



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final

### Budget and Finance Committee

*Chairperson David Mann*  
*Vice Chair Chris Seelbach*  
*Councilmember Steve Goodin*  
*Councilmember Jan-Michele Kearney*  
*Councilmember Liz Keating*  
*Councilmember Greg Landsman*  
*Councilmember Betsy Sundermann*  
*Councilmember Wendell Young*

---

Monday, March 1, 2021

1:00 PM

Council Chambers, Room 300

---

ROLL CALL

## PRESENTATIONS

### Health Department Public Services

#### AGENDA

- 1.**     [202100849](#)     PRESENTATION submitted by Paula Boggs Muething, City Manager, dated 3/1/2021, regarding Health Department FY 2022-2023 Biennial Operating Budget Needs.

**Sponsors:**     City Manager

**Attachments:**   [Transmittal](#)  
                          [Presentation](#)
- 2.**     [202100843](#)     PRESENTATION submitted by Paula Boggs Muething, City Manager, dated 3/1/2021, regarding Department of Public Services FY 2022-2023 Biennial Operating Budget Needs.

**Sponsors:**     City Manager

**Attachments:**   [Transmittal](#)  
                          [Presentation](#)
- 3.**     [202100746](#)     ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 2/24/2021, AUTHORIZING the City Manager to apply for financial assistance from the Ohio Department of Transportation for transit purposes under the Ohio Transit Partnership Program for state fiscal year 2022.

**Sponsors:**     City Manager

**Attachments:**   [Transmittal](#)  
                          [Ordinance](#)

4. [202100749](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 2/24/2021, AUTHORIZING a total payment of \$302,191.90 as a moral obligation to the Urban Minority Alcoholism Drug Abuse Outreach Program (“UMADAOP”) and Talbert House for services provided to the City as part of the State of Ohio Opioid Response Continuum Grant, with \$190,167 payable to UMADAOP, and the remaining \$112,024.90 payable to Talbert House.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)  
[Ordinance](#)
5. [202100750](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 2/24/2021, AUTHORIZING the transfer and appropriation of an amount up to \$33,333, representing a donation from School Outfitters, from Fund No. 437, “Wasson Way Trail Donations,” to existing capital improvement program project account no. 980x232x212371, “Wasson Way Trail,” for the purpose of providing resources for planning, design, and construction of work in future phases of the Wasson Way Trail Network, a shared-use path for bicycles and pedestrians.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)  
[Ordinance](#)
6. [202100766](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 2/24/2021, ACCEPTING AND CONFIRMING the annexation of approximately 10.786 acres of land owned by The Seven Hills School, in Columbia Township, Hamilton County, Ohio, to the City of Cincinnati pursuant to an Expedited Type II Annexation petition approved by the Board of County Commissioners of Hamilton County, Ohio.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)  
[Ordinance](#)  
[Exhibit A](#)
7. [202002226](#) ORDINANCE EMERGENCY, dated 12/10/2020, submitted by Councilmember Greg Landsman, from Andrew W. Garth, Interim City Solicitor, ESTABLISHING and City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.
- Sponsors:** Landsman
- Attachments:** [Transmittal](#)  
[Emergency Ordinance](#)  
[Attachment](#)

8. [202100839](#) ORDINANCE (EMERGENCY) (B VERSION), dated 02/23/2021, submitted by Councilmember Landsman, from Andrew W. Garth, City Solicitor, ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.
- Sponsors:** Landsman
- Attachments:** [Transmittal](#)  
[Emergency Ordinance](#)  
[Attachment](#)
9. [202100291](#) MOTION, submitted by Councilmember Landsman, WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.
- Sponsors:** Landsman
- Attachments:** [Motion\\_CRA's and the New Scorecard \(2\)](#)
10. [202100840](#) COMMUNICATION, dated 02/05/2021, submitted by Councilmember Landsman, from Paula Boggs Muething, City Manager, regarding Responses to Questions for Proposed Development Scorecard (Item 202002226).
- Sponsors:** Landsman
- Attachments:** [Communication from City Manager](#)
11. [202100785](#) PRESENTATION, dated 02/22/2021, submitted by Councilmember Landsman, from Joele L. Newman, Community Organizer & Youth Program Facilitator, Peaslee Neighborhood Center, regarding Peaslee's Equitable Development Rubric and what it has to offer in this moment.
- Sponsors:** Landsman
- Attachments:** [Peaslee Presentation](#)
12. [202100597](#) COMMUNICATION, dated 02/05/2021, submitted by Councilmember Landsman, regarding "Balanced Development Scorecard Packet",
- Sponsors:** Landsman
- Attachments:** [Communication](#)

ADJOURNMENT

March 1, 2021

To: Budget and Finance Committee 202100849

From: Paula Boggs Muething, City Manager

Subject: Presentation – Health Department FY 2022-2023 Biennial Operating Budget Needs

---

Attached is the Health Department's FY 2022-2023 Biennial Operating Budget needs presentation for the Budget and Finance Committee meeting on March 1, 2021.

cc: Christopher A. Bigham, Assistant City Manager



# Department of Health Budget Presentation

Budget & Finance Committee

March 1, 2021

# Health Department Budget History

General Fund Operating Budget\*  
FY 2017 – FY 2021

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personnel Compensation	11,117,740	11,586,194	11,618,190	11,594,410	12,370,420
Fringe Benefits	3,944,030	4,170,772	4,327,670	4,701,640	4,456,640
Non-Personnel Expenses	1,979,820	1,189,326	1,105,630	1,026,990	988,810
<b>Total</b>	<b>\$ 17,041,590</b>	<b>\$ 16,946,292</b>	<b>\$ 17,051,490</b>	<b>\$ 17,323,040</b>	<b>\$ 17,815,870</b>

\*Since FY 2020, General Fund support for the Health Department is reflected as a transfer out to Cincinnati Health District Fund 416.

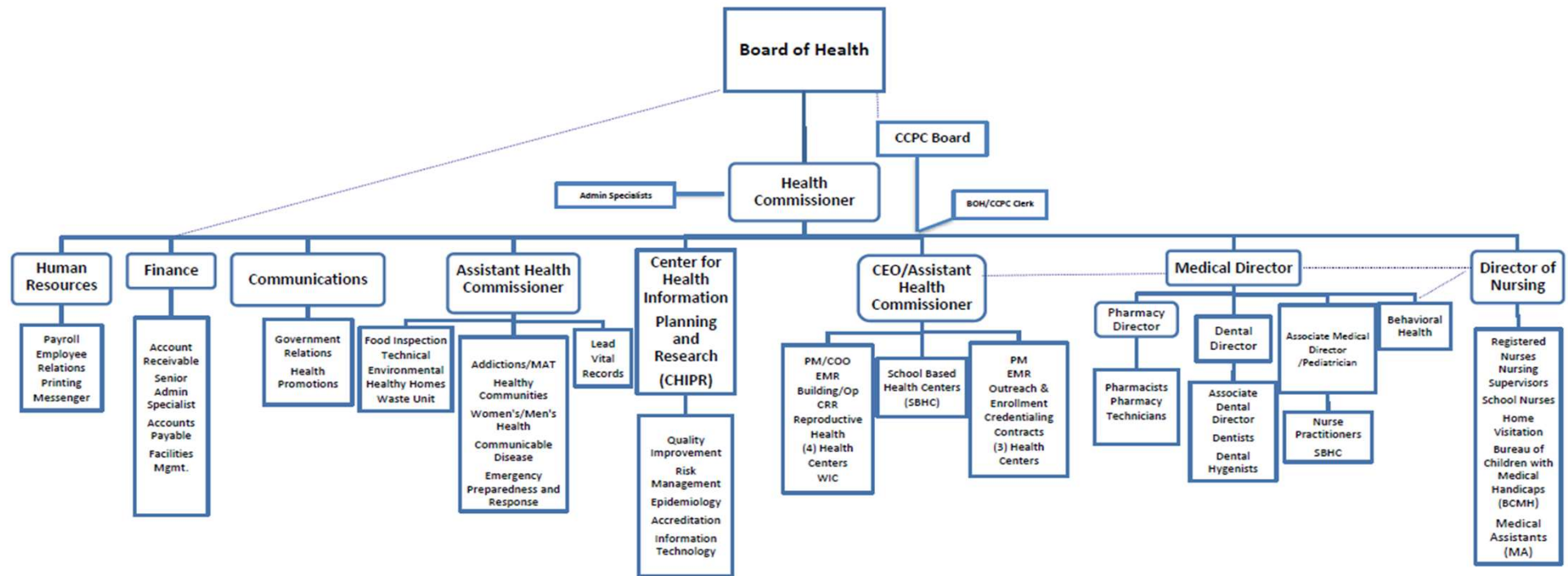
# Health Department Budget History

Restricted Funds Operating Budget  
FY 2017 – FY 2021

Community Health Center Activities Fund 395

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personnel Compensation	4,175,090	4,561,465	11,652,930	12,600,050	10,657,110
Fringe Benefits	1,577,230	1,625,789	4,452,450	5,073,920	3,942,990
Non-Personnel Expenses	3,662,720	3,712,220	7,286,220	5,707,950	6,675,170
<b>Total</b>	<b>\$ 9,415,040</b>	<b>\$ 9,899,474</b>	<b>\$ 23,391,600</b>	<b>\$ 23,381,920</b>	<b>\$ 21,275,270</b>

## Cincinnati Health Department Table of Organization-Divisions



- \*Note\*\***
- a. Finance Director has a reporting relationship to the Board of Health and Finance Committee
  - b. Finance Director has a reporting relationship with the Medical Director and Assistant Health Commissioner for Population Health
  - c. Director of Nursing has a reporting relationship with QI (Clinical) and programs with clinical employees
  - d. Communicable Disease has a reporting relationship to the Medical Director and Director of Nursing



# Health Department Significant Issues Staffing

## Plan Cincinnati Strategy

Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.

Number	Position	Quantity	Objective
1	Epidemiologist	2	The position would be responsible for providing infectious disease COVID-19 epidemiology support as well as the primary role of Chronic disease/ health equity epidemiology. This position would be responsible for providing infectious disease COVID-19 epidemiology support as well as the primary role of quality improvement epidemiology for the department.
2	Sanitarians	3	This position would be responsible for staffing a sanitarian in the Food Safety program. The other positions would be responsible for staffing two sanitarians in the Healthy Homes program.
3	Public Health Practitioner (Physician)	1	This position would be responsible for providing primary care services to Health's medical clinics.

# Health Department Significant Issues Staffing

## Plan Cincinnati Strategy

Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.

Number	Position	Quantity	Objective
4	Public Health Practitioner (Psychiatrist)	1	This position would be responsible for providing behavioral health services to the Health's patients.
5	Dental Hygienist	1	This position would be responsible for providing dental care in Health's school based dental clinics.
6	Dentist	1	This position would be responsible for providing dental care in Health's school based dental clinics.

# Health Department Significant Issues Staffing

## Plan Cincinnati Strategy

Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.

Number	Position	Quantity	Objective
7	Nurse Supervisor	1	This position is to assist with the management and leading our clinical teams of 122 registered nurses and medical assistance across 22 clinical sites. The deputy nursing director would assist in identifying and initiate clinical process improvements along with oversee and manage the QI team on projects.
8	Health Program Manager	1	This position would be the Director of Care Integration, with a focus on improve integration of Pharmacy, Vision, Medical, and Dental services.
9	Pharmacy Delivery Driver	1	This position would be responsible for delivering medications to Health's School Based Health Centers and patients homes. Also this position would be used to recapture dollars and increase prescription volume lost to outside pharmacies due to issues related to pharmacy convenience to patient's homes and patients' lack of private transportation.

# Health Department Significant Issues Staffing

Plan Cincinnati Strategy		Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.	
Number	Position	Quantity	Objective
10	Health Clinic Coordinator	2	In order to provide accountability for clinical revenue, this position is needed to ensure proper workflows, training and quality improvement for the team. They will work to ensure policy compliance with processes and provides needed training.
11	Public Health Educator	1	Position would serve as Patient Advocate to assist patients navigating the complex health care environment. PHE provides education and health insurance enrollment assistance to patients, therefore, decreasing the uninsured rate and increasing reimbursable revenue, specifically through Ohio Medicaid.
12	Community Health Workers	4	This position is needed to assist with social determinants of health assessments, providing needed referrals and services to patients to assist them with their day to day living. This position also serves as patients advocates.

# Health Department Significant Issues Staffing

## Plan Cincinnati Strategy

Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.

Number	Position	Quantity	Objective
13	IT Coordinator	1	This position is needed to assist with IT needs and manages our electronic medical record (EMR). They will work to ensure connectivity and security of the system, managing computer, printing and remote needs of the organization.
14	Customer Relations Representatives	4	This position is needed to ensure we have adequate front line workers to register, schedule, collect required insurance information and nominal fees from patients.

# Health Department Significant Issues Staffing

Plan Cincinnati Strategy		Meets the Sustain and Live Initiative Areas. This will allow us to become a healthier Cincinnati and create a more livable community.	
Number	Position	Quantity	Objective
15	Caseworker Associate	1	This position to assist with recruitment, distribution, outreach/ education for Cribs for Kids and Sweet Cheeks programs.
16	Environmental Safety Specialist	1	This position would be responsible for supporting the Public Health Emergency Preparedness grant and Departmental risk management.

# Health Department Significant Issues Non-Personnel

Plan Cincinnati Strategy		Meets the Sustain Initiative Area. This increase will allow us to become a healthier Cincinnati and manage our financial resources.		
Number	Item	Cost	Annual/One Time	Objective
1	Medical and Operating supplies	\$250,000	One Time	Health Department would need approximately one time basis of 5% increase for it medical and surgical supplies. This increase has resulted in scarce resources for the high demand for medical and surgical supplies as well as services that has driven cost up exponentially. These necessities of expenditures is out pacing the current budget allotment due to the pandemic crisis.
2	Portable IT equipment	\$50,000	Bi-Annual	The Health Department to be more efficient as well as keeping up with technological need for portable IT equipment. Also, routine replacement as well as backup of laptops and desktop computers.
2	Overflow Parking	\$18,000	Annual	The Health Department will need rent additional (30) park spaces for Bobbie Stern to help accommodate the employees, patients and guest. The location of clinic is land locked and parking on street is only available to residences which makes it problematic to those coming to Bobbie Stern for any form business.

# Health Department Significant Issues Miscellaneous/Capital

Plan Cincinnati Strategy		Meets the Sustain and Live Initiative Areas. This will allow us to preserve our buildings and support and stabilize our neighborhoods.		
Number	Item	Cost	Annual/One Time	Objective
1	Capital Funding	\$3,000,000	Annual	The purpose of this project is for ongoing funding needs that are first and foremost for the safety of both the staff and citizens, patients, and stakeholders who enter and use CHD's facilities. These (22) facilities should operate with reliable efficiency that needs to be replaced within designated timeframes along with keeping up structural appearance in being well maintained both to the staff and various end users.
Plan Cincinnati Strategy		Meets the Sustain Initiative Area. This increase will allow us to become a healthier Cincinnati and manage our financial resources.		
Number	Item	Cost	Annual/One Time	Objective
2	Telehealth equipment	\$1,500,000	One time	This funding will assist with better care management and compliance of our patients as they are able to complete remote visits.
3	Parking lot expansion	\$200,000	One time	This funding will allow greater access for patients and improve patient satisfaction. This site is in a vulnerable neighborhood with a high patient volume.



# Health Department Significant Issues Miscellaneous/Capital

## Plan Cincinnati Strategy

Meets the Sustain Initiative Area. This increase will allow us to become a healthier Cincinnati and manage our financial resources.

Number	Item	Cost	Annual/One Time	Objective
4	Dental Electronic Upgrade	\$250,000	One time	Funding will allow health to change the existing electronic dental record to EPIC/Wisdom. This change will incorporate patients' dental records into the medical record allowing for interdisciplinary collaboration, increased efficiency, better claim management, and increased staff satisfaction
5	Pharmacy health record upgrade	\$100,000	One time	This funding will enhance our pharmacy accountability with reports and care management needs thus leading to increase revenue.
6	Vital Records remote printing	\$18,450	One time	Funding will allow health to print birth certificates at a remote location to allow improved access for customers
7	Vital Records microfilm conversion	\$19,328	One time	Funding will allow for Vital Records to more efficiently access the death records that are on microfilm and destroy the decayed microfilm

QUESTIONS?

March 1, 2021

To: Budget and Finance Committee 202100843

From: Paula Boggs Muething, City Manager

Subject: Presentation – Department of Public Services FY 2022-2023 Biennial  
Operating Budget Needs

---

Attached is the Department of Public Service's FY 2022-2023 Biennial Operating Budget needs presentation for the Budget and Finance Committee meeting on March 1, 2021.

cc: Christopher A. Bigham, Assistant City Manager



**Department of Public Services (DPS)**  
The Every Day Department  
**Budget Presentation**  
Budget & Finance Committee

March 1, 2021

# DPS Budget History

General Fund Operating Budget  
FY 2017 – FY 2021

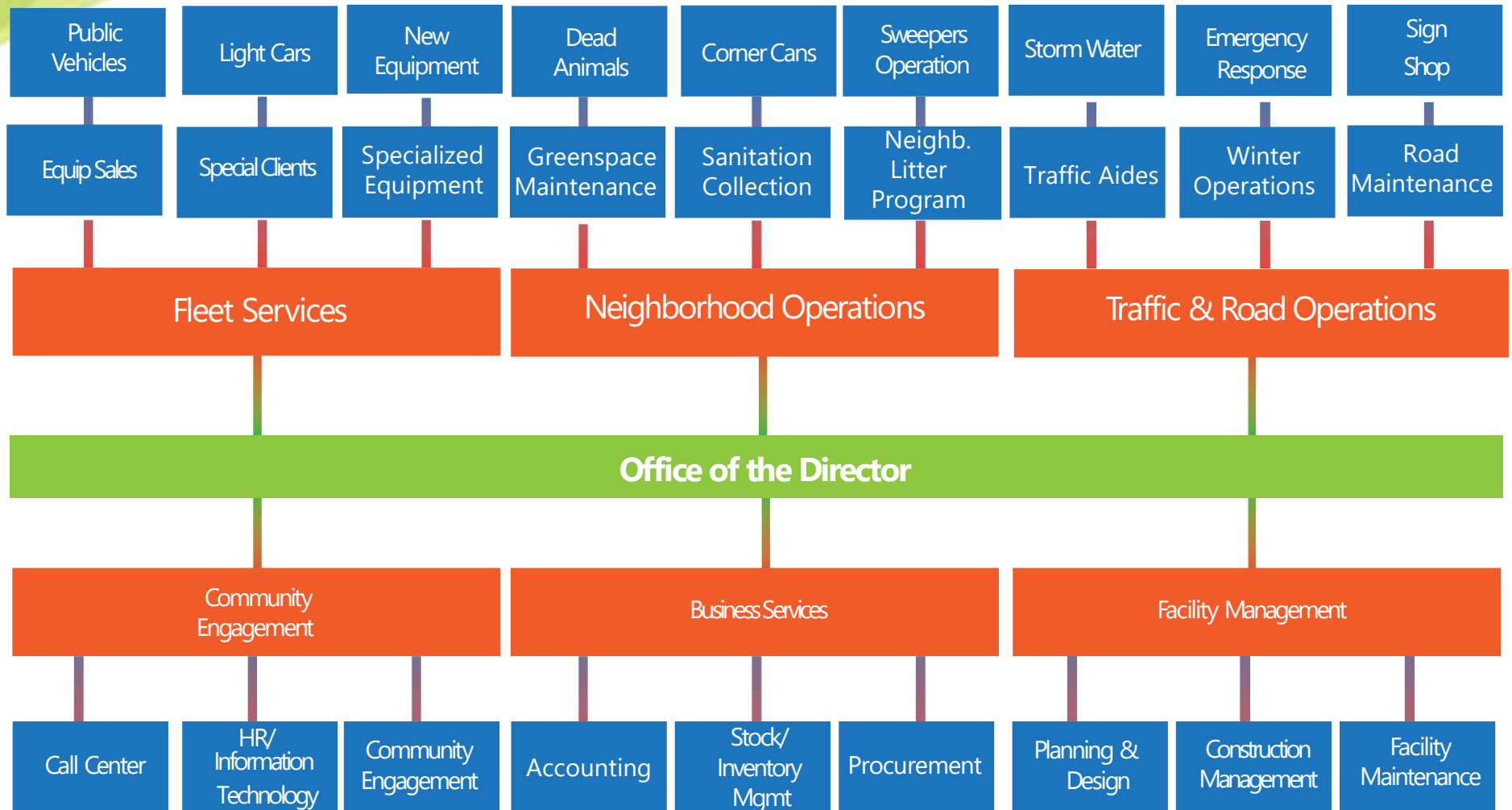
	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personnel Compensation	6,859,360	5,799,514	4,949,530	4,945,690	4,806,920
Fringe Benefits	2,512,510	2,213,984	1,983,730	2,065,290	1,896,000
Non-Personnel Expenses	9,358,750	8,402,547	8,289,460	7,614,450	7,659,370
<b>Total</b>	<b>\$ 18,730,620</b>	<b>\$ 16,416,045</b>	<b>\$ 15,222,720</b>	<b>\$ 14,625,430</b>	<b>\$ 14,362,290</b>

# DPS Budget History

Restricted Funds Operating Budget  
FY 2017 – FY 2021

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Fund 107	2,070,200	4,207,550	6,064,770	8,168,520	8,377,230
Fund 301	9,728,630	10,794,934	11,374,560	14,836,230	13,490,250
Fund 302	6,516,370	6,580,356	6,973,240	6,616,110	4,135,280
Fund 306	2,624,470	2,761,826	2,896,220	3,559,030	3,316,850
<b>Total</b>	<b>\$20,939,670</b>	<b>\$24,344,666</b>	<b>\$27,308,790</b>	<b>\$33,179,890</b>	<b>\$29,319,610</b>

# DPS Table of Organization



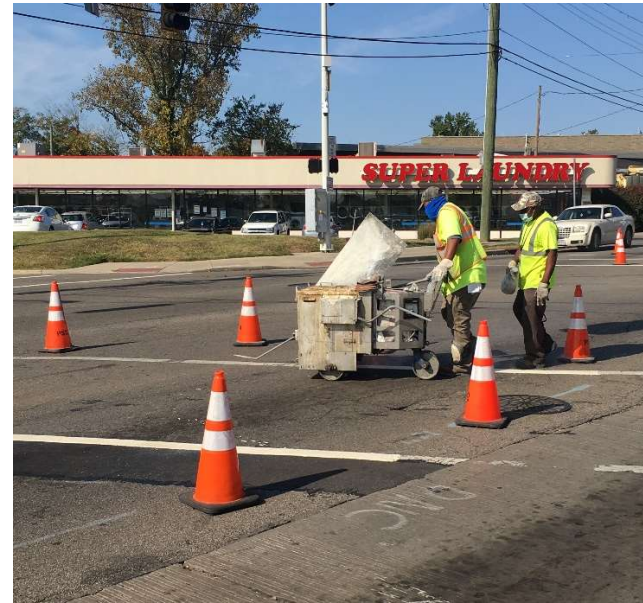
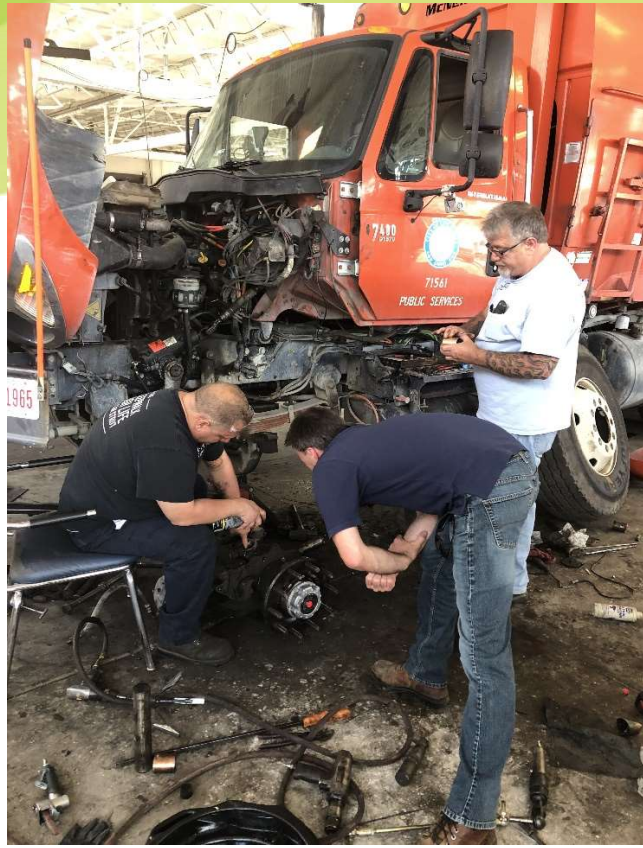
# DPS Significant Issues

## Staffing

- ERIP Impact – Knowledge, experience, and stability.
- Sufficient funding to fill approved FTE.
- Flexibility to reorganize existing staff for current needs.
- Continuous need for workforce with Commercial Driver's License.
- Safety Trainer/Risk Assessor (in-house).







# DPS Significant Issues

## Non-Personnel

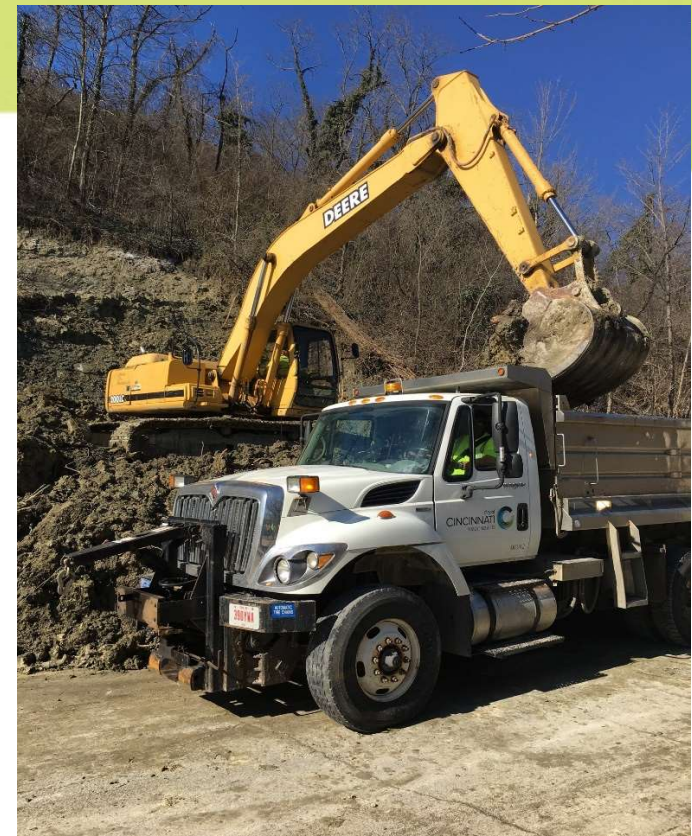
- New Infrastructure = Funding for New Maintenance
- Maintaining current level of funding to maintain current infrastructure.
- Trash collection increased 6% in 2020 and 11% over two years.
- Winter Operation expenses expected to come in significantly higher in FY 2021.



# Assorted Roles in DPS

Traffic & Road Operations Division (TROD)	Neighborhood Operation Division (NOD)
Laborer/Truck Driver	Laborer/Truck Driver
<ul style="list-style-type: none"> <li>Road Repair – Potholes, Landslides, Stormwater</li> </ul>	<ul style="list-style-type: none"> <li>Greenspace Maintenance - Cutting</li> </ul>
<ul style="list-style-type: none"> <li>Traffic Control – Painting, Street Closures</li> </ul>	<ul style="list-style-type: none"> <li>Illegal Encampments - Clean up</li> </ul>
<ul style="list-style-type: none"> <li>Street Signs - Replace and Repair</li> </ul>	<ul style="list-style-type: none"> <li>Flooding- Clean up</li> </ul>
<ul style="list-style-type: none"> <li>Winter Operations - Plowing &amp; Treating</li> </ul>	<ul style="list-style-type: none"> <li>Winter Operations - Plowing &amp; Treating</li> </ul>





# DPS Significant Issues

## Miscellaneous

- Technology enhancements and continuous training for staff.
- Stormwater expenses went up 18.5% or \$100k.
- Harsh Winter = road repairs such as potholes and line striping.



QUESTIONS?

Date: February 24, 2021

To: Mayor and Members of City Council 202100746  
From: Paula Boggs Muething, City Manager  
Subject: EMERGENCY ORDINANCE – ODOT OTP2 TRANSIT FUND APPLICATION

---

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to apply for financial assistance from the Ohio Department of Transportation for transit purposes under the Ohio Transit Partnership Program for state fiscal year 2022.

Approval of this Emergency Ordinance will authorize the City Manager to file applications with ODOT for transit funds under the Ohio Transit Partnership Program (“OTP2”).

ODOT requires no local match for OTP2 funds.

ODOT requires applicants for funding to include legislative authorization as part of the application process.

The reason for the emergency is the immediate need to submit an application to ODOT under the OTP2 in order to meet applicable program deadlines.

The Administration recommends passage of the attached emergency ordinance.

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

EMERGENCY

City of Cincinnati

JRS  
AWB

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

- 2021

**AUTHORIZING** the City Manager to apply for financial assistance from the Ohio Department of Transportation for transit purposes under the Ohio Transit Partnership Program for state fiscal year 2022.

WHEREAS, the Ohio Department of Transportation (“ODOT”) has been delegated authority to award state financial assistance for transit projects under the Ohio Transit Partnership Program (“OTP2”), and the City of Cincinnati (“City”) wishes to apply for such financial assistance and other grants and assistance made available for the state fiscal year 2022; and

WHEREAS, the City is a direct recipient of Federal Transit Administration Section 5307 funds and is eligible to apply for financial assistance for the Cincinnati Bell Connector streetcar project under the OTP2 for fiscal year 2022; and

WHEREAS, there is no local match required for OTP2 project awards, and OTP2 prioritizes projects that demonstrate capacity to spend funds in fiscal year 2022; and

WHEREAS, ODOT requires applicants for funding to include legislative authorization as part of the application process for award of OTP2 funds; and

WHEREAS, in making OTP2 applications for such financial assistance, the City will provide annual certifications and assurances to the State of Ohio required for the Cincinnati Bell Connector streetcar project pursuant to any grants and to its status as a grantee; now, therefore,

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

Section 1. That the City Manager is authorized to apply to the Ohio Department of Transportation (“ODOT”) for state financial assistance in state fiscal year 2022 for eligible transit purposes under the Ohio Transit Partnership Program (“OTP2”).

Section 2. That proper city officials are authorized to take all necessary and proper actions to provide certifications, assurances, and other documents ODOT requires in advance of awarding financial assistance under the OTP2.

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 submit an application to ODOT under the OTP2 in order to meet applicable program deadlines.

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

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

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

February 24, 2021

**To:** Mayor and Members of City Council 202100749  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Emergency Ordinance – Urban Minority Alcoholism Drug Abuse Outreach Program (UMADAOP) and Talbert House Moral Obligation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a total payment of \$302,191.90 as a moral obligation to the Urban Minority Alcoholism Drug Abuse Outreach Program (“UMADAOP”) and Talbert House for services provided to the City as part of the State of Ohio Opioid Response Continuum Grant, with \$190,167 payable to UMADAOP, and the remaining \$112,024.90 payable to Talbert House.

Approval of this Emergency Ordinance authorizes the payment of \$302,191.90 as a moral obligation to the Urban Minority Alcoholism Drug Abuse Outreach Program (“UMADAOP”) and Talbert House for wrap around continuum of care services provided to the City as part of the State of Ohio Opioid Response Continuum Grant between July 1, 2020 and September 30, 2020. A moral obligation payment is necessary because funds were not certified by the Health Department for services performed by UMADAOP and Talbert House.

This Emergency Ordinance also authorizes the Finance Director to make a payment of \$302,191.90 from the Health Department's non-personnel operating budget account no. 350x265x3560x7285, to UMADAOP and Talbert House as a moral obligation of the City of Cincinnati, for services provided to the City as part of the State of Ohio Opioid Response Continuum Grant. Sufficient funds are available for this expense.

The reason for the emergency is the immediate need for the Cincinnati Health Department to pay the UMADAOP and Talbert House for services performed as part of the SOR Continuum Grant prior to the Health Department becoming a registered program vendor in 2020.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager  
Karen Alder, Finance Director

Attachment

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

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 for the Cincinnati Health Department to pay the UMADAOP and Talbert House for services performed as part of the SOR Continuum Grant prior to the Health Department becoming a registered program vendor in 2020.

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

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

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

February 24, 2021

**To:** Mayor and Members of City Council 202100750  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Ordinance – School Outfitters Donation to Wasson Way Trail**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of an amount up to \$33,333, representing a donation from School Outfitters, from Fund No. 437, “Wasson Way Trail Donations,” to existing capital improvement program project account no. 980x232x212371, “Wasson Way Trail,” for the purpose of providing resources for planning, design, and construction of work in future phases of the Wasson Way Trail Network, a shared-use path for bicycles and pedestrians.

Approval of this Ordinance will authorize the transfer and appropriation an amount up to \$33,333, representing a donation from School Outfitters, from Fund No. 437, “Wasson Way Trail Donations,” to existing capital improvement program project account no. 980x233x212371, "Wasson Way Trail," for the purpose of providing resources for the planning, design, and construction of work in future phases of the Wasson Way Trail Network, a shared-use path for bicycles and pedestrians.

On June 6, 2018, the City Council passed Ordinance No. 0132-2018, which authorized the City Manager to review and accept donations for the purpose of providing resources for the Wasson Way Trail Network. On May 8, 2019, the City Council passed Ordinance No. 0144-2019, authorizing the transfer and appropriation of the School Outfitters’ donation of \$33,333 as the first installment of the School Outfitters’ planned donations totaling an amount up to \$100,000 for the purpose of providing funding for the Wasson Way Trail Network. The City Manager has accepted \$33,333 as the second installment of the School Outfitters’ donations. Approval from the City Council is required to transfer and appropriate this second installment resources to the “Wasson Way Trail” project.

The Wasson Way Trail Network is in accordance with the “Connect” goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “expand options for non-automotive travel,” and “plan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Christopher A. Bigham, Assistant City Manager  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the transfer and appropriation of an amount up to \$33,333, representing a donation from School Outfitters, from Fund No. 437, “Wasson Way Trail Donations,” to existing capital improvement program project account no. 980x232x212371, “Wasson Way Trail,” for the purpose of providing resources for planning, design, and construction of work in future phases of the Wasson Way Trail Network, a shared-use path for bicycles and pedestrians.

WHEREAS, Ordinance No. 0132-2018, passed June 6, 2018, authorized the City Manager and City officials to solicit donations for the Wasson Way Trail Network from the Cincinnati business community, individual benefactors, and other available sources; and

WHEREAS, Ordinance No. 0132-2018 also established Fund No. 437, “Wasson Way Trail Donations,” and authorized the City Manager to review and accept donations into the fund for the purpose of providing funding for the Wasson Way Trail Network; and

WHEREAS, in 2019 School Outfitters donated, and the City Manager accepted, \$33,333 as the first installment of School Outfitters’ planned donations totaling an amount of up to \$100,000 over the next three years for the purpose of providing funding for the Wasson Way Trail Network; and

WHEREAS, Ordinance No. 0144-2019, passed May 8, 2019, authorized the transfer and appropriation of School Outfitters’ donation of \$33,333, as the first installment of School Outfitters’ planned donations, for the purpose of providing funding for the Wasson Way Trail Network; and

WHEREAS, School Outfitters has donated, and the City Manager has accepted, \$33,333 as the second installment of School Outfitters’ donations totaling an amount of up to \$100,000 for the purpose of funding the Wasson Way Trail Network; and

WHEREAS, School Outfitters’ donation does not require any local matching resources and there are no new FTE associated with this donation; and

WHEREAS, the Wasson Way Trail Network is in accordance with the “Connect” goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “expand options for non-automotive travel,” and to “plan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati; now, therefore,

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

Section 1. That the transfer and appropriation of an amount up to \$33,333, representing a donation from School Outfitters, from Fund No. 437, "Wasson Way Trail Donations," to existing capital improvement program project account no. 980x232x212371, "Wasson Way Trail," is hereby authorized for the purpose of providing resources for planning, design, right-of-way acquisition, construction, and inspection of the Wasson Way Trail Network, a shared-use path for bicycles and pedestrians.

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

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

February 24, 2021

**To:** Mayor and Members of City Council 202100766  
**From:** Paula Boggs Muething, City Manager  
**Subject:** **Emergency Ordinance – Acceptance of Seven Hills Expedited Type II Annexation**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**ACCEPTING AND CONFIRMING** the annexation of approximately 10.786 acres of land owned by The Seven Hills School, in Columbia Township, Hamilton County, Ohio, to the City of Cincinnati pursuant to an Expedited Type II Annexation petition approved by the Board of County Commissioners of Hamilton County, Ohio.

The reason for the emergency is the immediate need to rezone the annexed territory and provide it with the public services set forth by Ordinance No. 262-2018 without delay.

EMERGENCY

City of Cincinnati

CHM  
AWB

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

- 2021

**ACCEPTING AND CONFIRMING** the annexation of approximately 10.786 acres of land owned by The Seven Hills School, in Columbia Township, Hamilton County, Ohio, to the City of Cincinnati pursuant to an Expedited Type II Annexation petition approved by the Board of County Commissioners of Hamilton County, Ohio.

WHEREAS, on August 21, 2018, Stephen M. Griffith, Jr., agent for The Seven Hills School, filed an Expedited Type II Annexation petition with the Clerk of the Board of County Commissioners of Hamilton County, Ohio, pursuant to R.C. Section 709.023, to annex approximately 10.786 acres of land in Columbia Township, Hamilton County, Ohio to the City of Cincinnati (the "Annexation Petition"); and

WHEREAS, on September 6, 2018, City Council passed Ordinance No. 262-2018, which ordinance expressed the City's consent to the Annexation Petition, set forth the public services to be provided to the annexed territory, and established the land use regulations for the annexed territory upon annexation to the City; and

WHEREAS, on April 2, 2020, the Board of County Commissioners of Hamilton County, Ohio adopted a resolution approving the Annexation Petition; and

WHEREAS, pursuant to R.C. Section 709.033(C)(1), the Clerk of the Board of County Commissioners of Hamilton County, Ohio delivered a certified copy of the transcript of the annexation proceedings and resolution approving the Annexation Petition to the City on November 19, 2020 and, pursuant to R.C. 709.04, the City may take action on the petition as more than 60 days have passed since said transmittal date; and

WHEREAS, the City Manager has determined that the annexation of the territory is in the best interest of the City and recommends that Council accept the annexation of the territory to the City; and

WHEREAS, the City Planning Commission recommended the approval of the annexation of the territory at its meeting on December 1, 2017; and

WHEREAS, Council considers the annexation of the territory to the City to be in the best interests of the City and the public health, safety, morals, and welfare; now, therefore,

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

Section 1. That the City hereby accepts and confirms (i) the Expedited Type II Annexation petition filed by Stephen M. Griffith, Jr., agent for The Seven Hills School, to annex approximately



10.786 acres of land owned by The Seven Hills School, in Columbia Township, Hamilton County, Ohio to the City of Cincinnati (the "Petition"); (ii) the annexation plat entitled *Map of Territory Area to be Annexed to the City of Cincinnati from Columbia Township* (the "Annexation Plat"); and (iii) all other documents of record concerning the Petition on file with the Board of County Commissioners of Hamilton County, Ohio, including, without limitation, x ordinances, y agreements, and z the transcript of the annexation proceedings and resolution of approval dated April 2, 2020 (collectively with the Petition and Annexation Plat, the "Annexation Record"), which Annexation Record is attached to this ordinance as Exhibit A and incorporated herein by reference.

The approximately 10.786 acres of land hereby accepted for annexation is more particularly described as follows:

Situated in Section 17, Town 4, Fractional Range 2, BTM Columbia Township, Hamilton County, Ohio, being all of a 10.786 acre tract of land conveyed to The Seven Hills School as recorded in O.R. 12646 Pg. 1218, Hamilton County, Ohio Records:

Beginning at a point in the west line of said Section 17, said point being N05°15'58"E a distance of 1215.06 feet from the southwest corner of said Section 17, said point also being in the centerline of Red Bank Road;

Thence along said west line, N05°15'58"E a distance of 590.62 feet to a point;

Thence, S83°52'56"E, passing a 5/8" iron pin set at 30.00 feet, a total distance of 40.56 feet to a concrete monument found in the east right of way line of Red Bank Road;

Thence along said east right of way line, N05°27'04"E a distance of 167.21 feet to a 5/8" iron pin set;

Thence continuing, along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the south right of way line of Ellmarie Drive, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing N50°27'04"E a distance of 21.21 feet;

Thence along said south right of way line the following three (3) courses:

1. S84°32'56"E a distance of 139.60 feet to a 5/8" iron pin set;
2. Along a curve to the left an arc distance of 72.44 feet to a 5/8" iron pin set, said curve having a radius of 191.56 feet, a delta of 21°40'00" and a chord bearing N84°37'04"E a distance of 72.01 feet;
3. Along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the southwesterly right of way line of Raywill Court, said curve having a radius of 15.00 feet a delta of 90°00'00" and a chord bearing S61°12'56"E a distance of 21.21 feet;

Thence along said southwesterly right of way line the following three (3) courses:

1. S16°12'56"E a distance of 93.75 feet to a 5/8" iron pin set;
2. Along a curve to the right an arc distance of 29.63 feet to a 5/8" iron pin set, said curve having a radius of 50.83 feet, a delta of 33°23'57" and a chord bearing S00°29'03"W a distance of 29.21 feet;
3. Along a curve to the left an arc distance of 54.73 feet to a 5/8" iron pin set in the northwest corner of Lot 48 of Hillsdale Homes Subdivision as recorded in P.B. 59, Pgs. 24-25, said curve having a radius of 40.00 feet, a delta of 78°23'57" and a chord bearing S22°00'57"E a distance of 50.56 feet;

Thence along the westerly line of said Lot 48, S28°47'04"W a distance of 113.57 feet to a 5/8" iron pin set in the south line of said Hillsdale Homes Subdivision;

Thence in part along said south line and along the south line of a tract of land conveyed to the Seven Hills School in O.R. 12965, Pg. 922, S83°52'56"E a distance of 863.18 feet to a point in the westerly right of way line of Red Bank Expressway, witness a found 3/4" iron pin lying 0.3 feet North and 0.3 feet East;

Thence along said westerly right of way line the following three (3) courses:

1. S00°15'52"E a distance of 0.26 feet;
2. S08°27'40"W a distance of 220.76 feet to a 5/8" iron pin set;
3. S15°23'05"W a distance of 92.03 feet to a 5/8" iron pin set in the north line of a 24.784 acre (deed) tract of land conveyed to The Seven Hills School in O.R. 8380 Pg. 2080;

Thence along the lines of said 24.784 acre (deed) tract of land the following three (3) courses:

1. N83°55'42"W a distance of 965.33 feet to a point, witness a found 1" pipe lying 0.6 feet North and 0.6 feet West;
2. S05°15'58"W a distance of 203.00 feet to a 5/8" iron pin set;
3. N83°55'42"W, passing a 5/8" iron pin set at 140.00 feet, a total distance of 170.00 feet to the point of beginning.

Containing 10.786 acres, more or less and being subject to easements, restrictions and rights of way of record. Bearings are based on P.B. 355, Pg. 53, Hamilton County, Ohio Records.

Section 2. That this acceptance and confirmation of the annexation of the territory to the City is made pursuant to the provisions of Ordinance No. 262-2018.

Section 3. That the City Manager and all other proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to facilitate the annexation of the territory to the City, including, without limitation, executing the Annexation Plat and any and all ancillary documents.

Section 4. That, pursuant to R.C. Section 709.06, the Clerk of Council is hereby authorized and directed to issue authenticated copies of this ordinance and the accompanying Annexation Record, certifying the correctness thereof, and to deliver one copy each to the Hamilton County, Ohio Auditor's Office; the Hamilton County, Ohio Recorder's Office; the Ohio Secretary of State; the Columbia Township Administrator; and the Board of Elections of Hamilton County, Ohio.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to rezone the annexed territory and provide it with the public services set forth by Ordinance No. 262-2018 without delay.

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

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

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

**EXHIBIT A**

Received for the record and referred to the County Engineer...

**Taft/**

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-8312  
griffith@taftlaw.com

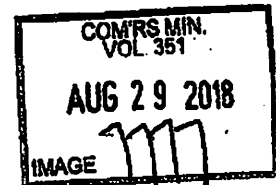
**J.K.P.**

AUG 21 2018

August 20, 2018

**VIA OVERNIGHT DELIVERY SERVICE**

Jacqueline Panioto  
Clerk  
Hamilton County Ohio Board of County Commissioners  
138 East Court Street  
Room 603  
Cincinnati, OH 45202



Re: Annexation Petition of The Seven Hills School Seeking Annexation of  
Approximately 10.786 Acres That is Part of the School's Campus from  
Columbia Township Into the City of Cincinnati

Dear Ms. Panioto:

Enclosed please find the cover letter to you and the petition revised as you requested to indicate the area of the territory to be annexed and the fact that it is only a part of the school campus. Please substitute the enclosed for what we sent you originally.

I am sure that the Board requires that the petitioner pay the Board a fee or a deposit for fees that the Board may incur in connection with considering and acting on the petition. If you let me know that amount, I will get a payment to you.

Please let me know if you need anything further from me in connection with this application. I look forward to working with you on this matter.

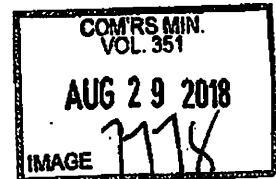
Very truly yours,

Stephen M. Griffith, Jr.

SMG  
Enclosures  
23381989.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com



STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com

**J.K.P.**

AUG 21 2018

August 15, 2018

**VIA OVERNIGHT DELIVERY SERVICE**

Jacqueline Panioto  
Clerk  
Hamilton County Ohio Board of County Commissioners  
138 East Court Street  
Room 603  
Cincinnati, OH 45202

**Re: Annexation Petition of The Seven Hills School Seeking Annexation of  
Approximately 10.786 Acres That is Part of the School's Campus from  
Columbia Township into the City of Cincinnati**

---

Dear Ms. Panioto:

This firm represents The Seven Hills School. Attached please find an annexation petition that the school is filing with you for the Board of County Commissioners to consider in accordance with Section 709.23, Ohio Revised Code. That statute provides for an annexation when the annexed territory is not to be excluded from the township of which the territory is a part.

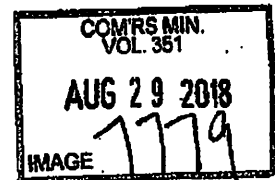
The school seeks annexation of property from Columbia Township into the City of Cincinnati. The school is the sole owner of the territory for which it seeks annexation.

Attached to the petition is a legal description of the territory sought to be annexed and four copies of a plat showing such description. I have a mylar copy of the plat for signature of the commissioners that I can provide you when necessary or you deem appropriate.

Also attached to the petition is a copy of an agreement between Columbia Township and the City of Cincinnati pertaining to the proposed annexation.

Also enclosed with this letter is a copy of the name, owner's address, and Auditor's tax parcel number of each parcel abutting the territory sought to be annexed.

Jacqueline Panioto  
August 15, 2018  
Page 2



I am sure that the Board requires that the petitioner pay the Board a fee or a deposit for fees that the Board may incur in connection with considering and acting on the petition. If you let me know that amount, I will get a payment to you.

Please let me know if you need anything further from me in connection with this application. I look forward to working with you on this matter.

Very truly yours,

Stephen M. Griffith, Jr.

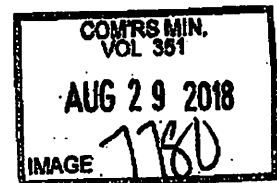
SMG  
Enclosures

23349763.1



**ANNEXATION PETITION IN ACCORDANCE WITH REVISED CODE SECTION 709.023**

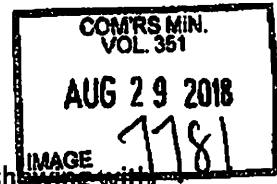
**To: COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO:**



The undersigned landowner ("Petitioner"), in accordance with Ohio Revised Section 709.023, respectfully petitions County Commissioners of Hamilton County, Ohio for annexation to the City of Cincinnati, Ohio ("Cincinnati") the following described unincorporated territory in the Township of Columbia, County of Hamilton, State of Ohio that is Hamilton County, Ohio Auditor's parcel number 520-0215-0011-00, consisting of approximately 10.786 acres that is part of Petitioner's campus, and that is more particularly described in Exhibit A to this petition and incorporated in it (the "Territory").

And in support of this petition, Petitioner shows to the Commissioners of Hamilton County, Ohio:

1. That the Territory is eligible for annexation to Cincinnati in accordance with Ohio Revised Code Section 709.023.
2. That the Territory is not embraced within any city, city and county, or incorporated town.
3. That the Territory abuts upon and is contiguous to Cincinnati in a manner which will afford reasonable ingress and egress to Cincinnati.
4. That (i) not less than one-sixth of the aggregate external boundaries of the Territory coincide with the existing boundaries of Cincinnati, and (ii) not less than five percent of the perimeter boundary of the Territory shares a boundary with Cincinnati.
5. That the noncontiguous boundaries of the Territory coincide with the existing block lines or center lines of established streets, roads, highways, or alleys, or with governmental subdivision lines for purposes of identification wherever possible.
6. That Petitioner is the sole and absolute owner in fee simple of the entire Territory.
7. That the address of Petitioner accompanies its signature below, together with the date of such signing.



8. This Petition is accompanied by four copies of a map or plat of the Territory, showing with reasonable certainty the Territory, its boundaries, and its relationship to the established corporate limits of Cincinnati.

9. Attached is a copy of a certain agreement between the City of Cincinnati, Ohio and Columbia Township, Hamilton County, Ohio pertaining to the annexation petitioned for in this Annexation Petition.

Petitioner appoints Stephen M. Griffith, Jr., care of Taft Stettinius & Hollister LLP, 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, (513) 357-9312, [griffith@taftlaw.com](mailto:griffith@taftlaw.com), to act as Petitioner's agent.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Petitioner:

THE SEVEN HILLS SCHOOL,  
an Ohio non-profit corporation

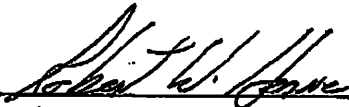
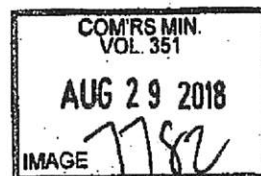
By   
Robert W. Horne  
Director of Finance & Operations  
Date signed: August 15, 2018

EXHIBIT A



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone ► 513.779.7851  
fax ► 513.779.7852  
www.kleingers.com

January 25, 2017

**Legal Description**  
10.786 Acres – Annexation

Situated in Section 17, Town 4, Fractional Range 2, BTM Columbia Township, Hamilton County, Ohio, being all of a 10.786 acre tract of land conveyed to The Seven Hills School as recorded in O.R. 12646 Pg. 1218:

Beginning at a point in the west line of said Section 17, said point being N05°15'58"E a distance of 1215.06 feet from the southwest corner of said Section 17, said point also being in the centerline of Red Bank Road;

Thence along said west line, N05°15'58"E a distance of 590.62 feet to a point;

Thence, S83°52'56"E, passing a 5/8" iron pin set at 30.00 feet, a total distance of 40.56 feet to a concrete monument found in the east right of way line of Red Bank Road;

Thence along said east right of way line, N05°27'04"E a distance of 167.21 feet to a 5/8" iron pin set;

Thence continuing, along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the south right of way line of Ellmarie Drive, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing N50°27'04"E a distance of 21.21 feet;

Thence along said south right of way line the following three (3) courses:

1. S84°32'56"E a distance of 139.60 feet to a 5/8" iron pin set;
2. Along a curve to the left an arc distance of 72.44 feet to a 5/8" iron pin set, said curve having a radius of 191.56 feet, a delta of 21°40'00" and a chord bearing N84°37'04"E a distance of 72.01 feet;
3. Along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the southwesterly right of way line of Raywill Court, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing S61°12'56"E a distance of 21.21 feet;

Thence along said southwesterly right of way line the following three (3) courses:

1. S16°12'56"E a distance of 93.75 feet to a 5/8" iron pin set;



THE  
**KLEINGERS**  
GROUP

2. Along a curve to the right an arc distance of 29.63 feet to a 5/8" iron pin set, said curve having a radius of 50.83 feet, a delta of 33°23'57" and a chord bearing S00°29'03"W a distance of 29.21 feet;
3. Along a curve to the left an arc distance of 54.73 feet to a 5/8" iron pin set in the northwest corner of Lot 48 of Hillsdale Homes Subdivision as recorded in P.B. 59 Pgs 24-25, said curve having a radius of 40.00 feet, a delta of 78°23'57" and a chord bearing S22°00'57"E a distance of 50.56 feet;

Thence along the westerly line of said Lot 48, S28°47'04"W a distance of 113.57 feet to a 5/8" iron pin set in the south line of said Hillsdale Homes Subdivision;

Thence in part along said south line and along the south line of a tract of land conveyed to the Seven Hills School in O.R. 12965 Pg. 922, S83°52'56"E a distance of 863.18 feet to a point in the westerly right of way line of Red Bank Expressway, witness a found 3/4" iron pin lying 0.3 feet North and 0.3 feet East;

Thence along said westerly right of way line the following three (3) courses:

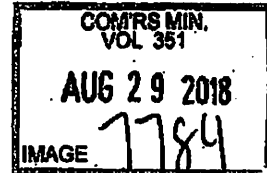
1. S00°15'52"E a distance of 0.26 feet;
2. S08°27'40"W a distance of 220.76 feet to a 5/8" iron pin set;
3. S15°23'05"W a distance of 92.03 feet to a 5/8" iron pin set in the north line of a 24.784 acre (deed) tract of land conveyed to The Seven Hills School in O.R. 8380 Pg. 2080;

Thence along the lines of said 24.784 acre (deed) tract of land the following three (3) courses:

1. N83°55'42"W a distance of 965.33 feet to a point, witness a found 1" pipe lying 0.6 feet North and 0.6 feet West;
2. S05°15'58"W a distance of 203.00 feet to a 5/8" iron pin set;
3. N83°55'42"W, passing a 5/8" iron pin set at 140.00 feet, a total distance of 170.00 feet to the point of beginning.

Containing 10.786 acres, more or less and being subject to easements, restrictions and rights of way of record.

Bearings are based on P.B. 355 Pg. 53.



## ANNEXATION AGREEMENT

This Annexation Agreement is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the City of Cincinnati ("Cincinnati"), a municipal corporation organized and existing under the Constitution and the laws of the State of Ohio, and Columbia Township ("Columbia Township"), a township organized and existing under the Constitution and the laws of the State of Ohio (referred to collectively as "Parties").

WHEREAS, the Seven Hills School (the "School") is an Ohio non-profit corporation that operates early childhood through secondary educational facilities on a contiguous campus that straddles the Cincinnati's territorial boundary with Columbia Township; and

WHEREAS, the School holds title to certain real property comprising a portion of the School's campus lying within Columbia Township, which real property is more particularly identified as Hamilton County Auditor's Parcel No. 520-0215-0011-00, and described and depicted in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the School will prepare or has prepared an Expedited Type II Annexation petition pursuant to Ohio Revised Code Section 709.023 to request the Board of County Commissioners, Hamilton County to annex the Property to Cincinnati; and

WHEREAS, the Property will not be excluded from Columbia Township under Ohio Revised Code Section 503.07 upon annexation to Cincinnati and shall remain subject to Columbia Township real property taxation; and

WHEREAS, this agreement shall serve as an annexation agreement for purposes of Ohio Revised Code Section 709.192; and

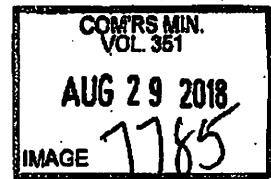
WHEREAS, the Parties agree, with respect to the annexation of the Property to Cincinnati, the terms hereinafter set forth in this Annexation Agreement are in the best interest of their respective citizens and taxpayers; and

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound, the Parties hereby agree as follows:

Section 1. This Agreement shall constitute an annexation agreement under Ohio Revised Code Section 709.192.

Section 2. The Parties acknowledge and agree that Cincinnati shall provide to the Property all public services upon annexation as stipulated by ordinance or resolution passed by Cincinnati Council.

Section 3. The Parties acknowledge and agree that any obligations or commitments made by the Parties contained herein are contingent and shall be effective and enforceable only upon the approval of all necessary legislation and/or resolutions by the appropriate legislative authorities.



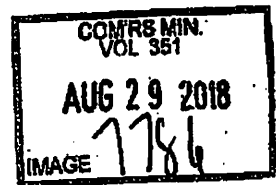
Section 4. This Agreement may be amended from time to time under Ohio Revised Code Section 709.192(B) to address any subject matter enumerated by Ohio Revised Code Section 709.192(C)(1)-(15) and all other subject matters that may be addressed in an annexation agreement under Ohio law.

Section 5. This Agreement shall be governed by, construed, and interpreted in accordance with the laws of the State of Ohio and the United States, in that order.

Section 6. The provisions of any part of this Agreement are severable. If any provision of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, such provision shall be enforced to the greatest extent permitted by law and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

Section 7. This Agreement constitutes the entire understanding of the Parties hereto with respect to the Expedited Type II Annexation of the Property to Cincinnati and supersedes all prior negotiations, discussions, undertakings and agreements between the Parties.

*SIGNATURE PAGE FOLLOWS*



This Agreement is executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

COLUMBIA TOWNSHIP,  
HAMILTON COUNTY, OHIO

By: C. Michael Lemon  
C. Michael Lemon, Township Administrator

Date: June 13, 2018

CITY OF CINCINNATI

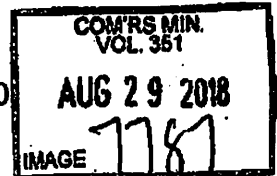
By: Patrick A. Duhaney  
Patrick A. Duhaney, Acting City Manager

Date: 7/18, 2018

APPROVED AS TO FORM:

[Signature]  
Assistant City Solicitor

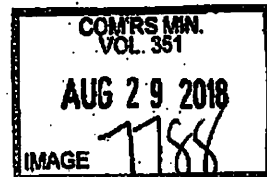
List of Parcels and Owner Information around parcel 520-0215-0011-00



Auditor Parcel ID	Owner Information
520-0215-0053-00	Robert H. Steele, Jr. 5318 Ellmarie Drive Cincinnati, OH 45227
520-0215-0054-00	Hillsdale Land Company 5400 Red Bank Road Cincinnati, OH 45227
520-0215-0055-00	Daniel L. Stephens 5340 Ellmarie Drive Cincinnati, OH 45227
520-0215-0147-00	The Seven Hills School 5400 Red Bank Road Cincinnati, OH 45227
520-0215-0097-00	The Seven Hills School 5400 Red Bank Rd. Cincinnati OH 45227
520-0215-0096-00	The Seven Hills School 5400 Red Bank Rd. Cincinnati OH 45227
520-0215-0084-00	Hillsdale Land Company LLC 5400 Red Bank Rd Cincinnati OH 45227
520-0215-0083-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
520-0215-0046-90	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
051-0011-0051-90	Hamilton County Commrs Board Of 138 E Court St Room 603 Cincinnati OH 45202
051-0011-0021-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
051-0011-0003-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
051-0011-0004-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227



035-0001-0087-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
051-0012-0011-90	City Of Cincinnati 801 Plum St Room 122 Cincinnati OH 45202-5704



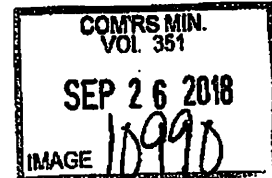
**Image Numbers 7789-7799 were inadvertently skipped by the Clerk**

Received for the record...

Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com



September 11, 2018

**VIA OVERNIGHT DELIVERY SERVICE**

Jacqueline Panioto  
Clerk  
Hamilton County Ohio Board of County Commissioners  
138 East Court Street  
Room 603  
Cincinnati, OH 45202

**Re: Annexation Petition of The Seven Hills School Seeking Annexation of  
Approximately 10.786 Acres That is Part of the School's Campus from  
Columbia Township into the City of Cincinnati**

Dear Ms. Panioto:

Attached please find the affidavit of service that you requested.

Also attached please find a copy of an ordinance that the City Council of Cincinnati passed last week related to this matter.

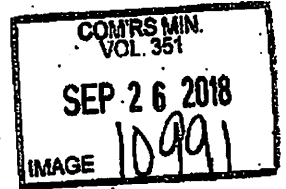
Please let me know if you need anything further from me in connection with this application. I look forward to working with you on this matter.

Very truly yours,

Stephen M. Griffith, Jr.

SMG  
Enclosures

23503823.1



AFFIDAVIT


The undersigned STEPHEN M. GRIFFITH, JR. ("Affiant"), being first duly sworn, and having personal knowledge of the facts recited in this Affidavit, deposes and says as follows:

1. Affiant sent by first class mail on September 10, 2018 a letter to each of the persons on the list attached to this Affidavit as Exhibit A enclosing a copy of the Annexation Petition that is attached to this Affidavit as Exhibit B (the "Petition").
2. Affiant sent by certified mail, return receipt requested on September 10, 2018 a letter to the Clerk of the City Council of the City of Cincinnati and the Administrator of Columbia Township, Hamilton County, Ohio Grantor enclosing a copy of the Annexation Petition.
3. Copies of the letters described in Sections 1 and 2 of this Affidavit are attached as Exhibit C.

AFFIANT SAYS NOTHING FURTHER.

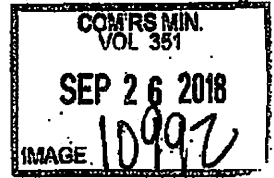
  
 \_\_\_\_\_  
 STEPHEN M. GRIFFITH, JR.

Sworn to before me and subscribed in my presence this 11<sup>th</sup> day of September, 2018 by STEPHEN M. GRIFFITH, JR.

  
 \_\_\_\_\_  
 Notary Public



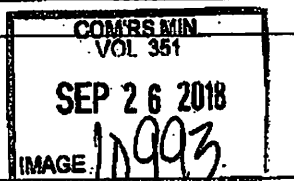
**ASHLEY WEIGEL**  
 Notary Public, State of Ohio  
 My Commission Expires  
 May 10, 2022



**EXHIBIT A**

**NAME AND ADDRESS LIST**

List of Parcels and Owner Information around parcel 520-0215-0011-00

Auditor Parcel ID	Owner Information	
520-0215-0053-00	Robert H. Steele, Jr. 5318 Ellmarie Drive Cincinnati, OH 45227	
520-0215-0054-00	Hillsdale Land Company 5400 Red Bank Road Cincinnati, OH 45227	
520-0215-0055-00	Daniel L. Stephens 5340 Ellmarie Drive Cincinnati, OH 45227	
520-0215-0147-00	The Seven Hills School 5400 Red Bank Road Cincinnati OH 45227	
520-0215-0097-00	The Seven Hills School 5400 Red Bank Rd. Cincinnati OH 45227	
520-0215-0096-00	The Seven Hills School 5400 Red Bank Rd. Cincinnati OH 45227	
520-0215-0084-00	Hillsdale Land Company LLC 5400 Red Bank Rd. Cincinnati OH 45227	
520-0215-0083-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227	
520-0215-0046-90	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227	
051-0011-0051-90	Hamilton County Commrs Board Of 138 E Court St Room 603 Cincinnati OH 45202	
051-0011-0021-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227	
051-0011-0003-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227	
051-0011-0004-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227	

035-0001-0087-00	The Seven Hills School 5400 Red Bank Rd Cincinnati OH 45227
051-0012-0011-90	City of Cincinnati 801 Plum St Room 122 Cincinnati OH 45202-5704

COMRS MIN.  
1/21 351  
SEP 26 2018  
IMAGE 10994

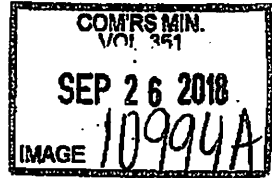
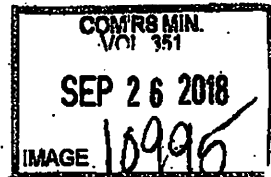


EXHIBIT B  
ANNEXATION PETITION





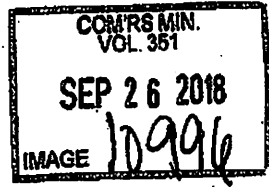
**ANNEXATION PETITION IN ACCORDANCE WITH REVISED CODE SECTION 709.023**

**To: COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO:**

The undersigned landowner ("Petitioner"), in accordance with Ohio Revised Section 709.023, respectfully petitions County Commissioners of Hamilton County, Ohio for annexation to the City of Cincinnati, Ohio ("Cincinnati") the following described unincorporated territory in the Township of Columbia, County of Hamilton, State of Ohio that is Hamilton County, Ohio Auditor's parcel number 520-0215-0011-00, and that is more particularly described in Exhibit A to this petition and incorporated in it (the "Territory").

And in support of this petition, Petitioner shows to the Commissioners of Hamilton County, Ohio:

1. That the Territory is eligible for annexation to Cincinnati in accordance with Ohio Revised Code Section 709.023.
2. That the Territory is not embraced within any city, city and county, or incorporated town.
3. That the Territory abuts upon and is contiguous to Cincinnati in a manner which will afford reasonable ingress and egress to Cincinnati.
4. That (i) not less than one-sixth of the aggregate external boundaries of the Territory coincide with the existing boundaries of Cincinnati, and (ii) not less than five percent of the perimeter boundary of the Territory shares a boundary with Cincinnati.
5. That the noncontiguous boundaries of the Territory coincide with the existing block lines or center lines of established streets, roads, highways, or alleys, or with governmental subdivision lines for purposes of identification wherever possible.
6. That Petitioner is the sole and absolute owner in fee simple of the entire Territory.
7. That the address of Petitioner accompanies its signature below, together with the date of such signing.



8. This Petition is accompanied by four copies of a map or plat of the Territory, showing with reasonable certainty the Territory, its boundaries, and its relationship to the established corporate limits of Cincinnati.

9. Attached is a copy of a certain agreement between the City of Cincinnati, Ohio and Columbia Township, Hamilton County, Ohio pertaining to the annexation petitioned for in this Annexation Petition.

Petitioner appoints Stephen M. Griffith, Jr., care of Taft Stettinius & Hollister LLP, 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, (513) 357-9312, [griffith@taftlaw.com](mailto:griffith@taftlaw.com), to act as Petitioner's agent.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

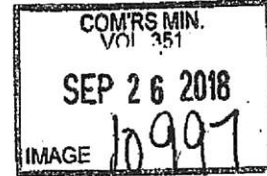
Petitioner:

THE SEVEN HILLS SCHOOL,  
an Ohio non-profit corporation

By Robert W. Horne

Robert W. Horne  
Director of Finance & Operations  
Date signed: August 15, 2018

EXHIBIT A



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone ► 513.779.7851  
fax ► 513.779.7852  
www.kleingers.com

January 25, 2017

**Legal Description**  
10.786 Acres -- Annexation

Situated in Section 17, Town 4, Fractional Range 2, BTM Columbia Township, Hamilton County, Ohio, being all of a 10.786 acre tract of land conveyed to The Seven Hills School as recorded in O.R. 12646 Pg. 1218:

Beginning at a point in the west line of said Section 17, said point being N05°15'58"E a distance of 1215.06 feet from the southwest corner of said Section 17, said point also being in the centerline of Red Bank Road;

Thence along said west line, N05°15'58"E a distance of 590.62 feet to a point;

Thence, S83°52'56"E, passing a 5/8" iron pin set at 30.00 feet, a total distance of 40.56 feet to a concrete monument found in the east right of way line of Red Bank Road;

Thence along said east right of way line, N05°27'04"E a distance of 167.21 feet to a 5/8" iron pin set;

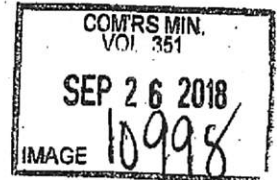
Thence continuing, along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the south right of way line of Ellmarle Drive, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing N50°27'04"E a distance of 21.21 feet;

Thence along said south right of way line the following three (3) courses:

1. S84°32'56"E a distance of 139.60 feet to a 5/8" iron pin set;
2. Along a curve to the left an arc distance of 72.44 feet to a 5/8" iron pin set, said curve having a radius of 191.56 feet, a delta of 21°40'00" and a chord bearing N84°37'04"E a distance of 72.01 feet;
3. Along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the southwesterly right of way line of Raywill Court, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing S61°12'56"E a distance of 21.21 feet;

Thence along said southwesterly right of way line the following three (3) courses:

1. S16°12'56"E a distance of 93.75 feet to a 5/8" iron pin set;



THE  
**KLEINGERS**  
GROUP



2. Along a curve to the right an arc distance of 29.63 feet to a 5/8" iron pin set, said curve having a radius of 50.83 feet, a delta of 33°23'57" and a chord bearing S00°29'03"W a distance of 29.21 feet;
3. Along a curve to the left an arc distance of 54.73 feet to a 5/8" iron pin set in the northwest corner of Lot 48 of Hillsdale Homes Subdivision as recorded in P.B. 59 Pgs 24-25, said curve having a radius of 40.00 feet, a delta of 78°23'57" and a chord bearing S22°00'57"E a distance of 50.56 feet;

Thence along the westerly line of said Lot 48, S28°47'04"W a distance of 113.57 feet to a 5/8" iron pin set in the south line of said Hillsdale Homes Subdivision;

Thence in part along said south line and along the south line of a tract of land conveyed to the Seven Hills School in O.R. 12965 Pg. 922, S83°52'56"E a distance of 863.18 feet to a point in the westerly right of way line of Red Bank Expressway, witness a found 3/4" iron pin lying 0.3 feet North and 0.3 feet East;

Thence along said westerly right of way line the following three (3) courses:

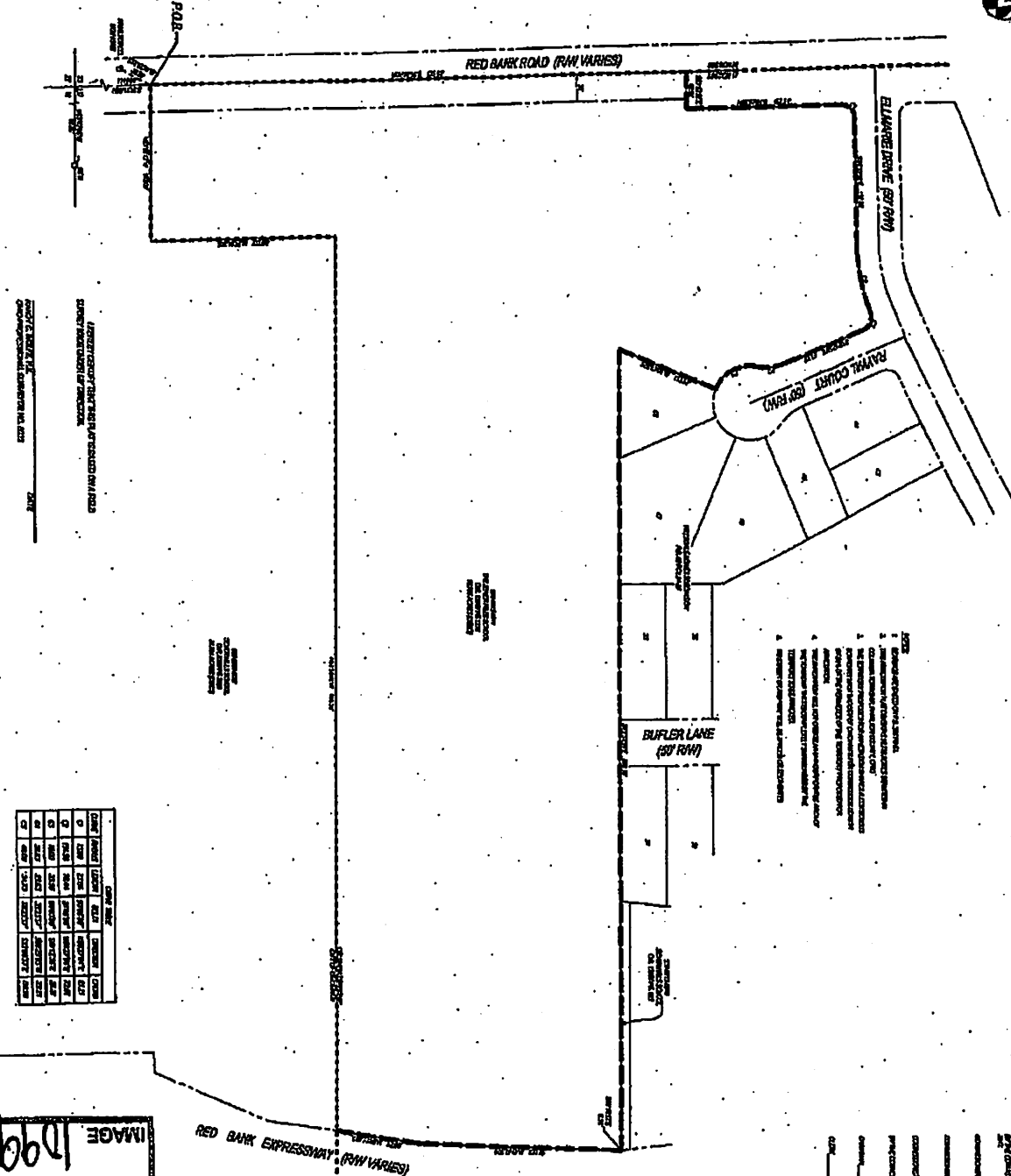
1. S00°15'52"E a distance of 0.26 feet;
2. S08°27'40"W a distance of 220.76 feet to a 5/8" iron pin set;
3. S15°23'05"W a distance of 92.03 feet to a 5/8" iron pin set in the north line of a 24.784 acre (deed) tract of land conveyed to The Seven Hills School in O.R. 8380 Pg. 2080;

Thence along the lines of said 24.784 acre (deed) tract of land the following three (3) courses:

1. N83°55'42"W a distance of 965.33 feet to a point, witness a found 1" pipe lying 0.6 feet North and 0.6 feet West;
2. S05°15'58"W a distance of 203.00 feet to a 5/8" iron pin set;
3. N83°55'42"W, passing a 5/8" iron pin set at 140.00 feet, a total distance of 170.00 feet to the point of beginning.

Containing 10.786 acres, more or less and being subject to easements, restrictions and rights of way of record.

Bearings are based on P.B. 355 Pg. 53.



PROPERTY OF THE STATE OF MICHIGAN  
 COUNTY OF WASHTENAW  
 TOWNSHIP OF COLLEEN  
 SECTION 16, T42N, R6W, S4E

Block	Area	Acres	Area	Acres	Area	Acres
1	1000	1.00	1000	1.00	1000	1.00
2	2000	2.00	2000	2.00	2000	2.00
3	3000	3.00	3000	3.00	3000	3.00
4	4000	4.00	4000	4.00	4000	4.00
5	5000	5.00	5000	5.00	5000	5.00
6	6000	6.00	6000	6.00	6000	6.00
7	7000	7.00	7000	7.00	7000	7.00
8	8000	8.00	8000	8.00	8000	8.00
9	9000	9.00	9000	9.00	9000	9.00
10	10000	10.00	10000	10.00	10000	10.00

1. The proposed school site is located on the west side of Red Bark Expressway, north of Burler Lane.
2. The proposed school site is approximately 100 feet wide and 100 feet deep.
3. The proposed school site is currently vacant.
4. The proposed school site is zoned for residential use.
5. The proposed school site is adjacent to the Red Bark Expressway.

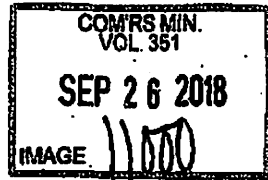
CONFIRM. VOL 391  
 SEP 26 2018  
 IMAGE 10999

**THE KLEINGERS GROUP**

1 OF 1

STATE OF MICHIGAN

MAP OF TERRITORY  
 AREA FOR RES. SCHOOLS  
 AND THE SEVEN HILLS  
 SCHOOL AMENDATION  
 COLLEEN TOWNSHIP  
 WASHTENAW COUNTY, MICHIGAN



**ANNEXATION AGREEMENT**

This Annexation Agreement is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the City of Cincinnati ("Cincinnati"), a municipal corporation organized and existing under the Constitution and the laws of the State of Ohio, and Columbia Township ("Columbia Township"), a township organized and existing under the Constitution and the laws of the State of Ohio (referred to collectively as "Parties").

WHEREAS, the Seven Hills School (the "School") is an Ohio non-profit corporation that operates early childhood through secondary educational facilities on a contiguous campus that straddles the Cincinnati's territorial boundary with Columbia Township; and

WHEREAS, the School holds title to certain real property comprising a portion of the School's campus lying within Columbia Township, which real property is more particularly identified as Hamilton County Auditor's Parcel No. 520-0215-0011-00, and described and depicted in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the School will prepare or has prepared an Expedited Type II Annexation petition pursuant to Ohio Revised Code Section 709.023 to request the Board of County Commissioners, Hamilton County to annex the Property to Cincinnati; and

WHEREAS, the Property will not be excluded from Columbia Township under Ohio Revised Code Section 503.07 upon annexation to Cincinnati and shall remain subject to Columbia Township real property taxation; and

WHEREAS, this agreement shall serve as an annexation agreement for purposes of Ohio Revised Code Section 709.192; and

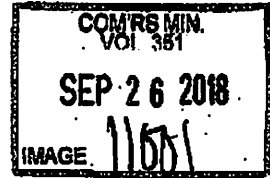
WHEREAS, the Parties agree, with respect to the annexation of the Property to Cincinnati, the terms hereinafter set forth in this Annexation Agreement are in the best interest of their respective citizens and taxpayers; and

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound, the Parties hereby agree as follows:

Section 1. This Agreement shall constitute an annexation agreement under Ohio Revised Code Section 709.192.

Section 2. The Parties acknowledge and agree that Cincinnati shall provide to the Property all public services upon annexation as stipulated by ordinance or resolution passed by Cincinnati Council.

Section 3. The Parties acknowledge and agree that any obligations or commitments made by the Parties contained herein are contingent and shall be effective and enforceable only upon the approval of all necessary legislation and/or resolutions by the appropriate legislative authorities.



Section 4. This Agreement may be amended from time to time under Ohio Revised Code Section 709.192(B) to address any subject matter enumerated by Ohio Revised Code Section 709.192(C)(1)-(15) and all other subject matters that may be addressed in an annexation agreement under Ohio law.

Section 5. This Agreement shall be governed by, construed, and interpreted in accordance with the laws of the State of Ohio and the United States, in that order.

Section 6. The provisions of any part of this Agreement are severable. If any provision of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, such provision shall be enforced to the greatest extent permitted by law and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

Section 7. This Agreement constitutes the entire understanding of the Parties hereto with respect to the Expedited Type II Annexation of the Property to Cincinnati and supersedes all prior negotiations, discussions, undertakings and agreements between the Parties.

*SIGNATURE PAGE FOLLOWS*



This Agreement is executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

COLUMBIA TOWNSHIP,  
HAMILTON COUNTY, OHIO

By: C. Michael Lemon  
C. Michael Lemon, Township Administrator

Date: June 13 2018

CITY OF CINCINNATI

By: Patrick A. Duhaney  
Patrick A. Duhaney, Acting City Manager

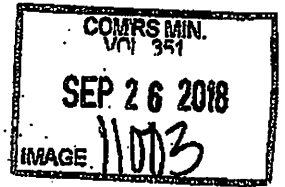
Date: 7/18 2018

APPROVED AS TO FORM:

[Signature]  
Assistant City Solicitor



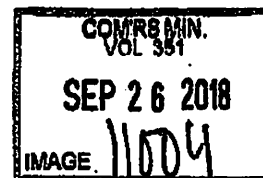
EXHIBIT C  
COPIES OF LETTERS



# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com



September 10, 2018

Robert H. Steele, Jr.  
5318 Ellmarie Drive  
Cincinnati, OH 45227

Dear Mr. Steele:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice because you own land across Ellmarie Drive from the parcel that the School wishes annexed.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Stephen M. Griffith, Jr.

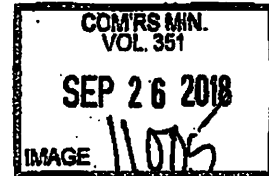
SMG  
Enclosures

23491502.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com



September 10, 2018

Daniel L. Stephens  
5340 Ellmarie Drive  
Cincinnati, OH 45227

Dear Mr. Stephens:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice because you own property across Ellmarie Drive from the parcel that the School wishes annexed.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Stephen M. Griffith, Jr.

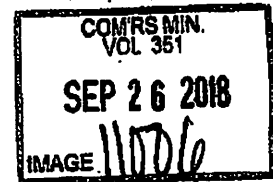
SMG  
Enclosures

23491507.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-367-9312  
griffith@taftlaw.com



September 10, 2018

Hillsdale Land Company  
5400 Ellmarie Drive  
Cincinnati, OH 45227  
Attention: Robert Horne

Dear Robert:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice because you own property adjacent to the parcel that the School wishes annexed.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Stephen M. Griffith, Jr.

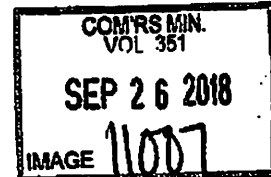
SMG  
Enclosures

23491520.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com



September 10, 2018

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Hamilton County Board of County Commissioners  
138 East Court Street  
Room 603  
Cincinnati, OH 45202

Dear Commissioners:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice because you own land across Red Bank Road from the parcel that the School wishes annexed.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

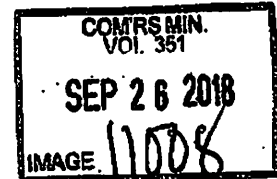
Stephen M. Griffith, Jr.

SMG  
Enclosures  
23491533.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-9312  
griffith@taftlaw.com



September 10, 2018

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Melissa Autry  
Clerk, City Council  
City of Cincinnati  
Room 308  
City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

Dear Ms. Autry:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Stephen M. Griffith, Jr.

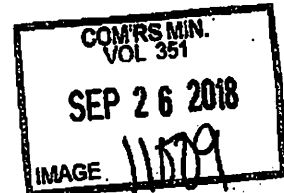
SMG  
Enclosures

cc: Charles Martinez (w/encl.) (E-MAIL)  
23491685.1

# Taft/

425 Walnut Street, Suite 1800 / Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 / Fax: 513.381.0205  
www.taftlaw.com

STEPHEN M. GRIFFITH, JR.  
513-357-8312  
griffith@taftlaw.com



September 10, 2018

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

C. Michael Lemon  
Township Administrator  
Columbia Township  
Hamilton County, Ohio  
5686 Kenwood Road  
Cincinnati, Ohio 45227

Dear Mr. Lemon:

This firm represents The Seven Hills School (the "School"). The School has filed with the Hamilton County Board of County Commissioners on August 21, 2018 a petition to annex a 10.786 acre parcel of land from Columbia Township into the City of Cincinnati. The land is Hamilton County Ohio Auditor's parcel 520-0215-0011-00, consisting of approximately 10.786 acres.

A copy of the petition is attached. Included in the petition is a copy of the property that the School proposes be annexed. The School is the sole owner of that parcel.

Ohio law requires the School to send you this notice.

The County Commissioners will hold a hearing on the annexation petition in the near future.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Stephen M. Griffith, Jr.

SMG  
Enclosures

cc: Bryan Pacheco (w/encl.) (E-MAIL)  
23481682.1

# City of Cincinnati Council



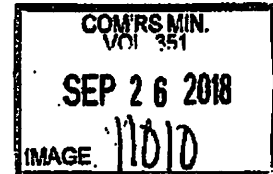
Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

**J.K.P.**  
SEP 12 2018

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

September 10, 2018



Jacqueline Panioto, Clerk  
Hamilton County Board of Commissioners  
138 E. Court Street  
Cincinnati, Ohio 45202

Dear Clerk Panioto:

As Clerk of Council, I hereby certify the following Emergency Ordinance passed by the Council of the City of Cincinnati, State of Ohio passed at its session on September 6, 2018.

### ORDINANCE 262 -2018

ESTABLISHING Council's consent to an Expedited Type II Annexation petition filed by The Seven Hills School that proposes the annexation of approximately 10.786 acres from Columbia Township, Hamilton County, to the Madisonville neighborhood of the City of Cincinnati; and further AUTHORIZING the City to provide public services to the territory proposed for annexation; and further DESIGNATING the territory proposed for annexation as a Manufacturing Limited Zoning District immediately upon annexation; and further ADOPTING a statement addressing possible incompatible land uses and required zoning buffers in the territory proposed for annexation.

Sincerely,

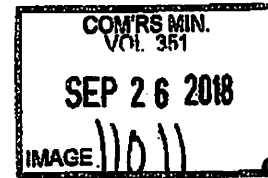
  
Melissa Autry, CMC  
Clerk of Council

Enclosure





EMERGENCY



City of Cincinnati

An Ordinance No. 262 - 2018

**ESTABLISHING** Council's consent to an Expedited Type II Annexation petition filed by The Seven Hills School that proposes the annexation of approximately 10.786 acres from Columbia Township, Hamilton County, to the Madisonville neighborhood of the City of Cincinnati; and further **AUTHORIZING** the City to provide public services to the territory proposed for annexation; and further **DESIGNATING** the territory proposed for annexation as a Manufacturing Limited Zoning District immediately upon annexation; and further **ADOPTING** a statement addressing possible incompatible land uses and required zoning buffers in the territory proposed for annexation.

**WHEREAS**, pursuant to Ohio Revised Code Section 709.023, Stephen M. Griffith, Jr., agent for The Seven Hills School (the "School"), filed an Expedited Type II Annexation petition with the Clerk of the Board of County Commissioners, Hamilton County to annex approximately 10.786 acres from Columbia Township, Hamilton County to the City of Cincinnati; and

**WHEREAS**, the School is an Ohio non-profit corporation that operates early childhood through secondary educational facilities on a contiguous campus that straddles the City's territorial boundary with Columbia Township; and

**WHEREAS**, the School holds title to the real property that makes up the portion of its campus that lies within Columbia Township, which property is more particularly identified as Hamilton County Auditor's Parcel No. 520-0215-0011-00, and which is the sole property making up the 10.786 acres proposed for annexation; and

**WHEREAS**, the Council has reviewed the petition and finds that it satisfies all statutory requirements of Ohio Revised Code Section 709.023(E), namely:

1. The petition meets all the requirements set forth in, and was filed in the manner provided in, Ohio Revised Code Section 709.021;
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory;
3. The territory proposed for annexation does not exceed five hundred acres;
4. The territory proposed for annexation shares a contiguous boundary with the City for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation;
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation;



6. By this ordinance, Council authorizes the City to provide to the territory proposed for annexation services specified herein, pursuant to Ohio Revised Code Section 709.023(C);
7. No street or highway will be divided or segmented by the boundary line between the Township and the City as to create a road maintenance problem, otherwise the City has an existing maintenance agreement with Hamilton County to correct any potential road maintenance problems; and

WHEREAS, under Ohio Revised Code Section 709.023(D), if Council consents to the annexation, and Columbia Township does not object to the petition, the County is required to approve the action; and

WHEREAS, the territory proposed for annexation from Columbia Township would remain subject to Columbia Township's real property tax, but any workers in the territory would become subject to the City's income tax; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires the legislative authority of the municipal corporation to which annexation is proposed to adopt legislation prior to the hearing of the annexation petition, which adopted legislation shall indicate what services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide those services; and

WHEREAS, the City is able to provide the following services to the annexed area: police response from Cincinnati Police Department's District Two; fire response and EMS service from the Cincinnati Fire Department's District Four; and street maintenance and repair by the City's Department of Transportation and Engineering and the Department of Public Services; and

WHEREAS, water and sewer service are already provided to the area to be annexed because the Metropolitan Sewer District of Greater Cincinnati serves all of Hamilton County and because the Greater Cincinnati Water Works already provides water services to Columbia Township; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires Council to adopt legislation addressing land use regulations and buffers if the territory proposed for annexation is currently regulated by county zoning regulations adopted pursuant to Ohio Revised Code Chapter 303 or township zoning pursuant to Ohio Revised Code Chapter 519; and

WHEREAS, the territory proposed for annexation is currently subject to either county zoning regulations pursuant to Ohio Revised Code Chapter 303, or township zoning regulations pursuant to Ohio Revised Code Chapter 519; and

WHEREAS, pursuant to Ohio Revised Code Section 709.023(C), this ordinance must state that should the territory be annexed, and should the territory proposed for annexation become subject to the Cincinnati Zoning Code, and if the Cincinnati Zoning Code permits land uses in the annexed territory that are clearly incompatible with the land uses currently permitted in the

adjacent land remaining within the township under county or township zoning regulations, then the Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township; and

WHEREAS, pursuant to Ohio Revised Code Section 709.023(C), “buffer” includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks; and

WHEREAS, on January 14, 2004, the Council adopted Cincinnati Municipal Ordinance No. 15 of 2004, which ordinance establishes Cincinnati Zoning Code Chapter 1423, which provides buffer regulations separating adjacent land uses; and

WHEREAS, at its regularly scheduled meeting on December 1, 2017, the City Planning Commission recommended that immediately upon annexation the territory proposed for annexation will be designated as a Manufacturing Limited Zoning District because such zoning designation is in the interest of the general public’s health, safety, morals, and welfare; and

WHEREAS, a committee of Council held a public hearing on the proposed zoning designation following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the zoning designation, finding it in the interest of the general public’s health, safety, and welfare; and

WHEREAS, Council considers the Manufacturing Limited Zoning District to be in the best interests of the City, the proposed territory for annexation, and the general public’s health, safety, and welfare; and

WHEREAS, the territory proposed for annexation is adjacent to the City of Cincinnati to the north and west and areas adjacent to the territory proposed for annexation to the north and west are Columbia Township territory; and

WHEREAS, Council finds that the proposed annexation is consistent with the “Collaborate” goal, to “cooperate internally and externally to improve service delivery,” as described on page 218 of Plan Cincinnati (2012); and

WHEREAS, Ohio Revised Code Section 709.023(D) requires the legislative authority of the municipal corporation to which annexation is proposed to adopt legislation prior to the hearing of the annexation petition consenting to the proposed annexation; and

WHEREAS, by this ordinance Council consents to the proposal of annexation, addresses what City services will be provided to the annexed area, and also fulfills the requirement of addressing existing county or township zoning in the area to be annexed and whether any buffer zone in the area is necessary because of incompatible City zoning regulations, and should the County approve the petition, the City’s formal acceptance of the annexation will be accomplished by separate ordinance pursuant to Ohio Revised Code Section 709.04; now, therefore,

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

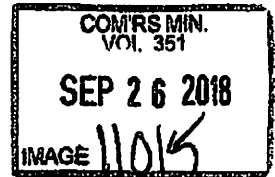
**Section 1.** That the City of Cincinnati, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation of approximately 10.786 acres in Columbia Township, Hamilton County as depicted on Exhibit A attached hereto and more particularly described on Exhibit B attached hereto.

**Section 2.** That immediately upon the annexation, the annexed territory shall enjoy all rights, privileges, and responsibilities ascribed thereto under the Charter of the City of Cincinnati, including, but not limited to, the City's income tax.

**Section 3.** That the City shall provide to the approximately 10.786 acres in Columbia Township, Hamilton County immediately upon the annexation of the territory to the City of Cincinnati, Ohio any and all municipal services that the City provides from time to time to properties within its territory, including, but not limited to the following:

- a. The Cincinnati Police Department shall serve the territory proposed for annexation from Cincinnati Police Department District Two, which presently maintains 106 officers;
- b. The Cincinnati Fire Department shall serve the territory proposed for annexation from Fire Companies 8, 31, and 49, within Fire Department Fire District Four, all in close proximity to the territory;
- c. The City's Department of Transportation and Engineering and the Department of Public Services shall provide street maintenance, repair, and snow and ice removal services to the territory proposed for annexation; and
- d. Greater Cincinnati Water Works and the Metropolitan Sewer District of Greater Cincinnati shall continue to provide existing water and sewer services to the territory proposed for annexation upon such annexation.

**Section 4.** That the approximately 10.786 acres in Columbia Township shall be designated as a Manufacturing Limited Zoning District throughout the area designated on the map immediately upon annexation.



Section 5. That the City adopts the following statement for the approximately 10.786 acres in Columbia Township, Hamilton County:

Should the territory be annexed and subsequently become subject to zoning pursuant to the Cincinnati Zoning Code, and the zoning district governing the annexed territory permits uses in that territory that the City of Cincinnati determines are clearly incompatible with the uses permitted under current county zoning in the adjacent land remaining in the township from which the territory was annexed, City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

Section 6. That the City Manager and the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 2 through 5 herein immediately upon annexation of the territory.

Section 7. That the Clerk of Council is directed to file a certified copy of this ordinance to the Board of County Commissioners of Hamilton County, Ohio upon passage by the Council and within 20 days after the date on which the annexation petition was filed with the Board of County Commissioners.

Section 8. 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 ensure that the Clerk is able to file in a timely manner with the Board of Commissioners, Hamilton County the City's consent and statutorily-required statements addressing public services, land uses, and buffers found herein prior to the hearing of the annexation petition.

Passed: September 6, 2018

Attest: [Signature]  
Clerk

[Signature]  
John Cranley, Mayor  
CITY PLANNING COMMISSION  
December 1, 2017  
APPROVED  
[Signature]

# County of Hamilton

THEODORE B. HUBBARD, P.E.-P.S. COUNTY ENGINEER

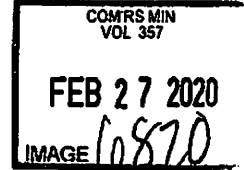
700 COUNTY ADMINISTRATION BUILDING

138 EAST COURT STREET

CINCINNATI, OHIO 45202-1232

PHONE (513)946-4250 FAX (513)946-4288

February 27, 2020



Board of Hamilton County Commissioners  
County Administration Building  
138 East Court Street, Room 603  
Cincinnati, Ohio 45202

Re: Joint Agreement between Hamilton County and the City of Cincinnati  
For the maintenance of a portion of Red Bank Road

Honorable Board:

Please find attached a Resolution for the purpose of authorizing an Agreement between Hamilton County and The City of Cincinnati, Ohio for the maintenance of a portion of Red Bank Road.

The COUNTY and the CITY desire to maintain a portion of Red Bank Road abutting property that is to be annexation by the CITY and agree that the maintenance of roads is required for the orderly and efficient flow of traffic and that the public will benefit by creating a joint agreement.

The CITY will be responsible for all maintenance of the relevant portion of Red Bank Road, on both sides of the street.

The COUNTY will delegate to the CITY responsibility and liability for the maintenance of a section of roadway within the jurisdiction of the COUNTY and agrees to approve the annexation by the CITY of property in Columbia Township adjacent to the portion of Red Bank Road to be maintained by the CITY, which annexation has already been approved by the CITY through Ordinance No. 262-2018.

This office recommends that your Honorable Board adopt the attached Resolution for the purpose of authorizing an Agreement between Hamilton County and The City of Cincinnati, Ohio for the maintenance of a portion of Red Bank Road.

Respectfully submitted,

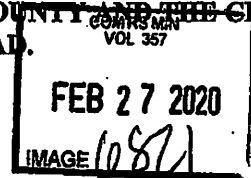
A handwritten signature in black ink that reads "Theodore B. Hubbard".

THEODORE B. HUBBARD, P.E.-P.S.  
HAMILTON COUNTY ENGINEER

TBH/TPG/fel  
Attachments

"On motion of Commissioner Driehaus, seconded by Commissioner Summerow Dumas the following resolution was adopt"

**RESOLUTION AUTHORIZING A JOINT AGREEMENT BETWEEN HAMILTON COUNTY AND THE CITY OF CINCINNATI, OHIO FOR MAINTENANCE OF A PORTION OF RED BANK ROAD.**



**BY THE BOARD:**

**WHEREAS**, the COUNTY and the CITY desire to maintain a portion of Red Bank Road abutting property that is to be annexation by the CITY; and

**WHEREAS**, the COUNTY and the CITY agree that the maintenance of roads is required for the orderly and efficient flow of traffic and that the public will benefit by creating a joint agreement; and

**WHEREAS**, the CITY will be responsible for all maintenance of the relevant portion of Red Bank Road, on both sides of the street; and

**WHEREAS**, the COUNTY will delegate to the CITY responsibility and liability for the maintenance of a section of roadway within the jurisdiction of the COUNTY; and

**WHEREAS**, the COUNTY agrees to approve the annexation by the CITY of property in Columbia Township adjacent to the portion of Red Bank Road to be maintained by the CITY, which annexation has already been approved by the CITY through Ordinance No. 262-2018.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Hamilton County Ohio that the said Agreement be and the same hereby is approved.

**BE IT FURTHER RESOLVED** that the County Administrator be and he hereby is authorized and directed to execute the Agreement.

**BE IT FURTHER RESOLVED** that the Clerk of the Board be and she hereby is authorized and directed to certify a copy of the Resolution to the County Engineer.

**ADOPTED** at a regular meeting of the Board of County Commissioners of Hamilton County, State of Ohio, this 27<sup>th</sup> day of February, 2020.

Ms. Driehaus, YES

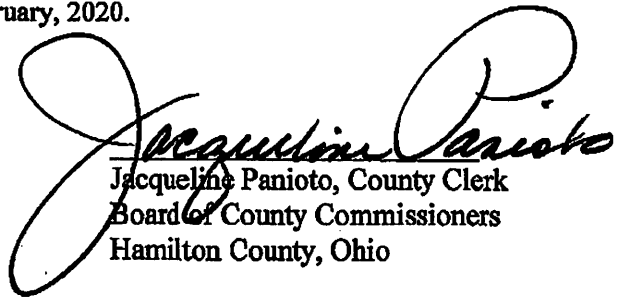
Ms. Summerow Dumas, YES

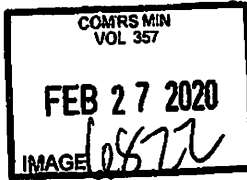
Ms. Parks, YES

**CERTIFICATE OF CLERK**

**IT IS HEREBY CERTIFIED** that the foregoing is a true and correct transcript of a Resolution adopted by this Board of County Commissioners in session this 27<sup>th</sup> day of February, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Official Seal of the Office of the County Commissioners of Hamilton County, Ohio, this 27<sup>th</sup> day of February, 2020.

  
Jacqueline Panioto, County Clerk  
Board of County Commissioners  
Hamilton County, Ohio



City Contract No. \_\_\_\_\_

**JOINT AGREEMENT BETWEEN HAMILTON COUNTY AND THE CITY OF CINCINNATI FOR MAINTENANCE OF A PORTION OF RED BANK ROAD**

This AGREEMENT is made and entered into by and between the Board of County Commissioners of Hamilton County, Ohio, on behalf of the County Engineer (the "COUNTY"), acting by and through its duly authorized agent, the County Administrator, and the City of Cincinnati, Ohio, a municipal corporation (the "CITY"), acting by and through its City Manager (collectively, the "PARTIES").

**Recitals:**

WHEREAS, the COUNTY and CITY desire to maintain a portion of Red Bank Road abutting property that is to be annexed by the CITY, which annexation would result in the road being segmented by the boundary line between the township and the City.

WHEREAS, because of the dual responsibility for a portion of the road that would result from the annexation, as a condition of the annexation the City has agreed to assume the maintenance of the entire portion of the road from the corporation line on the south to I-71 on the north.

WHEREAS, the COUNTY and CITY agree that the maintenance of roads is required for the orderly and efficient flow of traffic, and that the public will benefit by creating a joint agreement whereby the CITY will be responsible for all maintenance of the relevant portion of Red Bank Road, on both sides of the street.

WHEREAS, in entering this agreement and performing work pursuant to this agreement, the PARTIES have accepted that the COUNTY will delegate to the CITY responsibility and liability for the maintenance of a small section of roadway within the jurisdiction of the COUNTY.

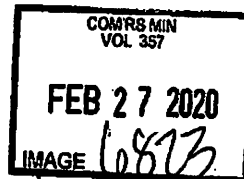
NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions contained herein, the PARTIES hereby mutually agree as follows:

**1. Obligations of the City.**

a. The CITY will perform all maintenance on the following portion of Red Bank Road, on the entire portion whether owned by the CITY or the COUNTY:

- i. Running north-south from the CITY's corporation line on the south to the ODOT Right-of-Way for Interstate 71 on the north;
- ii. Adjacent to Auditor's Parcel Nos. 051-0011-0004-00, 051-0011-0003-00, 051-0011-0021-00, 051-0011-0051-90, 051-0011-0048-00, 520-0215-0011-00, 520-0215-0102-90, 520-0215-0053-90, 520-0215-0049-90, 520-0215-0010-90;
- iii. As approximately depicted on Exhibit A , "Map," attached hereto.





b. "Maintenance" is defined as the act of preserving and keeping each type of roadway, roadside structure or facility within the Right-of-Way as nearly as possible to its original condition as constructed or as subsequently improved, to provide satisfactory and safe highway transportation. Maintenance shall include but is not limited to: crack sealing, pothole repair, partial depth pavement patching, pavement marking, sign repair and replacement, mowing, trimming, herbicidal spraying, street sweeping, snow and ice control, drainage repairs, catch basin cleaning, litter pick-up, full depth pavement repairs, resurfacing, pavement widening, guardrail repair and replacement, and culvert repair and replacement.

2. **Obligations of the County.** In consideration for the promises and performance of the CITY as set forth herein, the COUNTY agrees to approve the annexation by the CITY of property in Columbia Township adjacent to the portion of Red Bank Road to be maintained by the CITY, which annexation has already been approved by the CITY through Ordinance No. 262-2018.

3. **Insurance.** It shall be the responsibility of the CITY, through its self-insurance program, to protect the CITY, the CITY's employees, and the COUNTY from any and all general liability or automobile liability claims that may arise from maintenance carried out in performance of this agreement. The CITY is fully self-insured for the following potential liabilities:

- a. General liability;
- b. Workers compensation;
- c. Automobile liability;
- d. Professional liability.

4. **Subcontracting.** If the CITY subcontracts any portion of this agreement, the CITY shall be responsible for guaranteeing that the subcontractor for the portion of the agreement that is subcontracted is adequately covered to the insurance limits as specified herein and that the insurance for the subcontractor meets the same requirements as for the CITY, such as naming all of the required parties as additional insured. The CITY is responsible for obtaining the necessary proofs of insurance coverage from the subcontractor and submitting these to the County Engineer.

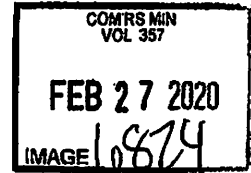
5. **Binding Effect.** This agreement shall be binding upon and inure to the benefit of the PARTIES and their respective successors and assigns.

6. **Term, Amendment.** This agreement shall take effect as of the Effective Date as defined on the signature page hereof and shall remain in effect indefinitely. Should the PARTIES consent to modifications of the contract, then an amendment shall be drawn, approved, and executed in the same manner as the original agreement. Should the ownership of the portion of Red Bank Road affected by this Agreement change, the PARTIES shall terminate or amend this agreement as necessary.

7. **Notice.** All notices required under this agreement shall be personally served or sent by U.S. mail, postage prepaid, addressed to the parties as follows:

To CITY:  
City of Cincinnati  
Dept. Transportation & Engineering  
801 Plum Street, Room 450  
Cincinnati, Ohio 45202

To COUNTY:  
Hamilton County Engineer  
Room 700 County Administration Building  
138 East Court Street  
Cincinnati, OH 45202



8. **Relationship of Parties.** CITY shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder and all persons performing the same and shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any. Nothing herein shall be construed as creating a partnership or joint venture between the CITY and COUNTY.

9. **Entirety.** This agreement and the Exhibits attached hereto contain the entire contract between the PARTIES as to the matters contained herein. Any oral representations or modifications concerning this agreement shall be of no force and effect.

10. **Waiver.** This agreement shall be construed in a manner that a waiver of any breach of any provision of this agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

11. **Severability.** This agreement shall be severable, so if any part or parts of this agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

IN WITNESS WHEREOF, the COUNTY and CITY have signed and sealed this agreement on the dates indicated in their respective acknowledgements below, effective as of the later of such dates (the "Effective Date").

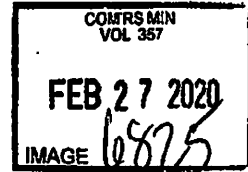
**HAMILTON COUNTY:**

*James B. Hubbard*  
Hamilton County Engineer

Date: 1/7/2020 <sup>2020</sup> ~~2019~~ <sup>ABK</sup>

RESOLUTION VOL. \_\_\_\_\_, IMAGES \_\_\_\_\_ TO \_\_\_\_\_ DATE \_\_\_\_\_

*J. J. [Signature]* <sup>FOTE J&</sup>  
County Administrator



**APPROVED AS TO FORM**

*[Signature]*  
County Prosecutor, by Eric Munn, asst. prosecutor

**CITY OF CINCINNATI**

*[Signature]*  
Patrick A. Duhaney, City Manager

Date: 1/23/2020

**RECOMMENDED BY:**

*[Signature]*  
John S. Brazina, Director, Department of Transportation and Engineering

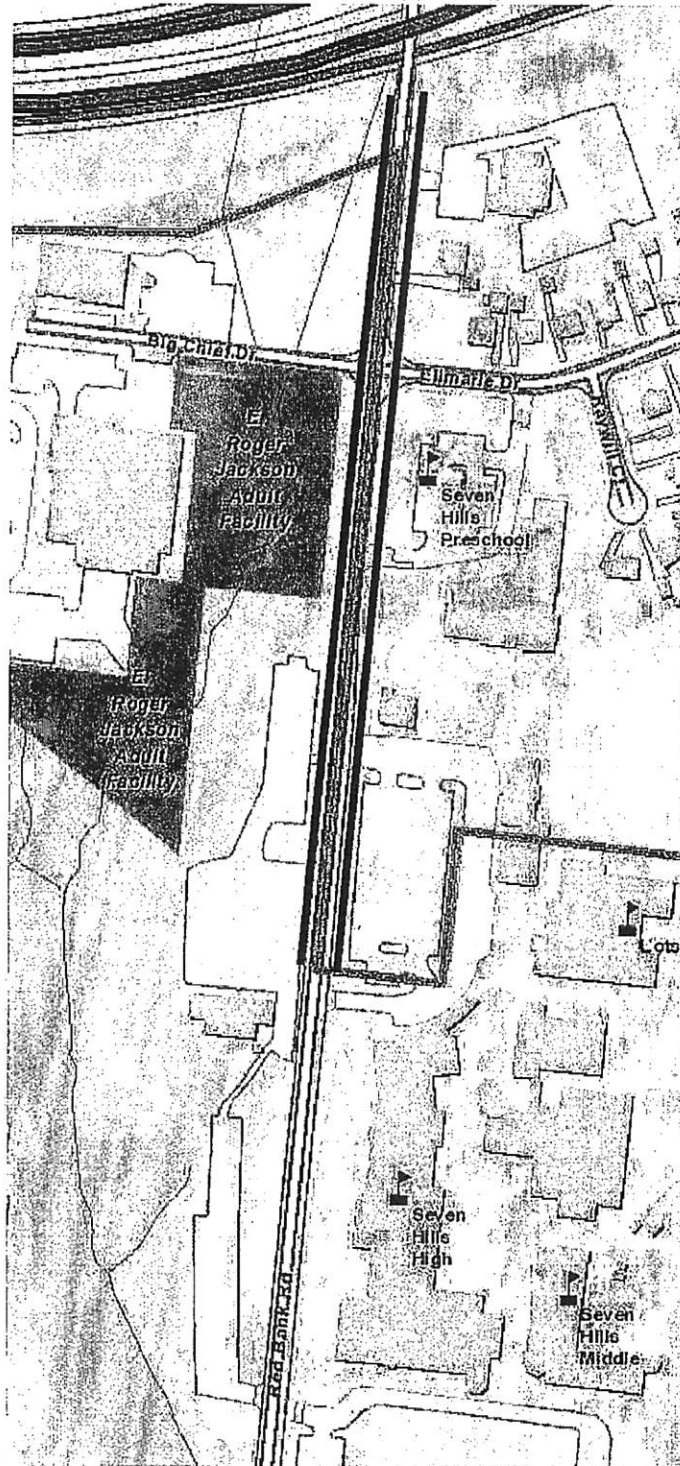
**APPROVED AS TO FORM:**

*[Signature]*  
Assistant City Solicitor

**EXHIBIT A**  
**Map**

Approximate location of area to be maintained (between red lines):

COMRS MIN  
VOL 357  
**FEB 27 2020**  
IMAGE 0876



On motion of Commissioner *Driedaus*, seconded by  
Commissioner *Summeras*

the following resolution was adopted...

**RESOLUTION GRANTING A PETITION FOR THE ANNEXATION OF 10.786 ACRES  
FROM COLUMBIA TOWNSHIP TO THE CITY OF CINCINNATI**

BY THE BOARD:

WHEREAS, on August 21, 2018, Stephen M. Griffith, Jr., Agent for the Petitioners, submitted a petition for annexation 10.786 acres situate in Section 17, Town 4, Fractional Range 2, BTM Columbia Township to the City of Cincinnati, Ohio and being more particularly described as follows:

Beginning at a point in the west line of said Section 17, said point being N05°15'58"E a distance of 1215.06 feet from the southwest corner of said Section 17, said point also being in the centerline of Red Bank Road;

Thence along said west line, N05°15'58"E a distance of 590.62 feet to a point;

Thence, S83°52'56"E, passing a 5/8" iron pin set at 30.00 feet, a total distance of 40.56 feet to a concrete monument found in the east right of way line of Red Bank Road;

Thence along said east right of way line, N05°27'04"E a distance of 167.21 feet to a 5/8" iron pin set;

Thence continuing, along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the south right of way line of Ellmarie Drive, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing N50°27'04"E a distance of 21.21 feet;

Thence along said south right of way line the following three (3) courses:

1. S84°32'56"E a distance of 139.60 feet to a 5/8" iron pin set;
2. Along a curve to the left an arc distance of 72.44 feet to a 5/8" iron pin set, said curve having a radius of 191.56 feet, a delta of 21°40'00" and a chord bearing N84°37'04"E a distance of 72.01 feet;
3. Along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the southwesterly right of way line of Raywill Court, said curve having a radius of 15.00 feet, a delta of 90°00'00" and a chord bearing S61°12'56"E a distance of 21.21 feet;

Thence along said southwesterly right of way line the following three (3) courses:

1. S16°12'55"E a distance of 93.75 feet to a 5/8" iron pin set;
2. Along a curve to the right an arc distance of 29.63 feet to a 5/8" iron pin set, said curve having a radius of 50.83 feet, a delta of 33°23'57" and a chord bearing S00°29'03"W a distance of 29.21 feet;
3. Along a curve to the left an arc distance of 54.73 feet to a 5/8" iron pin set in the northwest corner of Lot 48 of Hillsdale Homes Subdivision as recorded in P.B. 59 Pgs 24-25, said curve having a radius of 40.00 feet, a delta of 78°23'57" and a chord bearing S22°00'57"E a distance of 50.56 feet;

Thence along the westerly line of said Lot 48, S28°47'04"W a distance of 113.57 feet to a 5/8" iron pin set in the south line of said Hillsdale Homes Subdivision;

~~Thence in part along said south line and along the south line of a tract of land conveyed to the Seven Hills School in O.R. 12965 Pg. 922, S83°52'56"E a distance of 863.18 feet to a point in the westerly right of way line of Red Bank Expressway, witness a found 3/4" iron pin lying 0.3 feet North and 0.3 feet East;~~

COMRS MIN  
VOL 358  
APR 02 2020  
PAGE 47

Thence along said westerly right of way line the following three (3) courses:

1. S00°15'52"E a distance of 0.26 feet;
2. S08°27'40"W a distance of 220.76 feet to a 5/8" iron pin set;
3. S15°23'05"W a distance of 92.03 feet to a 5/8" iron pin set in the north line of a 24.784 acre (dead) tract of land conveyed to The Seven Hills School in O.R. 8380 Pg. 2080;

Thence along the lines of said 24.784 acre (deed) tract of land the following three (3) courses:

1. N83°55'42"W a distance of 965.33 feet to a point, witness a found 1" pipe lying 0.6 feet North and 0.6 feet West;
2. S05°15'58"W a distance of 203.00 feet to a 5/8" iron pin set;
3. N83°55'42"W, passing a 5/8" iron pin set at 140.00 feet, a total distance of 170.00 feet to the point of beginning.

WHEREAS, said petition was submitted in accordance with 709.023 providing for annexation by all property owners with or without consent of municipality and township; and

WHEREAS, the agent has provided proof of service to the governmental entities and that adjacent property owners were provided notice of the annexation; and

WHEREAS, the City of Cincinnati adopted a resolution setting forth services that will be provided if such area is annexed; and

WHEREAS, Columbia Township has not objected to the annexation; and

WHEREAS, a maintenance agreement for a portion of Red Bank Road has been obtained and entered into by the City of Cincinnati and Hamilton County; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Hamilton County, Ohio hereby approves the petition for annexation of 10.786 acres from Columbia Township to the City of Cincinnati in accordance with Section 709.023 of the Ohio Revised Code; and

BE IT FURTHER RESOLVED that the Clerk of the Board be and she hereby is directed to certify copies of this resolution to Columbia Township, City of Cincinnati; Mr. Stephen M. Griffith, Jr. Agent; Eric Beck, Acting Hamilton County Engineer; and Mr. James Noyes, Hamilton County Regional Planning Commission.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners, Hamilton County, Ohio this 2nd day of April, 2020.

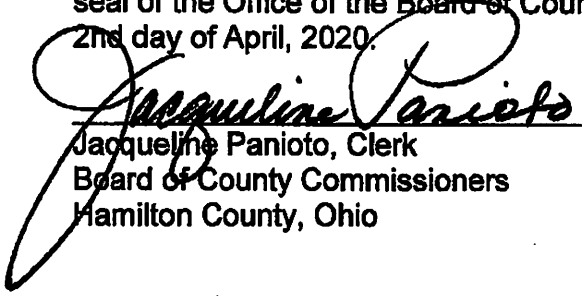
Ms. Driehaus. *Yes*      Ms. Summerow Dumas. *Yes*      Ms. Parks. *Yes*

COM. RES. MIN  
VOL. 368  
**APR 02 2020**  
IMAGE 48

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session the 2nd day of April, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Office of the Board of County Commissioners, Hamilton County, Ohio this 2nd day of April, 2020.

  
Jacqueline Panioto, Clerk  
Board of County Commissioners  
Hamilton County, Ohio

20200226

**Date:** December 10, 2020

**To:** Councilmember Greg Landsman  
**From:** Andrew W. Garth, Interim City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Balanced Development Project Scorecard**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**ESTABLISHING** a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

AWG/SSB/(lnk)  
Attachment  
320756



# City of Cincinnati

SSB

AWB

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

- 2020

**ESTABLISHING** a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

WHEREAS, City Council has the authority to declare up to 100% of the increase in the assessed value of improvements to be exempt from real property taxation by means of (i) project-based tax increment financing incentives pursuant to Ohio Revised Code (“ORC”) Sections 5709.40(B) and 5709.41; and (ii) “Community Reinvestment Area” incentives pursuant to ORC Sections 3735.65 through 3735.70; and

WHEREAS, Motion No. 201901811, as adopted by this Council on December 11, 2019, recommended updates to how the City Administration evaluates the public benefits created by projects receiving real property tax incentives pursuant to the aforementioned ORC provisions, with a focus on prioritizing projects that create good, local jobs; preserve and/or create affordable housing; minimize displacement of residents and businesses; and/or commit to project-specific inclusion goals; and

WHEREAS, to incentivize balanced development throughout the City of Cincinnati as recommended in the aforementioned Motion, City Council desires to adopt a *Project Scorecard*, a copy of which is attached hereto as Attachment A, to assist City Council in evaluating development projects when qualifying real property tax exemptions or abatements are recommended; now, therefore,

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

Section 1. That City Council adopts the *Project Scorecard* attached to this ordinance as Attachment A, which establishes a City Council policy relating to qualifying real property tax abatements and exemptions.

Section 2. That Council intends that the *Project Scorecard* be prepared by the Administration as a policy tool to be utilized for evaluating the public benefits associated with economic and community development projects for which (a) the total estimated costs of the project exceed \$5,000,000, and (b) the proposed City assistance includes a real property tax incentive authorized pursuant to Ohio Revised Code (“ORC”) Section 5709.40(B), ORC Section 5709.41, or ORC Sections 3735.65 through 3735.70 with a present value exceeding \$3,000,000.

Council desires that the Administration present project-based scorecard information for Council consideration as part of the Administration’s recommendation to Council. Council intends that the Administration have latitude to create additional criteria and update the *Project Scorecard* as appropriate to ensure the City’s tax incentives support the City’s residents and neighborhoods while attracting local investment. City Council further acknowledges that the *Project Scorecard* process is a policy tool to guide City Council decision making and does not diminish the Administration’s executive authority under the Charter of the City of Cincinnati, which authority includes the power to determine whether and on what terms to recommend development deals for Council consideration.

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

Passed: \_\_\_\_\_, 2020

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

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

ATTACHMENT A

## PROJECT SCORECARD

Do total costs of the Project exceed \$5 million? Yes  No

Does the present value of proposed City assistance exceed \$3 million? Yes  No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><b><u>BALANCED HOUSING PRODUCTION</u></b></p> <ul style="list-style-type: none"> <li>Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions.</li> <li>Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></b></p> <ul style="list-style-type: none"> <li>Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents.</li> <li>Project activates a previously vacant building or property.</li> <li>Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08).</li> <li>Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood.</li> <li>Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></b></p> <ul style="list-style-type: none"> <li>Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></b></p> <ul style="list-style-type: none"> <li>Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
<p><b><u>INCLUSION</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code.</li> <li>• Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City.</li> <li>• Applicant has participated, is participating, or will participate in the City’s program advancing minority development professionals.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>COMMUNITY OUTREACH</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has engaged all necessary stakeholders in the community (i.e. the applicable community council and the neighborhood CDC, if applicable).</li> <li>• In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>LIVING WAGES</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City’s Living Wage Policy.</li> <li>• Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>JOB CREATION AND RETENTION</u></b></p> <ul style="list-style-type: none"> <li>• Project will create and/or retain significant jobs and payroll.</li> <li>• Project will create and/or retain small/neighborhood business jobs and payroll.</li> <li>• Project will create and/or retain more than 10 jobs per acre.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>PLACE-BASED INVESTMENT</u></b></p> <ul style="list-style-type: none"> <li>• Project is located in a Federally designated NRSA and/or Opportunity Zone.</li> <li>• Project is located within 1/2 mile of a Neighborhood Business District.</li> <li>• Project is located along a transit corridor.</li> <li>• Project encourages traditional compact, walkable neighborhood development.</li> <li>• Project is placed within a federally designated Hub Zone.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>TRANSFORMATIVE PROJECT</u></b></p> <ul style="list-style-type: none"> <li>• Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> <li>• Project saves or preserves existing community asset.</li> <li>• Project creates or enhances a public space to be utilized by the community.</li> <li>• Project creates/repairs City infrastructure.</li> <li>• Project is within a “Targeted Neighborhood” as defined in Ordinance No. 275-2017, as amended.</li> <li>• Project is a “Catalytic Project” as defined in Ordinance No. 275-2017, as amended.</li> </ul>			
--	--	--	--

This Project Scorecard is intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and is not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in this Project Scorecard, Council encourages the City Administration to bring forth all worthy projects.

202100839

**Date:** February 23, 2021

**To:** Councilmember Greg Landsman  
**From:** Andrew W. Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Balanced Development Project Scorecard (B  
VERSION)**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**ESTABLISHING** a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

AWG/SSB/(lnk)  
Attachment  
320756

# City of Cincinnati

SSB/B

AWB

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

- 2021

ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

WHEREAS, City Council has the authority to declare up to 100% of the increase in the assessed value of improvements to be exempt from real property taxation by means of (i) project-based tax increment financing incentives pursuant to Ohio Revised Code (“ORC”) Sections 5709.40(B) and 5709.41; and (ii) “Community Reinvestment Area” incentives pursuant to ORC Sections 3735.65 through 3735.70; and

WHEREAS, Motion No. 201901811, as adopted by this Council on December 11, 2019, recommended updates to how the City Administration evaluates the public benefits created by projects receiving real property tax incentives pursuant to the aforementioned ORC provisions, with a focus on prioritizing projects that create good, local jobs; preserve and/or create affordable housing; minimize displacement of residents and businesses; and/or commit to project-specific inclusion goals; and

WHEREAS, to incentivize balanced development throughout the City of Cincinnati as recommended in the aforementioned Motion, City Council desires to adopt a *Priorities Rubric*, a copy of which is attached hereto as Attachment A, to (i) communicate City Council’s policy objectives to developers applying for City incentives; (ii) assist City Council in evaluating development projects when qualifying real property tax exemptions or abatements are recommended; and (iii) establish certain City Council policy objectives that can be memorialized and monitored as part of an eventual incentive agreement between the City and the developer; now therefore,

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

Section 1. That City Council adopts the *Priorities Rubric* attached to this ordinance as Attachment A, which establishes a City Council policy relating to qualifying real property tax abatements and exemptions.

Section 2. That Council intends that the *Priorities Rubric* be prepared by the Administration as a policy tool to be utilized for evaluating the public benefits associated with economic and community development projects for which (a) the total estimated costs of the project exceed \$5,000,000, and (b) the proposed City assistance includes a real property tax



incentive authorized pursuant to Ohio Revised Code (“ORC”) Section 5709.40(B), ORC Section 5709.41, or ORC Sections 3735.65 through 3735.70 with a present value exceeding \$3,000,000. Council desires that the Administration (i) include the form *Priorities Rubric* as part of its applicable incentive applications and (ii) present project-based rubric information for Council consideration as part of the Administration’s recommendation to Council. Council intends that the Administration have latitude to create additional criteria and update the *Priorities Rubric* as appropriate to ensure the City’s tax incentives support the City’s residents and neighborhoods while attracting local investment. City Council further acknowledges that the *Priorities Rubric* process is a policy tool to guide City Council decision making and does not diminish the Administration’s executive authority under the Charter of the City of Cincinnati, which authority includes the power to (1) determine whether and on what terms to recommend development deals for Council consideration and (2) enforce any such related agreement.

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

ATTACHMENT A

## PRIORITIES RUBRIC

Do total costs of the Project exceed \$5 million? Yes  No

Does the present value of proposed City assistance exceed \$3 million? Yes  No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><b><u>BALANCED HOUSING PRODUCTION</u></b></p> <ul style="list-style-type: none"> <li>Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions.</li> <li>Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></b></p> <ul style="list-style-type: none"> <li>Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents.</li> <li>Project activates a previously vacant building or property.</li> <li>Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08).</li> <li>Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood.</li> <li>Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></b></p> <ul style="list-style-type: none"> <li>Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></b></p> <ul style="list-style-type: none"> <li>Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
<p><b><u>INCLUSION</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code.</li> <li>• Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City.</li> <li>• Applicant has participated, is participating, or will participate in the City's program advancing minority development professionals.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>COMMUNITY OUTREACH</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has engaged all necessary stakeholders in the community in an open and public process, as early as feasible. DCED made information available to Applicant regarding best practices for community engagement.</li> <li>• In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>LIVING WAGES</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City's Living Wage Policy.</li> <li>• Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>JOB CREATION AND RETENTION</u></b></p> <ul style="list-style-type: none"> <li>• Project will create and/or retain significant jobs and payroll.</li> <li>• Project will create and/or retain small/neighborhood business jobs and payroll.</li> <li>• Project will create and/or retain more than 10 jobs per acre.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>PLACE-BASED INVESTMENT</u></b></p> <ul style="list-style-type: none"> <li>• Project is located in a Federally designated NRSA and/or Opportunity Zone.</li> <li>• Project is located within 1/2 mile of a Neighborhood Business District.</li> <li>• Project is located along a transit corridor.</li> <li>• Project encourages traditional compact, walkable neighborhood development.</li> <li>• Project is placed within a federally designated Hub Zone.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p><b><u>HISTORIC PRESERVATION</u></b></p> <ul style="list-style-type: none"> <li>• Project will directly lead to the preservation of a historic structure.</li> <li>• Project will create increased market activity and investment that will support and encourage preservation of proximate historic structures.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p><b><u>TRANSFORMATIVE PROJECT</u></b></p> <ul style="list-style-type: none"> <li>• Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing).</li> <li>• Project saves or preserves existing community asset.</li> <li>• Project creates or enhances a public space to be utilized by the community.</li> <li>• Project creates/repairs City infrastructure.</li> <li>• Project is within a “Targeted Neighborhood” as defined in Ordinance No. 275-2017, as amended.</li> <li>• Project is a “Catalytic Project” as defined in Ordinance No. 275-2017, as amended.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>

This Priorities Rubric is intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and is not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in this Priorities Rubric, Council encourages the City Administration to bring forth all worthy projects.



---

**Greg Landsman**  
*Councilmember*

January 25 2021

## **CRA's and the New Scorecard**

### ***MOTION***

**WE MOVE** that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.

---

Councilmember Greg Landsman

February 5, 2021

Re: Responses to Questions for Proposed Development Scorecard (Item 202002226)

Dear Councilmember Landsman:

You introduced Item 202002226 on December 11, 2020, which is a legislative proposal to establish as a Council policy the use of a development scorecard for certain development projects. This item has been held for additional discussion at Budget and Finance Committee. The purpose of this letter is to respond to several questions directed at the Administration regarding the proposal. Your questions are set out below in **bold type** and the responses are beneath.

- 1. Each bulleted item needs its own line for clarity purposes. Would the Administration have any issue with that?**
- 2. There is interest in actual scoring, which the Administration would ideally recommend. This as opposed to the current language of simply meets or exceeds. We would ask that the Administration to weigh-in on this, if not propose scoring options.**
- 3. Is it possible for multiple people to review and score a project? We would want the Administration to weigh-in on this, too.**

Covering Questions 1-3: A statement of clear and consistent Council policy goals will provide guidance to the Administration in preparing communications and presenting projects to Council. These clear policy goals will also provide notice and certainty to the development community. There are many forms such guidance could take, but if a scorecard is Council's chosen method for clarifying policy goals then the Administration recommends that it should be designed to act as a benchmarking tool that facilitates a structured qualitative analysis of projects. A scorecard requiring a proscriptive or quantitative analysis will have unintended consequences such as providing misleading results because community and economic development projects are individually unique with variable public benefits. Therefore, the Administration would not recommend or support changes to the current scorecard structure that require numerical scoring, multiple reviews, or singular bulleted items.

- 4. Language could be added to ensure that the scorecard is used and presented to Council with recommendations for each relevant project. Are there any issues with this, and if not, does the Administration have suggested language for an updated ordinance?**

The proposed ordinance would set Council expectations of the Administration on the content and analysis of presentations and communications to Council for development projects. Council enforcement occurs through (1) questions and requests during Administration presentations to Council and Committee or (2) voting down items that do not utilize the scorecard.

**5. Can the Administration speak to “compliance” and how the City will ensure that commitments are monitored and kept?**

Many items covered in the proposed scorecard will be captured in a project’s development contract—either through specific representations and warranties or through contractual covenants. These items are enforced like any other requirement of the contract and are monitored by City staff. Any items that are required by ordinance or other law are incorporated into a contract through a requirement that the developer comply with all laws. Some items may not be appropriate to include in the contract as a requirement but could be included in the recitals to the contract as important background.

**6. Can we add specific language around historic preservation, and if so, would the Administration recommend language?**

A Council goal around historic preservation could be articulated in the scorecard, like any other public policy goal. In general, the efficacy of the scorecard will be highest if it can create certainty by presenting an accurate and clear picture of all Council goals and priorities for development projects and is updated from time to time.

**7. On community engagement, there is a request that we require specific actions. That said, we want to get the Administration’s position on this. Also on this same issue, there is interest in adding language to this section regarding early notice to a community. Is that something the Administration should do or the developer?**

The Administration will provide a memorandum on community engagement policies in the next two weeks, addressing issues of notice, role of developers, and other actions.

**8. There is interest in training on the scorecard, TIFs, CRAs, and VITCA. What does the Administration think, and should we add to the ordinance?**

As described in the recent FYI memorandum regarding the roles of the Administration, Mayor, and Council, the Administration is formalizing Councilmember training and onboarding. If passed, the scorecard and its function could be incorporated into those sessions. General information on community and economic development activities, including incentives, can be incorporated into that training as well.

**9. There has been a request that the Administration discuss with Council its work on the Balanced Development Report and its findings, as well as how development deals are evaluated and/or scored now.**



The Administration will have staff available on Monday at Budget and Finance to discuss the Balanced Development Report and practices for evaluation of development deals. The Administration provided information last week to Council regarding DCED's process for underwriting large development deals, which is provided as an attachment.

Sincerely,

A handwritten signature in blue ink that reads "Paula Boggs Muething". The signature is written in a cursive, flowing style.

Paula Boggs Muething  
City Manager

Attachment

# INCENTIVE APPLICATION REVIEW GUIDANCE DOCUMENT

## 1. Application Receipt & Review

- a. Confirming Receipt – Once an analyst has received an incentive application for review, the applicant should be contacted to let them know that review of the application has started and the analyst may have questions for them soon.
- b. Checking for completeness – The initial review of an application should be to confirm that the entire application including all application fields have been completed, application signed, and any required certifications initialed/signed. After initial review, the analyst should confirm the internal consistency of the application. Ex: Do the jobs and payroll information make sense? Do the total sources of funds equal the total uses of funds? Etc.
- c. Follow-up on incomplete items – If application fields are inaccurate or incomplete, the applicant must revise the application document and resubmit as this is the official application document. If the inaccurate or incomplete information is in an attachment, the applicant can provide correct information by email or in a supplemental document. If the applicant has not provided attachments to the application that you need based on the incentive request, inform the applicant which attachments they will need to provide. It is strongly recommended that you send emails listing the information that you are missing and that you cannot proceed in your review until the information is provided. This ensures that you have documented that the application is waiting on action by the applicant.
- d. Application Fees – Most incentive requests have a City Council mandated application fee. While the fee should be submitted with the application, as it is non-refundable, there may be situations where the fee can be requested after the application is submitted (but before any agreement is sent to City Council). Examples of these situations would include company recruitment (where an official application has not been completed) and incentive applications where the applicant has requested a different incentive than the City intends to offer (TIF vs CRA). As a general practice, all application fees should be collected with the application unless your division manager has approved of a delay due to the unique circumstance involved.

## 2. Application Attachments

- a. Document types – Organization Information

- i. Articles of Organization / Articles of Incorporation / Certificate of Partnership – The applicant should be a legal entity recognized in the State of Ohio. The applicant should provide the document from the State of Ohio verifying they are a legal entity in the state. For an LLC this would be Articles of Organization; for a Corporation this would be Articles of Incorporation; and for a Partnership this would be a Certificate of Partnership. Note that out-of-state entities would have a different registration to provide. This will confirm the exact legal entity who is applying for an incentive and prevents the City from drafting a contract with a non-existent entity.
  - ii. Corporate Bylaws / Operating Agreement – While not required by Ohio law, most organizations will have an agreement that spells out how the organization functions, who makes decisions for the organization and how profits are distributed. This is helpful to understand who controls an entity and who receives the profits from the business.
  - iii. Corporate Resolution / Authorization to Sign – While the company’s operating agreement or bylaws may state who can sign for the company, a Corporate Resolution or Authorization to Sign will state which individual is authorized to bind the company for a specific transaction. This will help confirm that the person signing the incentive agreement for the City has been authorized by the company to bind the company.
  - iv. Development Team Resumes – The resumes of a development team will include their relevant experience in the field related to the incentive request. This is useful for determining whether the project team has sufficient experience to undertake the project that they are proposing. It’s helpful to see if the development group has worked with other Department staff members so they can be used as an internal reference for past performance.
  - v. Information on Completed Projects – While development team resumes show the individual experience of the principals involved in the applicant project, the information on completed projects should show the projects that the development team has previously completed together.
- b. Document types – Review to Determine Financial Need of Incentive
- i. Real Estate/Business Operating Pro-forma – Whether the application is from a developer proposing a real estate project or a business owner requesting loan/grant assistance, an operating pro-forma will show the revenue and expense projections the applicant is making for the project.
  - ii. Sources & Uses of Funds – The budget provided by the applicant should show in detail the investment that the applicant is proposing to make and what sources that the applicant intends to use to make the

investment. A budget that is overly simplified should not be accepted when the application is being reviewed for financial need.

- iii. Evidence of Secured Financing (Bank & Private) – Depending on the sources of funds listed in the budget, the applicant should provide evidence of commitment from each of those sources. Whether the applicant provides a bank financing letter or term sheet may depend on the financing institution and how far along the applicant is in their discussions with the lender. The applicant should also be able to provide evidence that they have the equity proposed in their budget with a letter from the financing institution who holds their capital. The form of evidence of secured financing for other sources will depend on the specific source. These documents help confirm that an applicant is financially capable of performing the project that they are proposing.
  - iv. Business Tax Returns – If the applicant is an existing business, the tax return type will depend on the type of business. The most common types of business returns are the 1120 (C-Corp), 1120s (S-Corp), and 1065 (partnership) and if the owner files the business on their personal return it would be a Schedule C. These returns will show the business expenses as represented to the IRS including personnel costs, owner’s compensation, cost of goods, etc. and will be very helpful in determining business viability for a loan. In some cases, it may be best to confirm with City income tax that a company is in good standing with income tax and has filed returns from their City address for the past few years. City income tax returns can also help set a baseline payroll figure for job creation tax credits.
  - v. Profit & Loss Statement / Income Statement – If the applicant is an existing business, the profit and loss/income statement shows the revenue and expense details for a business for a full year or portion thereof. Similar to tax returns, these documents will show details of how the business is receiving and spending cash for the purposes of determining the appropriateness of an incentive.
  - vi. Balance Sheet – If the applicant is an existing business, the balance sheet will show the current assets and liabilities of the business. This information is helpful for determining collateral of a business.
  - vii. Cost documentation (supporting project “gap”) – Some incentive application requests will have certain abnormal project costs which are the basis for the incentive application request. In these cases, the applicant should provide contractor cost estimates or other documentation that shows the details of the cost.
- c. Document types – Additional Project Information
- i. Property Legal Description – This is the information contained in the property deed(s) where the applicant is requesting a real estate property incentive, or if any of the City agreements/docs will require a legal description (mortgages, covenants, easements, TIF ordinance,

etc). A legal description is obtained either through the deed for an existing property or by a survey for a new consolidated parcel to be created. The burden is on the applicant to provide the legal description when necessary. For property-based incentives, the legal description is included in the contract and it saves time in the contract drafting process if this information can be provided with the application.

- ii. Proposed Renderings – These are computer images by an architect or designer of the proposed project as built. While not every applicant will pay for a rendering of their project to be created, project renderings are useful to provide visual depictions of the proposed project to City Council and the public.
- iii. Development Site Plan – This is a plan of how the building(s) will be laid out and will usually include a breakdown of each floor (if different). This helps to show the layout of the project as proposed and may help explain additional costs in the budget (ex: a building layout must be completely changed in reuse).
- iv. Documentation of LEED or other certification pursuit – If the applicant is pursuing an environmental designation that requires registration prior to construction, they would provide this registration. This supports an applicant’s request for an incentive based on an environmental designation.
- v. Documentation of Community Support – If the applicant has already received support from community organizations, they should provide the letters of support and/or CBA (sometimes applicable) from those organizations. This is helpful to show that the project has the support of the community prior to consideration by City Council.
- vi. Company Employment Information – The applicant may need to provide more granular employment information than the application document contains. An attachment may show additional information on job roles, salaries, current locations, current residences, etc. and may be helpful to determining the appropriate incentive offer.
- vii. Verification of tenant/end user commitment – If the applicant is a developer who is relying on a company to lease the space prior to commencing construction, it is important to understand the commitment level of the tenant. While commitment of an tenant is not required, it helps determine the most advantageous proposal in a competitive process as well as whether or not a proposal is viable or realistic.
- viii. Market Feasibility Stud(ies) – Part of gauging whether the applicant’s proposal is economically feasible is to review any market studies that they have conducted for their lender to support the project. These may include hotel studies to prove room demand and residential studies to prove rents within an area.
- ix. Evidence of Site Control – The applicant must have evidence of site control of the property or an adequate plan to obtain site control by

the time an agreement would be executed. If the applicant does have site control, then a deed may be submitted. Otherwise the applicant must present a plausible plan to acquire site control within an acceptable timeframe. This could come in the form of a deed, purchase option, lease agreement, or other similar document

- d. How to determine necessary attachments to application?
  - i. Organization Information – At minimum, the City needs to know the legal entity it will be contracting with and who is authorized to sign. Information on the project team and their past experience is recommended. In rare circumstances, the City may need information on how the entity is structured and who controls the entity.
  - ii. Financial Need Review – At minimum the applicant should be providing a budget with their sources and uses of funds to complete the capital project along with evidence of the private financing they have secured. An operating pro-forma is required to determine the financial need of an applicant if the offer is to be based on financial need to make the investment. Note that the tax returns, profit & loss statement, and balance sheet would only be requested in the rare circumstance that a business is requesting a loan or other direct subsidy.
  - iii. Additional Project Information – A legal description is needed for all property tax incentives. If an applicant has a site plan, project rendering or community support letter, those should be provided with the application. If the company is pursuing LEED certification for a CRA application, that registration should be provided.

### **3. Incentive Timeline**

- a. Collecting a complete application & supporting documents (timing dependent on applicant)
  - i. Until the CED receives a complete incentive application with all necessary supporting documents, CED is under no time constraint to act on the application.
  - ii. It's important to quickly review submitted materials (within 2-3 days of receipt) and let applicants know of what documents/information they are still missing. Email is preferred correspondence, so you can document notification of missing items if an applicant is concerned about timely response to the application. Each time you receive new information for an application, you should respond with further questions or confirmation of receipt within 2-3 days.
- b. Application review and offer approval by CED (4 weeks)
  - i. Once staff has received and reviewed all application materials and reviewed CED policies on the relevant incentives requested, reviewer will discuss with their manager and craft a recommendation for Director approval.

- ii. Staff may also utilize services of NDC as a second review of the application materials to confirm CED position on the appropriate level of incentive.
- c. Sending an offer or denial to an applicant– Optional
  - i. Once CED Director has approved of an incentive offer, an offer letter can be crafted to notify the applicant of the incentive CED intends to propose to City Council. Note that offer letters are not required.
  - ii. Offer letters should be signed by Director.
  - iii. If an applicant is not eligible for an incentive, a denial letter should be drafted for signature by the Director as soon as ineligibility has been determined. The denial letter should be run by Law before being sent out and should provide a reason for denial. Note that application fees are generally non-refundable.
- d. Obtaining legal agreements & ordinance
  - i. Once the offer letter has been received and accepted by the applicant, a Request for Legal Services (RLS) should be sent to Law including the accepted offer letter and all application materials received. (See the RLS Standard Operating Procedure for instructions on submitting an RLS.)
  - ii. If timing is a concern, CED staff should request that their manager prioritize the RLS with Law.
- e. Council Approval process
  - i. From City Manager Approval to passage by full Council is approx. 4 weeks. Consult the council approval process guide for details on required meetings.

#### **4. Offer Letters/Term Sheets**

- a. When are they useful?
  - i. Offer letters and term sheets are useful in confirming CED’s official offer to a business and the business’s initial acceptance of that offer.
  - ii. Offer letters are best suited for simple incentives like CRA tax abatements and JCTCs.
  - iii. Term sheets are better suited for complicated financing structures like construction loans (NOFA) and tax increment financing structures.
  - iv. Term sheets can simplify the drafting of development agreements by listing all relevant deal points at a high level and save time in later negotiations.
- b. What should they include??
  - i. Offer letters should include: the rate and term of the incentive, a post incentive retention term (if any), the contingencies of the incentive (Company commitments to investment, jobs and payroll; Council approval etc.), and the date by which the offer must be accepted.
  - ii. Term sheets can cover more complex issues like financing terms, involvement of additional parties (Port Authority), and coordination

with other City Departments, in addition to the basic information included in an offer letter.

## 5. Incentive-Specific Diligence Items

### a. Pre-Council:

- i. Required Notifications for CRAs for Businesses moving from outside Cincinnati – The Ohio Revised Code Section 3735.673 requires that if a business is relocating from another Ohio jurisdiction to receive a CRA abatement, that the City must notify that jurisdiction of the City's intent to enter into a CRA agreement with the company prior to consideration of the legislation by City Council. CED has a form letter for this notification when it is applicable. It is best to make your applicant aware of this requirement when it applies before you send the notice.
- ii. Required Notification of CPS for CRAs and TIFs – The City's master agreement with Cincinnati Public Schools requires notification by the City of incentives prior to their consideration by City Council. Law has provided a template letter to send to CPS with the draft agreement attached.
- iii. Planning Commission for real estate transfers/leases – Planning Commission is required to approve of real estate sales and leases (including conveyance-reconveyance transactions for TIF) prior to consideration of the legislation by City Council. Planning Commission must normally occur before the ordinance is introduced to City Council. To get on the Planning Department agenda, send an email to the designated Planning Department representative (as identified by your Division Manager) with details about the real estate sale or lease and a request to be on the agenda. Generally these requests must be submitted 16 days in advance of the next Planning Commission meeting.

### b. Post-Council

- i. Required ODSA application fee (CRA) – Due to the time between an initial application and Council approval, the check for ODSA should not be submitted to the City by the applicant until after Council approval to ensure the check does not expire before the City sends it to ODSA.
- ii. Required School Board PILOT Agreement (CRA) – The School Board PILOT boilerplate should be revised appropriately and sent to the company for signature of two original copies. These can be submitted to the staff in Monitoring and Compliance, who will send the originals to the school board for signature, and return one to the Company when it is signed.
- iii. VTICA (if required for CRA) – Two originals of the Voluntary Tax Incentive Contribution Agreement (VTICA) should be signed by the company. They can be submitted to the staff in Monitoring and



Compliance, who will send the originals to Downtown Cincinnati, Inc. (for Streetcar Operations VTICAs) or the Third-party Administrator (for Neighborhood VTICAs), and return one to the company when they have been executed.

- iv. Hand-off to Monitoring and Compliance should occur after the above agreements are signed by the company, and before Completion Applications (for CRAs and TIFs) are submitted.

# MAJOR PROJECTS Submittal Package

---

city of  
**CINCINNATI**  
COMMUNITY &  
ECONOMIC DEVELOPMENT



## FINANCIAL REVIEW

The applicant will submit the following information and reports to DCED or DCED’s FA for evaluation of the proposed development project: Please provide the following required items as a corresponding attachment. If you believe a particular item is not applicable to your project, please address the item by including an explanation of why you believe it is not applicable. Please ensure that all sections of the application are complete and that **ALL REQUIRED ATTACHMENTS LISTED BELOW ARE SUBMITTED/ ADDRESSED WITH YOUR APPLICATION**. Please check all items that are included. If an item is left unaddressed by the Applicant, the reviewing department cannot complete its review of the application.

	<b>(1) PROJECT PROGRAM</b>
<input type="checkbox"/>	a. Gross and rentable building square footage (total and by Project component/use)
<input type="checkbox"/>	b. Building specifications to the extent they are currently available (e.g., anticipated levels of finish, materials, construction type, etc.)
<input type="checkbox"/>	c. Amenities (e.g., pool, lobby, rooftop, park, etc.)
	<b>(2) ECONOMIC DEVELOPMENT OUTCOMES</b>
<input type="checkbox"/>	Please outline economic development outcomes, including jobs created/retained, impacts to City infrastructure and operations, and other outcomes (social, environmental, financial benefits). Clearly outline a plan for economic inclusion. Describe the projects’ alignment with City initiatives, goals, and priorities. Include an estimated leverage ratio as defined by DCED.
	<b>(3) MARKET STUDY/SUPPORT FOR PROGRAM AND REVENUE ASSUMPTIONS</b>
<input type="checkbox"/>	Please provide a market study or other detailed documentation regarding the following program and operating assumptions:
<input type="checkbox"/>	a. Number of supportable square feet, units, or hotel keys
<input type="checkbox"/>	b. Market rents for residential or Average Daily Rate for hotel projects
<input type="checkbox"/>	c. Anticipated absorption and stabilized occupancy
<input type="checkbox"/>	d. Operating expenses and estimate of operating expense recoveries, if applicable
<input type="checkbox"/>	e. Retail/commercial/industrial program (size and type)
<input type="checkbox"/>	f. Retail/commercial/industrial income/rents (please indicate if NNN, gross or other)

<input type="checkbox"/>	g. Parking assumptions (number of parking spaces per unit and/or per square footage of commercial/industrial space; parking rates)
<input type="checkbox"/>	h. Other revenue, as applicable
	<b>(4) DOCUMENTATION OF LEVEL OF TENANT COMMITMENTS</b>
<input type="checkbox"/>	For commercial/industrial projects, please provide a matrix of targeted tenants, including the status of discussions (preliminary, Letter of Intent (LOI), draft lease, etc.) and the anticipated required tenant improvement allowance for each tenant.
	<b>(5) PROJECT SCHEDULE</b>
<input type="checkbox"/>	Please provide timing detail, including anticipated key dates for each major project event: construction start, occupancy, stabilization and any others as applicable.
	<b>(6) DEVELOPMENT TEAM</b>
<input type="checkbox"/>	Please Provide information and applicable documentation on key individuals involved in bringing project to market, as well as the legal ownership structure for the project.
<input type="checkbox"/>	a. Corporate Resolution, Articles of Incorporation, and an Operating Partnership Agreement for entity applying for assistance showing who is authorized to sign for the organization
<input type="checkbox"/>	b. Resumes of owners and/or key managers or partners. In the case of Real Estate development, provide information for the entire development team (developer, architect, contractor, leasing/sales agent, LEED certifications, etc.)
<input type="checkbox"/>	c. Names, addresses, photos and a brief description of recent projects completed by the development team of similar type and size to that proposed in this application.
	<b>(7) SITE AND BUILDING PLANS AND SPECS</b>
<input type="checkbox"/>	Please provide the most recent site and building plans and specifications, including detail regarding number and square footage of residential units, commercial/industrial square footage, gross and rentable building area for each component of development (e.g., apartment, office, commercial), and on-site parking spaces to the extent they are currently available. Please include renderings and a location map of the proposed project.

<input type="checkbox"/>	<p><b>(8) STATUS OF ENTITLEMENTS AND SPECIAL DESIGNATIONS OR CERTIFICATIONS</b></p> <p>Please provide information on the status of the project’s entitlements (e.g., zoning, Planned Development (PD) or other applications). If the project is pursuing any special designations or certifications (e.g., National Register of Historic Places, LEED certification), please indicate the status of those applications and provide relevant supporting documentation.</p>
<input type="checkbox"/>	<p><b>(9) PROJECT FINANCIAL INFORMATION</b></p>
<input type="checkbox"/>	<p>a. Detailed Development Budget Please provide a detailed development budget (in Microsoft Excel format with live formulas) encompassing the total project cost. It should include all cost assumptions and a description of the data sources used to inform cost estimates. Please provide copies of such data sources, as available (e.g., contractor estimates, engineer’s opinions, brokerage contract proposals, etc.). Where appropriate, detailed Hard Costs should include estimates on a per square foot or per unit basis, including estimated</p>
<input type="checkbox"/>	<p>parking costs per space.</p> <p>b. Ten-Year Cash Flow Pro Forma Please provide a pro forma for the project (in Microsoft Excel format with live formulas) indicating cash flow after debt service and anticipated</p>
<input type="checkbox"/>	<p>returns both with and without the requested City assistance.</p> <p>i. The pro forma should clearly outline absorption, income, expense, financing and reversion assumptions.</p>
<input type="checkbox"/>	<p>ii. If capitalized reserves are included in the development budget, please indicate the amount expended by year within the pro forma.</p>
<input type="checkbox"/>	<p>iii. If there is an interest-only period extending into the operations period, include these payments within the cash flow and indicate when the debt service will reflect permanent loan payments.</p>
<input type="checkbox"/>	<p>iv. The pro forma should include any appropriate return calculations.</p> <p>v. Please include an anticipated amortization schedule for permanent financing and a construction period draw schedule indicating the timing of sources and uses of funds.</p>

<input type="checkbox"/>	<p>c. Sources of Funds and Status</p> <p>Please include documentation (e.g., preliminary, LOI, Term Sheet) on the status of debt, equity, and any other financing sources. Documentation should include any financing requirements of lenders or equity partners, such as a minimum debt coverage ratio. If the project includes Historic Preservation Tax Credits, New Markets Tax Credits, and/or Low Income Housing Tax Credits, please include any available documentation related to tax credit assumptions (e.g., term sheets indicating interest and pricing from investors).</p>
<input type="checkbox"/>	<p><b>(10) CITY FINANCIAL ASSISTANCE REQUEST, STRUCTURE AND PROJECTION</b></p> <p>Please include a clear narrative outlining the reasons the requested assistance is needed to make the project feasible. Please also provide a detailed description of the requested City financing amount and structure, for the entire term of the assistance request (live Excel model). Any underlying assumptions should be outlined including, as applicable:</p>
<input type="checkbox"/>	<p>a. Property tax payments and TIF increment</p>
<input type="checkbox"/>	<p>b. Term and percentage of abatement</p>
<input type="checkbox"/>	<p>c. Stabilized real estate valuation and basis for assumption</p>
<input type="checkbox"/>	<p>d. Stabilized sales tax generation and basis for assumption</p>
<input type="checkbox"/>	<p>e. Tax rate(s)</p>
<input type="checkbox"/>	<p><b>Incentive Fees</b></p> <p><b>Commercial CRA:</b> Initial - \$1,250, Annual - \$500 or 1% of abatement</p> <p><b>TIF:</b> Initial - \$15,000</p> <p><b>JCTC:</b> Initial - \$3,000, Annual - \$1,500</p>
<input type="checkbox"/>	<p><b>(11) LAND VALUE/ACQUISITION DOCUMENTATION</b></p> <p>Please provide an executed copy of your land purchase contract(s), a recent “as is” land appraisal(s), and any other documentation to justify the purchase price of the project parcels, including sales comps. If applicable, include any information regarding Environmental Site Assessment (EIS).</p>

<input type="checkbox"/>	<p>Please indicate any line items in the development budget that are costs to be paid to Developer affiliates and indicate the services to be performed. Examples of such costs may include development, construction management and brokerage fees.</p>
<input type="checkbox"/>	<p>Please define plans for anticipated public outreach. To the extent possible, summarize previous phases of the project or previous community engagement.</p>

**NOT APPLICABLE**

If you believe a particular item is not applicable to your project, please address the item here by explaining why you believe it is not applicable.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

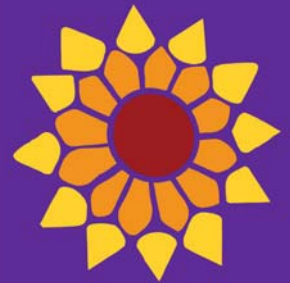
---

---

Peaslee's

# Equitable Development Rubric

and what it has to offer in this moment





# Creating an Inclusionary Housing Policy

The end goal is to establish requirements so that private development makes a meaningful contribution to affordable housing.

**1**

**2**

**3**

**4**

**5**

**Diagnose  
the local  
problem and  
needs**

**Study  
policies  
nationwide**

**Create a  
local  
framework**

**Re-engage  
community  
in vetting  
the  
approach**

**Test  
feasibility  
with good  
data; adjust  
accordingly**

# 1 Diagnose the Local Problem and Needs

- MANY local studies and assessments



- Decades of resident experience in Cincinnati neighborhoods
- Years of community dialogue across greater Cincinnati

## The Rubric Addresses:

- Inequity, *specific* to need

At least 25% of project units are affordable at 60% Area Median Income (AMI) or less

OR  
At least 10% of project units are affordable at 30% AMI or less

local living wage rates established by the City of Cincinnati, AND meet the criteria for federal Section 3 Business Concerns

- Lack of Transparency

Category	Name of Subsidy	Please check one				Estimated Value
		Desired but not yet in process	In-process	Granted and finalized	Not being considered for this project	
Public Funding or Grant		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- Lack of Meaningful Community Engagement

• In addition to presentation at community council, developer holds a public input session that meets the following standards:

## 2 Study Policies Nationwide

- National experts



**GROUND  
SOLUTIONS  
NETWORK**  
strong communities  
from the ground up

**PolicyLink**

- 900 programs across U.S.
- Analysis and lessons learned over time

### The Rubric:

- Uses firm, but flexible, requirements

**TOTAL** \_\_\_\_\_ out of \_\_\_\_\_ points

- Adapts to different needs and possibilities across geography

For wealthy and quickly gentrifying neighborhoods, projects should earn a minimum score of 75%.

- Weighs the impact of incentives

# 3 Create Local Framework

- Public subsidies are bigger and more freely used than in vast majority of cities
- Softer or more mixed market than many other cities
- Jobs and wages are the other side of the affordable housing coin; other measures also important in fostering equity
- Local expertise in housing and labor

## The Rubric:

- Focuses on value exchange for current subsidies
- Allows opt-out of affordable units ONLY if comparable value is provided in jobs/wages
- Uses weighted scoring system to generate a holistic score on equity for every large project

1 pt.

2 pts.

3 pts.

4 pts.

- Meaningfully engages community councils

# 4 Re-engage Community in Vetting

- Input from community organizations with expertise
- Multiple open public input sessions with working groups
- Work with community councils on education, implementation, and developing supportive tools
- Years of public presentation and dialogue

## The Rubric is:

- Endorsed/used by 3 community councils:  
Walnut Hills, Over-the-Rhine, Evanston
- Being used by community groups and coalitions in:  
Lower Price Hill, Northside, South Fairmount, North Fairmount, English Woods, Millvale, South Cumminsville
- Endorsed by array of organizations:  
Affordable Housing Advocates, Applied Information Resources, Inc., Cincinnati Educational Justice Coalition, Cincinnati Interfaith Workers Center, Co-Op Cincy, Community Matters, Gen-H, Greater Cincinnati Coalition for the Homeless, Intercommunity Justice and Peace Center, Marianist Social Justice Collaborative, Mass Action for Black Liberation, MUSE: Cincinnati Women's Choir, Over-the-Rhine Community Housing, Praxis Matters, Youth at the Center

# 5 Test Feasibility and Adjust

- Inclusionary Housing Calculator



- Pro formas and completed Developer Questionnaires

## The Rubric:

- Has support from national data and detailed assessments of similar cities like Detroit and Pittsburgh



- Could be more thoroughly tested and tweaked with better collection of local data
- Offers a solid backbone for a Cincinnati policy

# The 3 Things that Will Advance the Work

	1. Information-Gathering	2. Assessment	3. Policy Requirement(s)
What the Rubric Framework offers	Developer Questionnaire	Equitable Development Rubric	Minimum scores, by neighborhood, in exchange for public subsidies
Where City Council seems to be	Ready	Interested	Not ready yet
Where the "Balanced Development Scorecard" fits	Not specific enough but could be with adaptation	Not helpful enough for overall evaluation; would need major overhaul	Does not offer

# Info on Public Subsidies

## Balanced Development Scorecard

Do total costs of the Project exceed \$5 million? Yes  No

Does the present value of proposed City assistance exceed \$3 million? Yes  No

# Peaslee's Developer Questionnaire

## SUBSIDIES

Please indicate all forms of public subsidy that may be utilized for this project, their current statuses within the project, and the estimated monetary value that each would bring to the project.

Category	Name of Subsidy	Please check one				Estimated Value
		Desired but not yet in process	In-process	Granted and finalized	Not being considered for this project	
Public Funding or Grant		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning Change/Variance		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Infrastructure Assistance		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Land Dedication or Write-Down		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tax Abatement		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tax Credit		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tax-Exempt Debt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tax Increment Financing (TIF)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



# Info on Housing Affordability

## Balanced Development Scorecard

APPLICABLE?	EXCEEDS	MEETS
Yes <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No <input type="checkbox"/>		

### BALANCED HOUSING PRODUCTION

- Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions.
- Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions.
- Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions.
- Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents.

# Peaslee's Developer Questionnaire

For each level of Area Median Income

Affordable at 61-80% AMI						Total at this level
Unit Type	Studio	1BR	2BR	3BR	4BR+	
Total Monthly Cost Target	\$909 - \$1,210	\$1,027 - \$1,368	\$1,167 - \$1,554	\$1,348 - \$1,796	\$1,504 - \$2,004	
Square Ft. Per Unit						
Monthly Rent Per Unit						
Estimated Monthly Utility Cost Per Unit						
Total Monthly Cost						
Number of Units						

## Summary

Summary of Rental Affordability		
Affordability Level	Number of Units	Percentage of Total Project Units
Affordable at or below 30% AMI		
Affordable at 31-60% AMI		
Affordable at 61-80% AMI		
Affordable above 80% AMI		

# Info on Jobs and Wages

## Balanced Development Scorecard

APPLICABLE?	EXCEEDS	MEETS
Yes <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No <input type="checkbox"/>		

(applied to each of the 3 sections below)

### JOB CREATION AND RETENTION

- Project will create and/or retain significant jobs and payroll.
- Project will create and/or retain small/neighborhood business jobs and payroll.
- Project will create and/or retain more than 10 jobs per acre.

### LIVING WAGES

- Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City's Living Wage Policy.
- Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training.

### INCLUSION

- Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code.
- Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City.
- Applicant has participated, is participating, or will participate in the City's program advancing minority development professionals.

# Peaslee's Developer Questionnaire

Standard	Basic Description	Will meet standard		Number of jobs that meet standard
		For Construction Jobs	For Post-Construction Jobs	
<a href="#">Cincinnati Wage Theft Ordinance</a>	All employers must be free of any outstanding case of wage theft, which is when an employer illegally underpays workers for their labor	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">Ohio Prevailing Wage Contractor Responsibilities</a>	All contractors must meet established industry standards for fair pay and benefits within the trades	<input type="checkbox"/>		
<a href="#">Cincinnati Responsible Bidder criteria and requirements</a>	All contractors must actively offer or contribute to state-approved apprenticeship program	<input type="checkbox"/>		
<a href="#">Federal Section 3 Business Concerns criteria</a>	All employers must prioritize the hiring of local, low-income residents		<input type="checkbox"/>	
<a href="#">City of Cincinnati local Living Wage rates</a>	Employers must meet established City standards for local Living Wage rates	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">City of Cincinnati Equal Employment Opportunity Program</a>	All employers demonstrate commitment to non-discrimination practices in hiring	<input type="checkbox"/>	<input type="checkbox"/>	

Please list any contractors or commercial tenants in the project that qualify for any of the following designations, as defined by the Cincinnati Municipal Code:

- Minority Business Enterprise [Click here to enter text.](#)
- Women Business Enterprise [Click here to enter text.](#)
- Minority Women Business Enterprise [Click here to enter text.](#)
- Emerging Local Business Enterprise [Click here to enter text.](#)
- Small Local Business Enterprise [Click here to enter text.](#)

# The Need for Transparency

- City Council's commitment to transparency in development has never been more important

## Our asks of you:

- Include the Developer Questionnaire content in the proposed tool; use it for detailed information-gathering on every project receiving public subsidy
- Make information publicly available and easily accessed
- Ensure that final legislation is more properly named and represented to the public



**Greg Landsman**  
*Councilmember*

## **Balanced Development Scorecard Packet**

*The following is a packet containing all relevant documents relating to the Balanced Development Scorecard, including an Executive Summary, drafted Motions, Proposed Updates, and the Scorecard itself.*



**Greg Landsman**  
*Councilmember*

January 25, 2021

## **Executive Summary: Ushering in an Era of ‘Balanced Development’**

These five ordinances and motions emerged from the Administration’s Balanced Development Report and Council’s motion on new laws and policies that will help to ensure that we continue to attract new investments and jobs while lifting up and protecting our residents and businesses.

### **Ordinance: New ‘Balanced Development’ Scorecard**

This ordinance will establish a new ‘Balanced Development’ scorecard for commercial projects that seek support from the City of Cincinnati, including TIF funding and CRAs.

- **Local jobs and Good Wages:** projects will be asked to have a local partner and plan to hire locally, with measurable goals, to include both local workers and good wages the project’s pre-construction, construction, and post-construction opportunities.
- **Inclusion:** the new scorecard also incentivizes the inclusion of local businesses, MBEs, and minority developer partnerships.
- **Affordable Housing:** puts affordable housing projects at the front of the line for support.
- **Community Engagement and Anti-Displacement:** includes meaningful engagement with the community, including commitments to protect existing residents and businesses

### **Motion: CRAs and the New Scorecard**

WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it’s the policy of Council that the Balanced Development scorecard policy applies.

### **Motion: Minority Real Estate Development Capacity Building Program**

WE MOVE that the Administration draft legislation establishing a Minority Real Estate Development Capacity Building Program to support the mentorship of minority real estate



---

## Greg Landsman

Councilmember

development professionals. This program should lift up and provide additional opportunities for minority developers, especially Black real estate professionals who have the potential to be leaders of new minority-led commercial development firms. This is part of the City’s larger “Balanced Development” efforts to ensure real inclusion of development efforts in Cincinnati.

The proposed program, requiring ~\$150,000 in funding, would extend opportunities for minority developers to actively participate in and shape an inclusive growth strategy for the City—one that integrates the new Balanced Development Scorecard proposed by my office.

The program would draw from similar successful efforts in Detroit, wherein they created an “Equitable Development Initiative.” Our efforts should build on best practice efforts such as this one, as well as others around the Country (spelled out in the Administration’s 2020 Balanced Development Report to Council).

New scorecard incentivizes participation in the program. The program should consider the Customized Development Academy offered by the National Development Council (NDC).

*The NDC develops specific curriculum based on community needs and local policy objectives. Overall the program seeks to build capacity of traditionally underrepresented individuals in real estate development. Starting with a cohort of individuals with some real estate experience the program teaches participants commercial (including multi-family of 4+ units) Development Finance and development concepts.*

*This is done through a combination of classroom learning, case studies, topical “deep dives” using local speakers and possibly undertaking a capstone project. This work teaches critical skills and development principles, and connects participants with local experts on issues from environmental law, navigating local zoning and site plan processes, hiring an architect, raising equity and hiring construction professionals.*

*In Detroit, the Equitable Development Initiative was expanded to provide the proposed NDC training, technical assistance, mentorships, networking opportunities, and even extends into project financing. The initiative especially focuses on African-American Detroiters seeking to develop multi-family rental units, though some mixed-use developments and even a food hall concept make up part of the first cohort. There were 28 people in the inaugural class, which began in February 2018. It remains in its pilot two-year window. Just as it adjusted course to include a training component, Capital Impact plans to continue monitoring the project to see how it can be made better. But the impetus remains on creating a more equitable development and real estate industry throughout Detroit.*



---

**Greg Landsman**  
*Councilmember*

**MOTION: Targeted Per-Property Waiver on Parking, Density for Affordable Housing Projects.**

Similar to actions taken in Memphis and Minneapolis, according to the City's 2020 Balanced Development Report, WE MOVE that the City pursue zoning changes to allow for per-property waivers on parking minimums and density requirements for affordable housing projects.

**MOTION: Debt-Forgiveness and Maintaining Affordability**

WE MOVE that the Administration draft legislation, if necessary, to allow the Department of Community and Economic Development (DCED) to create a formal internal policy to best leverage the City's debt forgiveness capacity, in order to 1. Better preserve existing affordable housing, and 2. Help finance new affordable housing options in the City.



**Greg Landsman**  
*Councilmember*

January 25 2021

**Establishing a Minority Real Estate Development Program**  
***MOTION***

**WE MOVE** that the Administration draft legislation establishing a Minority Real Estate Development Capacity Building Program to support the mentorship of minority real estate development professionals. This program should lift up and provide additional opportunities for minority developers, especially Black real estate professionals who have the potential to be leaders of new minority-led commercial development firms. This is part of the City’s larger “Balanced Development” efforts to ensure real inclusion of development efforts in Cincinnati.

The proposed program, requiring ~\$150,000 in funding, would extend opportunities for minority developers to actively participate in and shape an inclusive growth strategy for the City—one that integrates the new Balanced Development Scorecard proposed by my office.

The program would draw from similar successful efforts in Detroit, wherein they created an “Equitable Development Initiative.” Our efforts should build on best practice efforts such as this one, as well as others around the Country (spelled out in the Administration’s 2020 Balanced Development Report to Council).

---

Councilmember Greg Landsman





---

**Greg Landsman**  
*Councilmember*

January 25 2021

**Debt Forgiveness and Affordable Housing**  
***MOTION***

**WE MOVE** that the Administration draft legislation, if necessary, to allow the Department of Community and Economic Development (DCED) to create a formal internal policy to best leverage the City's debt forgiveness capacity, in order to 1. Better preserve existing affordable housing, and 2. Help finance new affordable housing options in the City.

---

Councilmember Greg Landsman



---

**Greg Landsman**  
*Councilmember*

January 25 2021

**Parking and Density Policy Changes to Support Affordable Housing**  
***MOTION***

Similar to actions taken in Memphis and Minneapolis, according to the City's 2020 Balanced Development Report, **WE MOVE** that the City pursue zoning changes to allow for per-property waivers on parking minimums and density requirements for affordable housing projects.

---

Councilmember Greg Landsman



---

**Greg Landsman**  
*Councilmember*

January 25 2021

## **CRA's and the New Scorecard**

### ***MOTION***

**WE MOVE** that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.

---

Councilmember Greg Landsman



**Greg Landsman**  
Councilmember

February 3rd 2021

## **Request of the Administration: The Balanced Development Scorecard**

*We've gotten good feedback on the Balanced Development Scorecard. Our goal is to make improvements to the Scorecard next week. That said, we hope that the Administration could respond to the questions/requests below at the upcoming B&F committee on 2/8:*

1. Each bulleted item needs its own line for clarity purposes. Is this acceptable?
2. There is interest in actual scoring—assigning a numerical value or points—as opposed to the current language of “simply meets” or “exceeds.” This We ask the Administration to weigh-in on this, if not propose scoring options.
3. Is it possible for multiple people to review and score a project?
4. Can the Administration speak to “compliance” and how the City will ensure that commitments are monitored and kept?
5. Does the Administration take issue with language around historic preservation? If not, does the Administration recommend any specific language?
6. Does the Administration take issue with language being added to ensure that the scorecard is used and presented to Council with recommendations for *each relevant project*? If not, does the Administration have suggested language for an updated ordinance?
7. There are requests that we require specific *actions* regarding community engagement, such as giving early notice to a community. If that were to materialize, is that something the Administration should do or the developer?
8. There is interest in training on the scorecard, TIFs, CRAs, and VITCA. What does the Administration think? Should we add to the ordinance?
9. There has been a request that the Administration discuss with Council its work on the Balanced Development Report and its findings, as well as how development deals are evaluated and/or scored now.

**Date:** December 10, 2020

**To:** Councilmember Greg Landsman  
**From:** Andrew W. Garth, Interim City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Balanced Development Project Scorecard**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**ESTABLISHING** a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

AWG/SSB/(lnk)  
Attachment  
320756

# City of Cincinnati

SSB

AWB

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

- 2020

**ESTABLISHING** a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

WHEREAS, City Council has the authority to declare up to 100% of the increase in the assessed value of improvements to be exempt from real property taxation by means of (i) project-based tax increment financing incentives pursuant to Ohio Revised Code (“ORC”) Sections 5709.40(B) and 5709.41; and (ii) “Community Reinvestment Area” incentives pursuant to ORC Sections 3735.65 through 3735.70; and

WHEREAS, Motion No. 201901811, as adopted by this Council on December 11, 2019, recommended updates to how the City Administration evaluates the public benefits created by projects receiving real property tax incentives pursuant to the aforementioned ORC provisions, with a focus on prioritizing projects that create good, local jobs; preserve and/or create affordable housing; minimize displacement of residents and businesses; and/or commit to project-specific inclusion goals; and

WHEREAS, to incentivize balanced development throughout the City of Cincinnati as recommended in the aforementioned Motion, City Council desires to adopt a *Project Scorecard*, a copy of which is attached hereto as Attachment A, to assist City Council in evaluating development projects when qualifying real property tax exemptions or abatements are recommended; now, therefore,

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

Section 1. That City Council adopts the *Project Scorecard* attached to this ordinance as Attachment A, which establishes a City Council policy relating to qualifying real property tax abatements and exemptions.

Section 2. That Council intends that the *Project Scorecard* be prepared by the Administration as a policy tool to be utilized for evaluating the public benefits associated with economic and community development projects for which (a) the total estimated costs of the project exceed \$5,000,000, and (b) the proposed City assistance includes a real property tax incentive authorized pursuant to Ohio Revised Code (“ORC”) Section 5709.40(B), ORC Section 5709.41, or ORC Sections 3735.65 through 3735.70 with a present value exceeding \$3,000,000.

Council desires that the Administration present project-based scorecard information for Council consideration as part of the Administration’s recommendation to Council. Council intends that the Administration have latitude to create additional criteria and update the *Project Scorecard* as appropriate to ensure the City’s tax incentives support the City’s residents and neighborhoods while attracting local investment. City Council further acknowledges that the *Project Scorecard* process is a policy tool to guide City Council decision making and does not diminish the Administration’s executive authority under the Charter of the City of Cincinnati, which authority includes the power to determine whether and on what terms to recommend development deals for Council consideration.

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

Passed: \_\_\_\_\_, 2020

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

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

**ATTACHMENT A**



## PROJECT SCORECARD

Do total costs of the Project exceed \$5 million? Yes  No

Does the present value of proposed City assistance exceed \$3 million? Yes  No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><b><u>BALANCED HOUSING PRODUCTION</u></b></p> <ul style="list-style-type: none"> <li>Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions.</li> <li>Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></b></p> <ul style="list-style-type: none"> <li>Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents.</li> <li>Project activates a previously vacant building or property.</li> <li>Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08).</li> <li>Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood.</li> <li>Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></b></p> <ul style="list-style-type: none"> <li>Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></b></p> <ul style="list-style-type: none"> <li>Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
<p><b><u>INCLUSION</u></b></p> <ul style="list-style-type: none"> <li>Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code.</li> <li>Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City.</li> <li>Applicant has participated, is participating, or will participate in the City's program advancing minority development professionals.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>COMMUNITY OUTREACH</u></b></p> <ul style="list-style-type: none"> <li>Applicant has engaged all necessary stakeholders in the community (i.e. the applicable community council and the neighborhood CDC, if applicable).</li> <li>In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>LIVING WAGES</u></b></p> <ul style="list-style-type: none"> <li>Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City's Living Wage Policy.</li> <li>Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>JOB CREATION AND RETENTION</u></b></p> <ul style="list-style-type: none"> <li>Project will create and/or retain significant jobs and payroll.</li> <li>Project will create and/or retain small/neighborhood business jobs and payroll.</li> <li>Project will create and/or retain more than 10 jobs per acre.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>PLACE-BASED INVESTMENT</u></b></p> <ul style="list-style-type: none"> <li>Project is located in a Federally designated NRSA and/or Opportunity Zone.</li> <li>Project is located within 1/2 mile of a Neighborhood Business District.</li> <li>Project is located along a transit corridor.</li> <li>Project encourages traditional compact, walkable neighborhood development.</li> <li>Project is placed within a federally designated Hub Zone.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>TRANSFORMATIVE PROJECT</u></b></p> <ul style="list-style-type: none"> <li>Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> <li>• Project saves or preserves existing community asset.</li> <li>• Project creates or enhances a public space to be utilized by the community.</li> <li>• Project creates/repairs City infrastructure.</li> <li>• Project is within a “Targeted Neighborhood” as defined in Ordinance No. 275-2017, as amended.</li> <li>• Project is a “Catalytic Project” as defined in Ordinance No. 275-2017, as amended.</li> </ul>			
--	--	--	--

This Project Scorecard is intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and is not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in this Project Scorecard, Council encourages the City Administration to bring forth all worthy projects.

## PROJECT SCORECARD

Do total costs of the Project exceed \$5 million? Yes  No

Does the present value of proposed City assistance exceed \$3 million? Yes  No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><b><u>BALANCED HOUSING PRODUCTION</u></b></p> <ul style="list-style-type: none"> <li>Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions.</li> <li>Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions.</li> <li>Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></b></p> <ul style="list-style-type: none"> <li>Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents.</li> <li>Project activates a previously vacant building or property.</li> <li>Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08).</li> <li>Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood.</li> <li>Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></b></p> <ul style="list-style-type: none"> <li>Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></b></p> <ul style="list-style-type: none"> <li>Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
<p><b><u>INCLUSION</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code.</li> <li>• Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City.</li> <li>• Applicant has participated, is participating, or will participate in the City’s program advancing minority development professionals.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>COMMUNITY OUTREACH</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has engaged all necessary stakeholders in the community (i.e. the applicable community council and the neighborhood CDC, if applicable).</li> <li>• In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>LIVING WAGES</u></b></p> <ul style="list-style-type: none"> <li>• Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City’s Living Wage Policy.</li> <li>• Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>JOB CREATION AND RETENTION</u></b></p> <ul style="list-style-type: none"> <li>• Project will create and/or retain significant jobs and payroll.</li> <li>• Project will create and/or retain small/neighborhood business jobs and payroll.</li> <li>• Project will create and/or retain more than 10 jobs per acre.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>PLACE-BASED INVESTMENT</u></b></p> <ul style="list-style-type: none"> <li>• Project is located in a Federally designated NRSA and/or Opportunity Zone.</li> <li>• Project is located within 1/2 mile of a Neighborhood Business District.</li> <li>• Project is located along a transit corridor.</li> <li>• Project encourages traditional compact, walkable neighborhood development.</li> <li>• Project is placed within a federally designated Hub Zone.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b><u>TRANSFORMATIVE PROJECT</u></b></p> <ul style="list-style-type: none"> <li>• Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing).</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> <li>• Project saves or preserves existing community asset.</li> <li>• Project creates or enhances a public space to be utilized by the community.</li> <li>• Project creates/repairs City infrastructure.</li> <li>• Project is within a “Targeted Neighborhood” as defined in Ordinance No. 275-2017, as amended.</li> <li>• Project is a “Catalytic Project” as defined in Ordinance No. 275-2017, as amended.</li> </ul>			
--	--	--	--

This Project Scorecard is intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and is not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in this Project Scorecard, Council encourages the City Administration to bring forth all worthy projects.