

## **EMERGENCY**

**KKF**

**- 2024**

**AMENDING** Ordinance No. 212-2023 to allow the use of funds received by the Board of Trustees of the Cincinnati Southern Railway generated from tax credit agreements entered into between the Board of Trustees of the Cincinnati Southern Railway and the former lessee of the Cincinnati Southern Railway for the payment of notes authorized by Ordinance No. 212-2023.

WHEREAS, on June 14, 2023, Council approved Ordinance No. 212-2023 providing for the issuance of notes in the principal amount of \$16,452,000 in anticipation of the issuance of bonds, and to provide funds for street improvements; and

WHEREAS, a source for repayment of the notes was lease payments for the Cincinnati Southern Railway, a source which ended during FY 2024 due to the sale of the Cincinnati Southern Railway; and

WHEREAS, in order to make payments on the notes authorized by Ordinance No. 212-2023, Council desires to also use funds generated from tax credit agreements entered into between the Board of Trustees of the Cincinnati Southern Railway and the former lessee of the Cincinnati Southern Railway; now, therefore,

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

Section 1. That Section 5 of Ordinance No. 212-2023, approved by Council on June 14, 2023, is amended as follows:

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern ~~Railroad~~ Railway property is and distributions to the City of tax credit proceeds under a certain memorandum between the City and the Cincinnati Southern Railway Board of Trustees are sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is and distributions are duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 2. That all terms of Ordinance No. 212-2023 not amended by this ordinance remain in full force and effect.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of 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 ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Aftab Pureval, Mayor

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

\_\_\_\_\_  
New language is underscored. Deleted language is struck through.