



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

Wednesday, June 2, 2021

1:00 PM

Council Chambers, Room 300

Rescheduled Meeting

ROLL CALL

PRESENTATIONS

City Manager's Recommended FY 2022-2023 Biennial Budget

AGENDA

1. [202101924](#) COMMUNICATION, submitted by the Clerk of Council from Cate Douglas, Stakeholder Services Specialist, 3CDC, 1203 Walnut Street, 4th Floor, Cincinnati, Ohio 45202, regarding property owner petitions for The Downtown Cincinnati Improvement District Services Plan + Budget for 2022-2025. (DOCUMENT ON FILE IN THE CLERK'S OFFICE).

Sponsors: Clerk of Council

2. [202102084](#) RESOLUTION (LEGISLATIVE) (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/1/2021, APPROVING the petition for the 2022-2025 Services Plan that was submitted by property owners within the Downtown Cincinnati Improvement District; APPROVING the 2022-2025 Services Plan adopted by Downtown Cincinnati Improvement District, Inc.; and DECLARING the necessity of assessing the real property within the Downtown Cincinnati Improvement District in order to raise funds for the implementation of the 2022-2025 Services Plan, in accordance with Chapters 727 and 1710 of the Ohio Revised Code.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Resolution](#)

3. [202102076](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/2/2021, AUTHORIZING the City Manager to accept a donation in an amount up to \$505,000 from Cincinnati, LLC for the purpose of supporting the operations and maintenance of the Cincinnati streetcar; AUTHORIZING the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645; and further AUTHORIZING the transfer of service payments received in lieu of taxes for streetcar operations in accordance with agreements with third-party developers from Urban Redevelopment Tax Increment Equivalent II Fund 763 to Streetcar Operations Fund 455.

Sponsors: City Manager

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

4. [202102013](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the City Manager to accept and deposit an amount up to \$500,000 into Parks Private Endowment and Donations Fund 430 from the Cincinnati Parks Foundation for the purpose of providing resources for the design required for completion of Smale Riverfront Park; ESTABLISHING new capital improvement program project account no. 980x203x212005, "Smale Riverfront Design," for the purpose of providing resources for the design required for the completion of Smale Riverfront Park; AUTHORIZING the transfer and appropriation of up to \$500,000 from the unappropriated surplus of Parks Private Endowment Fund 430 to the newly established capital improvement program project account no. 980x203x212005, "Smale Riverfront Design," for the purpose of providing resources for the Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park; and AUTHORIZING the City Manager to transfer and appropriate \$202,215 from the Cincinnati Riverfront Park Fund 329 to capital improvement program project account no. 980x203x212005, "Smale Riverfront Design" for the purpose of providing resources for Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park.

Sponsors: City Manager

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

5. [202102015](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 5/26/2021, ESTABLISHING three new capital improvement program project accounts: no. 980x233x212324, "Auburn Avenue Phase 2 OPWC Grant," for the purpose of providing Ohio Public Works Commission ("OPWC") grant resources for the second phase of improvements on Auburn Avenue, no. 980x233x212339, "Fairbanks and Delhi Avenues Safety OPWC Grant," for the purpose of providing OPWC grant resources for safety improvements on Fairbanks and Delhi Avenues, and no. 980x233x212346, "River Rd & Thornton Av Safety OPWC Grant," for the purpose of providing OPWC grant resources for safety improvements to River Road and Thornton Avenue; AUTHORIZING the City Manager to accept and appropriate grant resources in an amount up to \$3,706,540 from OPWC Funding Round 35 to provide resources in an amount up to \$1,700,000 for newly established capital improvement program project account no. 980x233x212324, "Auburn Avenue Phase 2 OPWC Grant," in an amount up to \$1,680,000 for newly established capital improvement program project account no. 980x233x212339, "Fairbanks and Delhi Avenues Safety OPWC Grant," and in an amount up to \$326,540 for newly established capital improvement program project account no. 980x233x212346, "River Rd & Thornton Av Safety OPWC Grant," for the purposes described herein; and further AUTHORIZING the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

Sponsors: City Manager

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

6. [202102016](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021 APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Apple Street Senior LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 4145 Apple Street in the Northside neighborhood of Cincinnati, in connection with the construction of a new building comprised of approximately 49,475 square feet of residential space, consisting of 57 rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$8,759,328.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)

7. [202102017](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality programs, in an amount of up to \$6,000,000, and to apply for the Transportation Alternatives Grant from the Ohio-Kentucky-Indiana Regional Council of Governments in an amount of up to \$750,000, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

Sponsors: City Manager

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

8. [202102018](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the establishment of capital improvement program project accounts nos. 980x233x212304, "Western Hills Viaduct - STBG 2020 Grant," and 980x233x212317, "Western Hills Viaduct - STBG HC Match," for the purpose of providing resources for the construction of the Western Hills Viaduct project; AUTHORIZING the City Manager to accept and appropriate grant resources in the amount of up to \$1,000,000 from the Surface Transportation Block Grants (STBG) Program (CFDA 20.205) through the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments to newly established capital improvement program project account no. 980x233x212304, "Western Hills Viaduct - STBG 2020 Grant"; AUTHORIZING the City Manager to accept and appropriate an amount up to \$125,000 from Hamilton County to newly established capital improvement program project account no. 980x233x212317, "Western Hills Viaduct - STBG HC Match"; AUTHORIZING the City Manager to accept and appropriate an amount up to \$1,328,938.76 from the Ohio Department of Transportation (ODOT) to existing capital improvement program project account no. 980x233x172357, "Western Hills Viaduct Replacement Non-Local Grants," for the purpose of providing resources for the construction of the Western Hills Viaduct project; and AUTHORIZING the City Manager to enter into any agreements necessary to accept these grant and local matching resources.

Sponsors: City Manager

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

9. [202102019](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the City Manager to accept an in-kind donation from the 2021 Community Makeover Program valued at approximately \$600,000 in the form of improvements to the Avondale Recreation Area and the Rockdale Recreation Area.

Sponsors: City Manager

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

10. [202102022](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY21 Violence Against Women Act Grant Program, to support two domestic violence advocates from Women Helping Women.

Sponsors: City Manager

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

11. [202102023](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AUTHORIZING the City Manager to accept funds in an amount up to \$7,178,997.50 from the United States Department of the Treasury as provided by the American Rescue Plan Act for the purpose of providing resources for an Emergency Rental Assistance (“ERA2”) program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; AUTHORIZING the Finance Director to deposit the funds in Local Fiscal Recovery Fund 469 revenue account no. 469x8543; AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; AUTHORIZING the appropriation of the sum of \$7,178,997.50 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program; AUTHORIZING the City Manager to contract with third parties and take other necessary actions to quickly implement the ERA2 program; and DECLARING expenditures from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” to be for a public purpose.

Sponsors: City Manager

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

12. [202102026](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 5/26/2021 DETERMINING to proceed with special street lighting assessments in Lighting Group 1 for three years beginning August 1, 2020, pursuant to Ohio Revised Code 727.23, on the streets or portions of the streets described in Exhibit A hereto.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Attachment](#)
13. [202102027](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 5/26/2021, TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 1, pursuant to Ohio Revised Code 727.25, for the three-year period beginning on August 1, 2020.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)
14. [202102049](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/26/2021, AMENDING Ordinance 313-2020 to increase the amount of loan funding the City Manager or her designee is authorized to apply for, accept, and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$8,000,000 to approximately the approximate amount of \$10,000,000.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

ADJOURNMENT

June 2, 2021

To: Mayor and Members of City Council 202102084

From: Paula Boggs Muething, City Manager

Subject: **PROPOSED LEGISLATIVE ACTION: 2022-2025 DCID SERVICES PLAN**

Attached is an Emergency Legislative Resolution captioned as follows:

APPROVING the petition for the 2022-2025 Services Plan that was submitted by property owners within the Downtown Cincinnati Improvement District; **APPROVING** the 2022-2025 Services Plan adopted by Downtown Cincinnati Improvement District, Inc.; and **DECLARING** the necessity of assessing the real property within the Downtown Cincinnati Improvement District in order to raise funds for the implementation of the 2022-2025 Services Plan, in accordance with Chapters 727 and 1710 of the Ohio Revised Code.

BACKGROUND/CURRENT CONDITIONS

In 2018, the Downtown Cincinnati Improvement District (DCID) was instituted to provide funds that are used to carry out a Services Plan, which has been carried out by Downtown Cincinnati Inc. (DCI) – a subsidiary of Cincinnati Center City Development Corp. (3CDC) since 2019. The Downtown Cincinnati Improvement District includes all property within the boundaries of Eggleston Avenue on the east, Central Parkway on the north, Central Avenue on the west (including the Centennial buildings), and the river on the south (excluding the two stadiums). The current services plan expires at the end of 2021.

PROJECT DESCRIPTION

This Services Plan will be implemented from 2022-2025. The total assessment will be \$3,200,000 per year in 2022 and 2023, and \$3,400,000 per year in 2024 and 2025 is comprised of contributions from both private and public property owners. Individual and commercial owners make up about 80% of the total assessments, while the City of Cincinnati and Hamilton County contribute approximately 20%.

The Services Plan for 2022-2025 leverages resources, creates and sustains partnerships, and provides services fundamental to a vibrant, vital core of the city and the region. These services fall into four categories: Safe & Clean; Communication & Marketing; Stakeholder Services; and Events. This combination of services and activities helps maintain and enhance property owner's investment, improves the

quality of life for future and existing residents, and drives tourism to Cincinnati's urban core.

The 2022-2025 Service Plan was adopted by the Board of the SID, and submitted to the City (Mayor, City Manager, and Council) for review on 11/17/2020. The administration did not have any suggestions, revision, or comments. The Service Plan was then mailed to property owners in the DCID as a petition for approval on 1/26/2021. Petitions were collected over several months from February to May of 2021. Once approved by Council, the City will go through the special assessment process to levy the 2022-2025 Services Plan expenses on the properties in the DCID.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. The emergency clause is needed so that there will be enough time to implement the SID by January 2022.

Attachment: A. Property location and photographs

Copy: Markiea L. Carter, Director, Department of Community & Economic Development *MLC*

Attachment A: Map



EMERGENCY

Legislative Resolution

JRS *AWB*

RESOLUTION NO. _____ - 2021

APPROVING the petition for the 2022-2025 Services Plan that was submitted by property owners within the Downtown Cincinnati Improvement District; **APPROVING** the 2022-2025 Services Plan adopted by Downtown Cincinnati Improvement District, Inc.; and **DECLARING** the necessity of assessing the real property within the Downtown Cincinnati Improvement District in order to raise funds for the implementation of the 2022-2025 Services Plan in accordance with Chapters 727 and 1710 of the Ohio Revised Code.

WHEREAS, on June 3, 1997, Downtown Cincinnati Improvement District, Inc. (“DCID”), duly formed and approved under Chapter 1710 of the Ohio Revised Code (“ORC”), began operations and elected a board of directors; and

WHEREAS, pursuant to ORC Section 1710.06, the DCID board of directors has adopted a 2022-2025 Services Plan (the “Services Plan”) for the special improvement district known as the Downtown Cincinnati Improvement District (the “District”); and

WHEREAS, as required by ORC Section 1710.06, the owners of over sixty percent of the front footage of real property in the District that will be assessed have approved the Services Plan and submitted a petition to City Council to approve the Services Plan (“Petition”); and

WHEREAS, pursuant to ORC Section 1710.06(B), the Council is required to either approve or reject the Petition within sixty days after receiving it; and

WHEREAS, the Council finds that approving the Petition and the Services Plan will (i) improve safety and the perception of safety of the District; (ii) improve the aesthetics of the District through beautification efforts; (iii) enhance the appearance of streets, sidewalks, and public spaces; (iv) produce free events to increase vibrancy of the District, resulting in positive activity for businesses, residents, and visitors; (v) engage with key stakeholders and partners to maintain and promote the District as a vibrant hub of regional activity; and (vi) provide support for current and potential business to aid with overall retail development in the District; and

WHEREAS, the Council further finds that a special assessment on real property within the District and not excluded from assessment by applicable law is necessary in order to raise funds for the implementation of the Services Plan; and

WHEREAS, to levy this assessment, ORC Section 1710.06 requires the City follow the procedures set forth in ORC Chapter 727; and

WHEREAS, accordingly, pursuant to ORC Section 727.12, the Council hereby resolves to declare the necessity of an assessment to pay for the costs of the Services Plan; now, therefore,

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

Section 1. That Council hereby approves the petition for the 2022-2025 Services Plan (“Services Plan”) for the Downtown Cincinnati Improvement District (the “District”) adopted by Downtown Cincinnati Improvement District, Inc. pursuant to Ohio Revised Code Section 1710.06 (the “Petition”), which Petition was signed by the owners of over sixty percent of the front footage of real property in the District that will be assessed and which Petition has been submitted to the Clerk of Council and is available for public inspection.

Section 2. That Council hereby approves the Services Plan described in the Petition, a copy of which Services Plan has been submitted to the Clerk of Council and is available for public inspection.

Section 3. That it is hereby declared necessary and conducive to the public health, safety, convenience, and general welfare to assess all property located in the District and not excluded from assessment by applicable law, an inventory of which property is on file with the Clerk of Council and is available for public inspection, to pay for the costs of implementing the Services Plan.

Section 4. That the District and the area to be assessed includes those parcels bounded by Eggleston Avenue on the east, Central Parkway on the north, Central Avenue on the west (including the Centennial Buildings to the west of Central Avenue), and the Ohio River on the south (excluding Great American Ballpark and Paul Brown Stadium).

Section 5. That the funds to be raised by the assessment shall be used to pay the costs associated with the implementation of the Services Plan, which estimated costs have been submitted to the Clerk of Council and are available for public inspection.

Section 6. That the assessments shall be calculated and apportioned by using a combination of (i) the percentage of an assessed property's front footage relative to the front footage of all assessed properties in the district (which for purposes of the assessment shall include all property that abuts upon a street, alley, public road, place boulevard, parkway, park entrance, easement, or public improvement), which shall consist of 25% of the assessment; and (ii) the percentage of an assessed property's tax value relative to the tax value of all assessed properties in the district, which shall consist of 75% of the assessment, which calculation is further set forth in the Services Plan.

Section 7. That the assessment may be levied and collected before the Services Plan, improvements, and any related expenses are commenced.

Section 8. That the costs for the Services Plan shall be funded solely by the funds raised by this assessment.

Section 9. That the City of Cincinnati does not intend to issue securities in anticipation of either the levy or collection of the assessment.

Section 10. That the City Manager is hereby authorized to take all necessary and proper steps to prepare an estimated assessment in cooperation with Downtown Cincinnati Improvement District, Inc. consistent with the method of assessment set forth herein showing the amount of the assessment against each lot or parcel of land to be assessed (the "Estimated Assessment") and to file the same with the Clerk of Council for inspection by the public.

Section 11. That, once levied, the assessments shall be certified to the Hamilton County Auditor to be placed on the tax bills and paid in eight semi-annual installments, at the same time and in the same manner as real property taxes, and shall commence with the taxes that are due and payable in January 2022.

Section 12. That notice of the passage of this resolution and the filing of the Estimated Assessment shall be given pursuant to Chapter 727.13 of the Ohio Revised Code by the Clerk of Council, or a person designated by the Clerk, upon the owners of the parcels of land to be assessed, in the same manner as service of summons in civil cases, by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, by publication, and in accordance with Article II, Section 6 of the City Charter.

Section 13. That this legislative resolution 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 begin the process for establishing the assessments necessary to timely implement the Services Plan.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 2, 2021

To: Members of the Budget and Finance Committee 202102076
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Streetcar VTICA Acceptance**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept a donation in an amount up to \$505,000 from CincinnatiVTICA, LLC for the purpose of supporting the operations and maintenance of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645; and further **AUTHORIZING** the transfer of service payments received in lieu of taxes for streetcar operations in accordance with agreements with third-party developers from Urban Redevelopment Tax Increment Equivalent II Fund 763 to Streetcar Operations Fund 455.

Approval of this Emergency Ordinance will authorize the City Manager to accept a donation in an amount up to \$505,000 from CincinnatiVTICA, LLC for the purpose of supporting the operations and maintenance of the Cincinnati streetcar. The Finance Director will be authorized to deposit the donated funds into the Streetcar Operations Fund. Additionally, any service payments received by the City in lieu of taxes for streetcar operations are authorized to be transferred from Urban Redevelopment Tax Increment Equivalent II Fund 763 to Streetcar Operations Fund 455.

To help fund streetcar operations, the City identified certain non-City funding sources to potentially boost the amount of total funding available to the City for the operations and maintenance of the Streetcar. On November 19, 2014, the City Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods that would incentivize applicants for real property tax abatements to enter into a Voluntary Tax Incentive Contribution Agreement (“VTICA”) to voluntarily contribute a portion of their abated tax savings to the Streetcar. Previously the City and the Southwest Ohio Regional Transit Authority (SORTA) cooperated with Downtown Cincinnati Inc. (operating for this purpose as CincinnatiVTICA, LLC) to facilitate the collection of VTICA payments by CincinnatiVTICA and the application of such payments to the streetcar with those payments going directly to SORTA. With the termination of SORTA’s role in management and operation of the streetcar, this Emergency Ordinance will allow the City to receive donated funds that will cover the VTICA payments collected from July 1, 2020 until June 30, 2021.

The reason for the emergency is the immediate need for the City to accept the described donation and apply it toward streetcar costs incurred by the City in anticipation of the donated funds.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

JRS

- 2021

AUTHORIZING the City Manager to accept a donation in an amount up to \$505,000 from CincinnatiVTICA, LLC for the purpose of supporting the operations and maintenance of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645; and further **AUTHORIZING** the transfer of service payments received in lieu of taxes for streetcar operations, in accordance with agreements with third-party developers, from Urban Redevelopment Tax Increment Equivalent II Fund 763 to Streetcar Operations Fund 455.

WHEREAS, the City of Cincinnati constructed a modern streetcar project in downtown Cincinnati (the “Streetcar”) which began passenger service in September 2016; and

WHEREAS, the City has identified certain non-City funding sources potentially available to boost the amount of total funding available to the City for the operations and maintenance of the Streetcar; and

WHEREAS, on November 19, 2014, City Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods that would incentivize applicants for real property tax abatements to enter into a Voluntary Tax Incentive Contribution Agreement (“VTICA”) to voluntarily contribute a portion of their abated tax savings to the Streetcar; and

WHEREAS, the City is not a party to certain VTICA commitments, and payments made thereunder are managed and collected by a third party; and

WHEREAS, the City and the Southwest Ohio Regional Transit Authority (“SORTA”) have cooperated with Downtown Cincinnati Inc. (operating for this purpose as CincinnatiVTICA, LLC) (“CincinnatiVTICA”) to facilitate the collection of VTICA payments by CincinnatiVTICA and the application of such payments to the Streetcar; and

WHEREAS, the City and SORTA agreed to terminate SORTA’s role in management and operation of the Streetcar effective January 1, 2020, and the City now directly operates and manages the Streetcar; and

WHEREAS, CincinnatiVTICA therefore wishes to donate to the City the proceeds of the VTICA payments that have been collected from July 1, 2020 until June 30, 2021 to ensure that the funds will be used for operation and maintenance of the Streetcar; and

WHEREAS, VTICA payments received as service payments in lieu of taxes by the City for Streetcar operations need to be transferred in order to provide resources for the Streetcar and in accordance with agreements with third-party developers; and

WHEREAS, acceptance of the donation of VTICA payments is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategy to “Plan, design, and implement a safe and

sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept donations in an amount up to \$505,000 from Cincinnati, LLC and to use the funds for the purpose of operating and maintaining the City’s streetcar system.

Section 2. That the Director of Finance is hereby authorized to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

Section 3. That the Director of Finance is hereby authorized to transfer, in accordance with agreements with third-party developers, service payments in lieu of taxes for streetcar operations deposited in Urban Redevelopment Tax Increment Equivalent II Fund 763 to Streetcar Operations Fund 455 for the purpose of operating and maintaining the City's streetcar system.

Section 4. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 3 hereof.

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 for the City to accept the described donation and apply it toward streetcar costs incurred by the City in anticipation of the donated funds.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council 202102013
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Smale Riverfront Park Foundation
and Fund 329 Design Services**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and deposit an amount up to \$500,000 into Parks Private Endowment and Donations Fund 430 from the Cincinnati Parks Foundation for the purpose of providing resources for the design required for completion of Smale Riverfront Park; **ESTABLISHING** new capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the design required for the completion of Smale Riverfront Park; **AUTHORIZING** the transfer and appropriation of up to \$500,000 from the unappropriated surplus of Parks Private Endowment Fund 430 to the newly established capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park; and **AUTHORIZING** the City Manager to transfer and appropriate \$202,215 from the Cincinnati Riverfront Park Fund 329 to capital improvement program project account no. 980x203x212005, “Smale Riverfront Design” for the purpose of providing resources for Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park.

This Emergency Ordinance would authorize the City Manager to accept and deposit an amount up to \$500,000 into Parks Private Endowment and Donations Fund 430 from the Cincinnati Parks Foundation for the purpose of providing resources for the design required for completion of Smale Riverfront Park. This Emergency Ordinance would also establish new capital improvement program project account no. 980x203x212005, “Smale Riverfront Design.” Further, this Emergency Ordinance would authorize the transfer and appropriation of up to \$500,000 from the unappropriated surplus of Parks Private Endowment Fund 430 to the newly established capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the design required for the completion of Smale Riverfront Park. Additionally, this Emergency Ordinance would authorize the City Manager to transfer and appropriate \$202,215 from the Cincinnati Riverfront Park Fund 329 to capital improvement program project account no. 980x203x212005, “Smale Riverfront Design” for the purpose of providing resources for Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park.

No new FTEs are associated with the donation, and the donation does not require matching funds.

This Emergency Ordinance is in accordance with the “Live” goal to “build a robust public life” and strategy to “develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people,” as described on pages 147 – 152 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the funds by the time construction begins.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment





EMERGENCY

City of Cincinnati

KKF *BWB*

An Ordinance No. _____

-2021

AUTHORIZING the City Manager to accept and deposit an amount up to \$500,000 into Parks Private Endowment and Donations Fund 430 from the Cincinnati Parks Foundation for the purpose of providing resources for the design required for completion of Smale Riverfront Park; **ESTABLISHING** new capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the design required for the completion of Smale Riverfront Park; **AUTHORIZING** the transfer and appropriation of up to \$500,000 from the unappropriated surplus of Parks Private Endowment Fund 430 to the newly established capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the Lot 23 and Lot 28 Phase 2 design services required for the completion of Smale Riverfront Park; and **AUTHORIZING** the City Manager to transfer and appropriate \$202,215 from the Cincinnati Riverfront Park Fund 329 to capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for Lot 23 and Lot 28 Phase 2 design services required for the completion of Smale Riverfront Park.

WHEREAS, the Cincinnati Parks Department requires up to \$702,215 to complete the planning and design of Smale Riverfront Park; and

WHEREAS, the Cincinnati Parks Foundation has generously agreed to donate up to \$500,000 of the necessary funds to the Parks Department; and

WHEREAS, acceptance of the funds from the Cincinnati Parks Foundation will reimburse the City’s costs for improving Smale Riverfront Park; and

WHEREAS, this donation does not require matching funds, and there are no new FTEs associated with this donation; and

WHEREAS, \$202,215 is available in Cincinnati Riverfront Park Fund 329 and eligible for use to complete the planning and design of Smale Riverfront Park; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “build a robust public life” and strategy to “develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people,” as described on pages 147 – 152 of Plan Cincinnati (2012); 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 accept a donation in an amount up to \$500,000 from the Cincinnati Parks Foundation and deposit the donation into Parks Private

Endowment and Donations Fund 430 for the purpose of providing resources for the Lot 23 and Lot 28 Phase 2 design services required for the completion of Smale Riverfront Park.

Section 2. That new capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” is hereby established for the purpose of providing resources for the Lot 23 and Lot 28 Phase 2 design services required for the completion of Smale Riverfront Park.

Section 3. That the City Manager is authorized to transfer and appropriate up to \$500,000 from the unappropriated surplus of Parks Private Endowment Fund 430 to newly established capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the design required for the completion of Smale Riverfront Park.

Section 4. That the City Manager is authorized to transfer and appropriate \$202,215 from the Cincinnati Riverfront Park Fund 329 to capital improvement program project account no. 980x203x212005, “Smale Riverfront Design,” for the purpose of providing resources for the Lot 23 and Lot 28 phase 2 design services required for the completion of Smale Riverfront Park.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 4 hereof.

Section 6. 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 accept the funds by the time construction begins.

Passed: _____, 2021

Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202102015

Subject: Ordinance – Ohio Public Works Commission (OPWC) Round 35 Grants

Attached is an Ordinance captioned:

ESTABLISHING three new capital improvement program project accounts: no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” for the purpose of providing Ohio Public Works Commission (“OPWC”) grant resources for the second phase of improvements on Auburn Avenue, no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements on Fairbanks and Delhi Avenues, and no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements to River Road and Thornton Avenue; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$3,706,540 from OPWC Funding Round 35 to provide resources in an amount up to \$1,700,000 for newly established capital improvement program project account no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” in an amount up to \$1,680,000 for newly established capital improvement program project account no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” and in an amount up to \$326,540 for newly established capital improvement program project account no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purposes described herein; and further **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

This Ordinance establishes three new capital project accounts: 1) no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” for the purpose of providing Ohio Public Works Commission (“OPWC”) grant resources for the second phase of improvements on Auburn Avenue; 2) no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements on Fairbanks and Delhi Avenues; and 3) no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements to River Road and Thornton Avenue. This Ordinance also authorizes the City Manager to accept and appropriate grant resources in an amount up to \$3,706,540 from OPWC Funding Round 35 to provide resources in an amount up to \$1,700,000 for the “Auburn Avenue Phase 2 OPWC Grant”; in an amount up to \$1,680,000 for the “Fairbanks and Delhi Avenues Safety OPWC Grant”; and in an amount up to \$326,540 for the “River Rd & Thornton Av Safety OPWC Grant”. Finally, this Ordinance authorizes the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

On September 25, 2020, Council approved Ordinance No. 0344-2020, which authorized the City Manager to apply for these grant resources awarded to the City by the OPWC.

The OPWC grant for the Auburn Avenue Improvements Phase 2 project will require local matching resources in an amount up to \$3,300,000, which will come from existing Ohio-Kentucky-Indiana (OKI) grant resources available in existing capital improvement program project account no. 980x233x202396, “Auburn Avenue Improvement Grants Phase 2,” and existing capital improvement program project account no. 980x233x212398, “Auburn Avenue Improvements.” The OPWC grant for the Fairbanks and Delhi Avenues Safety project will require local matching resources in an amount up to \$720,000, which will come from various existing capital improvement program project accounts. The OPWC grant for the River Road & Thornton Avenue Safety project will require local matching resources in an amount up to \$923,460, which will come from existing OKI grant resources.

No new FTEs are associated with this grant.

The capital improvements enabled by this ordinance are in accordance with the “Connect” goal to “develop a regional transportation system that promotes economic vitality” and the strategy to “use the City’s transportation network to help facilitate economic development opportunities,” as described on pages 139-143 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



City of Cincinnati

MSS
AWB

An Ordinance No. _____

-2021

ESTABLISHING three new capital improvement program project accounts: no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” for the purpose of providing Ohio Public Works Commission (“OPWC”) grant resources for the second phase of improvements on Auburn Avenue, no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements on Fairbanks and Delhi Avenues, and no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements to River Road and Thornton Avenue; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$3,706,540 from OPWC Funding Round 35 to provide resources in an amount up to \$1,700,000 for newly established capital improvement program project account no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” in an amount up to \$1,680,000 for newly established capital improvement program project account no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” and in an amount up to \$326,540 for newly established capital improvement program project account no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purposes described herein; and further **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, Council approved Ordinance No. 0344-2020 on September 25, 2020, which authorized the City Manager to apply for grant resources awarded by the Ohio Public Works Commission (“OPWC”); and

WHEREAS, OPWC awarded grant resources to the Department of Transportation and Engineering (“DOT”) for eligible costs for the second phase of improvements on Auburn Avenue, safety improvements on Fairbanks and Delhi Avenues, and safety improvements to River Road and Thornton Avenue; and

WHEREAS, the OPWC grant for the Auburn Avenue Improvements Phase 2 project will require local matching resources in an amount up to \$3,300,000, which will come from existing Ohio-Kentucky-Indiana (“OKI”) grant resources available in existing capital improvement program project account no. 980x233x202396, “Auburn Avenue Improvement Grants Phase 2,” and existing capital improvement program project account no. 980x233x212398, “Auburn Avenue Improvements”; and

WHEREAS, the OPWC grant for the Fairbanks and Delhi Avenues Safety project will require local matching resources in an amount up to \$720,000, which will come from various existing capital improvement program project accounts; and

WHEREAS, the OPWC grant for the River Road & Thornton Avenue Safety project will require local matching resources in an amount up to \$923,460, which will come from existing OKI grant resources; and

grant resources; and

WHEREAS, there are no new FTE requirements associated with this grant; and

WHEREAS, the capital improvement projects and safety improvements enabled by this ordinance are in accordance with the “Connect” goal to “develop a regional transportation system that promotes economic vitality” and the strategy to “use the City’s transportation network to help facilitate economic development opportunities,” as described on pages 139-143 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Council hereby authorizes the establishment of three new capital improvement program project accounts: no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant,” for the purpose of providing Ohio Public Works Commission (“OPWC”) grant resources for the second phase of improvements on Auburn Avenue; no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements on Fairbanks and Delhi Avenues; and no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purpose of providing OPWC grant resources for safety improvements to River Road and Thornton Avenue.

Section 2. That the City Manager is authorized to accept and appropriate grant funds in an amount up to \$3,706,540 from OPWC Funding Round 35 to provide resources as follows: up to \$1,700,000 for newly established capital improvement program project account no. 980x233x212324, “Auburn Avenue Phase 2 OPWC Grant”; up to \$1,680,000 for newly established capital improvement program project account no. 980x233x212339, “Fairbanks and Delhi Avenues Safety OPWC Grant”; and up to \$326,540 for newly established capital improvement program project account no. 980x233x212346, “River Rd & Thornton Av Safety OPWC Grant,” for the purposes described herein.

Section 3. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 4. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3 hereof.

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

Passed: _____, 2021

Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council

202102016

From: Paula Boggs Muething, City Manager

Subject: **COMMUNITY REIVESTMENT AREA TAX EXEMPTION
AGREEMENT FOR 4145 APPLE STREET CINCINNATI, OHIO
45223**

Attached is an Emergency Ordinance captioned as follows:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Apple Street Senior LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 4145 Apple Street in the Northside neighborhood of Cincinnati, in connection with the construction of a new building comprised of approximately 49,475 square feet of residential space, consisting of 57 rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$8,759,328.

BACKGROUND/CURRENT CONDITIONS

Apple Street Senior LLC will acquire and intends to construct a 57-unit senior apartment building at a former grocery store site located at 4145 Apple Street in Northside. The developer hopes for construction to commence in the late Spring of 2021. The vacant and blighted structure that currently exists on site will be demolished for the construction of the new building.

DEVELOPER INFORMATION

Pennrose, LLC and Northsiders Engaged in Sustainable Transformation (NEST) have joined forces forming Apple Street Senior LLC. Pennrose LLC has developed over 15,000 rental housing units, representing \$3.5 billion in total development costs. Pennrose LLC and NEST are co-developers of this project and will share ownership at a 75%/25% split, respectively. Both entities have significant development experience within the Cincinnati area.

PROJECT DESCRIPTION

- The proposed development consists of 49,475 sq. ft. of residential space
- The new development consists of the new construction of a 3-story, 57-unit, building with 48 rear parking spaces
- Private Investment Committed-\$11.9 million
- Public Investment Committed-\$1 million
- Jobs created/retained and payroll- The project is anticipated to support the creation of 21 temporary construction jobs with a total payroll of \$2.6 million and 1.5 permanent jobs with an annual payroll of \$66,000

PROPOSED INCENTIVE

DCED is recommending a net 67%, 15-year CRA tax exemption. It has been determined that this project warrants a maximum CRA incentive without VTICA based on the following factors: project will create affordable units for extremely low-to low-income households (30% - 60% AMI); this incentive is consistent with previously awarded LITHC projects; and project meets the qualifications of an Undercapitalized Project, as described in Section 3 of Ordinance 339-2018. The project has separately been awarded up to \$1 million in HOME funds through the 2020 Notice of Funding Availability process.

SUMMARY	
Forgone Public Benefit if Project Does not Proceed	
CPS PILOT (Forgone New Revenue)	(\$539,455)
VTICA (Forgone New Revenue)	\$0
Income Tax (Forgone New Revenue)	(\$85,884)
Total Public Benefit Lost	(\$625,339)
Incentive Value	
Annual Net Incentive to Developer	\$73,017
Total Term Incentive to Developer	\$1,095,257
City's Portion of Property Taxes Forgone	\$210,978
Public Benefit	
CPS PILOT	
Annual CPS Pilot	\$35,964
Total Term CPS PILOT	\$539,455
VTICA	
Annual VTICA	\$0
Total Term VTICA	\$0
Income Tax (Max)	\$85,884
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	\$625,339
Total Public Benefit ROI	\$0.57

City's ROI	\$2.96
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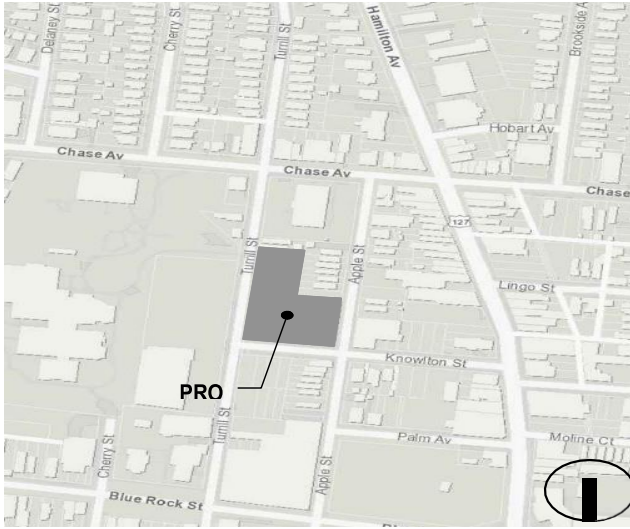
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance to allow construction to commence at the earliest possible time.

Attachment: A. Property location and photographs

Copy: Markiea L. Carter, Director, Department of Community & Economic Development *MLC*

Attachment A: Location and Photographs



Property Location/Address: 4145 Apple Street Cincinnati, Ohio 45223

EMERGENCY

City of Cincinnati

TJL
AWB

An Ordinance No. _____ - 2021

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Apple Street Senior LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 4145 Apple Street in the Northside neighborhood of Cincinnati, in connection with the construction of a new building comprised of approximately 49,475 square feet of residential space, consisting of 57 rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$8,759,328.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“ORC”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018 (the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design (“LEED”) standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, “LBC” standards), all pursuant to the Statute; and

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

WHEREAS, Apple Street Senior LLC (the “Company”) desires to construct a new building comprised of approximately 49,475 square feet of residential space, consisting of 57 rental units on real property at 4145 Apple Street located within the corporate boundaries of the City of Cincinnati, to LEED or LBC standards (the “Improvements”), provided that the appropriate

development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Apple Street Senior LLC (the “Agreement”), thereby authorizing a 15-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 4145 Apple Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the construction of a new building comprised of approximately 49,475 square feet of residential space, consisting of 57 rental units, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total construction cost of approximately \$8,759,328.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and
- (ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and
- (iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District, in accordance with Ohio Revised Code Section 3735.672; and
- (iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the construction described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Attachment A to Ordinance

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

SEE ATTACHED

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and APPLE STREET SENIOR LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018 passed on October 31, 2018 (the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 4145 Apple Street, Cincinnati, Ohio 45223 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of a building located on the Property to LEED Silver standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing four or more dwelling units, in order to be eligible for tax exemption

the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. This Agreement has been authorized by Ordinance No. _____-2021, passed by Cincinnati City Council on _____, 2021.
- Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct a new building on the Property into approximately 49,475 square feet of residential space, consisting of 57 affordable rental units which will be rented to senior individuals earning at or below 60% of the Area Median Income (the "Improvements") at an estimated aggregate cost of \$8,759,328 to commence after the execution of this Agreement and to be completed no later than October 1, 2022; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code and zoning regulations, as well as complying with LEED Silver standards, as defined by the U.S. Green Building Council. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver standards. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2022 nor extend beyond the earlier of (i) tax year 2036 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the

Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the

exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. **Compliance with Small Business Enterprise Program.** The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. **Remedies for Noncompliance with Small Business Enterprise Program.** Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. **Jobs to be Created by Company.** The Company agrees to use its best efforts to create (i) 1 full-time permanent jobs, and (ii) 21 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$66,537 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$2,650,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to

the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (Default) and the basis

for revocation under Section 18 (Revocation). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Apple Street Senior LLC
Attention: Amber Seely-Marks, Developer
230 Wyoming Avenue,
Kingston, PA 18704

With a copy to:

CREA Apple Street Senior, LLC
30 South Meridian Street, Suite 400
Indianapolis, Indiana 46204

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; 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.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

APPLE STREET SENIOR LLC,
an Ohio limited liability company

By: _____
Paula Boggs Muething, City Manager

By: _____

Date: _____, 2021

Printed Name: _____

Title: _____

Date: _____, 2021

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Situated in Section 28, Town 3, Fractional Range 2, Between the Miamis, Millcreek Township, The City of Cincinnati, Hamilton County, Ohio and being part of Jacob Hoffner's Sixth Subdivision in Cumminsville as recorded in Plat Book 7, Page 65 and being part of the subdivision of lots F,O,P of the estate of Janet Thomson, deceased as recorded in Plat Book 13, Page 27, being all of Cincinnati Northside Community Urban Redevelopment Corporation as recorded in Official Record 13797, Page 1708 of the Hamilton County Recorder's Office containing 1.0498 acres and being further described as follows:

Begin at a set cross notch at the northeast intersection of the north right of way of Knowlton Street (50') and the east right of way of Turrill Street (40'), said cross notch being the True Point of Beginning;

thence, from the True Point of Beginning, thus found, departing the north right of way of said Knowlton Street and with the east right of way of said Turrill Street, North 05° 59' 11" East, 300.52 feet to a set 5/8" iron pin at the southwest corner of Stacey Reed as recorded in Official Record 7110, Page 1594;

thence, departing the east right of way of said Turrill Street and with said Stacey Reed, South 84° 00' 49" East, 100.00 feet to a set 5/8" iron pin on the west line of Molly C. McEvelley as recorded in Official Record 9959, Page 942;

thence, departing said Stacey Reed, South 06° 01' 04" West, passing a set 5/8" reference pin at 142.80 feet a total distance of 145.80 feet to the southwest corner of Jeanne A. Vennemeyer as recorded in Official Record 9634, Page 4354;

thence, with said Jeanne A. Vennemeyer, South 83° 58' 56" East, passing a found 5/8" bent iron pin (no cap) at 98.74 feet, a total distance of 100.00 feet to the west right of way of Apple Street (40'); thence, departing said Jeanne A. Vennemeyer and with the west right of way of said Apple Street, South 06° 01' 04" West, 157.00 feet to a set cross notch at the north right of way of said Knowlton Street;

thence, departing the west right of way of said Apple Street and with the north right of way of said Knowlton Street, North 83° 20' 31" West, 199.85 feet to the True Point of Beginning containing 1.0498 acres of land.

The above description was prepared from a consolidation plat made on September 30, 2020 under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

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

All set iron pins are 5/8" x 30" iron pins in size with cap "BAYER BECKER".

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and APPLE STREET SENIOR LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018 passed on October 31, 2018 (the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 4145 Apple Street, Cincinnati, Ohio 45223 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of a building located on the Property to LEED Silver standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing four or more dwelling units, in order to be eligible for tax exemption

the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. This Agreement has been authorized by Ordinance No. _____-2021, passed by Cincinnati City Council on _____, 2021.
- Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct a new building on the Property into approximately 49,475 square feet of residential space, consisting of 57 affordable rental units which will be rented to senior individuals earning at or below 60% of the Area Median Income (the "Improvements") at an estimated aggregate cost of \$8,759,328 to commence after the execution of this Agreement and to be completed no later than October 1, 2022; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code and zoning regulations, as well as complying with LEED Silver standards, as defined by the U.S. Green Building Council. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver standards. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2022 nor extend beyond the earlier of (i) tax year 2036 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the

Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the

exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 1 full-time permanent jobs, and (ii) 21 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$66,537 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$2,650,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to

the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (Default) and the basis

for revocation under Section 18 (Revocation). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Apple Street Senior LLC
Attention: Amber Seely-Marks, Developer
230 Wyoming Avenue,
Kingston, PA 18704

With a copy to:

CREA Apple Street Senior, LLC
30 South Meridian Street, Suite 400
Indianapolis, Indiana 46204

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; 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.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

APPLE STREET SENIOR LLC,
an Ohio limited liability company

By: _____
Paula Boggs Muething, City Manager

Date: _____, 2021

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Situated in Section 28, Town 3, Fractional Range 2, Between the Miamis, Millcreek Township, The City of Cincinnati, Hamilton County, Ohio and being part of Jacob Hoffner's Sixth Subdivision in Cumminsville as recorded in Plat Book 7, Page 65 and being part of the subdivision of lots F,O,P of the estate of Janet Thomson, deceased as recorded in Plat Book 13, Page 27, being all of Cincinnati Northside Community Urban Redevelopment Corporation as recorded in Official Record 13797, Page 1708 of the Hamilton County Recorder's Office containing 1.0498 acres and being further described as follows:

Begin at a set cross notch at the northeast intersection of the north right of way of Knowlton Street (50') and the east right of way of Turrill Street (40'), said cross notch being the True Point of Beginning;

thence, from the True Point of Beginning, thus found, departing the north right of way of said Knowlton Street and with the east right of way of said Turrill Street, North 05° 59' 11" East, 300.52 feet to a set 5/8" iron pin at the southwest corner of Stacey Reed as recorded in Official Record 7110, Page 1594;

thence, departing the east right of way of said Turrill Street and with said Stacey Reed, South 84° 00' 49" East, 100.00 feet to a set 5/8" iron pin on the west line of Molly C. McEvelley as recorded in Official Record 9959, Page 942;

thence, departing said Stacey Reed, South 06° 01' 04" West, passing a set 5/8" reference pin at 142.80 feet a total distance of 145.80 feet to the southwest corner of Jeanne A. Vennemeyer as recorded in Official Record 9634, Page 4354;

thence, with said Jeanne A. Vennemeyer, South 83° 58' 56" East, passing a found 5/8" bent iron pin (no cap) at 98.74 feet, a total distance of 100.00 feet to the west right of way of Apple Street (40'); thence, departing said Jeanne A. Vennemeyer and with the west right of way of said Apple Street, South 06° 01' 04" West, 157.00 feet to a set cross notch at the north right of way of said Knowlton Street;

thence, departing the west right of way of said Apple Street and with the north right of way of said Knowlton Street, North 83° 20' 31" West, 199.85 feet to the True Point of Beginning containing 1.0498 acres of land.

The above description was prepared from a consolidation plat made on September 30, 2020 under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

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

All set iron pins are 5/8" x 30" iron pins in size with cap "BAYER BECKER".

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

May 26, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202102017

Subject: Emergency Ordinance – STBG and TA Grants Application

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality programs, in an amount of up to \$6,000,000, and to apply for the Transportation Alternatives Grant from the Ohio-Kentucky-Indiana Regional Council of Governments in an amount of up to \$750,000, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

This Emergency Ordinance authorizes the City Manager to apply for grants from the federal Surface Transportation Block Grant (STBG) and Congestion Mitigation and Air Quality (CMAQ) programs, in an amount of up to \$6,000,000, and for the Transportation Alternatives (TA) Grant from the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments in an amount of up to \$750,000, for the timely completion of several transportation projects managed by the City's Department of Transportation and Engineering (DOTE).

DOTE is considering several projects for the STBG and CMAQ funding, including, but not limited to, the following:

- Victory Parkway/Park Avenue Safety Improvement, including intersection improvements, bridge reconstruction, pedestrian improvements, and maintenance of existing streetlighting;
- Linn Street Safety Improvement, including reducing vehicular lanes, installing a bike facility, and pedestrian improvements;
- Ludlow Avenue Safety Improvement, including reducing vehicular lanes, installing a bike facility, and pedestrian improvements;
- Oasis Bike Trail, a 4.5-mile bike path running from the Sawyer Point boathouse to Carrel Street in the City's East End; and

DOTE is also considering the several projects for TA grant funding, including, but not limited to, the following:

- Dutch Colony Drive, including installing a missing sidewalk;
- Martin Luther King Drive Side Path Connection, including completing the connection from Wasson Way to Eden Avenue;
- Airport Road – Eastern Avenue to Wilmer Avenue, including sidewalk installation and potential removal of existing on-street parking; and

The STBG, CMAQ, and TA grant applications are due on June 4, 2021, and no funds will be accepted without approval of Council.

The grants require a 20% local match, which will be identified in future capital project funding if awarded. No new FTEs are required in association with these grants.

The rehabilitation and improvement of the City’s transportation infrastructure is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation system that supports neighborhood vitality,” as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to authorize the City Manager to apply for the grants, as the application deadline is June 4, 2021.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment





EMERGENCY

City of Cincinnati

CFG

An Ordinance No. _____

-2021 *AWB*

AUTHORIZING the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality programs in an amount of up to \$6,000,000, and to apply for the Transportation Alternatives Grant from the Ohio-Kentucky-Indiana Regional Council of Governments in an amount of up to \$750,000, all for the timely completion of several transportation projects managed by the City’s Department of Transportation & Engineering.

WHEREAS, the Department of Transportation & Engineering (“DOTE”) is considering several potential projects for Surface Transportation Block Grant (“STBG”) and Congestion Mitigation and Air Quality (“CMAQ”) funding, including, but not limited to, the following:

- Victory Parkway/Park Avenue Safety Improvement, including intersection improvements, bridge reconstruction, pedestrian improvements, and maintenance of existing street lighting;
- Linn Street Safety Improvement, including reducing vehicular lanes, installing a bike facility, and pedestrian improvements;
- Ludlow Avenue Safety Improvement, including reducing vehicular lanes, installing a bike facility, and pedestrian improvements;
- Oasis Bike Trail, a 4.5-mile bike path running from the Sawyer Point boathouse to Carrel Street in the City’s East End; and

WHEREAS, DOTE is also considering the following projects for Transportation Alternatives (“TA”) grant funding, including, but not limited to, the following:

- Dutch Colony Drive, including installing a missing sidewalk;
- Martin Luther King Jr. Drive Side Path Connection, including completing the connection from Wasson Way to Eden Avenue;
- Airport Road – Eastern Avenue to Wilmer Avenue, including sidewalk installation and potential removal of existing on-street parking; and

WHEREAS, the STBG, CMAQ, and TA grant applications are due on June 4, 2021, and no funds will be accepted without approval of Council; and

WHEREAS, the grants require a 20% local match, which will be identified in future capital project funding if awarded; and

WHEREAS, no new FTEs are required in association with these grants; and

WHEREAS, the rehabilitation and improvement of the City’s transportation infrastructure is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation

system that supports neighborhood vitality” as described on pages 129-138 of Plan Cincinnati (2012); 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 for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality programs in an amount of up to \$6,000,000, and to apply for the Transportation Alternatives Grant from the Ohio-Kentucky-Indiana Regional Council of Governments in an amount of up to \$750,000, all for the timely completion of several transportation projects managed by the City’s Department of Transportation & Engineering.

Section 2. That the proper City officials are authorized to take all necessary actions to carry out the terms of Section 1 herein.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to authorize the City Manager to apply for the grants, as the application deadline is June 4, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202102018

Subject: Emergency Ordinance – Western Hills Viaduct STBG, Hamilton County, and ODOT Resources

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of capital improvement program project accounts nos. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant,” and 980x233x212317, “Western Hills Viaduct – STBG HC Match,” for the purpose of providing resources for the construction of the Western Hills Viaduct project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$1,000,000 from the Surface Transportation Block Grants (STBG) Program (CFDA 20.205) through the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments to newly established capital improvement program project account no. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant”; **AUTHORIZING** the City Manager to accept and appropriate an amount up to \$125,000 from Hamilton County to newly established capital improvement program project account no. 980x233x212317, “Western Hills Viaduct – STBG HC Match”; **AUTHORIZING** the City Manager to accept and appropriate an amount up to \$1,328,938.76 from the Ohio Department of Transportation (ODOT) to existing capital improvement program project account no. 980x233x172357, “Western Hills Viaduct Replacement Non-Local Grants,” for the purpose of providing resources for the construction of the Western Hills Viaduct project; and **AUTHORIZING** the City Manager to enter into any agreements necessary to accept these grant and local matching resources.

This Emergency Ordinance does the following:

1. Authorizes the establishment of capital improvement program project account nos. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant,” and 980x233x212317, “Western Hills Viaduct – STBG HC Match,” for the purpose of providing resources for the construction for the Western Hills Viaduct project;
2. Authorizes the City Manager to accept and appropriate grant resources in the amount up to \$1,000,000 from the Surface Transportation Block Grants (STBG) Program (CFDA 20.205) through the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments to the newly established “Western Hills Viaduct – STBG 2020 Grant” capital improvement program project account;
3. Authorizes the City Manager to accept and appropriate an amount up to \$125,000 from Hamilton County to the newly established “Western Hills Viaduct – STBG HC Match” capital improvement program project account;
4. Authorizes the City Manager to accept an appropriate an amount up to \$1,328,938.76 from the Ohio Department of Transportation (ODOT) to existing capital improvement program project account no. 980x233x172357, “Western Hills Viaduct Replacement Non-Local Grants,” for the purpose of providing resources for the construction of the Western Hills Viaduct project; and

5. Authorizes the City Manager to enter into any agreements necessary to accept these grant and local matching resources.

Hamilton County applied for grant resources from the STBG Program through the OKI Regional Council of Governments and was awarded grant resources of \$1,000,000. The STBG Program grant requires a minimum local match of 20%, which will be split equally between the City and Hamilton County. The City's portion will be identified in future capital improvement program project accounts.

There is also up to \$1,328,938.76 in grant resources available from ODOT, which does not require a local match, for the purpose of providing resources for the construction of the Western Hills Viaduct.

There are no new FTEs associated with the acceptance of these grant and local matching resources.

The replacement or major rehabilitation of the Western Hills Viaduct is in accordance with the "Connect" goal to "develop a regional transportation system that promotes economic vitality," and strategy to "plan, design, and implement a safe and sustainable transportation system," as described on pages 127-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and spend grant and local matching resources in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

KKF

AWB

City of Cincinnati

An Ordinance No. _____

- 2021

AUTHORIZING the establishment of capital improvement program project account nos. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant,” and 980x233x212317, “Western Hills Viaduct – STBG HC Match,” for the purpose of providing resources for the construction of the Western Hills Viaduct project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$1,000,000 from the Surface Transportation Block Grants Program (CFDA 20.205) through the Ohio-Kentucky-Indiana Regional Council of Governments to newly established capital improvement program project account no. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant”; **AUTHORIZING** the City Manager to accept and appropriate an amount up to \$125,000 from Hamilton County to newly established capital improvement program project account no. 980x233x212317, “Western Hills Viaduct – STBG HC Match”; **AUTHORIZING** the City Manager to accept and appropriate an amount up to \$1,328,938.76 from the Ohio Department of Transportation to existing capital improvement program project account no. 980x233x172357, “Western Hills Viaduct Replacement Non-Local Grants,” for the purpose of providing resources for the construction of the Western Hills Viaduct project; and **AUTHORIZING** the City Manager to enter into any agreements necessary to accept these grant and local matching resources.

WHEREAS, the total, current estimated cost of replacing the Western Hills Viaduct is \$335,000,000, and the project is expected to take approximately thirteen years to complete, in six construction phases and four ongoing maintenance phases as funding becomes available; and

WHEREAS, up to \$1,000,000 in grant funds is available from the Surface Transportation Block Grants (“STBG”) Program through the Ohio-Kentucky-Indiana Regional Council of Governments (“OKI”) as additional funding for construction of the Western Hills Viaduct; and

WHEREAS, Hamilton County applied for grant resources from the STBG Program through OKI and was awarded grant resources of \$1,000,000; and

WHEREAS, the STBG Program grant requires a minimum local match of 20%, which will be split equally between the City and Hamilton County, the City’s portion of which will be identified in future capital improvement program projects; and

WHEREAS, up to \$125,000 is available in matching resources from Hamilton County to help fund construction of the Western Hills Viaduct; and

WHEREAS, there is up to \$1,328,938.76 in grant resources available from the Ohio Department of Transportation, which does not require a local match, for the purpose of providing resources for the construction of the Western Hills Viaduct; and

WHEREAS, there are no new FTEs associated with the acceptance of these grant and local match resources; and

WHEREAS, the replacement or major rehabilitation of the Western Hills Viaduct is in accordance with the “Connect” goal to “develop a regional transportation system that promotes economic vitality,” and strategy to “plan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account nos. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant,” and 980x233x212317, “Western Hills Viaduct – STBG HC Match,” for the purpose of providing resources for the construction of the Western Hills Viaduct project.

Section 2. That the City Manager is hereby authorized to accept and appropriate grant resources in an amount of up to \$1,000,000 from the Surface Transportation Block Grants Program through the Ohio-Kentucky-Indiana Regional Council of Governments to newly established capital improvement program project account no. 980x233x212304, “Western Hills Viaduct – STBG 2020 Grant,” for the purpose of providing resources for the construction of the Western Hills Viaduct project.

Section 3. That the City Manager is hereby authorized to accept and appropriate an amount of up to \$125,000 from Hamilton County to newly established capital improvement program project account no. 980x233x212317, “Western Hills Viaduct – STBG HC Match,” for the purpose of providing Hamilton County local match resources for the construction of the Western Hills Viaduct project.

Section 4. That the City Manager is authorized to accept and appropriate an amount up to \$1,328,938.76 from the Ohio Department of Transportation to existing capital improvement program project account no. 980x233x172357, “Western Hills Viaduct Replacement Non-Local

Grants,” for the purpose of providing resources for the construction of the Western Hills Viaduct project.

Section 5. That the City Manager is hereby authorized to enter into any agreements necessary to accept these grant and local matching resources.

Section 6. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 5 hereof.

Section 7. 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 accept and spend grant and local matching resources in a timely manner.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council 202102019
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Acceptance of In-Kind Donation from the 2021 Community Makeover Program**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation from the 2021 Community Makeover Program valued at approximately \$600,000 in the form of improvements to the Avondale Recreation Area and the Rockdale Recreation Area.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation from the 2021 Community Makeover Program. The Community Makeover Program brings together the resources of the Cincinnati Reds Community Fund (RCF), Procter & Gamble (P&G), The Cincinnati Zoo, and Children’s Hospital in an effort to make a positive impact in specified neighborhoods.

The 2021 program will take place in the Avondale neighborhood. There are six separate locations receiving support for enhancements in this year's program. The Cincinnati Recreation Commission (CRC) has two locations in the identified area: the Avondale Recreation Area located at 870 Blair Avenue and the Rockdale Recreation Area located at 3480 Harvey Avenue. Improvements include upgrades to the tennis courts to include pickleball, basketball court renovations, site grading improvements, baseball field renovations, fencing and general park additions such as grills, picnic tables and landscaping.

The improvements are valued at approximately \$600,000, and the City will have no financial responsibilities associated with this construction. The donation requires no matching funds, and no new FTE are associated with this donation. However, the CRC is leveraging these in-kind donations with CRC funding to enhance the overall site improvements and plans to spend \$175,000 from existing capital improvement program project resources.

This Emergency Ordinance is in accordance with the “Live” goal to “Create a more livable community,” as described on page 156 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donation and allow work to begin in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment





EMERGENCY

City of Cincinnati

AEP *AWB*

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to accept an in-kind donation from the 2021 Community Makeover Program valued at approximately \$600,000 in the form of improvements to the Avondale Recreation Area and the Rockdale Recreation Area.

WHEREAS, the Community Makeover Program brings together the resources of the Cincinnati Reds Community Fund, Procter & Gamble, the Cincinnati Zoo, and Children’s Hospital to positively impact Cincinnati neighborhoods through improvement projects; and

WHEREAS, the Community Makeover Program has identified six separate locations in the Avondale neighborhood to receive enhancements in this year’s program, including two Cincinnati Recreation Commission (“CRC”) facilities, the Avondale Recreation Area located at 870 Blair Avenue and the Rockdale Recreation Area located at 3480 Harvey Avenue; and

WHEREAS, improvements to the two CRC facilities will include upgrades to the tennis courts to include pickleball, basketball court renovations, site grading improvements, baseball field renovations, fencing, and general park additions such as grills, picnic tables, and landscaping, valued at approximately \$600,000; and

WHEREAS, the donation requires no matching funds, however, CRC is leveraging these in-kind donations with CRC funding to enhance the overall site improvements and plans to spend \$175,000 from existing capital improvement program project resources; and

WHEREAS, there are no new FTEs associated with this donation; and

WHEREAS, acceptance of the Community Makeover Program donation is in accordance with the “Live” goal to “Create a more livable community,” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept an in-kind donation from the 2021 Community Makeover Program valued at approximately \$600,000 in the form of improvements to the Avondale Recreation Area and the Rockdale Recreation Area.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms 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 to accept the donation and allow work to begin in a timely manner.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 26, 2021

To: Mayor and Members of City Council 202102022

From: Paula Boggs Muething, City Manager

Subject: **Ordinance – FY 2021 Violence Against Woman Act (VAWA) Grant Program**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY21 Violence Against Women Act Grant Program, to support two domestic violence advocates from Women Helping Women.

This Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of up to \$60,000 from the Ohio Department of Public Safety (ODPS), Office of Criminal Justice Services (OCJS), FY21 Violence Against Women Act (VAWA) Grant Program to support two domestic violence advocates from Women Helping Women (WHW) for the Domestic Violence Law Enforcement Advocate Program (DVLEAP). The DVLEAP is a collaborative project between the Cincinnati Police Department (CPD) and WHW which provides crisis intervention services for victims of domestic violence throughout the police investigation and court case.

This Ordinance would also authorize the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 21VAWA.

The grant application deadline is June 2, 2021. The grant requires matching funds of \$20,000 provided by WHW for total project cost of \$80,000. Although WHW receives the funding, the CPD serves as the implementing agency. This grant would not create any additional FTEs.

This Ordinance is in accordance with the Live goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment





City of Cincinnati

KMB *AWG*

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY21 Violence Against Women Act Grant Program, to support two domestic violence advocates from Women Helping Women.

WHEREAS, Women Helping Women provides crisis intervention services for victims of domestic violence throughout the police investigation and court process; and

WHEREAS, the Domestic Violence Law Enforcement Advocate Program is a collaborative project between the Cincinnati Police Department and Women Helping Women; and

WHEREAS, a grant of up to \$60,000 is available from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY21 Violence Against Women Act Grant Program, which will be used to provide funding for the Domestic Violence Law Enforcement Advocate Program by supporting two domestic violence advocates from Women Helping Women; and

WHEREAS, the grant requires matching funds of up to \$20,000, which Women Helping Women will provide; and

WHEREAS, there are no additional FTEs associated with this grant; and

WHEREAS, the grant is in accordance with the "Live" goal to "Create a more livable community" as set forth on page 156 of Plan Cincinnati (2012); 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 for, accept, and appropriate a grant of up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY21 Violence Against Women Act Grant Program, to support two domestic violence advocates from Women Helping Women.

Section 2. That the Finance Director is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 21VAWA.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out Sections 1 and 2 herein.

Section 4. 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

May 26, 2021

To: Mayor and Members of City Council 202102023

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – Acceptance of American Rescue Plan Funds for
Emergency Rental Assistance (ERA2)**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept funds in an amount up to \$7,178,997.50 from the United States Department of the Treasury as provided by the American Rescue Plan Act for the purpose of providing resources for an Emergency Rental Assistance (“ERA2”) program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; **AUTHORIZING** the Finance Director to deposit the funds in Local Fiscal Recovery Fund 469 revenue account no. 469x8543; **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; **AUTHORIZING** the appropriation of the sum of \$7,178,997.50 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program; **AUTHORIZING** the City Manager to contract with third parties and take other necessary actions to quickly implement the ERA2 program; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” to be for a public purpose.

The City previously received Emergency Rental Assistance funding under the Coronavirus Response and Relief Supplemental Appropriations Act, which the City used to implement the Emergency Rental Assistance program now known as ERA1. These funds were used to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.

Under the American Rescue Plan Act, the City is eligible to receive additional Emergency Rental Assistance funding in an amount up to \$7,178,997.50 from the United States Department of the Treasury to be used to implement a second Emergency Rental Assistance program known as ERA2. Essentially, these funds will provide for additional assistance to households that are unable to pay rent and utilities due to the COVID-19 pandemic.

This Emergency Ordinance will deposit those funds in Local Fiscal Recovery Fund 469 revenue account no. 469x8543 as well as authorize the establishment of American Rescue Plan grant project account no. 469x101xARP101, “ERA2.” Expenditures related to ERA2 are declared as being for a public purpose. Finally, the City Manager would be authorized to contract with third parties and take other necessary actions to quickly implement the ERA2 program.

The reason for the emergency is the immediate need to accept funds in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

City of Cincinnati

MSS

AWB

An Ordinance No. _____

- 2020

AUTHORIZING the City Manager to accept funds in an amount up to \$7,178,997.50 from the United States Department of the Treasury as provided by the American Rescue Plan Act for the purpose of providing resources for an Emergency Rental Assistance (“ERA2”) program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; **AUTHORIZING** the Finance Director to deposit the funds in Local Fiscal Recovery Fund 469 revenue account no. 469x8543; **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; **AUTHORIZING** the appropriation of the sum of \$7,178,997.50 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program; **AUTHORIZING** the City Manager to contract with third parties and take other necessary actions to quickly implement the ERA2 program; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” to be for a public purpose.

WHEREAS, the City received Emergency Rental Assistance funding under the Coronavirus Response and Relief Supplemental Appropriations Act, which the City used to implement the Emergency Rental Assistance program now known as ERA1; and

WHEREAS, the City is eligible to receive additional Emergency Rental Assistance funding from the United States Department of the Treasury pursuant to the American Rescue Plan Act, which will be used to implement a second Emergency Rental Assistance program known as ERA2; and

WHEREAS, the additional funds received pursuant to the American Rescue Plan will be used to provide resources for the ERA2 program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept funds in an amount up to \$7,178,997.50 from the United States Department of the Treasury as provided by the American Rescue Plan Act for the purpose of providing resources for an Emergency Rental Assistance (“ERA2”) program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.

Section 2. That the Director of Finance is hereby authorized to deposit the funds into Local Fiscal Recovery Fund 469 revenue account no. 469x8543.

Section 3. That American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” is hereby established for the purpose of providing resources for the “ERA2” program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.

Section 4. That the sum of \$7,178,997.50 is hereby appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of providing resources for the ERA2 program.

Section 5. That the City Manager is authorized to contract with third parties and take other necessary actions to quickly implement the ERA2 program.

Section 6. That expenditures from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” are hereby declared to be for a public purpose because providing funds for emergency rental assistance improves the economic and general well-being of the citizens of the City, which is necessary due to the impacts of the COVID-19 pandemic.

Section 7. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 6 herein.

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 the immediate need to accept the funds in a timely manner.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: May 26, 2020

To: Mayor and Members of City Council 202102026
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE DETERMINING TO PROCEED – STREET LIGHTING GROUP 1
RESIDENTIAL DISTRICT (2020-2023)

Attached is an ordinance captioned as follows:

DETERMINING to proceed with special street lighting assessments in Lighting Group 1 for three years beginning August 1, 2020, pursuant to Ohio Revised Code 727.23, on the streets or portions of the streets described in Exhibit A hereto.

This Ordinance Determining to Proceed is the second step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City Council. The Assessing Ordinance will be submitted immediately following the passage of the Determining to Proceed Ordinance.

Council adopted Resolution of Necessity 27-2020 on April 7, 2021. The City has addressed all objections to the estimated assessments filed with the Clerk of Council.

The Administration recommends passage of the attached ordinance.

Attachment I - Summary of Group 1 Street Limits

cc: John Brazina, Director of Transportation and Engineering
Greg Long, Deputy Director of Transportation and Engineering
Curtis Hines, Principal Engineer, Traffic Engineering
Kimberly Jackson, Traffic Engineering

City of Cincinnati

JRS
AWB

An Ordinance No. _____

- 2021

DETERMINING to proceed with special street lighting assessments in Lighting Group 1 for three years beginning August 1, 2020, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Exhibit A hereto.

WHEREAS, Resolution No. 27-2021 (the "Resolution"), adopted by City Council on April 7, 2021, pursuant to O.R.C. §727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Exhibit A hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the special street lighting were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to O.R.C. §727.14, property owners were given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, as permitted by O.R.C. §727.15, no property owner has filed an objection to the proposed assessment within two weeks following the completion of notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, the Council now desires to proceed with the special street lighting described in the Resolution and to adopt the estimated assessment associated therewith; now, therefore,

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

Section 1. That the Council of the City of Cincinnati intends to proceed, pursuant to Ohio Revised Code §727.23, with the special lighting of the streets or portions of the streets in Lighting Group 1 as set forth in Exhibit A hereto and incorporated herein by reference.

Section 2. That the costs of the special street lighting provided in Resolution No. 27-2021, passed by Council on April 7, 2021, are hereby adopted and shall be assessed in the manner provided in Resolution No. 27-2021.

Section 3. That no claim for damages has been filed pursuant to O.R.C. §727.18.

Section 4. 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

EXHIBIT A

District Name	Limits
ANDINA AVE	from the east line of Reading Road to the west line of Rhode Island Avenue
AVONLEA AVE	from the east line of Reading Road to the west line of Rhode Island Avenue
BAYARD DR	from the north line of Erie Avenue to the south line of Victoria Avenue
BEAVERTON AVE	from the west line of Parkdale Avenue to approx. 487.41' west of west line of Elmshade Avenue
BEECHVIEW CI	from the south line of Montgomery Road to Rogers Park Place & to the south line of Beech View Subdivision
BELLA VISTA ST	from the east line of Reading Road to its east terminus
BELLWOOD AVE	from the west line of Ridge Avenue to the east line of Lester Road
BERKLEY AVE	from the west line of Rhode Island Avenue to the east line of Reading Road
CASTLETON PL	from 140' south of the south line of Northwood Drive to its north terminus
CATALINA AVE	from the west line of Rhode Island Avenue to its west terminus
CHALFONTE PL	from the west line of Reading Road to its west terminus
CHEYENNE DR	from the south line of Towanda Terrace to the west line of Maketewah View Subdivision
CLIFTON AVE 1	E.S. from the north line of Mc Millian Street to to the north line of Calhoun Street and from the south line of M. L. King Drive to 855' south of the south line of Ludlow Avenue. W.S. from the north line of Mc Millian Street to the south line of Dixmyth
CLIFTON AVE 2	from the south line of Ludlow Ave.: to 855' south of the south line of Ludlow Avenue E.S. the south line of Dixmyth Avenue W.S.
CLIFTON AVE 3	from the north line of Ludlow Avenue to the south line of Lafayette Avenue
CORONADO AVE	from the north line of Zula Avenue to the south line of Cleves Pike
CORVALLIS AVE	from the west line of Parkdale Avenue to approx. 466.92' west of the west line of Elmshade Avenue
COVEDALE AVE	from the north line of Cleves Pike to the south line of Sidney Road
EILEEN DR	from the north line of Madison Road to the south line of Markbrite Avenue
EPWORTH AVE	from the north line of Werk Road to the south line of Ramona Avenue
EUGENIE LN	from the east line of Werk Road to the west line of LaFeuille Avenue
FAR HILLS DR	Michigan Avenue, south and around Michigan Avenue
FENMORE DR	from the west line of Paddock Road to the east line of Coad Drive
GARDEN LN	from the west line of Rhode Island Avenue to the west terminus
GRAFTON AVE	from the north line of Dale Road to the north line of 5438 Grafton Avenue
GREENLAND PL	from the north line of Northwood Drive to 163 feet south of the south line of Miramar Court
HANSFORD PL	from the south line of Harrison Ave to the south terminus
HAYWARD AVE	from the south line of Principio Avenue to the north line of Arnold Street
JOHNSTONE PL	from the south line of Madison Road to the south terminus
KELLYWOOD AVE	from the north line of Guerley Road to the north terminus
KENOVA AVE	from the west line of Reading Road to a point approximately 1500' west of Reading Road
LACONIA AVE	from the north line of Dale Road to the north terminus
LAKELAND AVE	from the west line of Parkdale Avenue to approximately 505.08 feet west of Elmshade Avenue

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LARRY AVE	from the east line of Hamilton Avenue to the east terminus
LAWN AVE	from the west line of Rhode Island Avenue to the west terminus
LILLIAN DR	from the north line of Dale Road to the north terminus
LUDLOW AVE	from the south line of LaFayette Avenue to the west line of Whitfield Avenue
MANOR HILL DR	from the north line of Ludlow Avenue to the north terminus
MARLINGTON AVE	from the east line of Westgate Avenue to the west line of Middlebrook Avenue from the south line of Marlinton Avenue to the north line of Downing Avenue
N&S CLEROSE CIRCLE	from the east line of Rosemont Avenue to the east line of Rosemont Avenue
NORTHAMPTON DR	from the east line of Reading Road to the east terminus
NORTHCUTT AVE	from the east line of Reading Road to the west line of Rhode Island Avenue
NORTHWOOD DR	from 150 feet west of Reading Road to the east line of Castleton Place
ORCHARD LN	the north line of Montgomery Road to approx. 1800' north of Montgomery Road
PORTSMOUTH AVE	the east line of Paxton Avenue to the north line of Victoria Avenue
RAWSON WOODS LN	the west line of Middleton Avenue to the west terminus Rawson Woods Lane Rawson Woods Lane
RAYMAR DR	from the south line of Victoria Avenue to the north line of Erie Avenue and the line of Raymar Drive
ROBINWOOD DR, E	from from the north line of Kenova & the to west line of Scottwood to approximately 526.5' west of the west line of Elmshade Ave
ROOKWOOD DR	from from the north line of Grandin Road to the north line of East Rookwood Drive from the east line of Rookwood Drive to the west line of Edwards Road from the east line of Rookwood Avenue to the south line of East Rookwood Drive
ROSECLIFF AVE	from from the west line of Reading Road to the east line of Parkdale Avenue
SCHULTE DR	from from the north line of Cappel Drive north than east to the east terminus
SCOTTWOOD AVE	from from the south line of Shenandoah Avenue to the north line of Kenova Avenue
SHENANDOAH AVE	from from the west line of Reading Road to approximately 446.09' west of Elmshade Avenue
STRATFORD AVE	from the north line of DeVotie Avenue to the south line of Probasco Street
STRATFORD PL	from the east line of Paddock Road northeast to the northeast terminus
SUNCREST DR	from the west line of Herschel Avenue to the north line of Griest Avenue
TOWANDA TER	from the west line of Paddock Road to the west line of Maketwah View Subdivision
U OF C	East side of Clifton Calhoun to M. L. King
VICTORIA AVE	from the east line of Paxton Road to the west line of Erie Avenue
WARWICK AVE	from the south line of Mitchell Avenue to the north line of Clinton Springs Avenue
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YORKSHIRE PL	from the north line of Northwood Drive to the north terminus

Date: May 26, 2020

To: Mayor and Members of City Council 202102027
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE - ASSESSED STREET LIGHTING – GROUP 1 RESIDENTIAL DISTRICT
(2020-2023)

Attached is an ordinance captioned as follows:

TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 1, pursuant to Ohio Revised Code 727.25, for the three-year period beginning on August 1, 2020.

This Ordinance is the third step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City council in order for the Finance Department to process the billing and certify the Assessments to the County Auditor for inclusion on the January, 2022 tax bills.

The Administration recommends passage of the attached ordinance.

cc: John Brazina, Director of Transportation and Engineering
Greg Long, Deputy Director of Transportation and Engineering
Curtis Hines, Principal Engineer, Traffic Engineering
Kimberly Jackson, Traffic Engineering

City of Cincinnati

JRS

AWB

An Ordinance No. _____

- 2021

TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 1, pursuant to Ohio Revised Code §727.25, for the three-year period beginning on August 1, 2020.

WHEREAS, Resolution No. 27-2021 (the "Resolution"), adopted by City Council on April 7, 2021, pursuant to Ohio Revised Code. §727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Exhibit A hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution, the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, there are no outstanding objections to the estimated assessments; and

WHEREAS, on _____ 2021, City Council passed Ordinance No. _____-2021 determining to proceed with the assessments; and

WHEREAS, the actual costs for the special street lighting for the three-year period have been ascertained and found to be substantially the same as the estimated costs; now, therefore,

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

Section 1. That the actual costs of the assessments for special street lighting in Lighting Group 1 for the three-year period beginning on August 1, 2020, as set forth on Exhibit A hereto and incorporated herein by reference, are hereby adopted and affirmed, pursuant to Ohio Revised Code §727.25.

Section 2. That, with the exception of public rights-of-way, state-owned land, and federally-owned land, there is hereby levied, in accordance with Chapter 727 of the Ohio Revised Code, an assessment upon the properties abutting the locations described on Exhibit A to pay the owners' portion of the costs for special street lighting in Lighting Group 1, for a period of three years beginning on August 1, 2020 and ending on July 31, 2023.

Section 3. That it is hereby determined that the assessments levied by this ordinance comply with all applicable procedures and limitations as set forth in Chapter 727 of the Ohio Revised Code.

Section 4. That the assessments levied by this ordinance shall be payable in cash to the Treasurer of the City of Cincinnati within 30 days after the passage of this ordinance, or at the option of the property owner, in three annual installments at an annual rate of interest of 9%.

Section 5. That the Clerk of Council or other appropriate City official shall certify, at the expiration of said 30-day period, any unpaid assessments to the Auditor of Hamilton County to be placed on the tax duplicate for collection at the time and in the same manner as property taxes are collected. Upon certification, the assessments shall be paid in three annual installments commencing with the December 2021 tax bill.

Section 6. That the City of Cincinnati shall not issue any notes or bonds in anticipation of the collection of the assessments.

Section 7. That the appropriate officials from the Finance Department are authorized to accept the assessment funds, deposit them into the appropriate account for the purpose of paying the costs and expenses of the special street lighting, and disburse them as required by law.

Section 8. That the portion of the cost of said improvements not specially assessed, any uncollectible assessments on property owned by the federal government and the State of Ohio, and assessments on property owned by the City of Cincinnati, shall be paid out of a fund provided to pay the City's portion of the cost of the special street lighting in the manner provided by law.

Section 9. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati pursuant to Ohio Revised Code §727.26.

Section 10. 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

EXHIBIT A

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MANOR HILL DR	from the north line of Ludlow Avenue to the north terminus
MARLINGTON AVE	from the east line of Westgate Avenue to the west line of Middlebrook Avenue from the south line of Marlinton Avenue to the north line of Downing Avenue
N&S CLEROSE CIRCLE	from the east line of Rosemont Avenue to the east line of Rosemont Avenue
NORTHAMPTON DR	from the east line of Reading Road to the east terminus
NORTHCUTT AVE	from the east line of Reading Road to the west line of Rhode Island Avenue
NORTHWOOD DR	from 150 feet west of Reading Road to the east line of Castleton Place
ORCHARD LN	the north line of Montgomery Road to approx. 1800' north of Montgomery Road
PORTSMOUTH AVE	the east line of Paxton Avenue to the north line of Victoria Avenue
RAWSON WOODS LN	the west line of Middleton Avenue to the west terminus Rawson Woods Lane Rawson Woods Lane
RAYMAR DR	from the south line of Victoria Avenue to the north line of Erie Avenue and the line of Raymar Drive
ROBINWOOD DR, E	from from the north line of Kenova & the to west line of Scottwood to approximately 526.5' west of the west line of Elmshade Ave
ROOKWOOD DR	from from the north line of Grandin Road to the north line of East Rookwood Drive from the east line of Rookwood Drive to the west line of Edwards Road from the east line of Rookwood Avenue to the south line of East Rookwood Drive
ROSECLIFF AVE	from from the west line of Reading Road to the east line of Parkdale Avenue
SCHULTE DR	from from the north line of Cappel Drive north than east to the east terminus
SCOTTWOOD AVE	from from the south line of Shenandoah Avenue to the north line of Kenova Avenue
SHENANDOAH AVE	from from the west line of Reading Road to approximately 446.09' west of Elmshade Avenue
STRATFORD AVE	from the north line of DeVotie Avenue to the south line of Probasco Street
STRATFORD PL	from the east line of Paddock Road northeast to the northeast terminus
SUNCREST DR	from the west line of Herschel Avenue to the north line of Griest Avenue
TOWANDA TER	from the west line of Paddock Road to the west line of Maketwah View Subdivision
U OF C	East side of Clifton Calhoun to M. L. King
VICTORIA AVE	from the east line of Paxton Road to the west line of Erie Avenue
WARWICK AVE	from the south line of Mitchell Avenue to the north line of Clinton Springs Avenue
WERKASTLE LN	from the east line of Werk Road to the west line of Eugenie Lane
YORKSHIRE PL	from the north line of Northwood Drive to the north terminus

May 26, 2021

To: Mayor and Members of City Council

202102049

From: Paula Boggs Muething, City Manager

Subject: Emergency Ordinance – Amending Ordinance 313-2020 and Increasing Ohio EPA Loan Amount

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance 313-2020 to increase the amount of loan funding the City Manager or her designee is authorized to apply for, accept, and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$8,000,000 to approximately the approximate amount of \$10,000,000.

On September 16, 2020, Council approved Ordinance 313-2020 authorizing the City Manager to apply for, accept, and appropriate loan funding from the Ohio Environmental Protection Agency (OEPA) and Ohio Water Development Authority Water Supply Revolving Loan Account (“WSLRA”) in the approximate amount of \$8,000,000 to replace aging water mains as well as planning, design, and construction of drinking water facilities for Greater Cincinnati Water Works (“GCWW”). Following the bidding and subsequent construction, the actual total costs of the projects approved by OEPA for WSLRA loan funding exceeds \$9,846,000. Ordinance 313-2020 must be amended to increase the approximate loan amount in order for OEPA to provide additional low interest WSLRA funding for the full cost of the approved projects. Because the OEPA WSLRA funding year ends June 4, 2021, this ordinance is being requested as an emergency to meet this deadline.

GCWW’s water main replacement program is in accordance with the “Sustain” goal to “Become a healthier Cincinnati” and strategy to “Create a healthy environment and reduce energy consumption,” as described on pages 181 – 186 of Plan Cincinnati (2012).

The Administration recommends passage of this Emergency Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 
Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

AEY *AWB*

An Ordinance No. _____

- 2021

AMENDING Ordinance 313-2020 to increase the amount of loan funding the City Manager or her designee is authorized to apply for, accept, and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$8,000,000 to the approximate amount of \$10,000,000.

WHEREAS, on September 16, 2020, Council approved Ordinance 313-2020 authorizing the City Manager to apply for, accept, and appropriate loan funding from the Ohio Environmental Protection Agency (OEPA) and Ohio Water Development Authority Water Supply Revolving Loan Account (“WSRLA”) in the approximate amount of \$8,000,000 based on the initial engineering estimate; and

WHEREAS, following bidding and construction, the actual total costs of the projects approved by OEPA for WSRLA loan funding exceed \$9,846,000; and

WHEREAS, Ordinance 313-2020 must be amended to increase the approximate loan amount in order for OEPA to provide additional WSRLA funding for the full cost of the approved projects; now, therefore,

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

Section 1. That Ordinance 313-2020, approved by Council on September 16, 2020 is hereby amended as follows:

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the approximate amount of ~~\$8,000,000~~ \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains as well as planning, designing, and constructing drinking water facilities for the Greater Cincinnati Water Works.

Section 2. That all terms of Ordinance No. 313-2020 not amended by this ordinance remain in full force and effect.

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 so that the City may be awarded the additional low-interest loan funding to cover the full cost of the funded water main replacement projects before June 4, 2021, being the end of the Ohio Environmental Protection Agency Water Supply Revolving Loan Account funding year

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.