tenant:
- (A) A copy of all rules and regulations concerning the use, occupancy and maintenance of the rental unit, appurtenances thereto, and the property of which the rental unit is a part, and
 - (B) A copy of the "Notice to tenants" set out in paragraph 871-11(a) and shall obtain from the tenant a written acknowledgement by the tenant of receipt of the rules and regulations and the "Notice to tenants" set out in paragraph 871-11(a).
 - (C) A complete copy of the written rental agreement, if any.
- (7) When a tenant provides a security deposit the landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments, except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.
- (8) Upon a tenant's request, all landlords who own and control more than twenty-five rental units and require a security deposit shall offer to accept at least one

of the options described in paragraph 871-9(a)(8)(A-C) in lieu of the required security deposit:

(A) Rental security insurance that satisfies the following criteria:

- (i) The insurance provider is an approved carrier licensed by, and in good standing with, the Ohio Department of Insurance;
- (ii) The coverage is effective upon payment of the first premium and remains effective for the entire lease term; and
- (iii) The coverage provided per claim is no less than the amount the landlord requires for security deposits.

(B) Payment of the security deposit over a series of no less than six equal monthly installment payments, which installments shall be due on the same day as the monthly rent payment and which may be paid together with the monthly rent payment in a single transaction, absent separate agreement by the landlord and tenant.

(C) Payment of a reduced security deposit, which amount shall be no more than fifty percent of the monthly rental rate charged for the subject unit.

(D) Prior to entering into a rental agreement, a landlord shall provide the tenant written notice of the available security deposit alternatives consistent with paragraph 871-11, "Notice to Tenants."

(E) If rental security insurance meeting the criteria in this paragraph 871-9(a)(8) is not available within the corporate limits of city of Cincinnati, a landlord shall satisfy his or her obligations under this paragraph 871-9(a)(8) by offering, at his or her option, one of the rental security deposit alternatives described in paragraph 871-9(a)(8)(B-C).

(F) The provisions of this paragraph shall not apply to a deposit placed with a landlord to secure the availability of a rental unit more than sixty days prior to the commencement of the rental period.

(9) A tenant who elects to provide rental insurance in lieu of a required security deposit shall not be required to provide additional security or insurance coverage per claim in an amount greater than the amount required for security deposits.

(10) If the rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, the total amount of that late payment fee for any month may not exceed fifty dollars (\$50.00) or five percent (5%) of the monthly contract rent, whichever amount is greater.

(11) The landlord shall not:

(A) Charge interest on a late fee;

(B) Impose a late fee more than one time on a tenant's single late payment of rent; or

(C) Impose a late fee on a tenant for the late payment or nonpayment of any portion of the rent for which a rent subsidy provider, rather than the tenant, is responsible for paying.

(b) In every rental agreement there shall be imposed upon the tenant the following obligations to the landlord:

(1) The tenant shall conform to the "Responsibilities of occupants" as set out in the Cincinnati - Ohio Basic Building Code and to the "Obligations of Tenant" as set out in Section 5321-05 of the Ohio Revised Code.

(2) The tenant shall tender the agreed rent at the agreed time and place, and in the agreed manner except:

(A) When the tenant has made any payment to a utility supplier for utility services to the rental unit which, by the rental agreement, is the obligation of the landlord, the tenant may deduct the amount of such payments from the rent.

(B) When the landlord has failed to comply with an order of state or local building, health, or fire officials within the time period specified in the initial order to the landlord, the tenant may make or cause to be made necessary repairs and deduct the reasonable cost thereof, including the cost of all necessary permits, from the rent due and owing in the next two consecutive 30 day rental periods. No tenant shall deduct more than two months' rent for the cost of repairs in any six-month period. No tenant shall undertake repairs without first obtaining the necessary permits from the Department of Buildings and Inspections. All repairs shall be made in compliance with the provisions of the Cincinnati - Ohio Basic Building Code.

(C) Whenever the building or a portion of the building of which the rental unit is a part is ordered vacated by governmental authority, the tenant shall vacate the rental unit and the duty of the tenant to pay rent shall be completely abated.

- (3) The tenant shall obey all rules and regulations established by the landlord concerning the use, occupation, and maintenance of the rental unit, appurtenances thereto, and the property of which the unit is a part, if:
- (A) The tenant has acknowledged receipt in writing of a copy of the rules and regulations prior to entry into the rental agreement, or has consented in writing to rules and regulations promulgated after commencement of the rental agreement, and
 - (B) The rules and regulations are reasonably related to the convenience, safety or welfare of the tenants of the property, or to the preservation of the property, or to the fair distribution of services and facilities held out for the tenants generally, and
 - (C) The rules and regulations are sufficiently explicit in their prohibition, direction, or limitation of the tenant's conduct to inform tenant of what must or must not be done to comply.
- (c) In any eviction action (Complaint for Forcible Entry and Detainer) brought by a landlord under Ohio Revised Code Chapter 1923 for nonpayment of rent involving a residential rental property, the tenant's tender of all past due rent; reasonable late fees, which late fees are governed by Sections 871-9(a)(10) and 871-9(a)(11); court costs; and reasonable attorney fees, not to exceed \$125.00, whether tender is made before or after the filing of the eviction action, so long as tender is made no later than at the municipal court eviction hearing, shall constitute an affirmative defense.
- (1) For purposes of this section, "tender" shall mean payment of or the provision of a voucher from an accredited social service, nonprofit, governmental, or quasi-governmental agency that guarantees the payment of any and all past due rent, reasonable late fees, court costs, and, where applicable, reasonable attorney's fees. Such tender shall be made to the landlord in any lawful form agreed upon by the landlord, any form provided for by state law, or any form approved of by a court with jurisdiction over the eviction action. Where a tenant provides payment to a landlord in the form of a cashier's check, money order, certified check, or cash in an amount which covers all past due rent, reasonable late fees, court costs, and, where applicable, reasonable attorney's fees, such payment shall also constitute "tender" for purposes of this section.
- (d) Except as specifically provided in Section 871-9 or any other section of this chapter, all obligations of landlords and tenants under this chapter shall be interpreted as independent obligations and the duty of a tenant or landlord to meet the obligations under this chapter shall not be conditioned upon the performance of obligations by the other party to the rental agreement.

Section 2. That existing Section 871-9, "Obligations of Landlords and Tenants" of Chapter 871, "Landlord-Tenant Relationships" of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

Date: October 28, 2021

To: Councilmember Chris Seelbach
From: Andrew Garth, City Solicitor *AWG*
Subject: **Ordinance – Modifying CMC 407 to Prohibit Animal Drawn Carriages**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 407, “Public Vehicles,” Chapter 408, “Drivers’ Licenses for Public Vehicles,” Chapter 510, “Assemblages and Parades,” Chapter 765, “Special Events,” and Chapter 850, “Advertising of Tobacco Products” of the Cincinnati Municipal Code by **AMENDING** Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55, “Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” Section 408, “Driver’s License for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” Section 510-3, “Special Parades Requiring Permits,” Section 765-11, “Required Terms and Conditions,” and Section 850-1-P3, “Public Vehicle”; **ORDAINING** new Section 407-12, “Animal-Drawn Carriages,”; and **REPEALING** in their entirety Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” to prohibit the use of animal-drawn carriages for commercial purposes.

AWG/AKS/(lnk)
Attachment
305432

City of Cincinnati

AKS

AWB

An Ordinance No. _____

- 2021

MODIFYING the provisions of Chapter 407, “Public Vehicles,” Chapter 408, “Drivers’ Licenses for Public Vehicles,” Chapter 510, “Assemblages and Parades,” Chapter 765, “Special Events,” and Chapter 850, “Advertising of Tobacco Products” of the Cincinnati Municipal Code by **AMENDING** Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55, “Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” Section 408, “Driver’s License for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” Section 510-3, “Special Parades Requiring Permits,” Section 765-11, “Required Terms and Conditions,” and Section 850-1-P3, “Public Vehicle”; **ORDAINING** new Section 407-12, “Animal-Drawn Carriages,”; and **REPEALING** in their entirety Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” to prohibit the use of animal-drawn carriages for commercial purposes.

WHEREAS, the City of Cincinnati regulates all public vehicles, including issuing licenses for animal drawn carriages for-hire which expire and must be renewed in January of each year; and

WHEREAS, the City of Cincinnati supports its small businesses in its urban core, recognizing that much of the City’s revenue comes from dining and entertainment tourism, where the smell of horse manure can and has had an impact on small businesses competing for customers with areas outside of the City; and

WHEREAS, the City of Cincinnati supports public safety and the wellbeing of all residents, recognizing the dangers involved in having animals traveling in the roadway, including crashes with injuries reported as recently as 2019 in the City of Cincinnati, and additional crashes that have led to at least one hospitalization in the Cincinnati area within the last several years, and that injuries to riders and drivers related to urban horse carriage rides occur every year across the United States; and

WHEREAS, the City of Cincinnati is a leader in the humane treatment of animals, having led the nation on laws prohibiting animal cruelty in kitten and bunny mills; ending the use of

wild, dangerous, and endangered species in performances within the City of Cincinnati; and adopting tethering laws that protect the public and animals by reducing the abuse of animals that can lead to more vicious behavior in pets; and

WHEREAS, urban cities across the United States have begun to tackle the inhumane conditions of for-hire animal drawn carriages on asphalt and concrete city streets, including the operation of such animal drawn carriages on hot and humid days which, combined with the urban heat island effect, can push an animal beyond recommendations for safe and humane care; and

WHEREAS, numerous U.S. cities, including Chicago, Illinois; Key West, Palm Beach, Pompano Beach, and Treasure Island, Florida; Biloxi, Mississippi; Camden, New Jersey; and Salt Lake City, Utah have determined that the risks of safety to the public, cruelty to animals, and negative impacts on small businesses outweigh any perceived benefit of continuing to permit for-hire animal drawn carriages; now, therefore,

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

Section 1. That existing Section 407-1-P1, "Public Vehicle," Section 407-3, "License Fees for Public Vehicles," Section 407-5, "Application for License," Section 407-30, "Uninsured and Underinsured Motorist Coverage Insurance," Section 407-35, "Insignia," Section 407-55, "Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages," Section 407-69, "Rates To Be Filed With Director," Section 407-71, "Rate Card or Rate Information to be Reviewable by Passengers," Section 407-83, "Illegal Use of Hotel or Bus Zones," Section 407-107, "Equipment Requirements," Section 407-117-A, "Animal-Drawn Carriage and Pedicab Stands," Section 407-125, "Rules and Regulations," of Chapter 407, "Public Vehicles"; existing Section 408, "Driver's License for Public Vehicles," Section 408-1, "Application and Digital Identification Permit," Section 408-3, "Driver's License Fee," Section 408-5, "Examination of Applicant," Section 408-7, "Issuance or Denial of License," Section 408-25, "Smoking Prohibited," Section 408-45, "Rules and Regulations," of Chapter 408, "Drivers' Licenses for Public Vehicles"; existing Section 510-3, "Special Parades Requiring Permits," of Chapter 510, "Assemblages and Parades"; existing Section 765-11, "Required Terms and Conditions," of Chapter 765, "Special Events"; and existing Section 850-

1-P3, "Public Vehicle," of Chapter 850, "Advertising of Tobacco Products," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 407-1-P1. - Public Vehicle.

"Public Vehicle" shall mean a vehicle, other than a charitable non-profit transportation vehicle as defined in Section 407-1-C2, by which individual service for compensation in the transportation of persons on the public streets is furnished or offered to be furnished. Vehicles offering service in the transportation of persons on the public streets that make profit primarily through advertising or another method besides passenger fare are public vehicles. Public vehicles are classified as "taxicabs," "limousines," "accessible vehicles," "tour vehicles," "~~animal drawn carriages,~~" "transportation network vehicles," "low speed vehicles," and "pedicabs."

Vehicles furnishing mass transportation service of persons, such as motor buses, which are operated over fixed routes on a fixed schedule or between fixed termini, are not included in the term "public vehicle," but must comply with the appropriate provisions of law and the Cincinnati Municipal Code.

Sec. 407-3. - License Fees for Public Vehicles.

- (a) No person shall operate or permit to be operated any vehicle as a public vehicle, or shall proffer the services of such vehicles as a public vehicle by solicitation by voice, sign, public advertisement, light, or otherwise unless the proper license has been issued for the vehicle to the owner thereof and is in force.
- (b) Every license shall expire on January 14 of the year following the date on which the license was issued. License fees for each public vehicle shall be payable to the city treasurer in the following amounts:
 - (1) Taxicab: \$200.00; after 6/30 of each year, the amount of the license fee shall be \$100.00.
 - (2) Limousine: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
 - (3) Accessible Vehicle: \$70.00; after 6/30 of each year the amount shall be \$35.00.
 - (4) ~~Animal Drawn Carriage: \$150.00; after 6/30 of each year the amount shall be \$75.00.~~
 - (4~~5~~) Pedicab: \$80.00; after 6/30 of each year the amount shall be \$40.00.
 - (~~5~~6) Tour Vehicle: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
 - (~~6~~7) Low Speed Vehicle: \$150.00; after 6/30 of each year, the amount shall be \$75.00.
- (c) These fees shall include all vehicle and taximeter inspections conducted by city personnel. The license fee required by this section shall be in addition to any fee required by the laws of the state of Ohio.

- (d) In addition as part of the requirements of this section, each application for a renewal of a taxicab and accessible vehicle shall be accompanied by a complete schedule of rates used by the applicant for trips to surrounding cities, villages, and communities. Any charge made that is not in accordance with this rate schedule shall be considered cause for revocation of the license of the driver, of the vehicle, or both. Taxicab trips shall be based upon the meter rate plus a surcharge and shall not exceed 25 cents per mile in excess of meter rate for mileage outside of the city of Cincinnati.
- (e) License requirements and fees for a person to become a licensed public vehicle driver in the City are contained within Chapter 408 of the Cincinnati Municipal Code, "Drivers' Licenses for Public Vehicles."
- (f) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the Ohio Revised Code.

Sec. 407-5. - Application for License.

Applications for the following public vehicle licenses shall be made to the director or his designee upon forms provided by the director or his designee and shall cost \$50 to file per applicant. These forms shall be designed by the director after consultation with representatives from the public vehicles industry.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

- (a) **Taxicab License.** At a minimum, the public vehicle application forms for a taxicab shall set forth the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; the maintenance of the vehicle; the trade name under which business is to be conducted; the class of each vehicle for which a license is desired; the seating capacity; the design, color scheme, and lettering and marks to be used on the vehicle; and any other information required by the director or his designee.
- (b) ~~Animal Drawn Carriage. Each application for an animal drawn carriage license shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the route on and hours during which the animal drawn carriage is to be operated; and a drawing, model, or photograph of the type of carriage to be inspected so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each animal drawn carriage shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407.7 of the Cincinnati Municipal Code.~~

- (be) **Pedicab.** Each application for a pedicab shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; and a drawing, model, or photograph of the pedicab, so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each pedicab shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (cd) **Limousine.** Each application for a limousine, both Class A and Class B limousines, shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the type of vehicle including age, condition, and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle.
- (de) **Tour vehicle.** Each application for a tour vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; and the route, days, and hours of operation of the tour vehicle. The proposed route, hours, and days of operation for each tour vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (ef) **Low Speed Vehicle .** Each application for a low speed vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle. The proposed operating zones or permitted routes, hours, and days of operation for each low speed vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. The owner of a vehicle shall also comply with all requirements of Ohio law regarding proper title, registration, and license plates prior to operating the vehicle on any street.
- (fg) **Approved Application.** If the application is approved, the applicant shall furnish the city treasurer, prior to the issuance of the decal, information related to the particular vehicle to be licensed. Such information shall include title to each

applicable vehicle; state license plate registration; certificate of insurance; a mechanical inspection completed by a certified approved mechanic; and proof of establishment of an account with the city of Cincinnati income tax division.

Sec. 407-30. - Uninsured and Underinsured Motorist Coverage Insurance.

Each licensed public vehicle, except ~~animal-drawn carriages and~~ pedicabs, shall provide to its passengers uninsured and underinsured motorist coverage which shall provide protection for bodily injury or death to said passengers in the amount of \$25,000. The coverage afforded herein shall not apply to the drivers of said vehicles.

Sec. 407-35. - Insignia.

- (a) Excluding transportation network companies, the department shall furnish free of charge a decal which is to be affixed in the lower left-hand corner of the windshield, except ~~animal-drawn carriages, and~~ pedicabs, where the decal shall be affixed to a glass (plexiglass) plate 4" × 5" provided by the licensee. The plate shall be secured (easily removed) to the exterior of the ~~carriage or~~ pedicab as approved by the director. The decal shall indicate vehicle license number and type of license (taxi, limousine, accessible vehicle, tour vehicle, ~~animal-drawn carriage or pedicab~~). When the vehicle is retired from service, the decal is to be removed and returned to the director or his designee. Operation of a public vehicle without the proper decal or failure to properly return a decal shall be cause for revocation. If a public vehicle license is transferred from vehicle to vehicle, in accordance with Section 407-93, a new license decal shall be furnished by the department subject to the above conditions.
- (b) It shall be unlawful to display public vehicle equipment and insignia on any vehicle other than a licensed vehicle.
- (c) In an accessible vehicle, the floor area of an allocated space must display the international symbol of accessibility, also known as the international wheelchair symbol, and be outlined in a flush contrasting strip 1 inch wide. Every accessible vehicle used for the transportation of wheelchair users shall display the international symbol of accessibility in a clearly visible position on the rear of the vehicle and on the front of the vehicle in a position other than on the windshield.

Sec. 407-55. - Rates of Fare for Limousines, Pedicabs, Tour Vehicles, and Low Speed Vehicles, ~~and Animal-Drawn Carriages.~~

All fares and charges for use of limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ shall be filed with and approved by the director between January 1 and 15 of each year in accordance with Section 407-69.

It shall be the duty of the licensee to inform any person hiring a limousine, ~~animal-drawn carriage~~, tour vehicle, low speed vehicle, or pedicab of all rates and charges before any service is rendered.

Sec. 407-69. - Rates To Be Filed With Director.

- (a) Every owner of one or more public vehicles, except a transportation network vehicle, shall file in the office of the director the complete schedule of rates offered and used.

- (b) Rate schedules may be changed by the owner. No change in schedule shall become effective until one day after it is filed with the director and until all requirements of Section 407-77 have been complied with. (The requirements of Section 407-77 shall not apply to ~~animal-drawn carriages~~, tour vehicles, low speed vehicles, transportation network vehicles, and pedicabs.) Not more than one amended schedule shall be filed by an owner in any period of 30 days unless with the consent of the director.
- (c) All schedules of rates of fare on file with the director shall be open to public inspection.
- (d) No driver or other person in control of a taxicab, limousine, accessible vehicle, pedicab, or tour vehicle, ~~or animal-drawn carriage~~ shall make any charge except in accordance with the schedule of rates filed as herein provided.

Sec. 407-71. - Rate Card or Rate Information to be Reviewable by Passengers.

Every public vehicle, except transportation network vehicles, shall carry in it at all times a rate card issued for the vehicle by the director. The rate card shall contain, in legible type, the director's office address, the name of the license owner, the type of vehicle, the serial body number on the vehicle, the date of issuance, and the complete schedule of rates of fare used as filed with the director. In taxicabs such rate card shall be mounted under transparent covering in the rear compartment or interior of the vehicle in such a position that it can be read easily by the occupants of the vehicle. In limousines, pedicabs, and tour vehicles, ~~and animal-drawn carriages~~ such rate card shall be exhibited on demand.

Rate cards shall not be altered or tampered with by any person. Whenever a rate card becomes damaged, soiled, or illegible, the owner shall request and the director shall issue a new card for the vehicle. No fee shall be charged for the issuance of a new, corrected, or duplicated rate card when the old card is turned in to the director.

In case of the loss of a rate card, the owner shall file with the director a sworn statement of the facts concerning such loss. If the director is satisfied that the facts justify the issuance of a replacement rate card, such replacement rate card shall be issued upon the payment of 50 cents.

Sec. 407-83. - Illegal Use of Hotel or Bus Zones.

Occupancy of a hotel zone or bus zone for purposes of soliciting patronage, or offering taxicab, accessible vehicle, limousine, pedicab, or tour vehicle ~~or animal-drawn carriage~~ service shall be unlawful.

Sec. 407-107. - Equipment Requirements.

Every public vehicle shall be kept in a safe and sanitary operating condition. Each type of public vehicle must follow the equipment regulations as mandated below.

- (a) All taxis must be either a four door sedan, a station wagon with a minimum of four doors, or a van-type vehicle with either a minimum of four doors or with a sliding door on the vehicle's passenger side. Each Taxicab shall have the following equipment at all times:

- (1) A light within the passenger compartment capable of being turned on or off by the passenger;
 - (2) Brakes that comply with all requirements of Section 4513.20 of the Revised Code of Ohio;
 - (3) A light contained inside the meter and capable of illuminating the taximeter display;
 - (4) A light located on the top of the vehicle that is capable of indicating when the taxi is available for hire, with an on/off switch that can be controlled by the operator; and
 - (5) Manufacturer-installed safety belts, which must be worn by front-seat passengers and may be worn by back-seat passengers and which number no fewer than the maximum occupancy of the taxicab.
- (b) ~~Each animal-drawn carriage shall at all times have the following equipment:~~
- ~~(1) A braking device capable of safely stopping said vehicle.~~
 - ~~(2) Two headlamps capable of emitting a white light visible a distance of at least 1,000 feet ahead of the carriage;~~
 - ~~(3) Two tail lamps capable of emitting a red light visible at least 1,000 feet from the rear of the carriage;~~
 - ~~(4) A triangular slow-moving vehicle emblem (SMV) (reflectorized), which shall be mounted so as to be visible for a distance of 500 feet to the rear;~~
 - ~~(5) Reflective materials upon the shafts of the vehicle or other parts of the vehicle parallel thereto so as to render the vehicle visible from the side after dark from a distance of 500 feet.~~
- (be) Each accessible vehicle shall comply with the equipment requirements and other required features found in Sections 407-145 through 407-171 of this chapter.
- (cd) Each pedicab shall at all times have the following equipment:
- (1) Braking device capable of stopping said vehicle;
 - (2) Functioning battery-operated head and tail lights;
 - (3) Rear reflective lights;
 - (4) Reflective material on both sides;
 - (5) A reflective triangle and slow moving vehicle sign in the rear;
 - (6) A properly functioning timing device, visible to customers, if the rate is based on time;
 - (7) A properly functioning mileage meter, visible to customers, if rates are based on mileage;
 - (8) A public vehicle license displayed so that it is easily seen; and
 - (9) Any other device ordered by the director.

- (de) Every low speed vehicle shall at all times comply with any equipment requirements established in the Ohio Revised Code as well as those required under the city's policies and regulations for low speed vehicles, as published on April 26, 2018 and as amended from time to time by the city manager, the current version of which is available through the department of transportation and engineering.
- (ef) Every pedal wagon shall have at all times the following equipment:
 - (1) Adequate brakes and braking system, including parking brake;
 - (2) Two headlamps capable of emitting a white light visible at a distance of at least 1,000 feet ahead of the pedal wagon;
 - (3) Two tail lights capable of emitting a red light visible at least 1,000 feet from the rear of the pedal wagon;
 - (4) Functioning battery to operate the head and tail lights;
 - (5) Reflective material on both sides and the rear of the vehicle so as to render the vehicle visible from a distance of 500 feet;
 - (6) A triangular slow-moving vehicle (SMV) emblem mounted on the rear of the vehicle;
 - (7) A public vehicle license displayed so that it can be easily seen as per CMC 407-35;
 - (8) Any other device ordered by the director.
- (fg) Whenever a public vehicle is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the city treasurer, upon the recommendation of the director, shall suspend or revoke the license of the public vehicle, until the public vehicle is in full compliance with provisions herein.
- (gh) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

Sec. 407-117-A. - ~~Animal-Drawn Carriage and~~ Pedicab Stands.

The director shall designate the location of space and times of use for stands to be known as "~~animal-drawn carriage~~ pedicab stands." No automobiles or other means of conveyance except pedicabs shall be permitted to use such "~~animal-drawn carriage~~ pedicab stands" within the time as provided by the rules and regulations promulgated by the director.

The director is authorized to formulate reasonable rules and regulations for the use of such "~~animal-drawn carriage~~ pedicab stands" so as to ensure equality of opportunity between operators and to prevent unfair practices between the owners, operators and drivers of such ~~animal-drawn vehicles~~ pedicabs for hire.

Sec. 407-125. - Rules and Regulations.

The director is authorized and directed to establish rules and regulations necessary for the enforcement of the provisions of this chapter, ~~including rules and regulations pertaining to the health, safety and well-being of animals used to draw carriages in the city of Cincinnati.~~

Violation of any such regulation or failure to comply with a lawful order of the director shall be reason for revocation of any license issued under authority of this chapter.

Sec. 408. - Driver's License for Public Vehicles.

No person shall drive a taxicab, tour vehicle, limousine, accessible vehicle, pedicab, or low speed vehicle, ~~or animal drawn carriage~~ unless duly licensed as hereinafter provided.

Transportation Network Companies and their drivers and vehicles are exempt from this Chapter and are alternatively regulated pursuant to the requirements contained in Ohio Revised Code Chapters 3942 and 4925 or any successor chapter or sections of the Ohio Revised Code.

Sec. 408-1. - Application and Digital Identification Permit.

- (a) Every applicant for a license as a driver of a taxicab, tour vehicle, accessible vehicle, pedicab, or low speed vehicle, ~~or animal drawn carriage~~ shall make application to the director on forms to be supplied by the director. The director, for purposes of Chapter 408, shall be the same definition as Section 407-1-D1. The application shall be notarized, and each applicant must supply information or documentation to show the applicant fulfills the following requirements, and any other pertinent information as the director may require, in order to complete his/her application under Chapter 408:
- (1) Able to speak, read, and write the English language;
 - (2) Twenty-one years of age or over and must present a valid operator's license as approved by the director;
 - (3) Free of defective vision, defective hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, which would render the applicant unfit for safe operation of a public vehicle;
 - (4) Not currently engaging in the illegal use of alcohol or drugs;
 - (5) Cleared by a criminal background check, which is completed by a law enforcement entity, association, corporation, or firm approved by the director to perform such services.
- (b) Every applicant for a license to drive an accessible vehicle shall also produce satisfactory evidence that the applicant has completed a course in first aid and life saving, approved by the director, and in addition, a certificate from a reputable physician stating that the applicant is free from communicable diseases.

Sec. 408-3. - Driver's License Fee.

Every driver of a taxicab, limousine, accessible vehicle, pedicab, tour vehicle, and low speed vehicle, ~~and animal-drawn carriage~~ shall pay to the city treasurer the sum of \$40.00 upon issuance of a driver's license, and the sum of \$20.00 per year for each annual renewal.

Sec. 408-5. - Examination of Applicant.

After complying with the provisions of Section 408-1, every applicant shall be examined by the director or his designee as to the applicant's knowledge of the provisions governing the operation of taxicabs, limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ and as to knowledge of the city of Cincinnati and state and local traffic regulations. The applicant shall produce evidence of at least six months' experience in operating a motor vehicle ~~or animal-drawn carriage~~, or successful completion of a course in the operation of a motor vehicle ~~or animal-drawn carriage~~ given by a school approved by the director, or both, and shall, if required, demonstrate the applicant's skill and ability.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements contained in the Ohio Revised Code.

Sec. 408-7. - Issuance or Denial of License.

If the applicant to drive a taxicab, tour vehicle, limousine, pedicab, or low speed vehicle, ~~or animal-drawn carriage~~ meets all the requirements set forth in this chapter, his/her criminal background check did not disclose convictions for felony crimes of violence, weapons, or moral turpitude, or misdemeanor convictions of moral turpitude and he/she is not non-compliant as stated in Chapter 801, "General Provisions," then the director shall notify the city treasurer in writing; and the city treasurer shall issue a license to applicant upon payment of the proper fee.

If the director denies the issuance of a public vehicles driver's license, the director shall send notice to the applicant-supplied address, or if applicable, the notice may be provided to the applicant in person if the individual is present in the office of the director at the time of the denial. The applicant may appeal the decision to the office of administrative hearings (OAH). All appeals must be filed in writing with OAH within 10 days from receipt of notice of the director's decision to deny the license, and OAH shall hold the hearing within 14 days from receipt of the applicant's written appeal. For purposes of appeal the director's decision shall be presumed accurate, and the appellant shall bear the burden of proof of evidence to contradict the director's decision. The hearing examiner will either uphold or reverse the director's decision based on the information presented at the hearing under the criteria set forth in this Chapter.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

Sec. 408-25. - Smoking Prohibited.

Drivers of limousines, taxicabs, transportation network vehicles, tour vehicles, accessible vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ are prohibited from smoking while carrying passengers.

Sec. 408-45. - Rules and Regulations.

The director is hereby authorized and empowered to establish and adopt such additional rules and regulations governing the issuance of licenses to drive taxicabs, tour vehicles, pedicabs, ~~animal-drawn carriage~~, low speed vehicles, and accessible vehicles as may be reasonable and necessary and not inconsistent with the provisions of this chapter. Any rules and regulations proposed by the director under this section on or after September 1, 2014, shall be published and made available to the public and shall be made available for public comment at a committee of the city council prior to adoption.

Sec. 510-3. - Special Parades Requiring Permits.

Notwithstanding the provisions of Section 510-2, the city manager, or person designated by the city manager, may grant permission to a group, association or organization holding or sponsoring a parade, march or procession to do so without strict compliance with specified provisions of the laws and regulations relating to vehicular and pedestrian traffic, and may restrict parking along a proposed route of a parade, march or procession and provide police escorts therefor upon the following terms and conditions:

- (a) The group, organization or association sponsoring a parade, march or procession shall apply in writing at least 30 calendar days in advance of the date of the parade, march or procession for a permit to hold a parade at variance with the laws and regulations relating to pedestrian and vehicular traffic.

The city manager or person designated by the city manager shall, in appropriate cases, have the authority to waive the time period within which the application for a parade permit must be made.

- (b) Application for such permit shall be on forms provided by the city manager or person designated by the city manager, and shall state:
- (1) The name and address of the sponsoring group, association or organization.
 - (2) The names and addresses and telephone numbers of officers of the organization or persons authorized to speak for and on behalf of such organization and to represent the organization in all matters pertaining to the parade permit.
 - (3) The date, time and proposed route of the parade.
 - (4) The nature of the parade; i.e., whether it will consist of or include:
 - a. Pedestrians,
 - b. Vehicles,
 - c. Animals,
 - d. A combination of any of the above, and
 - e. The approximate size or length of the parade.

- (5) Those traffic laws or regulations which the group, association or organization holding or sponsoring the parade wish to be waived in regard to it.
 - (6) Whether or not it is desirable that parking be restricted along the parade route or any part of the parade route.
 - (7) Whether or not a police escort is desired.
 - (8) The application for the proposed parade shall include a non refundable \$100.00 fee if it is estimated that fewer than 3,000 people will be in attendance, or a \$500.00 fee if it is estimated that over 3,000 people will be in attendance.
- (c) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine the number of police officers reasonably necessary to control traffic in the area of the requested parade. In making this determination, the city manager or person designated by the city manager shall consider such factors as the time, date, route, length, number of participants and vehicles contained in the application for the parade permit. The city manager or person designated by the city manager shall inform the applicant for the parade permit of the number and cost of police officers and vehicles which he determines to be necessary to control the traffic for the requested parade. The cost to the applicant for each police officer shall be the current standard hourly special duty rate. The cost for each police vehicle shall be the standard hourly rental rate prescribed by the Cincinnati Police Department. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for police traffic control and police vehicles with the Cincinnati Police Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Police Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.
- (d) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine if personnel from the Cincinnati Fire Department are necessary to the safe conduct and operation of the parade. In making that determination, the city manager or person designated by the city manager shall consider the time, date, route and length of the parade; the likelihood of fires or explosions during the parade or the need for emergency and medical services; the nature and purpose of the parade; the anticipated attendance at the parade by both participants and observers; the number, type, and speed of vehicles in the parade; and the ability of the Cincinnati Fire Department to respond to a call for services from a location outside the parade route.

If the city manager or person designated by the city manager determines that Cincinnati Fire Department personnel are necessary to the safe conduct and operation of the parade, then the applicant for the parade permit shall be informed of the necessary number and cost of Cincinnati Fire Department personnel. The

cost to the applicant of the Cincinnati Fire Department personnel shall be the current standard hourly special duty rate for such personnel. The cost for each Cincinnati Fire Department vehicle shall be a standard hourly rate prescribed by the fire chief. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for fire department personnel and vehicles with the Cincinnati Fire Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Fire Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.

- (e) Before issuing a permit, the city manager or person designated by the city manager shall determine that:
 - (1) Waiver of laws or regulations relating to the movement of pedestrian or vehicular traffic for the proposed parade will not present an unreasonable hazard to the safety of the public.
 - (2) The waiver of enforcement of laws and regulations relating to vehicular and pedestrian traffic along the route of the suggested parade will not substantially and unreasonably increase traffic congestion in the congested area or in any other area of the city during rush hours.
 - (3) That there will be available sufficient city manpower to provide for the reasonably safe movement of the parade and other traffic, the safety of the public, and the restriction of parking along the parade route or police escorts when requested or when determined to be necessary for the safety of the public by the city manager or person designated by the city manager.
 - (4) That the parade will not unreasonably interfere with access to public or private property adjacent to the streets and sidewalks to the proposed parade route.
- (f) If the parade, march or procession involves the use of motor vehicles or animals, the organization, group or association sponsoring or holding the parade shall obtain liability insurance and file a copy of the policy with the City of Cincinnati, which policy shall:
 - (1) List the sponsoring group, association or organization and the City of Cincinnati as a named insured; and
 - (2) Provide liability coverage against all hazards arising from the holding of the parade for personal injuries and property damage in the amount of \$500,000.
- (g) If the parade, march or procession involves the use of animals, no permit shall be issued unless the organization, group or association sponsoring or holding the parade shall provide the following to the city at the time the permit is requested:

- (1) A description of the litter control measures that will be taken to prevent animal urine and manure from collecting on city property or streets and the plan for disposal of any animal urine or feces;
- (2) A certificate of fitness from a licensed veterinarian stating that the veterinarian has examined the animal within the last 60 days and that the exam included all matters consistent with the usual and customary veterinary practice in the community to maintain the health and well-being of animals, and that the animal is fit for use in the parade, march or procession; and
- (3) If an animal-drawn carriage is to be used, a certification that the carriage has a readily visible reflector on the rear of the carriage and that the carriage does not exceed the following dimensions:
 - a. Height: 13 feet, 6 inches
 - b. Width: 8 feet, 0 inches
 - c. Length: 48 feet, 0 inches, including horse, mule or other beast of burden.
- (4) If an animal-drawn carriage is to be used, evidence of the driver having at least six months' experience in operating an animal-drawn carriage, or successful completion of a course in the operation of an animal-drawn carriage given by a school approved by the director, or both, and shall, if required, demonstrate the driver's skill and ability.

- (hg) A parade permit will not be granted to any applicant whose stated intended purpose is to communicate any obscenity, defamation, "fighting words," or words creating a "clear and present danger."

The City of Cincinnati will promptly seek judicial review of any intended denial or revocation of a parade permit based upon the obscenity, defamation, "fighting words," or "clear and present danger" prohibitions contained in this section. Unless a court issues an order within ten business days of the city's petition declaring that the permit may be lawfully denied or revoked, the parade permit will be granted.

- (ih) After the application is filed, the city manager or person designated by the city manager shall act upon an application for a special parade permit within ten business days, or within five business days prior to the proposed parade, whichever date is earlier.

If the city manager or person designated by the city manager finds that the determinations required by paragraph (e) above cannot be made without changes in the proposed route, time, or waiver of laws or regulations relating to movement of pedestrian or vehicular traffic as requested in the application, or the restriction of parking along the proposed route, the city manager or person designated by the city manager shall suggest in writing alternate times, routes, or procedures or conditions which would meet the requirements of paragraph (e) above. Such suggestions shall be noted upon the application for the special parade permit. The

terms of such suggestions shall be communicated by the city manager or the person designated by the city manager to the permit applicant either by personal delivery or certified mail within ten business days after the application is filed, or within five business days prior to the proposed parade, whichever date is earlier.

If these suggestions are accepted in writing by the permit applicant within three business days after the date the city manager or person designated by the city manager personally notifies the applicant of the suggestions or mails the suggestions to the applicant, the city manager or person designated by the city manager shall proceed as though such changes were originally part of the application. The permit applicant's acceptance of the suggestions shall be noted upon the application.

- (ji) Any applicant shall have the right to appeal the denial of a permit to the office of administrative hearings by filing a written notice of appeal with the city manager within five business days of the denial of the permit. The city manager shall transmit the notice of appeal and all documents related to the permit application to the office of administrative hearings within 24 hours of the filing of the appeal. The office of administrative hearings shall conduct a hearing and issue a decision in sufficient time to allow the applicant to conduct the parade if the appeal is granted, but in no event shall the hearing be held more than five business days after the appeal is filed.
- (kj) A permit may be revoked at any time by the city manager or person designated by the city manager for the same reasons as those provided for denial of a permit. Notice of the revocation of a permit shall be given immediately to the applicant as provided in Section 510-3(g), and appeal of the revocation of the permit may be taken in the same manner and time as provided in Section 510-3(h), except the requirement that the appeal shall be heard before the date of the parade will not apply.
- (lk) In the absence of special circumstances, the following parade route in the congested district shall be deemed to comply with the requirements of this section insofar as presenting the least hazard to the safety of the public and the least interference with normal use and movement upon the streets in that area, and shall be followed by any group proposing to hold a parade in the congested area, unless the city manager or person designated by the city manager finds that exceptional circumstances exist, which shall be stated in writing upon the application, which warrant the use of an alternate route:

From the intersection of Butler and Sentinel Street, travel south on Sentinel Street to Fifth Street, thence west on Fifth Street to Vine Street, thence north on Vine Street to the intersection of Vine Street and Central Parkway, where the parade shall end.
- (ml) No person participating in a parade, march or procession under this section shall distribute handbills, free samples, give autographs or other such items to spectators along the designated parade route nor commit any other act which

would encourage spectators to move into the designated parade route during the course of any such parade.

Sec. 765-11. - Required Terms and Conditions.

As part of a special event permit, the sponsor of the event shall agree in writing and the permit shall contain the following terms and conditions:

- (a) The sponsor of the event shall have a representative present at all times during the event who shall be responsible for ensuring compliance with all applicable ordinances and regulations and for accepting all notices of violations and closure orders.
- (b) The special event shall not take place unless the sponsor has supplied the chief of police with a certificate of insurance evidencing general commercial liability insurance, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, and liquor liability insurance, if applicable, with a limit of not less than \$1,000,000. Each certificate of insurance shall list the city as an additional insured.
 - (1) Each insurance policy required by this subsection shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material changes until notice thereof has been received in writing by the office of risk management and the chief of police not less than 60 days prior to such action.
 - (2) Each sponsor shall maintain the insurance required by this subsection in full force and effect for the duration of the permit period. Failure of the sponsor of the event to maintain such insurance during the periods indicated above shall result in automatic expiration of the permit. For the purposes of this subsection, the permit shall include the time required for construction and removal of all materials and equipment provided for the conduct of the special event until the public way has been cleared and restored as provided in subsection (f).
- (c) The sponsor of the event shall indemnify and hold harmless the city of Cincinnati, its officials, employees, subcontractors, agents, and assignees from any and all losses, damages, injuries, claims, demands, and expenses arising out of the operation of the special event or the condition, maintenance, and use of public property.
- (d) During the presentation of the special event, the sponsor of the event shall at its own cost keep the public way clean and free from paper, debris, or refuse, and upon termination of the permit by lapse of time or otherwise, the sponsor of the event shall remove all materials and equipment and clean the street. If the public way has been damaged, the city shall repair and restore it to the condition it was in prior to the special event and bill the sponsor of the event for the city's actual cost to repair.

- (e) Whenever a permit requires the closure of a street, a clear path of not less than twelve (12) feet must be maintained at all times to provide for the passage of emergency vehicles.
- (f) The sponsor of the event shall be responsible for ensuring that each vendor participating in the event obtains the proper licenses. In the event that an unlicensed or improperly licensed vendor is found at the event, the sponsor of the event shall be fined pursuant to CMC § 765-99 for each unlicensed or improperly licensed vendor. This shall be in addition to any fines or penalties which may be issued to the individual vendor. The sponsor shall promptly remove the unlicensed or improperly licensed vendor from the event area.
- (g) The sponsor of the event shall be responsible for ensuring that no person during the event shall, unless specifically authorized by the Cincinnati Police Department, possess or bring to the event area any poles, sticks, or clubs made of any rigid material or any other instrument, device, or thing that is capable of inflicting serious physical harm, that is designed or specifically adapted for use as a weapon, or that is possessed, carried, or used as a weapon, except to support a sign or banner, provided that such wooden stick is not more than two (2) inches in width or three-quarters ($\frac{3}{4}$) of an inch in diameter, one-quarter ($\frac{1}{4}$) inch in thickness, and forty (40) inches in length, and where such wooden stick is blunt on both ends.

This subsection shall apply without limitations to any poles, sticks or other devices attached to or otherwise used to support or elevate signs, banners or other displays of any kind not associated with or approved by the city of Cincinnati. This section does not apply to law enforcement officers or to canes, crutches, or other similar devices used by persons who are visually or physically impaired.

- (h) The sponsor of the event shall be responsible for ensuring that no person during the event shall take any animal to the event area, unless such animal is being or will be used by law enforcement officials engaged in the performance of their duties, or unless such animal is used as a guide for a disabled individual or such animal is part of the event and is listed on the application. If an animal is to be used during or as part of an event, then the sponsor of the event shall also comply with the provisions of Cincinnati Municipal Code Section 510-3(g).

Section 850-1-P3. – Public Vehicle.

“Public Vehicle” means a vehicle by which individual service for compensation in the transportation of persons on the public streets or highways is furnished or offered to be furnished including taxicabs, limousines, and handicapped livery vehicles ~~and animal-drawn carriages.~~

Section 2. That existing Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55,

“Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” of Chapter 407, “Public Vehicles,” and existing Section 408, “Driver’s Licenses for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” of Chapter 408, “Drivers’ Licenses for Public Vehicles,” and existing Section 850-1-P3, “Public Vehicle,” of Chapter 850, “Advertising of Tobacco Products,” of the Cincinnati Municipal Code are hereby repealed.

Section 3. That the following new Section 407-12, “Animal-Drawn Carriages,” of Chapter 407, “Public Vehicles,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

Sec. 407-12. – Animal-Drawn Carriages

As of January 15, 2022, animal-drawn carriages may no longer offer for-hire service in the transportation of persons on the public streets. Animal-drawn carriages may be utilized during parades and special events such as weddings, upon compliance with the applicable provisions of the Cincinnati Municipal Code and issuance of the proper special event approvals and permits.

Section 4. That existing Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” of Chapter 407 of the Cincinnati Municipal Code are hereby repealed in their entirety.

Section 5. That sections 1 through 4 above shall be effective as of January 15, 2022.

Section 6. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 5 of this Ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deletions indicated by strike-through.

202103052

Date: October 28, 2021

To: Vice Mayor Christopher Smitherman
From: Andrew Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Honorary Street Name Clifford William George Way**

Transmitted herewith is an emergency ordinance captioned as follows:

DECLARING that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way in memory of Cincinnati Police Officer Clifford William George and in recognition of his service to the City of Cincinnati.

AWG/CFG/(lnk)
Attachment
351583

EMERGENCY

City of Cincinnati

CFG

AWB

An Ordinance No. _____

-2021

DECLARING that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way in memory of Cincinnati Police Officer Clifford William George and in recognition of his service to the City of Cincinnati.

WHEREAS, Officer Clifford William George was born on August 12, 1946, to parents Edward and Charlotte George of Walnut Hills; and

WHEREAS, he graduated from Central Adult High School in 1964 and began work assembling vehicles at the General Motors Assembly Plant in Norwood; and

WHEREAS, Officer George was drafted into the United States Army in January 1966, undergoing basic training and military police training at Fort Hood, Texas; and

WHEREAS, after his deployment to Vietnam, Officer George participated in combat, convoy escort, post and town patrol, POW security, and ammunition supply post duties; and

WHEREAS, Officer George was honorably discharged on October 12, 1967, having received medals for Good Conduct and Army Commendation, as well as a Vietnam Service Award; and

WHEREAS, after returning to Cincinnati, Officer George joined management at General Motors, and attended the University of Cincinnati, majoring in industrial management; and

WHEREAS, on October 24, 1971, Officer George joined the Cincinnati Police Department as a police recruit, and was promoted to patrolman on March 12, 1972, receiving Badge 339 and assignment at District 4; and

WHEREAS, in 1977 he transferred to the Regional Enforcement of Narcotics Unit (RENU), and in 1983 completed an Instructor Development Course at the Federal Bureau of Investigation; and

WHEREAS, on January 18, 1987, Officer George transferred to District 5; and

WHEREAS, on April 16, 1987, Officer George lost his life in the line of duty while attempting to arrest a suspect involved in a domestic dispute; and

WHEREAS, Officer George was survived by his wife, Barbara (Johnson) George, and three children, Jennifer Lynn George (age 15), Paige Alexandra George (age 12), and Jeffrey Michael George (age 8), and a sister, Janice Matinus; and

WHEREAS, Officer George was a very involved father and admired in his community of Springfield Township as a soccer coach; and

WHEREAS, in recognition of his service as a soccer coach, Springfield Township purchased land and created soccer fields now known as Clifford George Fields; and

WHEREAS, his daughter Jennifer has served as a Cincinnati police officer since 1998; his daughter Paige was a nurse at University Hospital, now residing in South Carolina; his son Jeffrey is a United States Marine; and his wife retired as the head of the information technology department of the Metropolitan Sewer District, also now residing in South Carolina; now, therefore,

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

Section 1. That Vine Street at Liberty Street shall hereby receive the honorary, secondary name of Clifford William George Way by legislative action of the Mayor and City Council in memory of Cincinnati Police Officer Clifford William George and in recognition of his service to the City of Cincinnati.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Vine Street at Liberty Street as Clifford William George Way in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Clifford William George via the office of Vice Mayor Christopher Smitherman.

Section 4. 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 create signage for the naming ceremony, scheduled for November 12, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: November 2, 2021

To: Vice Mayor Christopher Smitherman
From: Andrew Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Honorary Street Name Clifford William George Way and Canine Bandit Way (B VERSION)**

Transmitted herewith is an emergency ordinance captioned as follows:

DECLARING that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

AWG/CFG/(lnk)
Attachment
351583v7

EMERGENCY

City of Cincinnati

CFG/B

AWB

An Ordinance No. _____

-2021

DECLARING that Vine Street at Liberty Street hereby receives the honorary, secondary name of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

WHEREAS, Officer Clifford William George was born on August 12, 1946, to parents Edward and Charlotte George of Walnut Hills; and

WHEREAS, he graduated from Central Adult High School in 1964 and began work assembling vehicles at the General Motors Assembly Plant in Norwood; and

WHEREAS, Officer George was drafted into the United States Army in January 1966, undergoing basic training and military police training at Fort Hood, Texas; and

WHEREAS, after his deployment to Vietnam, Officer George participated in combat, convoy escort, post and town patrol, POW security, and ammunition supply post duties; and

WHEREAS, Officer George was honorably discharged on October 12, 1967, having received medals for Good Conduct and Army Commendation, as well as a Vietnam Service Award; and

WHEREAS, after returning to Cincinnati, Officer George joined management at General Motors, and attended the University of Cincinnati, majoring in industrial management; and

WHEREAS, on October 24, 1971, Officer George joined the Cincinnati Police Department as a police recruit, and was promoted to patrolman on March 12, 1972, receiving Badge 339 and assignment at District 4; and

WHEREAS, in 1977 he transferred to the Regional Enforcement of Narcotics Unit (RENU), and in 1983 completed an Instructor Development Course at the Federal Bureau of Investigation; and

WHEREAS, on January 18, 1987, Officer George transferred to District 5; and

WHEREAS, on April 16, 1987, Officer George lost his life in the line of duty while attempting to arrest a suspect involved in a domestic dispute; and

WHEREAS, Officer George was survived by his wife, Barbara (Johnson) George, and three children, Jennifer Lynn George (age 15), Paige Alexandra George (age 12), and Jeffrey Michael George (age 8), and a sister, Janice Matinus; and

WHEREAS, Officer George was a very involved father and admired in his community of Springfield Township as a soccer coach; and

WHEREAS, in recognition of his service as a soccer coach, Springfield Township purchased land and created soccer fields now known as Clifford George Fields; and

WHEREAS, his daughter Jennifer has served as a Cincinnati police officer since 1998; his daughter Paige was a nurse at University Hospital, now residing in South Carolina; his son Jeffrey is a United States Marine; and his wife retired as the head of the information technology department of the Metropolitan Sewer District, also now residing in South Carolina; and

WHEREAS, Canine Bandit also responded to the scene of Officer's George's death, with his handler Officer Gerald Norton; and

WHEREAS, as trained, Canine Bandit lunged at the armed suspect who had begun to fire Officer George's revolver at Officer Norton and other responding officers; and

WHEREAS, Canine Bandit was struck by a bullet and killed at the scene; now, therefore,

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

Section 1. That Vine Street at Liberty Street shall hereby receive the honorary, secondary names of Clifford William George Way and that Liberty Street at Vine hereby receives the honorary, secondary name of Canine Bandit Way by legislative action of the Mayor and City Council in memory of Cincinnati Police Officer Clifford William George and Canine Bandit, and in recognition of their service to the City of Cincinnati.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Vine Street at Liberty Street as Clifford William George Way and Liberty Street at Vine Street as Canine Bandit Way, in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Clifford William George via the office of Vice Mayor Christopher Smitherman and that a copy of this ordinance be sent to the Greater Cincinnati Police Museum and Sergeant Gerald Norton via the office of Vice Mayor Christopher Smitherman.

Section 4. 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 create signage for the naming ceremony, scheduled for November 12, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

November 3, 2021

To: Mayor and Members of City Council

202103053

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Stormwater Sewer Easements North of River Road

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

The City initiated this project to redirect outfall from a County storm sewer in Delhi township that was creating localized flooding issues to private properties within the City of Cincinnati. The City installed stormwater facilities on the affected properties to redirect the outfall to stormwater facilities in the public right of way.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

WHEREAS, Mark W. Vincent and Nancy E. Hautman have granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 484, Page 19, Hamilton County, Ohio Recorder's Office; and

WHEREAS, Patricia E. Gutzwiller has granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 483, Page 88, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plats have been examined and approved as to their technical features by the City Stormwater Management Engineer, who has found them to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works on behalf of the Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the aforementioned stormwater sewer easements; now, therefore,

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

Section 1. That the easement granted by Mark W. Vincent and Nancy E. Hautman to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment A and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in Deed Book 4108, Page 913, Hamilton County, Ohio Records.

Section 2. That the easement granted by Patricia E. Gutzwiller to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment B and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in Official Record 13511, Page 474, Hamilton County, Ohio Records.

Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 4. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

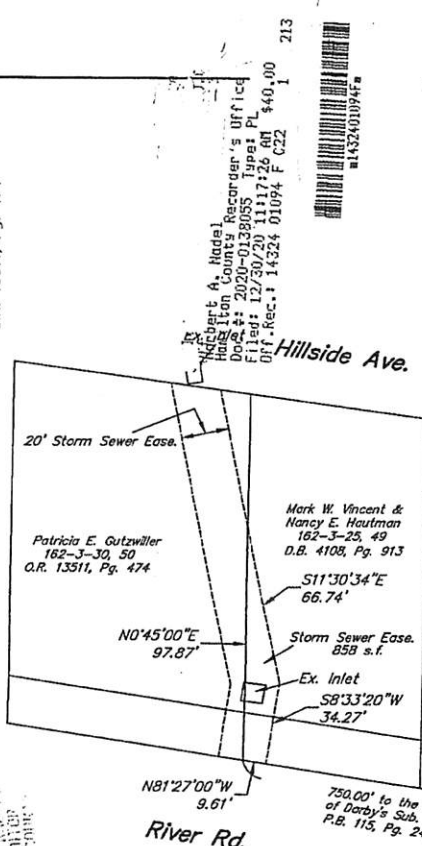
Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

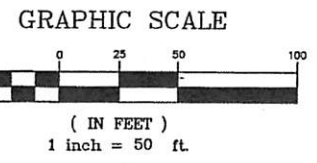
ATTACHMENT A

O.R. 13511, Pg. 474



Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

By: *Mark W. Vincent*
Nancy E. Hautman

STORM SEWER EASEMENT
Parcel 162-3-25, 49
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'00" East, 66.74 feet to a point; thence South 88°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020

Approved as to form: *[Signature]*
Sr. Asst. City Solicitor

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNW

CAGIS - _____

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWM upon Council's acceptance.

APPROVED BY:
[Signature]
City Stormwater Management Engineer
Stormwater Management Utility

RESTRICTIONS ON STORM SEWER EASEMENTS:

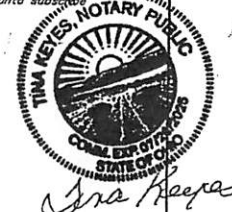
NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HEREOFTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this 8th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



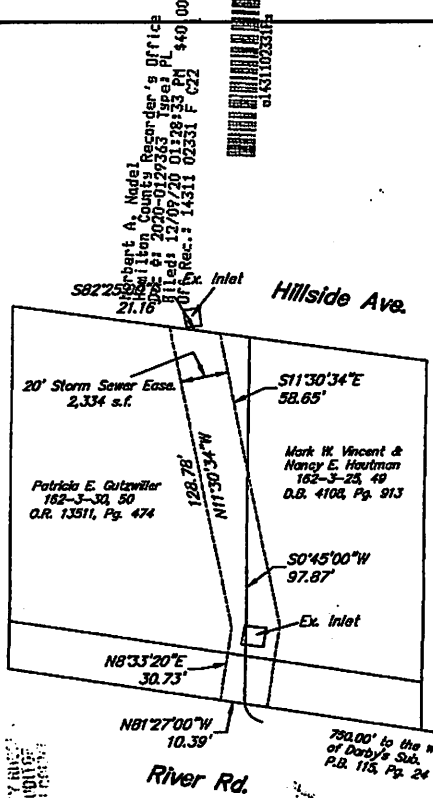
[Signature]
Joseph N. Koopman
Ohio Reg. No. 7184

Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio

	Department of Transportation and Engineering City of Cincinnati City Hall 801 Plum Street Cincinnati, Ohio 45202	Easement Plat 162-3-25, 49
		Date: July, 2020

ATTACHMENT B

O.R. 13511, Pg. 474



The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller
 By: *Patricia E. Gutzwiller*

STORM SEWER EASEMENT
 Parcel 162-3-30, 50
 July 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller, in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road North 81°27'00" West, 780.00 feet to the Place of Beginning; thence with the said north line, North 81°27'00" West, 10.39 feet to a point; thence North 08°33'20" East, 30.73 feet to a point; thence North 11°30'34" West, 128.78 feet to a point in the south line of Hillside Avenue; thence with the said south line, South 82°25'00" East, 21.16 feet to a point; thence South 11°30'34" East, 58.65 feet to a point; thence South 00°45'00" West, 97.87 feet to the Place of Beginning. Containing 2,334 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474.

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HEREOFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.



ALEXANDRIA HAMILTON
 Notary Public, State of Ohio
 My Commission Expires:
 1/28/2025

Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed, in testimony whereof, I hereunto subscribe my name and affix my notary seal.

P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020 Passed by Council on June 24, 2020



J.N. Koopman 9-14-20
 Joseph N. Koopman
 Ohio Reg. No. 7184

DESCRIPTION ACCEPTABLE
 HAMILTON COUNTY ENGINEER

Tax Map - TNN

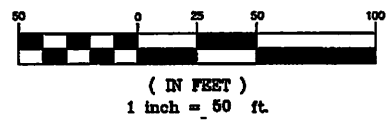
CAGIS -

Section 29, Town 3, F.R. 1, Delhi Township
 City of Cincinnati, Hamilton County, Ohio

Transfer Not Necessary

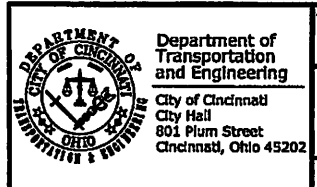
Dusty Rhodes
 Dusty Rhodes

Hamilton County Auditor
 GRAPHIC SCALE



ACCEPTANCE:
 Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by CCRW upon Council's acceptance.

APPROVED BY:
E. Taylor
 City Stormwater Management Engineer
 Stormwater Management Utility



Easement Plat	
162-3-30, 50	
Date: July, 2020	

TRANSFERRED

2020 DEC -3 PM 2:03

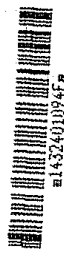
DUSTY RHODES
 HAMILTON COUNTY AUDITOR

414

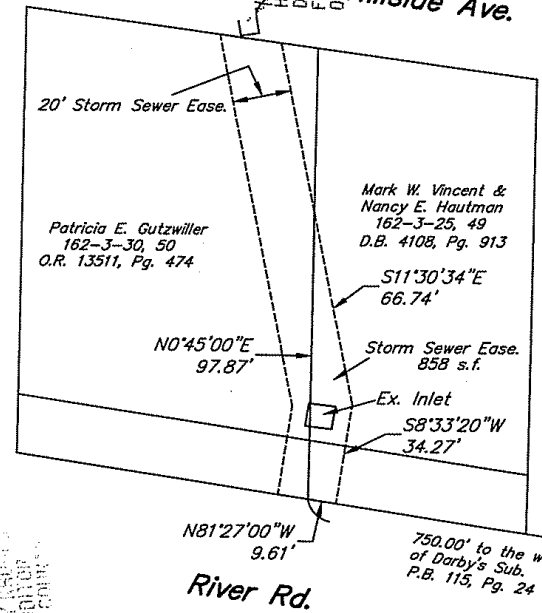


O.R. 13511, Pg. 474

Robert A. Hadel
Hamilton County Recorder's Office
Date #: 2020-0130055 Type: PL
Filed: 12/30/20 11:17:26 AM \$40.00
Off. Rec.: 14324 01094 F C22



Hillside Ave.



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman
By: Mark W. Vincent
By: Nancy E. Hautman

STORM SEWER EASEMENT
Parcel 162-3-25, 49
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'00" East, 97.87 feet to a point; thence South 08°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

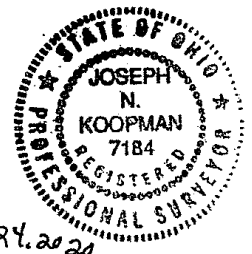
RESTRICTIONS ON STORM SEWER EASEMENTS:
NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE(S) OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR IT'S ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this 9th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



Tina Keyes

RB 484, Pg 19

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020

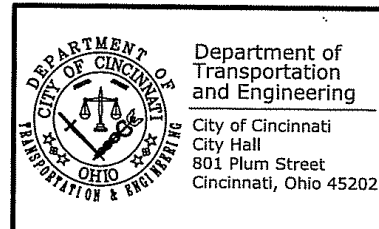
DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNR
CAGIS - _____

Approved as to form:
CRK
Sr. Ast. City Solicitor

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:
Eric Daulon
City Stormwater Management Engineer
Stormwater Management Utility



Department of Transportation and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Easement Plat	
162-3-25, 49	
Date: July, 2020	

Ch. Koopman 9-14-20
Joseph N. Koopman
Ohio Reg. No. 7184

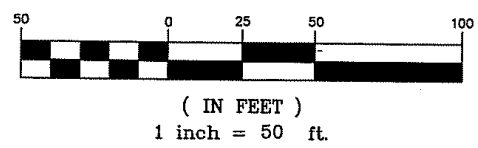
Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio

2020 DEC -8 PM 2:00

Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor

GRAPHIC SCALE



UNRECORDED

O.R. 13511, Pg. 474

Robert A. Madel
Hamilton County Recorder's Office
1000 Walnut Street
Cincinnati, OH 45202
Tel: 513-251-2233
Fax: 513-251-2234
E-mail: r.madel@hamiltoncounty.org



414

The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller
By: *Patricia E. Gutzwiller*

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

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ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

ALEXANDRIA HAMILTON
Notary Public, State of Ohio
My Commission Expires:
1/28/2025



Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



J. N. Koopman 9-14-20
Joseph N. Koopman
Ohio Reg. No. 7184

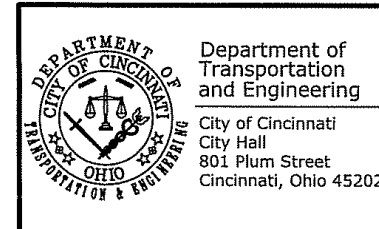
P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020 Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

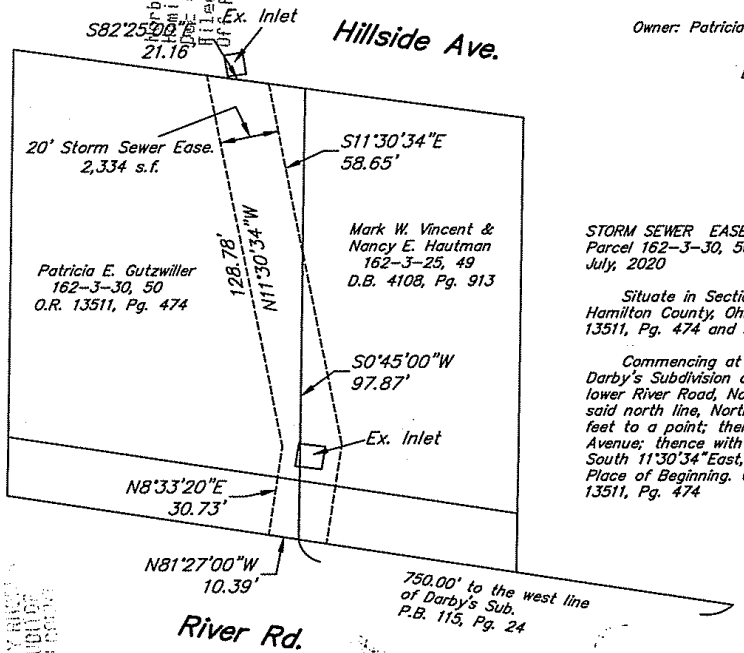
Tax Map - TNN
CAGIS - _____

Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio



Department of Transportation and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Easement Plat	
162-3-30, 50	
Date: July, 2020	



STORM SEWER EASEMENT
Parcel 162-3-30, 50
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00\"/>

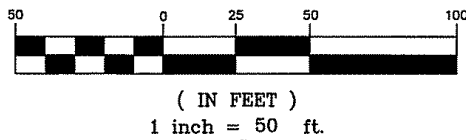
Approved as to form:
[Signature]
Sr. Asst. City Solicitor

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:
[Signature]
City Stormwater Management Engineer
Stormwater Management Utility

Transfer Not Necessary

[Signature]
Dusty Rhodes
Hamilton County Auditor
GRAPHIC SCALE



TRANSFERRED

2020 DEC -8 PM 2:03

DUSTY RHODES
AUDITOR
HAMILTON COUNTY

Date: November 3, 2021

To: Mayor and Members of City Council 202103056
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – GRANT OF EASEMENT – STORRS STREET

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

Almira Alim Darden (“Grantee”) owns the property located at 2117 Storrs Street in the Lower Price Hill neighborhood and has requested an encroachment easement for a stairway and landing to encroach upon portions the Storr Street public right-of-way.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way.

The fair market value of the easement is approximately \$50 which Grantee has agreed to pay.

The City Planning Commission approved the easement at its meeting on July 16, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easement

cc: John S. Brazina, Director, Transportation and Engineering

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

WHEREAS, Almira Alim Darden (“Grantee”) owns certain real property located at 2117 Storrs Street in Lower Price Hill; and

WHEREAS, the City of Cincinnati owns the adjoining Storrs Street public right-of-way (the “Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOTe”); and

WHEREAS, Grantee has requested an easement from the City for an encroachment upon a portion of the Property, namely, a stairway and landing, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with DOTe, has determined (i) that granting the easement to Grantee is not adverse to the City’s retained interest in the Property, and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance 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’s Real Estate Services Division has determined by an appraisal that the fair market value of the easement is approximately \$50, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 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 *Grant of Easement* in favor of Almira Alim Darden (“Grantee”), owner of the property located 2117 Storrs Street in Lower Price Hill, in substantially the form attached to this ordinance as Attachment A and

incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an easement for an encroachment upon the Storrs Street public right-of-way (the “Property”).

Section 2. That granting the easement to Grantee (i) is not adverse to the City’s retained interest in the Property, and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

Section 4. That the fair market value of the easements, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$50, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* 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 easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, 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. 980x233xYY2306, “Street Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms

of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "City"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the “**Stairway Easement**” or “**Stairway Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTE:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[Signature Page Follows]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

ALMIRA ALIM DARDEN, single

By: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, AND BEING LOT NUMBER 5 OF JOHN B. PURCELL'S SUBDIVISION AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE, FRONTING 26 FEET ON THE SOUTH SIDE OF STORRS STREET AND EXTENDING SOUTH SAME WIDTH 80 FEET.

ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE SOUTH LINE OF STORRS STREET AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTWARDLY ALONG THE SOUTH LINE OF STORRS STREET A DISTANCE OF 0.55 FEET; THENCE SOUTHWARDLY ALONG THE EAST WALL OF A TWO AND ONE-HALF STORY BRICK BUILDING A DISTANCE OF 80 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 6, 0.55 FEET EASTWARDLY FROM THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 0.55 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 80 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Parcel ID: 149-0011-0305-00

EXHIBIT C

to Grant of Easement

Legal Description

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the “**Stairway Easement**” or “**Stairway Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTe:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[Signature Page Follows]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

ALMIRA ALIM DARDEN, single

By: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

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ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Parcel ID: 149-0011-0305-00

EXHIBIT C

to Grant of Easement

Legal Description

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

November 3, 2021

To: Mayor and Members of City Council **202103059**
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Renaming a portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum

Transmitted is an Emergency Ordinance captioned:

RENAMING the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue.”

The City Planning Commission recommended approval of the emergency ordinance at its October 15, 2021, meeting.

Summary

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to rename the western portion of Missouri Avenue to Flinn Avenue has been submitted for consideration: The Committee of Names voted in favor August 2021 to the renaming of Missouri Avenue to Flinn Avenue.

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOTE) and the Emergency Contact Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a “U” and the eastern portion of the street will remain the same.

The proposed street name is “Flinn Avenue”. This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati’s first neighborhood, “Columbia,” was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name. The proposed renaming is consistent with Plan Cincinnati (2012) and the Columbia Tusculum Community Council has decided to not take a position on this proposal. The City Planning Commission recommended the following on October 15, 2021, to City Council:

The City Planning Commission recommended the following on October 15, 2021, to City Council:

APPROVE the street name change of the western portion of Missouri Avenue to Flinn Avenue Columbia Tusculum.

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement

EMERGENCY

City of Cincinnati

JRS

AWB

An Ordinance No. _____

- 2021

RENAMING the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue.”

WHEREAS, the Department of Transportation and Engineering and the Emergency Communication Center have proposed renaming the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as “Flinn Avenue” to provide for improved emergency responses in the area; and

WHEREAS, the name “Flinn Avenue” was chosen following consultation with the Cincinnati Historic Library and Archives at the Cincinnati Museum Center, which advised that the first wedding in Cincinnati’s first neighborhood, Columbia, occurred in 1790 between Jane Newell and James Flinn in proximity to present day Newell Place; and

WHEREAS, requests to rename streets are considered pursuant to Council Resolution No. 16-2003, which calls for requests to be reviewed by the Committee of Names and the City Planning Commission prior to approval by the Council; and

WHEREAS, notification of the proposed renaming was circulated among the property owners along the portion of Missouri Avenue subject to the renaming, and no objections were received; and

WHEREAS, the Committee of Names met in August 2021 and, after considering the request to rename a portion of Missouri Avenue to Flinn Avenue, recommended approval of the name change; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 15, 2021, considered the request to rename a portion of Missouri Avenue to Flinn Avenue, and it recommended approval of the name change; and

WHEREAS, the Council finds that renaming the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood as Flinn Avenue to be in the best interests of the City and the general public’s health, safety, and welfare; now, therefore,

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

Section 1. That the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood, as depicted on the map attached hereto as Exhibit A and incorporated herein by reference, is hereby renamed "Flinn Avenue."

Section 2. 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, including the fabrication and installation of street signage in accordance with the Department of Transportation and Engineering's policies and procedures.

Section 3. 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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the naming of streets to provide for improved emergency responses in the area at the earliest time.

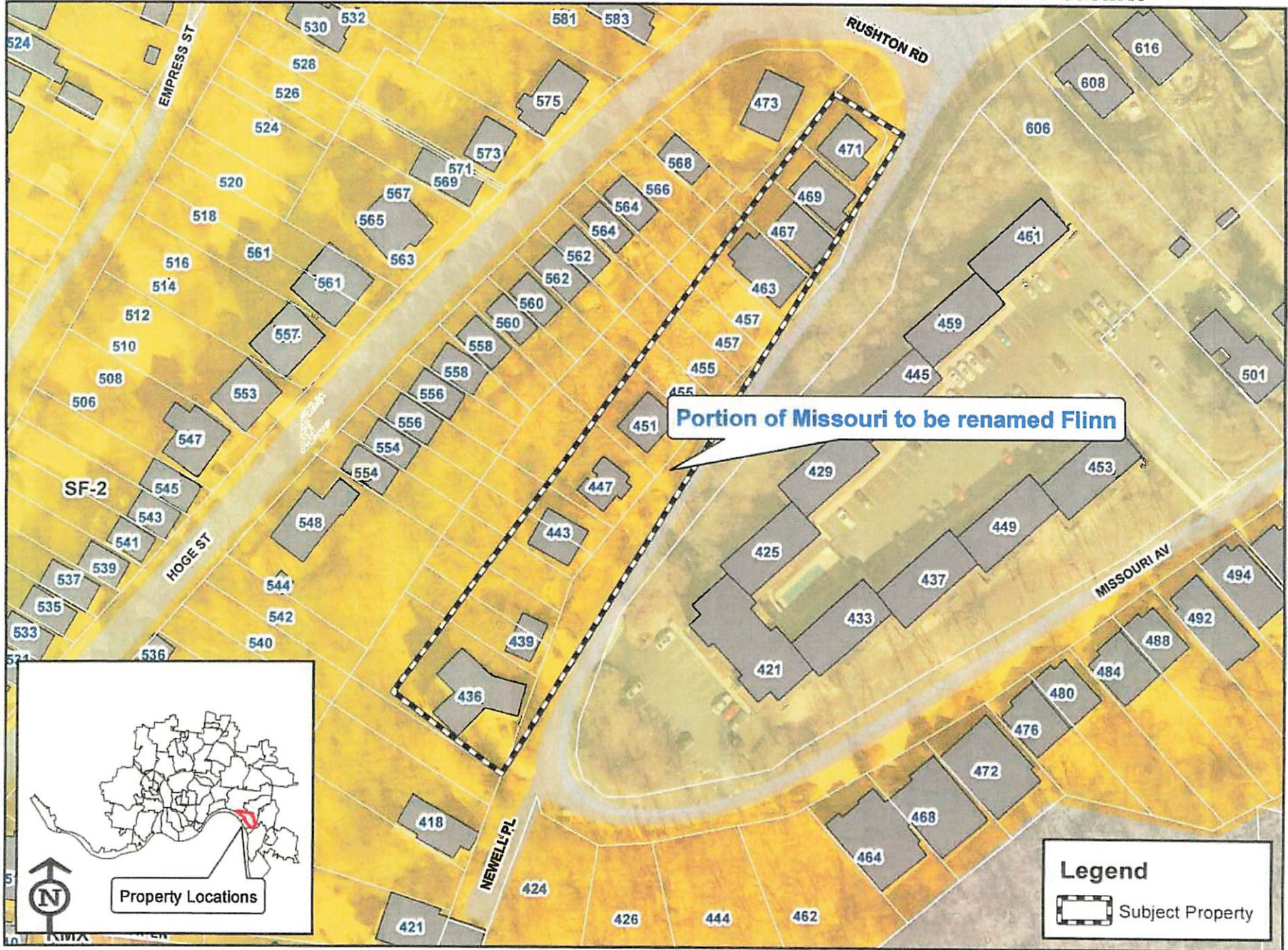
Passed: _____, 2021

John Cranley, Mayor

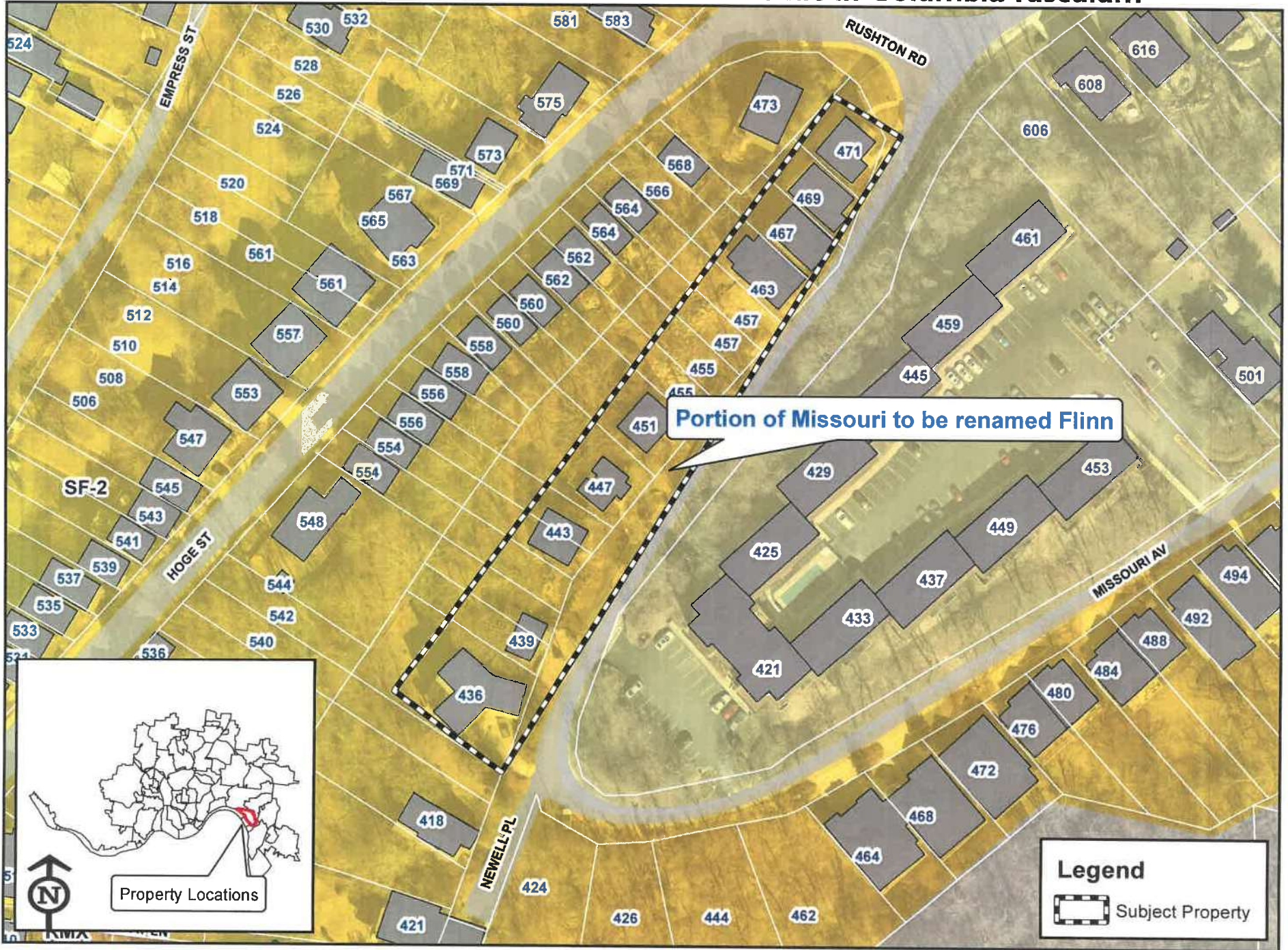
Attest: _____
Clerk

EXHIBIT A

Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum



Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum



Honorable City Planning Commission
Cincinnati, Ohio

October 15, 2021

SUBJECT: A report and recommendation on a proposed street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

BACKGROUND:

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOT) and the Emergency Communications Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a “U” and the eastern portion of the street will remain the same.

As the 911 Public Safety Answering Point for the City of Cincinnati, it is critically important to the ECC that addresses clearly and accurately convey the location of a building or property, and that the addresses will be within DOT addressing guidelines. During an emergency call, heightened stress makes it difficult for callers to articulate their location. Sometimes, they are only able to provide the nearest posted address. When an address does not follow a logical addressing plan, 911 Operators may not send help to the best location, or Police and Fire responders may be unable to find the person needing help. Making this change could make a positive difference during a future emergency.

The proposed street name is “Flinn Avenue”. This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati’s first neighborhood, “Columbia,” was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name.

COMMITTEE OF NAMES:

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities, as empowered by resolution 16-2003, a request to change the name of the following street has been submitted for consideration:

1. The renaming of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

The Committee of Names voted unanimously in late August 2021, to support the name change to Flinn Avenue. The Committee of Names is recommending to the Director of City Planning and Engagement to change this portion of Missouri Avenue to Flinn Avenue.

PROCEDURE:

Pursuant to Section III, E of the Committee of Names Procedure for Processing Proposals: The Director of City Planning and Engagement shall consider the Committee of Names’ vote and recommendation and make a recommendation to the City Planning Commission. The Director is not

bound by the Committee's recommendation. The City Planning Commission shall consider the Director's recommendation and pursuant to its advisory powers under Article VII Section 9 of the City Charter, make a recommendation to City Council, together with any necessary and appropriate legislation.

NOTIFICATION:

Upon receiving the request, the Department of City Planning and Engagement staff sent out notices on August 16, 2021 to all the property owners and residents along the one block stretch of the western portion of Missouri Avenue via Certified Mail seeking feedback and providing contact information if there were questions or comments. 16 letters were sent out to the property owners. 4 were returned with a signature and 3 letters were returned as undeliverable. For 9 of the letters there was no return and no signature. This mailing was in addition to two previous mailings that were sent out by DOTE. There has been no opposition to the street name change to-date. The Columbia Tusculum Community Council was also notified. Staff received questions from the President, but the Community Council has decided not to take a position on the matter.

CONSISTENCY WITH PLAN CINCINNATI:

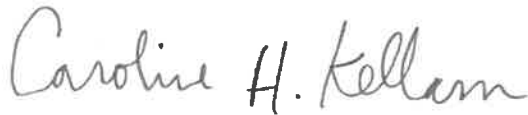
The proposed street name change is consistent with the Collaborate Initiative Area of *Plan Cincinnati* (2012), "to cooperate internally and externally to improve service efficiency" (page 217).

RECOMMENDATION:

The staff of the Department of City Planning and Engagement, after considering all relevant correspondence and Committee of Names, recommends that the City Planning Commission take the following action:

APPROVE the street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

Respectfully submitted:



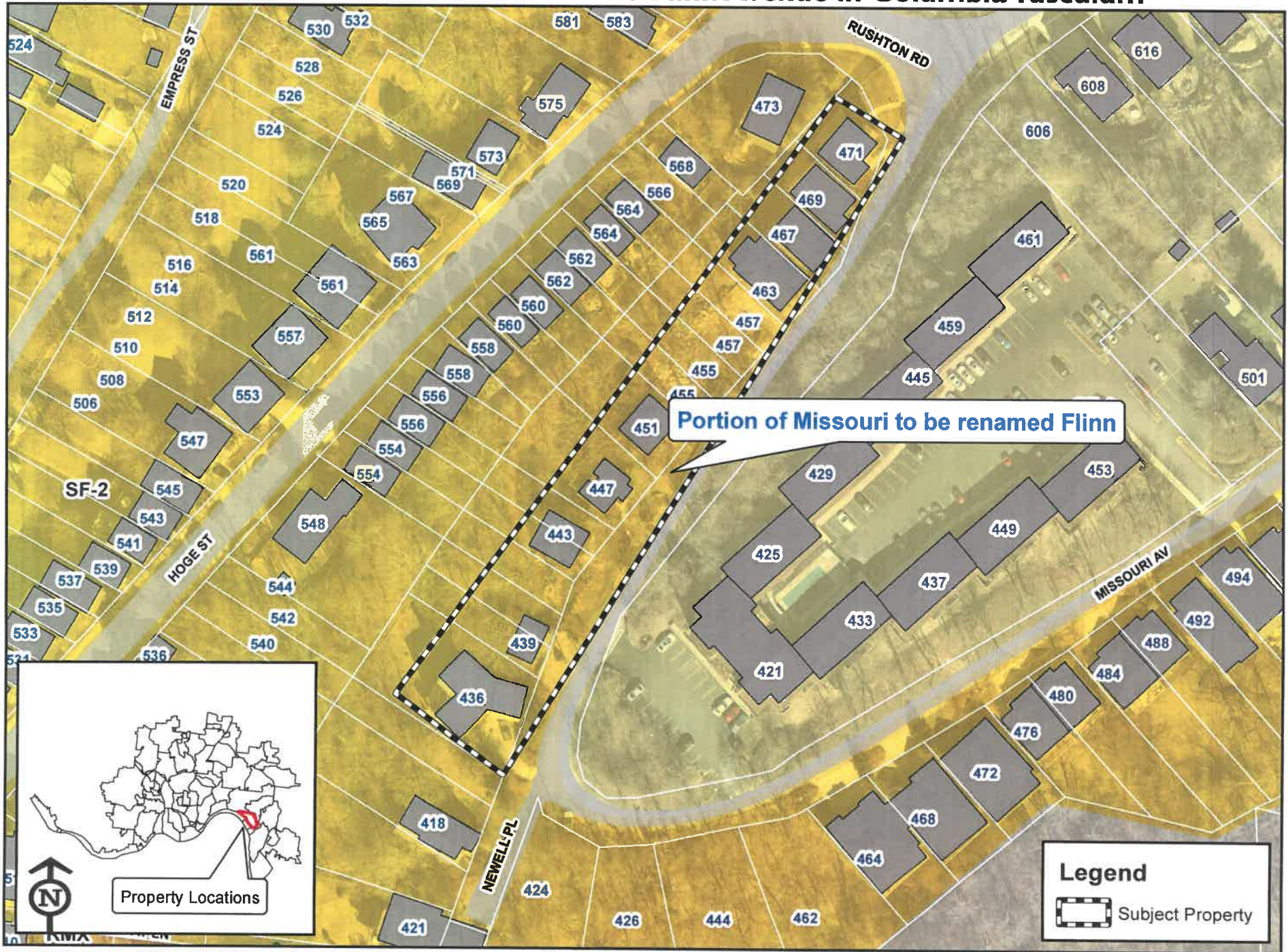
Caroline Hardy Kellam, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

Ex.A - Rename Missouri Avenue to Flinn Avenue in Columbia Tusculum



September 11, 2020

Chris Ertel
City of Cincinnati
Department of Transportation & Engineering
801 Plum Street, Suite 420
Cincinnati, OH 45202

Dear Mr. Ertel,

I am writing to express agreement with the proposal to make changes to either the address numbers or the street name to resolve the issue with addressing, so that they are within proper DOTE addressing guidelines:

- Missouri Av

As the 9-1-1 Public Safety Answering Point for the City of Cincinnati, it is critically important to the Emergency Communications Center that addresses clearly and accurately convey the location of a building or property, and that the addresses be within DOTE addressing guidelines.

During an emergency call, heightened stress makes it difficult for callers to articulate their location. Sometimes, they are only able to provide the nearest posted address. When an address does not follow a logical addressing plan, 9-1-1 Operators may not send help to the best location, or Police and Fire responders may be unable to find the person needing help.

Making this change could make a positive difference during a future emergency.

Sincerely,



William F. Vedra III, ECC Director

November 3, 2021

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

RENAMING the portion of Missouri Avenue located north of Newell Place and south of Rushton Road in the Columbia Tusculum neighborhood of Cincinnati as “Flinn Avenue.”

The City Planning Commission recommended approval of the emergency ordinance at its October 15, 2021, meeting.

Summary:

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to rename the western portion of Missouri Avenue to Flinn Avenue has been submitted for consideration: The Committee of Names voted in favor August 2021 to the renaming of Missouri Avenue to Flinn Avenue.

A request to rename a portion of Missouri Avenue in Columbia Tusculum was received from the Department of Transportation and Engineering (DOTE) and the Emergency Contact Center (ECC - 911) in early 2021. By changing the name of Missouri Avenue, between Newell Place and Rushton Road, the homes can keep their current address numbers, which do not follow the set address range of the rest of Missouri Avenue. As shown on the map, Missouri Avenue forms a “U” and the eastern portion of the street will remain the same.

The proposed street name is “Flinn Avenue”. This name was chosen with help from staff at the Cincinnati History Library and Archives at the Cincinnati Museum Center. Cincinnati’s first neighborhood, “Columbia,” was founded in 1788 by Benjamin Stites. The first wedding that took place was in 1790, between Jane Newell and James Flinn. Taking into consideration this historical significance, the intersection of this street with Newell Place, and being that there is no other street in Hamilton County with this name, Flinn Avenue was chosen to be the new street name. The proposed renaming is consistent with Plan Cincinnati (2012) and the Columbia Tusculum Community Council has decided to not take a position on this proposal. The City Planning Commission recommended the following on October 15, 2021, to City Council:

APPROVE the street name change of the western portion of Missouri Avenue to Flinn Avenue in Columbia Tusculum.

Motion to Approve: Ms. Sesler

Ayes: Mr. Juech
Ms. McKinney
Mr. Samad
Ms. Sesler
Mr. Smitherman
Mr. Eby
Mr. Stallworth

Seconded: Mr. Smitherman

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

November 3, 2021

To: Mayor and Members of City Council 202103060
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance: Authorizing the Implementation of the AFSCME Labor Management Agreement**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

This agreement provides the employees with a 5.0% wage increase (effective August 7, 2022), a 4.0% wage increase (effective August 6, 2023), and a 3.0% wage increase (effective August 4, 2024). Additionally, the agreement authorizes a one-time lump sum payment of \$1,000 of Premium Pay, also called “Hazard Pay,” to be paid to employees. For eligible employees, this payment will be reimbursed using funds allocated under the American Rescue Plan Act of 2021, wherever applicable. The agreement incorporates significant reforms in the corrective action process that creates administrative efficiencies and limits liability for the City. The parties agreed to additional operational and language changes. A summary of the agreement is attached hereto.

The reason for the emergency is the immediate need to enter into the labor and management agreement and provide Premium Pay, also called Hazard Pay, to employees in the American Federation of State, County and Municipal Employees, Locals 190,223, 240, 250, 1543, and 3119 at the earliest possible date.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Interim Human Resources Director

EMERGENCY

LES

- 2021

AUTHORIZING the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

WHEREAS, the current labor management agreement (“Agreement”) between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 (“AFSCME”) will expire on August 6, 2022; and

WHEREAS, the City and AFSCME, through their respective negotiating teams, have reached tentative agreement on the terms of a successor to the Agreement (“Tentative Agreement”), the updated terms of which are reflected in the summary attached hereto; and

WHEREAS, the Tentative Agreement has a duration of three years beginning on August 7, 2022, and expiring on August 2, 2025; and

WHEREAS, all employees in the AFSCME bargaining unit (“AFSCME employees”) will receive a 5.0% increase to their base wage effective August 7, 2022, a 3.0% increase to their base wage effective August 6, 2023, and a 3.0% increase to their base wage effective August 4, 2024; and

WHEREAS, all AFSCME employees will be subject to streamlined and cost-effective disciplinary reforms; and

WHEREAS, the parties will execute a Letter of Agreement memorializing the allocation of Premium Pay, also called Hazard Pay, in an amount equal to \$1,000 for each AFSCME employee, which will be paid at the earliest possible date; and

WHEREAS, the terms and conditions of the Tentative Agreement as agreed to by the parties represent fair and equitable gains for both parties; and

WHEREAS, the membership of the AFSCME bargaining unit ratified the terms of the negotiated labor management agreement on September 30, 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 and implement the labor management agreement between the City of Cincinnati and the American Federation of State,

County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. 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 enter into the labor and management agreement and provide Premium Pay, also called Hazard Pay, to employees in the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 at the earliest possible date.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

**Summary of Tentative Agreement with
AFSCME
Locals 190, 223, 240, 250, 1543, and 3119**

Article 16: Corrective Action

- Streamline procedure
 - Weingarten rights to determine representation rights for investigative meetings
 - Eliminate redundant paperwork and unnecessary paper service by certified mail
 - Remove risk of missing contractual deadline based on scheduling
 - Return hearing officers to departments
 - Set final disposition deadline for Health, Recreation, and Parks based on the meetings of their respective Boards
- Limitation of liability
 - Establish standard for just cause
 - Limit Civil Service Commission remedies in cases of termination
 - Establish clear progression of corrective penalties
 - Waive process in cases of job abandonment
 - Consistent application of retention period set on date of service

Article 17: Grievances

- Changed the third-party administrator of arbitration procedures from the Arbitration and Mediation Service (AMS) to the Federal Mediation and Conciliation Service (FMCS)
- Union and Department may now forego a hearing at Central HR in favor of a record review with mutual agreement

Article 20: Filling of Positions

- Added Storekeeper and Operator and Dispatcher to the Non-Tested Positions list and removed Assistant Operator and Dispatcher.

Article 23: Sick Leave

- Updated Medical-Dental Leave to apply to minor children of employees.

Article 43: General Wage Increases

- 5% effective in the first year of the contract (August 7, 2022).
- 4% effective in the second year of the contract (August 6, 2023).
- 3% effective in the third year of the contract (August 4, 2024).

Article 47: Length of Contract

- 3-year agreement (August 7, 2022 – August 2, 2025).

Premium Pay (“Hazard” Pay)

- \$1,000 one-time lump sum payment to be processed as soon as possible after ratification.

**** There were a few other articles that contained housekeeping changes.**

The remaining articles will stay as current contract language.

November 3, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager **202103061**
Subject: Ordinance – Modifying Cincinnati Municipal Code Chapter 324-7

Attached is an Ordinance captioned:

MODIFYING Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

Cincinnati Municipal Code Chapter 324, “Minority and Women Business Enterprise Programs,” was ordained by Ordinance No. 308-2015, and has an effective date of January 1, 2016, thru January 1, 2021. This Chapter was later amended by Emergency Ordinance 198-2020 to include Section 324-7, “Scope and Effective Period of Chapter,” effective June 24, 2020. This amendment states that Chapter 324 will automatically expire six years after its initial effective date, unless it is determined that there is a need to extend for an additional five years.

The City of Cincinnati entered into a contract with Griffin & Strong, P.C. on June 7, 2021, to complete an updated disparity study. However, the report and recommendations will not be ready for the Administration and City Council to evaluate and act upon by December 31, 2021, the initial date for Chapter 324 to expire.

The attached Ordinance will extend the effective date of Chapter 324 thru March 31, 2023, enabling the MBE/WBE Program to continue without interruption while the disparity study and subsequent report and recommendations are completed, evaluated, and implemented.

The Administration recommends passage of this Ordinance.

cc: Edgar DeVeyra, Interim Director of Economic Inclusion

MODIFYING Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

WHEREAS, on January 15, 2014, following a competitive proposal process, City Council passed Ordinance No. 0006-2014 authorizing the City Manager to enter into a contract with Mason Tillman Associates, Ltd. (“Mason Tillman”) to conduct a disparity study; and

WHEREAS, the Final Disparity Study Report prepared by Mason Tillman, which was dated July 2015 (“the Disparity Study Report”), identified statistically significant disparities in the participation of minority business enterprises (MBEs) and women business enterprises (WBEs) in City contracts; and

WHEREAS, on September 30, 2015, City Council ordained new Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code (“MBE/WBE Program”) to implement race- and gender-conscious programs designed to mitigate those disparities; and

WHEREAS, the ordinance ordaining Chapter 324 was effective January 1, 2016; and

WHEREAS, Cincinnati Municipal Code Section 324-7, “Scope and Effective Period of Chapter,” as amended by Ordinance 198-2020 passed on June 24, 2020, provides the chapter will automatically expire six years after its initial effective date unless, prior to that time, Council finds, after authorizing an appropriate study and conducting public hearings, that statistically significant disparity continues to exist and extends the effective period of Chapter 324 for an additional five years; and

WHEREAS, the City has contracted with Griffin & Strong, P.C. to complete an updated disparity study, but the study will not be completed and the subsequent report and recommendations will not be evaluated by the Administration and Council by December 31, 2021, which is the date Chapter 324 would otherwise expire; and

WHEREAS, an extension of Chapter 324 until April 1, 2023 will allow the MBE/WBE Program to continue without interruption while the disparity study and the report and recommendations are completed, evaluated, and implemented; now, therefore,

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

Section 1. That Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Codes is hereby amended to read as follows:

Sec. 324-7 – Scope and Effective Period of Chapter.

- (a) This chapter applies to all contracts for construction, professional services, and non-professional services and supplies valued at \$50,000.00 or more for which a contractor provides goods or services to the city.
- (b) This chapter shall remain in effect until April 1, 2023~~for a period of six years after its initial effective date~~ and shall automatically expire on April 2, 2023~~at the end of that six-year period~~ unless, prior to that time, the council of the city of Cincinnati, after authorizing an appropriate study to be undertaken and conducting public hearings, finds that statistically significant disparity continues to exist and extends the effective period of this chapter for an additional five years.

Section 2. That existing Section 324-7 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.