

EESW

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

- 2026

**DECLARING** improvements to certain real property located at 240 W. Fourth Street and 251 W. Fifth Street in the Central Business District of Cincinnati, to be constructed pursuant to a Development Agreement among the City of Cincinnati, the Board of County Commissioners of Hamilton County, Ohio, and Cincinnati CH (OH), LLC, to be a public purpose and exempt from real property taxation for a period of thirty years pursuant to Ohio Revised Code Section 5709.41; and **AMENDING** Ordinance No. 412-2002, passed on December 18, 2002, as amended, to remove such real property from the operation of that ordinance.

WHEREAS, as authorized by Ordinance No. 52-2026, passed by Council on February 25, 2026, the City of Cincinnati (the "City"), the Board of County Commissioners of Hamilton County, Ohio, and Cincinnati CH (OH), LLC ("Developer"), entered into that certain Development Agreement (the "Development Agreement"), pertaining to the redevelopment of certain real property located at 240 W. Fourth Street and 251 W. Fifth Street in the Central Business District of Cincinnati, which property is more particularly described on Attachment A to this ordinance (the "Property"); and

WHEREAS, the City executed the Development Agreement in order to create or preserve jobs and improve the economic welfare of the people of Cincinnati, consistent with Section 13 of Article VIII of the Ohio Constitution; and

WHEREAS, the City executed the Development Agreement in furtherance of a program of redevelopment the City undertook pursuant to Article XVIII, Section 3 of the Ohio Constitution, the Charter and ordinances of the City, and Plan Cincinnati (2012); and

WHEREAS, pursuant to the Development Agreement, (i) the City acquired fee title to the Property from the Port of Greater Cincinnati Development Authority (the "Port") on behalf of Developer; and (ii) the City subsequently re-conveyed the Property to the Port on behalf of Developer, to enable Developer to undertake its redevelopment obligations under the Development Agreement; and

WHEREAS, the Property is located within the boundaries of the District 2-Downtown South/Riverfront District Incentive District, which was created by Ordinance No. 412-2002, passed by Council on December 18, 2002, as subsequently amended (the "TIF District Ordinance"); and

WHEREAS, in order to effectuate the transactions described in these recitals and in accordance with Ohio Revised Code ("R.C.") Section 5709.916(E), the City desires to amend the TIF District Ordinance to exclude the Property and to provide for an exemption for the Property in accordance with the Development Agreement pursuant to R.C. Section 5709.41; and

WHEREAS, R.C. Sections 5709.41, 5709.42, and 5709.43 provide that Council may, in furtherance of its redevelopment activities: (i) declare by ordinance to be a public purpose any Improvement (as defined in R.C. Section 5709.41) to a parcel of real property and thereby authorize the exemption of such Improvement from real property taxation for a period of time if (a) the City held fee title to the parcel at any time prior to the adoption of the ordinance, and (b) the parcel is leased, or the fee of the parcel is conveyed, to any person either before or after the adoption of the ordinance; (ii) require the payment of service payments in lieu of taxes by the owner or owners of the parcel; and (iii) establish an urban redevelopment tax increment equivalent fund for the deposit of those service payments; and

WHEREAS, the City has determined that it is necessary and appropriate, in furtherance of the City's redevelopment activities, and in the best interests of the City, to (i) provide for exemption of the Improvement to the Property from real property taxation, and for the payment of semiannual service payments in lieu of taxes with respect to the Property ("Service Payments"), pursuant to R.C. Sections 5709.41 through 5709.43; and (ii) enter into a Service Agreement with Developer, in substantially the form attached to the Development Agreement, to establish certain terms and conditions regarding the payment and application of the Service Payments as further described therein, including the application of Service Payments to the payment of debt service (including principal and interest), administrative expenses, and other amounts due under a cooperative agreement relating to revenue bond obligations to be issued by the Port and the State of Ohio, by and through the Ohio Enterprise Bond Fund, and to repay certain obligations of the City; now, therefore,

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

Section 1. That, pursuant to and in accordance with the provisions of Ohio Revised Code ("R.C.") Section 5709.41, Council hereby declares that 100 percent of the increase in the assessed value of the Improvement (as defined in R.C. Section 5709.41) to the real property located at 240 W. Fourth Street and 251 W. Fifth Street in Cincinnati, which property is more particularly described on Attachment A to this ordinance (the "Property"), is a public purpose and exempt from real property taxation commencing on the first day of the tax year in which an Improvement of at least \$40,000,000 resulting from the redevelopment activities on the Property first appears on the tax duplicate of real and public utility property, and ending after the Improvement has been exempted from real property taxation for thirty years, or on the date on which the City of Cincinnati (the "City") can no longer require service payments to be paid on the Improvement, all in accordance with the requirements of R.C. Sections 5709.41 through 5709.43.

Section 2. That Council hereby confirms, pursuant to and in accordance with the provisions of R.C. Section 5709.42, that the owners from time to time of all or any portion of the

Property shall be required to pay service payments in lieu of taxes (“Service Payments”) with respect to the Improvement, subject to the specific terms and conditions provided for in the service agreement to be entered into with respect to the Property, in substantially the form attached to the Development Agreement among the City, the Board of County Commissioners of Hamilton County, Ohio (the “County”), and Cincinnati CH (OH), LLC (“Developer”), pertaining to the redevelopment of the Property (the “Service Agreement,” and the “Development Agreement,” respectively). The Service Payments shall be paid to the County Treasurer on or before the final dates for payment of real property taxes, for payment by the County Treasurer to the City.

Section 3. That any and all Service Payments received by the City shall be deposited into Fund No. 763, Urban Redevelopment Tax Increment Equivalent Fund II, established by Ordinance No. 217-2015 (the “Fund Ordinance”).

Section 4. That Council hereby confirms, pursuant to and in accordance with the provisions of R.C. Section 5709.43, that the Service Payments shall be used in accordance with the Fund Ordinance and shall be applied in accordance with the Development Agreement, the Service Agreement, and a cooperative agreement (the “Cooperative Agreement”) to be entered into among the City, the County, Developer, the Port of Greater Cincinnati Development Authority (the “Port”), the Convention District Community Authority, and the trustee with respect to obligations to be issued to finance the redevelopment of the Property (the “Trustee”), and any such other agreements as may be necessary and appropriate to facilitate construction financing for the redevelopment of the Property. The Service Agreement, the Cooperative Agreement, and any such other agreements may include provisions for the assignment, pledge, and transfer of the Service Payments to the Port or the Trustee. To the extent necessary to secure such obligations, Council hereby pledges such Service Payments to secure the obligations of the City, the Port, and the State of Ohio, by and through the Ohio Enterprise Bond Fund (“OEBF”), issued to finance the redevelopment of the Property.

Section 5. That Council confirms its approval in all respects of the Development Agreement and the Service Agreement, which provide for, among other things, (a) covenants running with the land of the owner(s), from time to time, of the Property, including covenants relating to the obligation to pay Service Payments; (b) compensation to the Board of Education of the Cincinnati City School District pursuant to its Tax Incentive Agreement with the City effective as of April 28, 2020, as subsequently amended; and (c) with respect to the Development Agreement, the application of Service Payments together with new community authority charges, City transient occupancy tax payments, and County transient occupancy tax payments (collectively, “Pledged Revenues”) to (i) pay debt service (inclusive of principal and interest), administrative expenses, and other amounts due under the Cooperative Agreement and as further described therein, on revenue bond obligations to be issued by the Port and OEBF (the “Bond Obligations”), and (ii) from amounts of Pledged Revenues outstanding following payment of the Bond Obligations, repay certain obligations owed to the City pursuant to the Development Agreement (the “City Loan Obligations”), until such obligations are no longer outstanding, to be used by the City for any lawful purpose. Once the Bond Obligations and the City Loan Obligations are no longer outstanding, any Service Payments may be used by the City for any lawful purpose.

Section 6. That Ordinance No. 412-2002, passed on December 18, 2002, as subsequently amended (the “TIF District Ordinance”), is hereby amended to remove the Property from the property tax exemption area created thereby.

Section 7. That the TIF District Ordinance, except as amended herein, shall remain in full force and effect.

Section 8. That the proper City officials are hereby authorized to take all necessary and appropriate actions to fulfill the terms of this ordinance, the Development Agreement, the Service Agreement, and the Cooperative Agreement, including, without limitation, executing any and all

ancillary agreements and other documents and filing any required applications for tax exemption with the Hamilton County Auditor and State Tax Commissioner.

Section 9. That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this ordinance were taken in an open meeting of Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements, including R.C. Section 121.22.

Section 10. That, pursuant to R.C. Section 5709.41(E), the Clerk of Council is hereby directed to deliver a copy of this ordinance to the Director of the State of Ohio Department of Development (“ODOD”), 77 South High Street, 29th Floor, Columbus, Ohio 43215, within fifteen days after its passage, and that, on or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the City Manager is authorized to prepare and submit to the Director of ODOD the status report required under R.C. Section 5709.41(E).

Section 11. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the parties to close on financing for construction of the improvements to the Property described in the Development Agreement to commence at the earliest possible time, for the economic welfare of the citizens of Cincinnati.

Passed: \_\_\_\_\_, 2026

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

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

**ATTACHMENT A**

Date: September 8, 2025  
Description: Port of Greater Cincinnati  
Hotel - Consolidation  
Location: City of Cincinnati  
Hamilton County, Ohio



Situated in Section 18, Town 4, Fractional Range 1, Between the Miamis, Cincinnati Township, The City of Cincinnati, Hamilton County, Ohio, and being all of the Port of Greater Cincinnati Development Authority as recorded in Official Record 13701, Page 2162 and Official Record \_\_\_\_\_, Page \_\_\_\_\_ of the Hamilton County Recorder's Office containing 1.7721 acres and being further described as follows:

Begin at a set cross notch at the intersection of the south right of way of West 5<sup>th</sup> Street (66' R/W) and the east right of way of Plum Street (66' R/W) said intersection being the **True Point of Beginning**:

thence, from the True Point of Beginning and departing the east right of way of said Plum Street with the south right of way of said West 5<sup>th</sup> Street, North 80° 22' 12" East, 193.58 feet to the northwest corner of Lot 1 of Whex Garage Subdivision as recorded in Plat Book \_\_\_\_, Page \_\_\_\_ said corner being referenced by a found cross notch being North 09° 49' 28" West, 3.00 feet;

thence, departing the south right of way of said West 5<sup>th</sup> Street and with the west line of said Lot 1, South 09° 49' 28" East, 398.10 feet to the north right of way of West 4<sup>th</sup> Street (66' R/W) being referenced by a set cross notch being South 09° 49' 28" East, 3.00 feet;

thence, departing said Lot 1 and with the north right of way of West 4<sup>th</sup> Street the following two courses: South 80° 31' 52" West, 5.00 feet being referenced by a set cross notch being South 09° 49' 28" East, 3.00 feet;

thence, South 80° 31' 02" West, 189.47 feet to the northeast intersection of north right of way of said 4<sup>th</sup> Street and the east right of way of said Plum Street being referenced by a set cross notch being South 09° 41' 48" East, 2.50 feet;

thence, departing north right of way of said 4<sup>th</sup> Street and with east right of way of said Plum Street, North 09° 41' 48" West, 397.60 feet to the **True Point of Beginning**, containing 1.7721 acres of land, more or less.

The above description was prepared from a consolidation plat made on September 25, 2025, under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).