



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final-revised

### Budget and Finance Committee

*Chairperson Jeff Cramerding*  
*Vice Chair Scotty Johnson*  
*Vice Mayor Jan-Michele Kearney*  
*Councilmember Anna Albi*  
*Councilmember Mark Jeffreys*  
*Councilmember Evan Nolan*  
*Councilmember Meeka Owens*  
*President Pro Tem Victoria Parks*  
*Councilmember Seth Walsh*

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Monday, December 1, 2025

1:00 PM

Council Chambers, Room 300

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#### PUBLIC HEARING

#### PRESENTATIONS

##### SOPEC

Oliver Kroner, Director, Office of Environment and Sustainability

##### CRC FY 2025 BUDGET VARIANCE

Daniel Betts, Director and Tiffany Stewart, Assistant Director of Administration

#### AGENDA

##### PUBLIC HEARING

#### CONVENTION DISTRICT COMMUNITY AUTHORITY

1. [202502051](#) **PETITION (AMENDED)**, submitted by the Clerk of Council, from Donald L. Winter, III, Frost Brown Todd LLP, regarding an amended and restated petition to establish the Convention District Community Authority as a new community authority and a new community district pursuant to Chapter 349 of the Ohio Revised Code.  
  
**Sponsors:** Clerk of Council  
**Attachments:** [PETITION](#)
2. [202502076](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 12/1/2025, **ORGANIZING** the Convention District New Community Authority; **APPROVING** the amended petition; **ESTABLISHING** the boundaries of the authority; **APPOINTING** members of the board of trustees of the authority; **ESTABLISHING** the method for selecting the board of trustees of the authority; **FIXING** the surety bond amount for the members

of the board of trustees; and **ESTABLISHING** the method for selecting the board of trustees of the authority.

**Sponsors:** City Manager

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

### **END OF PUBLIC HEARING**

### **SOPEC**

3. [202502085](#) **REPORT**, dated 12/1/2025, submitted Sheryl M. M. Long, City Manager, regarding Options for Energy Aggregation Through Shared Electricity Procurement. (Reference Document # 202501981)

**Sponsors:** City Manager

**Attachments:** [Report](#)

4. [202501777](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, **AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council ("SOPEC") and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

**Sponsors:** City Manager

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

5. [202502063](#) **ORDINANCE (B VERSION) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 12/1/2025, **AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council ("SOPEC") and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts for mercantile customers; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

**Sponsors:** City Manager

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

### **TRANSFERS AND APPROPRIATIONS**

6. [202502015](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the transfer and appropriation of \$1,174,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to various Cincinnati Recreation Commission Recreation Special Activities Fund

operating budget accounts according to the attached Schedule of Transfer to provide resources for planned expenditures.

**Sponsors:** City Manager

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

7. [202502022](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the transfer and appropriation of \$480,000 from the unappropriated surplus of Municipal Golf Fund 105 to Cincinnati Recreation Commission Municipal Golf Fund non-personnel operating budget account no. 105x195x7200 to provide resources for planned expenditures.

**Sponsors:** City Manager

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

### **GRANTS AND DONATIONS**

8. [202502014](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the City Manager to apply for a grant of up to \$120,000 from the National Recreation and Parks Association ("NRPA") for lighting and parking infrastructure improvements at the Losantiville Recreation Area; **AUTHORIZING** the City Manager to accept an in-kind donation of lighting and parking infrastructure from NRPA through Musco Lighting for the Losantiville Recreation Area valued at up to \$100,000; **AUTHORIZING** the City Manager to accept and appropriate up to \$20,000 in grant resources from NRPA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

**Sponsors:** City Manager

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

9. [202502013](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the City Manager to accept a donation of up to \$11,520 from the Cincinnati Fire Foundation to provide resources for the installation of an equipment storage unit at the new Fire Training Facility; **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of up to \$11,520 from the unappropriated surplus of General Fund 050 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 to provide resources for the installation of an equipment storage unit at the new Fire Training Facility.

**Sponsors:** City Manager

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

**WATER SERVICE AGREEMENT**

10. [202502017](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the City Manager to execute a Second Amendment to the Water Service Agreement between the City of Cincinnati and the City of Lebanon, Ohio to permit the installation of a new wholesale water connection to serve new residential properties within the City of Lebanon.

**Sponsors:** City Manager

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

**EASEMENTS**

11. [202502019](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/19/2025, **AUTHORIZING** the City Manager to execute a release of easements to terminate certain easements for road and flood protection levee purposes and acquire an easement for road and flood protection levee purposes over a portion of real property located along or near Madison Road in the Madisonville neighborhood of the City of Cincinnati.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)  
[Attachment A](#)  
[Attachment B](#)

**PRESENTATIONS**

12. [202502058](#) **PRESENTATION**, submitted by Sheryl M. M. Long, City Manager, dated 12/1/2025, regarding the Cincinnati Recreation Commission (CRC) FY 2025 Budget Variance.

**Sponsors:** City Manager

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

13. [202502090](#) **PRESENTATION**, submitted by Sheryl M. M. Long, City Manager, dated 12/1/2025, regarding Energy Aggregation & SOPEC.

**Sponsors:** City Manager

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

ADJOURNMENT



**Donald L. Warner, III**

Partner

513.651.6939 (t)

dwarner@fbtlaw.com

November 25, 2025

**VIA HAND DELIVERY**

Cincinnati City Council  
Melissa Autry, Clerk of Council  
801 Plum St., Room 308  
Cincinnati, Ohio 45202

RE: Amended and Restated Petition to establish the Convention District Community Authority as a new community authority and a new community district pursuant to Chapter 349 of the Ohio Revised Code

Dear Clerk Autry:

Enclosed please find an original of the above-referenced petition (the "Petition") presented and filed collectively by the Port of Greater Cincinnati Development Authority, 3CDC Master Parking Commercial LLC, MCA Center LLC, Cincinnati Association for the Performing Arts, 641 Walnut LLC, 101 West Fifth LLC, Fourth and Race Development LLC, Fifth Third Bank, National Association, Fountain Place, LLC, 120 East Sixth, LLC, the Hamilton County Land Reutilization Corporation, Urban Legacy VIII, LLC, the City of Cincinnati, Ohio, and Cincinnati Hotel Owner (OH), LLC (collectively, the "Developers") to amend and restate that certain Petition for the Organization of a New Community Authority submitted by the Developers on October 17, 2025 to establish the Convention District Community Authority (the "Authority") pursuant to Ohio Revised Code Chapter 349. This Petition is being filed by the Developers with you, as Clerk of Council of the City Council (the "Council") of Cincinnati, Ohio, pursuant to Ohio Revised Code Section 349.03.

Please contact me if you have any questions or comments. Thank you for your assistance in this matter.

Sincerely,

FROST BROWN TODD LLP

Donald L. Warner, III

Enclosure

# AMENDED AND RESTATED PETITION FOR THE ORGANIZATION OF A NEW COMMUNITY AUTHORITY

TO THE CITY COUNCIL OF CITY OF CINCINNATI, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, the PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, a port authority and a body corporate and politic organized and existing under the laws of the State of Ohio (as to PARCELS 1 and 2 as described in EXHIBIT A-2 attached hereto); 3CDC MASTER PARKING COMMERCIAL LLC, an Ohio limited liability company (as to PARCEL 3 as described in EXHIBIT A-2 attached hereto); MCA CENTER LLC, an Ohio limited liability company (as to PARCELS 4 and 5 as described in EXHIBIT A-2 attached hereto); the CINCINNATI ASSOCIATION FOR THE PERFORMING ARTS, an Ohio non-profit corporation (as to PARCEL 6 as described in EXHIBIT A-2 attached hereto); 641 WALNUT LLC, an Ohio limited liability company (as to PARCELS 7, 8, and 9 as described in EXHIBIT A-2 attached hereto); 101 WEST FIFTH LLC, an Ohio limited liability company (as to PARCEL 10 as described in EXHIBIT A-2 attached hereto); FOURTH AND RACE REDEVELOPMENT LLC, an Ohio nonprofit limited liability company (as to PARCEL 11 as described in EXHIBIT A-2 attached hereto); FIFTH THIRD BANK, NATIONAL ASSOCIATION (as to PARCEL 12 as described on Exhibit A-2); FOUNTAIN PLACE, LLC, an Ohio limited liability company (as to PARCELS 13 and 14 as described in EXHIBIT A-2 attached hereto); 120 EAST SIXTH, LLC, an Ohio limited liability company (as to PARCELS 15 and 16 as described in EXHIBIT A-2 attached hereto); the HAMILTON COUNTY LAND REUTILIZATION CORPORATION, an Ohio non-profit corporation (as to PARCEL 17 as described in EXHIBIT A-2 attached hereto); URBAN LEGACY VIII, LLC, an Ohio limited liability company (as to PARCEL 18 as described in EXHIBIT A-2 attached hereto); the CITY OF CINCINNATI, an Ohio municipal corporation (as to PARCELS 19 and 20 as described in EXHIBIT A-2 attached hereto), and CINCINNATI HOTEL OWNER (OH), LLC, a Delaware limited liability company (as to PARCEL 21 as described in EXHIBIT A-2 attached hereto) (each a “Developer” and, together the “Developers”), hereby submit this petition to the City Council of the City of Cincinnati, Ohio (the “City Council”) for the organization of a new community authority (the “Authority”) to be known as the Convention District Community Authority.

For purposes of the organization of the Authority, the Developers constitute a “developer” within the meaning of Section 349.01(E) of the Ohio Revised Code, and the City of Cincinnati, Ohio (the “City”) is the only “proximate city” as that term is defined in Section 349.01(M) of the Ohio Revised Code. The Developers further state as follows in compliance with the requirements of Section 349.03 of the Ohio Revised Code:

1. The Authority is named the “Convention District Community Authority.”
2. The principal office of the Authority shall be located at 1203 Walnut Street, Cincinnati, Ohio 45202, or such other location as may hereafter be determined by the Board of Trustees of the Authority.
3. Attached to this Petition as Exhibit A-1 is a map of all the land comprising the new community district (the “District”), all of which land is located within the corporate boundaries of the City. Legal description(s) of all the parcel(s) in the District (collectively,

the “Property”) are attached as Exhibit A-2. The properties highlighted in blue on Exhibit A-1 and described on Exhibit A-2 will be included in the District. The total acreage of the properties to be included in the District will be approximately 35 acres. The Developers own or control all such acreage to be included in the District within the meaning of Section 349.01(E) of the Ohio Revised Code.

4. The Developer’s current plans for the development of the Property comply with the applicable zoning regulations set forth under Chapter 1411 of the City’s Municipal Code, which govern the development of properties located in the Downtown Development district (DD). All of the Property is located in the DD zoning district. A certification of the existing zoning regulations applicable to the Property are attached to this Petition as Exhibit B.

5. Attached to this Petition as Exhibit C is a current plan indicating the proposed new community development program (the “Program”) for the District; the land acquisition and land development activities; community facilities and services the Authority will undertake under such program; the proposed method of financing these activities through the issuance and sale of revenue bonds (“Revenue Bonds”), including a description of the bases, timing, and manner of collecting any proposed community development charges intended to support debt service payable on the Revenue Bonds (the “Community Development Charges”); and the projected total population of, and employment within, the new community.

6. Consistent with Section 349.04 of the Ohio Revised Code, the Board of Trustees (“Board of Trustees”) governing the Authority should consist of seven (7) members: three (3) of those members to be citizen members appointed by the City Council of the City of Cincinnati; three (3) of those members to be appointed by the Developer; and one (1) of those members to be appointed by the City Council of the City of Cincinnati to serve as a representative of local government. None of the citizen members appointed to the Board of Trustees by the City may be employees of any of the Developers. The initial appointment of each member of the Board of Trustees, and any reappointment or appointment of successor members thereafter, shall be for the term established by the resolution to be adopted by the City Council of the City of Cincinnati pursuant to Section 349.04 of the Ohio Revised Code. As authorized by Section 349.04 of the Revised Code, the Trustees of the Authority will be appointed by this alternative method and shall not be elected.

7. Attached to this Petition as Exhibit D is a preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developers’ management capability.

8. The development will comply with all applicable environmental laws and regulations.

9. The Authority may only be dissolved in accordance with a resolution passed by the Board of Trustees of the Authority and with the concurring approval of the City

Council of the City of Cincinnati by resolution or ordinance. Unless otherwise agreed by the obligees of the Authority, the Authority may not be dissolved so long as any bond, note or other legal indebtedness, including any Revenue Bond of the Authority or other third-party issuer remains outstanding.

10. Each of the undersigned Developer representatives hereby represents and warrants that he or she is duly authorized and empowered to execute and deliver this Petition on behalf of such entity to the City Council of the City of Cincinnati for its review and consideration.

Attached Exhibits A-1, A-2, B, C, and D are part of this Petition.


In consideration of the foregoing, the Developers hereby request that the City Council of the City of Cincinnati, as the “organizational board of commissioners” under Section 349.03 of the Ohio Revised Code, determine that this Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and further requests that the City Council of the City of Cincinnati fix the time and place of a hearing on this Petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, pending determination by the City Council of the City of Cincinnati that this Petition complies with Section 349.03 of the Ohio Revised Code, that hearing must be held not less than thirty (30) nor more than forty-five (45) days after the filing of this Petition with the Clerk of Council. This Petition may be executed in one or more counterparts, manually or by electronic signature, each of which shall be deemed as original for all purposes, and together shall constitute one and the same document.

*[This Space Intentionally Left Blank.]*

IN WITNESS WHEREOF, the Developers have caused this Petition for Organization of a New Community Authority to be executed by their respective duly authorized representatives as of the day and year first above written.

**DEVELOPERS:**

**120 EAST SIXTH, LLC,**  
an Ohio limited liability company

By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR


**MCA CENTER LLC**, an Ohio limited liability company

Signed by:  
By: Bobby Maly  
Name: Bobby Maly  
Title: CEO

**CINCINNATI ASSOCIATION FOR THE  
PERFORMING ARTS, an Ohio non-profit  
corporation**



DocuSigned by:  
By: Steve Loftin  
Name: Steve Loftin  
Title: President and CEO

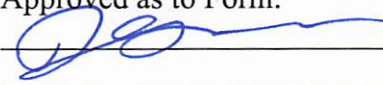
**641 WALNUT LLC, an Ohio limited liability  
company**

By:  Docusigned by:  
87A987E0-A218-407F-9AF7-5072A7DFBEDE  
Name: BOB DECK  
Title: Managing Partner



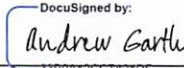
THE CITY OF CINCINNATI, OHIO

By:   
Sheryl M.M. Long, City Manager  
by  William Weber  
Assistant City Manager

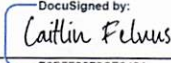
Approved as to Form:  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HAMILTON COUNTY LAND REUTILIZATION  
CORPORATION,**  
an Ohio non-profit corporation

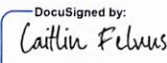
By: Port of Greater Cincinnati Development  
Authority, Management Company

By:   
Name: Andrew Garth  
Title: EVP & General Counsel

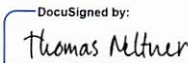
**FOUNTAIN PLACE, LLC**, an Ohio limited liability company

By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR

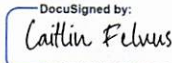
**FOURTH AND RACE REDEVELOPMENT,  
LLC**, an Ohio nonprofit limited liability company

By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR

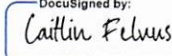
**FIFTH THIRD BANK,  
NATIONAL ASSOCIATION**

By:   
Name: Thomas Neltner  
Title: Director of Enterprise Workplace Services

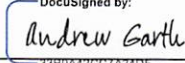
**URBAN LEGACY VIII, LLC**, an Ohio limited liability company

By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR

**101 WEST FIFTH LLC**, an Ohio limited liability company

By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR

**PORT OF GREATER CINCINNATI  
DEVELOPMENT AUTHORITY**, a port authority  
and a body corporate and politic organized and  
existing under the laws of the State of Ohio

By:   
Name: Andrew Garth  
Title: EVP & General Counsel



**CINCINNATI HOTEL OWNER (OH), LLC,**  
a Delaware limited liability company

Signed by:  
By: Jeff Greenway  
Name: Jeff Greenway  
Title: Authorized Signatory

**3CDC MASTER PARKING COMMERCIAL  
LLC, an Ohio limited liability company**


By:   
Name: Caitlin Felvus  
Title: CLO & SVP, HR

EXHIBIT A-1

MAP OF NEW COMMUNITY DISTRICT

The Parcels comprising the Property are highlighted in blue below.



EXHIBIT A-2

LEGAL DESCRIPTION OF  
NEW COMMUNITY DISTRICT

PARCEL 1:

Situate in Section 18, Town 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, Ohio and being all of In Lot 342 and a part of In Lot 341 by Israel Ludlow and Joel Williams as recorded in Deed Book E2, Pages 66 and 67 of the Hamilton County, Ohio Records and being more particularly described as follows:

Beginning at the Southeast corner of Fifth Street (66 foot right of way) and Plum Street (66 foot right of way); thence North 81 degrees 05 minutes 30 seconds East, along the South line of Fifth Street, a distance of 188.58 feet to the Southwest corner of Fifth Street and Home Street (20 foot right of way); thence South 9 degrees 06 minutes 10 seconds East, along the West line of Home Street, a distance of 121.88 feet; thence South 81 degrees 05 minutes 30 seconds West, parallel with the South line of Fifth Street, a distance of 188.85 feet to a point in the East line of Plum Street; thence North 8 degrees 58 minutes 30 seconds West, along the East line of Plum Street, a distance of 121.88 feet to the Southeast corner of Fifth Street and Plum Street and the place of beginning. Containing 23,000 square feet or 0.528 acres, more or less, and being part of the Perimeter Survey recorded in Plat Book 281, Page 99 of the Hamilton County, Ohio Plat Records. The above description is based on an actual field survey made by Thomas J. Howard, Ohio Registered Surveyor No. 5-005005 in October, 1989.

PPN: 145-0001-0316-00

Commonly known as 251 W. Fifth Street, Cincinnati, OH

PARCEL 2:

Situate in Section 18, Town 4, Fractional Range 1, Cincinnati Township, being all of in Lots 339 and 340 and a part of in Lot 341 by Israel Ludlow and Joel Williams as recorded in Deed Book E2, Pages 66 and 67 of the Hamilton County, Ohio records and being more particularly described as follows:

Commencing at the Southeast corner of Fifth Street (66' Right of Way) and Plum Street (66' Right of Way); thence South 08° 58' 30" East, along the East line of Plum Street, a distance of 121.88 feet to the real place of beginning for the property herein described; thence North 81° 05' 30" East, parallel with the South line of Fifth Street, a distance of 188.85 feet to a point in the West line of Home Street (20' Right of Way); thence South 09° 06' 10" East, along the West line of Home Street, a distance of 276.21 feet to the Northwest corner of Home Street and Fourth Street (66' Right of Way); thence South 81° 14' 20" West, along the North line of Fourth Street, a distance of 189.47 feet to the Northeast corner of Fourth Street and Plum Street; thence North 08° 58' 30" West, along the East line of Plum Street a distance of 275.72 feet to the Place of Beginning.

PPN: 145-0001-0102-00

Commonly known as 240 W. Fourth Street, Cincinnati, OH

**PARCEL 3:**

145 Situate in Section 18, Town 4, Fractional Range 1, City of Cincinnati, County of Hamilton, State of Ohio, and being known, numbered and designated as Lot Number Two (2) of the Dunnhumby Centre Subdivision as recorded in Plat Book 437, Pages 24-32, of the Hamilton County Recorder's Office Records.

PPN: 145-0002-0435-00

Commonly known as 595 Race Street, Cincinnati, OH

**PARCEL 4:**

Situate, lying and being in Section 18, Town 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, Ohio and being all of Lots 12 through 15 and part of Lot 11 of Hamilton County Subdivision as recorded in Deed Book V-2, Page 417, Hamilton County Recorder's Office, and also being part of In Lots 139 and 140 of the In Lots as recorded in Deed Book E-2, Pages 62 to 66, Hamilton County Recorder's Office and also being all of Tract B (a fee simple estate), all of Tract C (a fee simple estate) and all of Tract E (a fee simple estate) and also being part of Tract A (a fee simple estate) and part of Tract D (a fee simple estate) of Registered Land Certificate No. 78982 (City of Cincinnati) which is recorded in Hamilton County, Ohio Registered Land Records, and also being all of Traction Place ( a 10 foot alley), and also being part of Mercantile Place (an 18 foot street), and being more particularly described as follows:

Beginning at the intersection of the south line of Fifth Street (a 130 foot street) and the west line of Traction Place (a 10 foot alley); thence North  $81^{\circ} 08' 30''$  East along the south line of Fifth Street 112.70 feet to the west line of Tract B-2, Parcel 2 (Federal Reserve Bank); thence South  $9^{\circ} 23' 30''$  East along the west line of Tract B-2, Parcel 2, and the west line of Tract B-2, Parcel 1 (Federal Reserve Bank) 334.83 feet to a point in the north line of Fourth Street (said point being 225.00 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence South  $81^{\circ} 04' 50''$  West along the north line of Fourth Street 172.52 feet to the east line of Walnut Street (a 66 foot street); thence North  $9^{\circ} 06' 00''$  West along the east line of Walnut Street 51.33 feet to the south line of the property presently owned by the Cincinnati College, an Ohio corporation, thence North  $81^{\circ} 04' 50''$  East along said south line and 51.33 feet north of and parallel to the north line of Fourth Street 100.95 feet to the west line of Tract C of Registered Land Certificate No. 78982; thence North  $9^{\circ} 08' 10''$  West along said west line 11.73 feet to the south line of Tract E of Registered Land Certificate No. 78982; thence South  $81^{\circ} 04' 50''$  West along said south line 0.73 feet to the west line of said Tract E; thence North  $9^{\circ} 08' 10''$  West along said west line 76.46 feet to the north line of said Tract E; thence North  $81^{\circ} 08' 20''$  East along said north line 10.00 feet to a point in the west line of Tract C of Registered Land Certificate No. 78982; thence North  $9^{\circ} 08' 10''$  West along said west line and the west line extended northwardly 75.17 feet to a point 15 feet north of the south line of Mercantile Place (an 18 foot street); thence South  $81^{\circ} 08' 30''$  West along a line 15 feet north of and parallel to the south line of Mercantile Place 51.99 feet to the west line of Traction Place; thence North  $9^{\circ} 06' 00''$  West along the west line of Traction Place 120.20 feet to the south line of Fifth Street and the Place of Beginning and

containing 33,378 square feet, more or less.

Included in the above described Tract are the following parcels of land registered under Registered Land Certificate Nos. 177272 and 177273:

Situate in the City of Cincinnati, Hamilton County, Ohio, being more particularly described as follows:

**Tract A:**

Beginning at a point in the north line of Fourth Street (a 66 foot street) a distance of 225.22 feet - westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North 16° 27' West a distance of 63.00 feet; thence South 74° West a distance of 11.72 feet; thence South 16° East a distance of 63.00 feet to the north line of Fourth Street; thence North 74° East along the north line of Fourth Street a distance of 12.24 feet to the Place of Beginning.

**Tract B:**

Beginning at a point in the north line of Fourth Street (a 66 foot street) a distance of 237.46 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North 16° West a distance of 63.00 feet; thence South 74° West a distance of 21.50 feet; thence South 16° East a distance of 63.00 feet to the north line of Fourth Street; thence North 74° East along the north line of Fourth Street a distance of 21.50 feet to the Place of Beginning.

**Tract C:**

Beginning at a point in the North line of Fourth Street (a 66 foot street) a distance of 258.96 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North 16° 00' a distance of 90 feet; thence North 74° East a distance of 7.14 feet; thence 16° West a distance of 26.31 feet; thence South 74° West a distance of 23.86 feet; thence North 16° West a distance of 83.19 feet to the north line of said Registered Land; thence South 74° 03' 30" West along the north line of said Registered Land, a distance of 12.55 feet; thence South 16° 13' East a distance of 136.45 feet; thence South 74° West a distance of 9.27 feet; thence South 16° 13' East a distance of 63.06 feet to a point in the north line of Fourth Street and thence North 74° East along the north line of Fourth Street, a distance of 37.79 feet to the Place of Beginning.

**Tract D:**

From a point in the north line of Fourth Street (a 66 foot street) which is 258.96 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); measure North 16° West a distance of 63.00 feet to the Place of Beginning; thence North 74° East a distance of 33.22 feet; thence North 16° 28' 20" West a distance of 136.46 feet to the north line of said Registered Land; thence South 74° 03' 30" West along the north line of said Registered Land a distance of 48.82 feet; thence South 16° East a distance of 83.19 feet; thence North 74° East a distance of 23.86 feet; thence South 16° East a distance of 26.31 feet; thence South 74° West a distance of 7.14 feet; thence South 16° East a distance of 27.00 feet to the Place of Beginning.

**Tract E:**

From a point in the north line of Fourth Street (a 66 foot street) which is South 74° West a distance of 296.75 feet from the northwest corner of Fourth Street and Main Street (a 66 foot street); measure North 16° 13' West a distance of 63.06 feet to the Place of Beginning; thence North 74° East a distance of 9.27 feet; thence North 16° 13' West a distance of 76.45 feet; thence South 74° 03' 30" West a distance of 10 feet; thence South 16° 13' East a distance of 76.46 feet; thence North 74° East a distance of 0.73 feet to the Place of Beginning.

PPN: 083-0001-0416-00

Commonly known as 115 E. Fifth Street, Cincinnati, OH

**PARCEL 5:**

Situate in Section 18, Town 4, Fractional Range 1, Miami Purchase, Cincinnati Township, in the City of Cincinnati, Hamilton County, Ohio, being part of In Lots 139 and 140 of said city and being more particularly described as follows:

Beginning at a point in the east line of Walnut Street (a 66 foot street) which is North 16° 11' West, 51.33 feet from the north line of Fourth Street (a 66 foot street); thence North 16° 11' West, along the east line of Walnut Street, 148.47 feet to the south line of Mercantile Place; thence North 74° 03' 30" East, along the south line of Mercantile Place, 110.13 feet to the westerly line of the land described in Registered Land Certificate of Title 62144; thence along the westerly line of said Registered Land, South 16° 13' East 60.17 feet, South 74° 03' 30" West 10 feet, South 16° 13' East 76.46 feet, North 74° 00' East 0.73 feet and South 16° 13' East 11.73 feet; and thence South 74° 00' West 100.95 feet to the place of beginning. Being the same premises described in Registered Land Certificate of Title No. 170856.

PPN: 083-0001-0163-00

Commonly known as 414 Walnut Street, Cincinnati, OH

**PARCEL 6:**

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being particularly described as follows:

Beginning at the point of intersection of the northerly right of way line of Sixth Street and the westerly right of way line of Dodson Alley; thence S 73° 22' 40" W along the northerly right of way line of Sixth Street a distance of 48.69 feet to a point; thence N 16° 36' 00" W along the easterly face of a proposed planter wall and along said face extended a distance of 89.77 feet to a point; thence N 73° 24' 00" E a distance of 10.28 feet to a point; thence N 16° 36' 00" W a distance of 9.33 feet to a point in the southerly building line of the Stanley J. Aronoff Center for the Performing Arts (formerly known as the Ohio Center For The Arts) building; thence N 73° 24' 00" E along said southerly building line a distance of 38.05 feet to a point in the westerly right of way line extended of Dodson Alley; thence S 16° 48' 31" E along said westerly right of way line and



along said line extended a distance of 99.08 feet to the point of beginning. The above described tract of land contains 4,711 square feet, more or less. Bearings are based upon a plat of survey by the City of Cincinnati Department of Public Works, Division of Engineering, as recorded in Plat Book 317, Page 31, Hamilton County, Ohio Recorder's Office. This legal description was prepared by Balke Engineers under the direction of Joseph D. Kuhlmann, Ohio Registered Surveyor No. 6823.

PPN: 078-0001-0107-00

Commonly known as 600 Walnut Street, Cincinnati, OH

**PARCEL 7:**

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio, and being part of Lot No. 7, Square 2, of John A. Gano's Subdivision, plat of which subdivision is recorded in Deed Book "M" 1, Page 689 of the Official Records of the Hamilton County, Ohio Recorder and being Unit B of 641 Walnut Condominium for which the 641 Walnut Condominium Declaration of Ownership ("Declaration") is recorded at Official Record 11437, Page 617 of the Official Records of the Hamilton County, Ohio Recorder, for which the 641 Walnut Condominium plat is recorded in Plat Book 425, Pages 41 and 42 of the Official Records of the Hamilton County, Ohio Recorder, and together with the percent of undivided interest of the condominium appurtenant to the Unit B as set forth in the Declaration.

PPN: 077-0002-0298-00

Commonly known as 641 Walnut Street, Unit B, Cincinnati, OH

**PARCEL 8:**

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio, and being part of Lot No. 7, Square 2, of John A. Gano's Subdivision, plat of which subdivision is recorded in Deed Book "M" 1, Page 689 of the Official Records of the Hamilton County, Ohio Recorder and being Unit A of 641 Walnut Condominium for which the 641 Walnut Condominium Declaration of Ownership ("Declaration") is recorded at Official Record 11437, Page 617 of the Official Records of the Hamilton County, Ohio Recorder, for which the 641 Walnut Condominium plat is recorded in Plat Book 425, Pages 41 and 42 of the Official Records of the Hamilton County, Ohio Recorder, and together with the percent of undivided interest of the condominium appurtenant to the Unit A as set forth in the Declaration.

PPN: 077-0002-0297-00

Commonly known as 641 Walnut Street, Unit A, Cincinnati, OH

**PARCEL 9:**

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio, and being part of Lot No. 7, Square 2, of John A. Gano's Subdivision, plat of which subdivision is recorded in Deed Book "M" 1, Page 689 of the Official Records of the Hamilton County, Ohio Recorder and being Unit C of 641 Walnut Condominium for which the 641 Walnut Condominium Declaration of



Ownership ("Declaration") is recorded at Official Record 11437, Page 617 of the Official Records of the Hamilton County, Ohio Recorder, for which the 641 Walnut Condominium plat is recorded in Plat Book 425, Pages 41 and 42 of the Official Records of the Hamilton County, Ohio Recorder, and together with the percent of undivided interest of the condominium appurtenant to the Unit C as set forth in the Declaration.

PPN: 077-0002-0299-00

Commonly known as 641 Walnut Street, Unit C, Cincinnati, OH

**PARCEL 10:**

Situate In the Section 18, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, Ohio and being parts of the property conveyed to the City of Cincinnati by instruments recorded in Deed Book 3367, Pg. 526, Deed Book 3371, Pg. 866, Deed Book 3389, Pg. 230, Deed Book 3410, Pg. 458, Deed Book 3415, Pg. 133, Deed Book 3420, Pg. 696, Deed Book 3433, Pg. 508, Deed Book 3433, Pg. 519, and Deed Book 3456, Pg. 875 and being parts of Inlots 265, 266, and 267 by Israel Ludlow and Joel Williams recorded in Deed Book E2, Pg. 66, and being the same "Parcel 2" of a Consolidation Plat recorded in Plat Book 252, Pg. 65, and being more particularly described as follows:

Beginning at the northeast corner of said "Parcel 2", said point being the intersection of the southerly right of way of 5th Avenue and the westerly right of way of Race Street, thence, along the westerly right of way of Race Street and along the east line of said "Parcel 2", S 08° 58' 50" E a distance of 234.36 feet to the southeast corner of said "Parcel 2" and the northeast corner of a parcel "D-1" of a survey recorded in Plat Book 232, Pg. 72;

Thence, along the south line of said "Parcel 2" and along the north line of said parcel "D-1", S 81° 11' 00" W a distance of 196.92 feet to the southwest corner of said "Parcel 2" and the southeast corner of "Parcel 1" of a Consolidation Plat recorded in Plat Book 252, Pg. 65, and a point in the north line of said parcel "D-1";

Thence, along the west line of said "Parcel 2" and along the east line of said "Parcel 1", N 08° 45' 20" W a distance of 234.57 feet to the northwest corner of said "Parcel 2" and the northeast corner of said "Parcel 1", and a point in the south right of way of 5th Avenue;

Thence, along the north line of said "Parcel 2" and along the south right of way of 5th Avenue, N 81° 14' 40" E a distance of 196.00 feet to the Point of Beginning. Containing 46,063 Sq. Ft., 1.0575 Acres, more or less, as calculated from records. This description, prepared by Baumann Land Survey, Inc., is based on Plat Book 252, Pg. 65 and is not based on a field survey. Bearings based on O.R. 11484, Pg. 65.

PPN: 145-0001-0215-00; 145-0001-A215-00; 145-0001-B215-00

Commonly known as 101 West Fifth Street, Cincinnati, OH

**PARCEL 11:**

Situate in Section 18, Town 4, Fractional Range 1, BTM, City of Cincinnati, Hamilton County, Ohio, and being all of Lot 1 of the 4<sup>th</sup> and Race Redevelopment Subdivision as set forth on the record plat filed on September 13, 2018, and recorded in Plat Book 468, Pages 1 through 9, of the Hamilton County, Ohio Recorder's Records.

PPN: 145-0001-0435-00

Commonly known as 118 W. Fourth Street, Cincinnati, Ohio

**PARCEL 12:**

Situate, lying and being in Section 18, Town 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, Ohio and being part of Inlots 168 through 171 and 194 through 196 of the Inlots as recorded in Deed Book E. 2, pages 62 to 66, Hamilton County Recorder's Office and also being part of Lots 4 and 5, of William's Subdivision by Sheriff, no plat of which is recorded, and also being part of Registered Land Certificates Nos. 44996 (formerly owned by the Emery Realty, Inc.); and 55069 (City of Cincinnati) and all of Registered Land No. 39328 (formerly owned by the Song Shop, Incorporated), all of which are recorded in the Hamilton County, Ohio Registered Land Records and also being the narrowed portion of Fifth Street and also being part of Carew Place, Hatters Alley and Thorp Alley, as vacated, and being more particularly described as follows:

From the intersection of the south line of Sixth Street (a 66 foot street) and the east line of Vine Street (a 66 foot street) measure along the east line of Vine Street South 9° 01' 20" East, 12.00 feet; thence measure along a line parallel and 12.00 feet South of the South line of Sixth Street North 81° 04' 20" East, 12.00 feet to the Place of Beginning; thence continuing along a line parallel and 12.00 feet South of the South line of Sixth Street North 81° 04' 20" East, 374.79 feet to a point in a line 12.00 feet West of and parallel with the West line of Walnut Street (a 66 foot street) thence along a line parallel and 12.00 feet West of the West line of Walnut Street South 9° 08' 10" East, 21.34 feet to the North line of Registered Land Certificate of Title No. 44996 (formerly owned by The Emery Realty Inc.) of the Hamilton County, Ohio Registered Land Records; thence South 81° 01' 50" West (South 74° 10' West Registered Land) along the north line of said Registered Land 87.82 feet to the northwest corner of said Registered Land; thence South 9° 05' 35" East (South 15° 57' 25" East Registered Land) along the West line of said Registered Land 66.67 feet to the southwest corner of said Registered Land; thence North 81° 01' 50" East (North 74° 10' East Registered Land) along the South line of said Registered Land 87.87 feet to a point in a line 12 feet West of and parallel to the said West line of Walnut Street; thence South 9° 08' 10" East along a line 12 feet West of and parallel to the said West line of Walnut Street 299.59 feet to the North line of Fifth Street (a 140.76 foot street); thence South 81° 10' 30" West along the said North line of Fifth Street 68.15 feet to the Southeast corner of Registered Land Certificate of Title No. 39328 (formerly owned by the Song Shop, Incorporated) of the Hamilton County, Ohio Registered Land Records; thence North 8° 49' 05" West (North 15° 45' 35" West Registered Land) along the east line of said Registered Land 100.10 feet to the South line of Hatters Alley as Vacated; thence South 81° 10' 30" West (South 74° 14' West Registered Land) along the said South line of Hatters Alley 28.38 feet to a point in the west line of said Registered Land; thence South 9° 03' 30" East (South

16° 0' East Registered Land) along the said West line of Registered Land 100.10 feet to the said North line of Fifth Street; thence South 81° 10' 30" West along the said North line of Fifth Street 45.95 feet; thence North 9° 01' 20" West, 176.01 feet; thence South 80° 58' 40" West, 233.50 feet to a point in a line 12.00 feet East of and parallel with the East line of Vine Street (a 66 foot street); thence along a line parallel and 12.00 feet East of the East line of Vine Street North 9° 01' 20" West, 25.22 feet to a point in the South line of Registered Land Certificate of Title No. 55069 (City of Cincinnati) of the Hamilton County, Ohio Registered Land Records; thence North 81° 05' 40" East, (North 74° 07' East Registered Land) along the said South line of Registered Land 88.00 feet to the Southeast corner of said Registered Land; thence North 9° 01' 20" West (North 16° 0' West Registered Land) along the east line of said Registered Land 24.79 feet to the northeast corner of said Registered Land; thence South 81° 05' 40" West (South 74° 07' West Registered Land) along the north line of said Registered Land 88.00 feet to a point in a line 12.00 feet East of and parallel with the said East line of Vine Street; thence along a line parallel and 12.00 feet east of the east line of Vine Street North 9° 01' 20" West, 161.71 feet to the Place of Beginning and containing 93,428 square feet, more or less.

#### REGISTERED LAND:

Beginning at a point in the northerly line of Fifth Street (a 140.76 foot street), South 74° 14' West (South 81° 10' 30" West - C.B.D.), 80.15 feet from the intersection of the northerly line of said Fifth Street and the westerly line of Walnut Street (a 66 foot street); thence South 74° 14' West (South 81° 10' 30" West - C.B.D.) along the said northerly line of Fifth Street, 27.96 feet; thence North 16° 00' West (North 9° 3' 30" West - C.B.D.), 100.10 feet to a point in the southerly line of Hatters Alley, as vacated; thence North 74° 14' East (North 81° 10' 30" East - C.B.D.) along the said southerly line of Hatters Alley, 28.38 feet; thence South 15° 45' 35" East (South 8° 49' 05" East - C.B.D.) 100.10 feet to the Place of Beginning and containing 2,820 square feet, more or less.

#### PART OF REGISTERED LAND CERTIFICATE OF TITLE NO. 59030

From the intersection of the West line of Walnut Street (a 66 foot street) and the South line of Sixth Street (a 66 foot street) measure South 16° 0' East (South 9° 08' 10" East - C.B.D.) along the said West line of Walnut Street 99.97 feet to the Southeast corner of said Registered Land Certificate of Title No. 59030; thence measure South 74° 10' West (South 81° 01' 50" West - C.B.D.), 12.00 feet to the Place of Beginning; thence continuing South 74° 10' West (South 81° 01' 50" West - C.B.D.) 87.87 feet; thence North 15° 57' 25" West (North 9° 05' 35" West - C.B.D.), 66.67 feet; thence North 74° 10' East (North 81° 01' 50" East - C.B.D.), 87.82 feet to a point in a line 12.00 feet West of and parallel to said West line of Walnut Street; thence South 16° 00' East (South 9° 08' 10" East - C.B.D.) along a line 12.00 feet West of and parallel to said West line of Walnut Street, 66.67 feet to the Place of Beginning. Containing 5,855 square feet, more or less.

#### PART OF REGISTERED LAND CERTIFICATE OF TITLE NO. 55069

From the intersection of the East line of Vine Street (a 66 foot street) and the North line of Fifth Street (a 140.76 foot street) measure North 16° 0' West (North 9° 01' 20" West - C.B.D.) along the said East line of Vine Street 225.13 feet to the northwest corner of said Registered Land Certificate

of Title No. 55069; thence measure North 74° 07' East (North 81° 05' 40" East - C.B.D.) along the said North line of Registered Land, 12.00 feet for the Place of Beginning; thence continuing North 74° 07' East (North 81° 05' 40" East - C.B.D.) 88.00 feet; thence South 16° 0' East (South 9° 01' 20" East - C.B.D.) parallel with said Vine Street 24.79 feet; thence South 74° 07' West (South 81° 05' 40" West - C.B.D.) 88.00 feet to a point in a line 12.00 feet East of and parallel to Vine Street; thence North 16° 00' West (North 9° 01' 20" West - C.B.D.) along a line 12.00 feet east of and parallel to Vine Street; 24.79 feet to the Place of Beginning. Containing 2,182 square feet, more or less.

#### NARROWED PORTION OF FIFTH STREET

From the intersection of the northerly line of Fifth Street (a 140.76 foot street) and the westerly line of Walnut Street (a 66 foot street) measure South 81° 10' 30" West along the said North line of Fifth Street 12.00 feet for the Place of Beginning; thence South 9° 08' 10" East along a line 12.00 feet West of and parallel to the extension of the said West line of Walnut Street 15.76 feet; thence South 81° 10' 30" West along a line 15.76 feet South of and parallel to the North line of said Fifth Street 142.09 feet; thence North 9° 01' 20" West, 15.76 feet to a point in the North line of Fifth Street; thence North 81° 10' 30" East along the said North line of Fifth Street 142.06 feet to the Place of Beginning and containing 2,240 square feet, more or less.

PPN: 077-0002-0177-00 (177, 178, 203, 205, 218 thru 224, 227 & 244 Cons.)  
Commonly known as 511 Walnut Street, Cincinnati, OH

#### PARCEL 13:

Situated in Section 18, Fractional Range 1, Town 4, in the City of Cincinnati, Cincinnati Township, Hamilton County, Ohio, and being all of Lot 3 of the Foundry Subdivision as set forth on the Record Plat filed in Plat Book 488, Pages 27-39, of the Hamilton County Recorder's Records.

PPN: 077-0002-0350-00  
Commonly known as 50 W. Fifth Street (Lot 3), Cincinnati, OH

#### PARCEL 14:

Situated in Section 18, Fractional Range 1, Town 4, in the City of Cincinnati, Cincinnati Township, Hamilton County, Ohio, and being all of Lot 2 of the Foundry Subdivision as set forth on the Record Plat filed in Plat Book 488, Pages 27-39, of the Hamilton County Recorder's Records.

PPN: 077-0002-0349-00  
Commonly known as 50 W. Fifth Street (Lot 2), Cincinnati, OH

#### PARCEL 15:

Situate in the City of Cincinnati, Hamilton County, Ohio, and being all of Unit A of Gano Condominium, as recorded in Plat Book 494, Pages 76-78 of the Records of Hamilton County, Ohio. The Declaration for Gano Condominium is recorded at Official Record Volume 14787, Page

2340 of the Records of Hamilton County, Ohio, as may be amended, together with the percentage of ownership in the Common Elements declared by the Declaration to be an appurtenance to the above Unit as the Declaration may be amended from time to time, which percentage interest shall automatically change in accordance with the amended Declarations as the same are filed of record pursuant to said Declaration. Said percentage interest shall attach to the additional Common Elements described in such amended Declarations, and shall be deemed to have been conveyed effective on the Recording of each such amended Declaration as though conveyed hereby.

PPN: 078-0001-0133-00

Commonly known as 114 E. Sixth Street, Unit A, Cincinnati, OH

**PARCEL 16:**

Situated in the City of Cincinnati, County of Hamilton and State of Ohio, Lot 13 of John S. Gano's Subdivision on the Northwest corner of Sixth Street and St. Clair Alley, fronting 30 feet on Sixth Street and extending back the same width along St. Clair Alley 90 feet to an alley.

PPN: 078-0001-0047-00

Commonly known as 122 E. Sixth Street, Cincinnati, OH

**PARCEL 17:**

Situate in the City of Cincinnati, Hamilton County, Ohio, and being all of Unit B of Gano Condominium, as recorded in Plat Book 494, Pages 76-78 of the Records of Hamilton County, Ohio. The Declaration for Gano Condominium is recorded at Official Record Volume 14787, Page 2340 of the Records of Hamilton County, Ohio, as may be amended, together with the percentage of ownership in the Common Elements declared by the Declaration to be an appurtenance to the above Unit as the Declaration may be amended from time to time, which percentage interest shall automatically change in accordance with the amended Declarations as the same are filed of record pursuant to said Declaration. Said percentage interest shall attach to the additional Common Elements described in such amended Declarations, and shall be deemed to have been conveyed effective on the Recording of each such amended Declaration as though conveyed hereby.

PPN: 078-0001-0134-00

Commonly known as 114 E. Sixth Street, Unit B, Cincinnati, OH

**PARCEL 18:**

**TRACT I:**

Located in the City of Cincinnati, Hamilton County, Ohio, this parcel lies on the west side of Walnut Street, just below Seventh Street. It comprises 22 feet and 8 inches from the southern portion of Lot 6 in John S. Gano's Subdivision, as recorded in Deed Book M-1, Page 689. The lot extends westward approximately 94 feet between parallel lines.

**TRACT II:**

Situated in the City of Cincinnati, Hamilton County, Ohio, this tract includes portions of Lots 5,

10, and 15 in Square 2 of John S. Gano's Subdivision (Deed Book M, Page 689). Beginning at the northwest corner of Walnut Street and Gano Alley, the boundary runs:

North along Walnut Street for 26 feet and  $\frac{3}{4}$  inch,  
West, parallel to Gano Alley, for 104 feet and 8 inches to a point 10 feet west of Lot 10's eastern boundary,  
North, parallel to Lot 10's east line, for 9 feet and 4 inches,  
West, parallel to Gano Alley, for 48 feet and  $5\frac{1}{2}$  inches to a point 3 feet and 6 inches east of a brick party wall's center,  
South, parallel to the party wall's center, for 35 feet and  $4\frac{3}{4}$  inches to Gano Alley's north line,  
East along Gano Alley's north line for 153 feet and 3 inches to the starting point.

**TRACT III:**

Located in the City of Cincinnati, Hamilton County, Ohio, within John S. Gano's Subdivision between Walnut and Vine Streets (recorded in Book M-1, Page 689). Starting at the southwest corner of Lot 15 (also the northeast corner of Lodge Alley and Gano Street), the boundary runs:

East along Gano Street for approximately 31 feet and 6 inches to the center of a three-story brick building's partition wall, North along the partition wall's center line for 47 feet, West, parallel to Gano Street, for approximately 31 feet and 6 inches to Lodge Alley's east line,  
South along Lodge Alley's east line for 47 feet to the point of origin.  
This property is known as the northeast corner of Lodge Alley and Gano Street.

**TRACT IV:**

Located in Cincinnati, Hamilton County, Ohio, this tract includes parts of Lots 10 and 15 from John S. Gano's Subdivision (Book M, Page 689). Beginning at Lot 10's southeast corner:

North along Lot 10's east line for 26.07 feet to the starting point,  
Continuing north along the same line for 21 feet,  
West, parallel to Gano Street's north line, for 62 feet and 6 inches to the northeast corner of an 18-inch-wide strip conveyed by Abraham Babinger to John Postel (Book 202, Page 20),  
South along a party wall for 47 feet to Gano Street's north line,  
East along Gano Street's north line for 3 feet and 6 inches from the party wall's center,  
North, parallel to the party wall's center line, for 35.40 feet,  
East, parallel to Gano Street's north line, for 48.41 feet,  
South, parallel to Lot 10's east line, for 9.33 feet,  
East, parallel to Gano Street, for 10 feet to the point of beginning.  
This property is known as the rear of 629 Walnut Street.

**TRACT V:**

Located in Cincinnati, Hamilton County, Ohio, this parcel lies on the west side of Walnut Street between Sixth and Seventh Streets. It fronts 21 feet on Walnut Street and extends westward for 94 feet. Boundaries are:

East: Walnut Street,  
North: Formerly owned by Eleanor Douglas,  
West: A line 94 feet west of Walnut Street, parallel to it,  
South: Formerly owned by William Teasdale (deceased).

This is the northern portion of Lot 5 in John S. Gano's Subdivision.

Parcel Number: 077-0002-0142-00 (including parcels 142, 143, 144, 149, 150, and 151 consolidated)

Common Address: 625 Walnut Street, Cincinnati, OH

**PARCEL 19:**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the original east right of way line of Vine Street with the original south right of way line of Sixth Street; Thence along said east line of Vine Street, South 09°01'20" West, 223.72 feet; Thence leaving said east line North 80°58'40" East, 12.00 feet to the southwest corner of lands conveyed to Fifth Third Bank in Official Record 11619, Page 875 of the Hamilton County Recorder's Office in the current east line of Vine Street and recited in City Ordinance 155-1967 (unrecorded) and the POINT OF BEGINNING;

Thence along the south line of Fifth Third, North 80°58'40" East, 89.26 feet to a point witnessed by a set iron pin at South 09°07'03" East, 3.00 feet;

Thence leaving said south line a new division line, South 09°07'03" East, 43.39 feet to a set cross notch AND South 81°16'57" West, 89.33 feet to a set cross notch in the aforementioned current east line of Vine Street;

Thence along said east line, North 09°01'20" West, 42.92 feet to the POINT OF BEGINNING.

Common Address: 3CDC Via Vine Street

PPN: 077-0002-0309-00

**PARCEL 20:**

**Parcel 1**

Situate in Section 13, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at a set CN at the intersection of the West line of Elm Street and the North line of Fifth Street, measure with said Fifth Street South 80°20'59" West, 211.43 feet to a set CN;

thence South 30°04'02" West, 182.42 feet to a set CN;

thence South 80°04'37" West, 172.33 feet to a set CN;

thence North 09°55'23" West, 1.62 feet to a set PK nail;

thence South 80°17'59" West, 271.33 feet to a set CN at the intersection of said Fifth Street and the East line of Central Avenue;

thence with said Central Avenue North 09°47'31" West, 432.61 feet to a set PK nail at the intersection of said Central Avenue and the South line of Sixth Street;

thence with said Sixth Street North 80°04'37" East, 419.61 feet to a point;

thence North 79°48'15" East, 189.99 feet to a point;

thence North 80°04'02" East, 226.90 feet to a set PK nail in the West line of said Elm Street;

thence with said Elm Street South 09°55'31" East, 437.21 feet to the Place of Beginning.

Containing 364,147 square feet of land more or less (8.360 acres).  
Bearings are based on Ohio State Plane Coordinate System.

**Parcel 2**

Situate in Section 13, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio, and being more particularly described as follows:  
Beginning at a set PK at the intersection of the East line of Central Avenue and the South line of Sixth Street, measure with said Sixth Street North 80°04'37" East, 210.28 feet to a set CN;  
thence South 09°55'23" East, 7.14 feet to a set CN;  
thence South 80°24'59" West, 210.29 feet to a set PK in said East line of Central Avenue;  
thence North 09°47'31" West, 5.89 feet to the Place of Beginning.  
Containing 1,370 square feet of land more or less.  
Bearings are based on Ohio State Plane Coordinate System.

**Parcel 3**

Situate in Section 13, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio, and being more particularly described as follows:  
Beginning at the intersection of the West line of Elm Street and the South line of Sixth Street, measure with said Sixth Street South 80°04'02" West, 226.90 feet to a set CN being the Place of Beginning;  
thence South 09°55'58" East, 10.41 feet to a set CN;  
thence South 80°24'59" West, 190.00 feet to a set CN;  
thence North 09°55'23" West, 8.38 feet to a set PK in said South line of Sixth Street;  
thence North 79°48'15" East, 189.99 feet to the Place of Beginning.  
Containing 1,785 square feet of land more or less.  
Bearings are based on Ohio State Plane Coordinate System.

**Parcel 4**

Situate in Section 13, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio, and being more particularly described as follows:  
Beginning at a set PK at the intersection of the West line of Elm Street and the South line of Sixth Street, measure with said Elm Street South 09°55'31" East, 11.79 feet to a set CN;  
thence South 80°24'59" West, 42.89 feet to a point;  
thence North 09°55'58" West, 11.53 feet to a set CN in said South line of Sixth Street;  
thence North 80°04'02" East, 42.90 feet to the Place of Beginning.  
Containing 500 square feet of land more or less.  
Bearings are based on Ohio State Plane Coordinate System.

Common Address: 525 Elm Street

PPN: 145-0002-0057-00;145-0002-0063-90; 145-0002-0414-00; 145-0002-0167-00

**PARCEL 21:**

**Leasehold Parcel I:**

Situate in the City of Cincinnati, County of Hamilton, and State of Ohio, and being all that part



of the following described tract located above 541.67 feet above sea level as ascertained by the City of Cincinnati datum plane:

Situate in Section 18, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio, and being all of in Lot 191 and part of in Lots 165, 166, 167, 190, and 192 as recorded in Deed Book "E-2", Pages 62- 66, Hamilton County, Recorder's Office, and also being all of Lots 1 and 2 and part of Postal Place as vacated by Ordinance No. 326-1977, of G.W. Jones' Subdivision as recorded in Deed Book 101, Page 304, Hamilton County, Ohio Recorder's Office, and more particularly described as follows:

Beginning at the point of intersection of the South line of Fifth Street and the East line of Vine Street; thence South 9° 10'30" East along the East line of Vine Street 195.42 feet to its point of intersection with the North line of Honing Alley;

Thence North 81° 10' 30" East along the North line of Honing Alley and said North line produced 208.61 feet to a point on the east line of Postal Place;

Thence South 9° 06' 30" East along the East line of Postal Place 29.67 feet to a point in the North line of R. A. Skilken's property as recorded in Certificate No. 68857 of the Hamilton County, Ohio Registered Land Records;

Thence North 81° 05' 45" East along the North line of said registered land 60.27 feet to a point;

Thence North 8° 49' 30" West 225.00 feet to a point in the South line of Fifth Street;

Thence South 81° 10' 30" West along the South line of Fifth Street 270.22 feet to the Point of Beginning, containing 54,473 square feet.

Being the same premises as conveyed to Host Cincinnati Hotel LLC, a Delaware limited liability company, by way of Amended and Restated Lease Agreement dated April 1, 2024 for an initial term through December 31, 2094 with up to three (3) renewal periods of ten (10) years each, by and between City of Cincinnati, an Ohio municipal corporation and Host Cincinnati Hotel LLC, a Delaware limited liability company, as evidenced by Memorandum of Lease and Termination of Lease, dated May 29, 2024 and recorded May 30, 2024, in Book 15177, Page 1417, in the Official Records of Hamilton County, Ohio.

#### Easement Parcel II:

TOGETHER WITH the non-exclusive easements for the benefit of Parcel I as created by Deed of Easements — Fountain Square South Hotel Building Project, dated May 19, 1978, filed for record May 19, 1978, and recorded in Deed Book 4118, Page 432 of the Hamilton County, Ohio Records for the purposes described in that instrument over, under and across the land described therein. Subject to the terms, provisions, and conditions set forth in said instrument.

#### Easement Parcel III:

TOGETHER WITH the non-exclusive easements for the benefit of Parcel I as created by Grant of Easements for Air Space, dated May 20, 1981, filed for record June 9, 1981, and recorded in Deed

Book 4212, Page 1245 of the Hamilton County, Ohio Records for encroachments of various widths and lengths of overhangs from existing building over the land described therein. Subject to the terms, provisions, and conditions set forth in said instrument.

Easement Parcel IV:

TOGETHER WITH the non-exclusive easements for the benefit of Parcel I as created by Grant of Easement to Host Cincinnati Hotel LLC, a Delaware limited liability company, dated May 12, 2006, and recorded May 16, 2006, in Book 10244, Page 2931, in the aforesaid records.

Easement Parcel V:

TOGETHER WITH the non-exclusive easements for the benefit of Parcel. I as created by Grant of Easement to Host Cincinnati Hotel LLC, a Delaware limited liability company, dated February 6, 2007, and recorded February 8, 2007, in Book 10469, Page 2044, in the aforesaid records.

Easement Parcel VI:

TOGETHER WITH the non-exclusive easements for the benefit of Parcel I as created by Atrium Easement - Fountain Square South Hotel Building Project dated May 19, 1978, and recorded May 19, 1978, in Book 4118, Page 445, in the aforesaid records; as affected by Amended Atrium Easement dated October 26, 1978, and recorded October 26, 1978, in Book 4137, Page 451, in the aforesaid records; and as further affected by Assignment of Recorded Documents to Cincinnati Plaza Company recorded February 1, 1979, in Book 4146, Page 912, in the aforesaid records.

For Information Only:

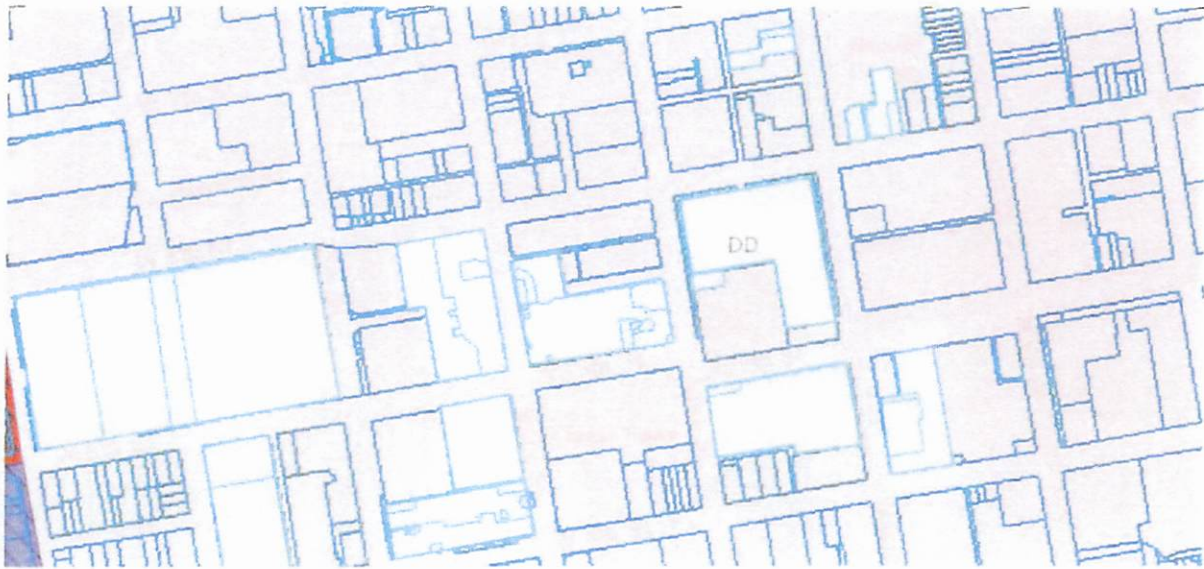
Property Address: 21 E Fifth Street, Cincinnati, OH 45202

Portion of Parcel ID Nos.: 083-0001-0B64-00, and 083-0001-0064-00


EXHIBIT B

ZONING REGULATIONS APPLICABLE TO  
NEW COMMUNITY DISTRICT

I hereby certify that the following presents the applicable zoning regulations<sup>1</sup> with respect to the Property, as set forth in the Zoning Code of the City of Cincinnati.



<sup>1</sup> All of the Property is subject to the land use regulations for Downtown Development (DD) Use Subdistricts as codified under Chapter 1411 of the Cincinnati Municipal Code.

  
\_\_\_\_\_  
Zoning Administrator  
City of Cincinnati, Ohio

## **EXHIBIT C**

### **PROPOSED NEW COMMUNITY DEVELOPMENT PROGRAM**

#### **A. Proposed Community Facilities**

The proposed Community Facilities, as defined in Ohio Revised Code 349.01(I) will include the financing, acquisition, construction, maintenance and operation of an approximately 700-room convention center hotel and related improvements (collectively, the “Community Facilities”) that will anchor the District and enhance the existing commercial, retail, office, restaurant, entertainment and other existing uses. The development and construction of the Community Facilities will be undertaken by Cincinnati CH (OH), LLC, a Delaware limited liability company (the “Hotel Developer”). The Developers shall have a right of use and enjoyment of the Community Facilities and Land Development within the New Community District on the same basis as members of the general public.

#### **B. Proposed Method of Financing the Community Facilities and Services**

The Developers seek to create the Authority to promote and coordinate the financing, acquisition, construction, operation, and maintenance of the Community Facilities. The Community Facilities are anticipated to require a capital investment in excess of \$600,000,000 to construct. In furtherance of the financing of the Community Facilities, (i) the City of Cincinnati (the “City”) will extend a \$50,000,000 loan to Hotel Developer (the “City Loan”) and (ii) the Port of Greater Cincinnati Development Authority, an Ohio port authority and or one or more additional governmental issuers of revenue bonds, including, but not limited to, the State of Ohio through its Ohio Enterprise Bond Fund, will issue one or more series of incentive revenue bonds (the “Revenue Bonds”). The Hotel Developer is expected to complete the construction of the Community Facilities.

The Revenue Bonds and the City Loan are anticipated to be repaid through (i) statutory service payments generated through tax increment financing implemented by the City pursuant to Ohio Revised Code (“R.C.”) Section 5709.41; (ii) payments in lieu of transient occupancy taxes implemented by the Board of Commissioners of Hamilton County, Ohio pursuant to R.C. Section 5739.093; (iii) payments in lieu of transient occupancy taxes implemented by the City pursuant to R.C. Section 5739.093; and (iv) Community Development Charges as further described below.

#### **Charge Terms**

The Community Development Charge will be imposed on all Chargeable Sales (as defined herein) at the rates provided herein, and generally on the same terms and conditions as a sales tax imposed by a County on certain sales under applicable Ohio law.

The Community Development Charge will be imposed within the District upon approval

by the Board of Trustees. The Authority will assign its rights to such Community Development Charges to the issuers of the Revenue Bonds pursuant to one or more cooperative agreements associated with the financing of Community Facilities.

For the purposes of this Petition, "Chargeable Sales" shall mean (i) a charge at a rate of one percent (1%) on retail sales of food and beverage occurring on a Parcel, except sales from automatic vending machines, (ii) a charge at a rate of one percent (1%) on Admissions Sales, and (iii) a charge at a rate of up to two percent (2%) on all transactions by which lodging by a hotel is to be furnished to Transient Guests. For the avoidance of doubt, the exemption from sales taxes for sales of Food for human consumption off the premises where sold provided by Section 5739.02(B)(2) of the Ohio Revised Code does not apply to Chargeable Sales.

For purposes of this Petition, "Admissions Sales" shall mean amounts paid for Admission to events occurring on a Parcel as authorized under Section 715.013 of the Ohio Revised Code and implemented pursuant to Chapter 309 of the Municipal Code of the City of Cincinnati, Ohio. For the avoidance of doubt, the exemptions provided by Section 309-5 of the Municipal Code of the City of Cincinnati, Ohio do not apply to Admissions Sales.

For the purposes of this Petition, "Transient Guests" shall mean persons occupying a room or rooms for sleeping accommodations on a Parcel for less than thirty (30) consecutive days.

#### **Determination of Community Development Charges**

The Authority will impose Community Development Charges on Chargeable Sales with the consent of the Developers in accordance with the Declaration, R.C. Chapter 349, and related rules and laws. Pursuant to the bylaws of the Board of Trustees of the Authority, the imposition and rate of any Community Development Charges will require unanimous approval of the Board of Trustees. It is anticipated that the Community Development Charges will be collected by an independent collection agent engaged by the Authority.

#### **Calculation of Community Development Charges**

The Community Development Charges will be collected on Chargeable Sales conducted on each Parcel included within the District in the manner determined in the Declaration in an amount equal to one percent (1%) of the Price paid by each Consumer in connection with retail sales of food and beverage occurring on a Parcel, except sales from automatic vending machines, and Admission Sales, and an amount equal to up to two percent (2%) of the Price paid by each Consumer in connection with all transactions by which lodging by a hotel is to be furnished to Transient Guests. For purposes of this Petition, "Price" and "Consumer" shall have the meanings assigned to them in Section 5739.01 of the Ohio Revised Code.

### **Timing and Collection of the Community Development Charges**

Community Development Charges will be remitted to a third-party collection agent on a monthly basis.

**EXHIBIT D**  
**PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS**

**A. Area Development Pattern and Demand**

The primary uses of land in and near the District are residential, office, commercial and entertainment. The Developers anticipate the development of a convention center hotel within the district will enhance the existing uses within the District.

**B. Location and Proposed District Size**

The District is located in Hamilton County, Ohio in the Central Business District of the City as shown on the map attached as Exhibit A-1. Cincinnati's Central Business District is 729 acres. The parcels included in the District make up approximately 45 acres.

**C. Present and Future Socio-Economic Conditions**

The City of Cincinnati is the center of the Cincinnati-Middletown MSA (the "MSA," also known as the OH-KY-IN Metro Area) which is the 29<sup>th</sup> largest metropolitan statistical area in the nation with a population of 2.16 million people. And median age of 38 Cincinnati and Hamilton County are the largest city and county in the MSA respectively. The MSA is home to 1.05 million employees with over 400,000 in Hamilton County and 316,845 in the City. According to 2012 United States Census reports, 43% of the nation's population, 41% of the nation's purchasing power, 44% of the nation's manufacturing establishments, and 54% of the nation's manufacturing establishments, and 54% of the nation's value added by manufacturing is located within 600 miles of the city.

Several Fortune 500 corporations are headquartered in the MSA, including The Procter & Gamble Company (10,000 local employees), The Kroger Company (21,646 local employees), Macy's Inc. (7,500 local employees), Fifth Third Bancorp (7,000 local employees) American Financial Group, AK Steel, Cincinnati Financial and Western & Southern Financial Group. Over 400 Fortune 500 firms have operations in the MSA. Other large employers in the MSA are Children's Hospital Medical Center (18,502 employees), UC Health (9,816 employees), TriHealth Inc. (12,906 employees), and Cincinnati/Northern Kentucky International Airport (10,166 employees).

The MSA's economic base is diverse with 47.4% of the workforce in services in 2016, which includes education, health care, business services, hospital, and information services. Manufacturing and retail trade comprised 10.8% and 10.2 % of the workforce respectively. Government employees accounted for 12.2% Unemployment was 3.9% in September of 2017, below the state average of 4.7% and the national average of 4.1%

#### **D. Public Services Provisions**

The City provides the District with fire and EMS, police, refuse, water, sanitary sewer and storm sewer services. The Authority will not directly provide any public services utilities. The District is served by Cincinnati Public Schools. Gas and communications services are available from various service providers.

#### **E. Financial Plan**

As described in Exhibit C, the Developers anticipate that the proceeds of the Revenue Bonds, private debt, equity with respect to outside investors, and various combinations of each source, may collectively fund the construction of projects to be developed within the District. The Developers anticipate that Community Development Charges, as well as service payments in lieu of taxes and service payments in lieu of transient occupancy taxes will be sufficient to repay the Revenue Bonds, any private debt borrowed to fund its development, and provide an adequate return to attract equity investment to fund development within the District.

#### **F. Developer's Management Capability**

The Developers will designate the Cincinnati Center City Development Corporation, an Ohio nonprofit corporation ("3CDC") as the lead manager for the District. 3CDC wholly owns and controls five (5) of the entities comprising the Developer and is a non-profit, real estate development, management, and finance organization focused on strategically revitalizing Cincinnati's downtown urban core in partnership with the City of Cincinnati and the Cincinnati corporate community. 3CDC's work is specifically focused on the Central Business District and in Over-the-Rhine. Since 2004 3CDC has invested 1.7 billion dollars resulting in 207 buildings being restored to productive function, 49 new buildings constructed, and 5,918 parking spaces created. 3CDC currently owns and operates 327,501 SF of Office space, 336,628 SF of commercial space, and 5,918 Parking spaces spread throughout different parking garages and lots.



**December 1, 2025**

**To:** Members of the Budget and Finance Committee

202502076

**From:** Sheryl M.M. Long, City Manager

**Subject: LEGISLATIVE RESOLUTION – ORGANIZING THE  
CONVENTION DISTRICT COMMUNITY AUTHORITY**

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Attached is an Emergency Legislative Resolution captioned:

**ORGANIZING** the Convention District New Community Authority; **APPROVING** the amended petition; **ESTABLISHING** the boundaries of the authority; **APPOINTING** members of the board of trustees of the authority; **ESTABLISHING** the method for selecting the board of trustees of the authority; **FIXING** the surety bond amount for the members of the board of trustees; and **ESTABLISHING** the method for selecting the board of trustees of the authority.

### **BACKGROUND**

In accordance with ORC 349, property owners can voluntarily opt into a New Community Authority, which allows those consenting property owners to subject themselves to various revenue generating sources which include, but are not limited to, charges as it pertains to assessed property valuation, sales, lodging revenue, and fixed parcel charges.

Property owners within the Convention District are interested in creating the Convention District Community Authority to support the financing of the Convention Hotel project, an approximately 700-room convention center hotel and related improvements that will anchor the District and enhance the existing commercial, retail, office, restaurant, entertainment and other existing uses.

Council previously passed Emergency Resolution 64-2025 which determined a previously submitted petition was sufficient. An amended petition was subsequently submitted, and a required hearing was held on December 1, 2025. This resolution will approve the amended petition and organize the Convention District Community Authority, including appointing members to its board of trustees.

**RECOMMENDATION**

The Administration recommends approval of this legislative resolution.

cc: Markiea L. Carter, Director, Department of Community & Economic Development

**Attachment A: Convention District Community Authority Map**



## **EMERGENCY**

**ZDS**

**- 2025**

**APPROVING AND AUTHORIZING** the City Manager to execute a First Amendment to Community Reinvestment Area Tax Exemption Agreement with SoLi Interests LLC, an affiliate of Urban Sites, thereby authorizing a ten-year extension to an existing tax exemption for 100 percent of the value of improvements made to real property located at 1200 and 1208 Main Street in the Over-the-Rhine neighborhood of Cincinnati.

WHEREAS, pursuant to Ordinance No. 248-2014, passed by Council on September 4, 2014, the City entered into a certain Community Reinvestment Area Tax Exemption Agreement with SoLi Interests LLC (together with its successors and assigns, the “Company”), dated September 15, 2014 (the “Agreement”), which provides for a 100 percent real property tax exemption for the value of improvements to real property located 1200 and 1208 Main Street in the Over-the-Rhine neighborhood of Cincinnati, as more particularly described in the Agreement, for ten years (the “Original Term”); and

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Section 3735.67(D)(1), the City may extend a period of exemption from real property taxation for up to ten years (an “Historic Extension”) if the property is a structure of historical or architectural significance, is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), and the residential units within the structure have been leased to individual tenants for at least five consecutive years (the “Extension Requirements”); and

WHEREAS, the Company has represented to the City that the Property satisfies the Extension Requirements and is eligible for an Historic Extension, and has requested that the City grant an extension of the real property tax exemption, for a total exemption term not to exceed twenty years; and

WHEREAS, the Company has committed to lease and make available (i) two of the residential units on the Property to families at or below sixty percent of the Area Median Income, and (ii) two of the residential units on the Property to families at or below eighty percent of the Area Median Income, as established by the U.S. Department of Housing and Urban Development, and as may be updated from time to time (together, the “Affordability Requirements”), upon the terms and conditions more particularly described in the draft First Amendment to Community Reinvestment Area Tax Exemption Agreement attached as Attachment A hereto (the “Amendment”); and

WHEREAS, in consideration of the Company’s agreement to comply with the Affordability Requirements, and provided that the Company satisfies the Extension Requirements and the other terms of the Agreement, as amended by the Amendment, the City desires to provide for an Historic Extension of up to ten years; and

WHEREAS, the Property is located within the Cincinnati City School District and, as required by the Agreement, the Company entered into a certain Payment in Lieu of Taxes Agreement dated November 9, 2014, pursuant to which the Company agreed to pay the Board of Education of the Cincinnati City School District (the “Board of Education”), amounts equal to 25 percent of the exempt real property taxes during the Original Term; and

WHEREAS, the Board of Education, pursuant to that certain Tax Incentive Agreement with the City effective as of April 28, 2020 (as may be amended, the “2020 Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects authorized by Council beginning in 2020, 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 2020 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 percent of the exempt real property taxes during the term of the Historic Extension; and

WHEREAS, the City’s Department of Community and Economic Development estimates that, during the Historic Extension, the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$17,460; now, therefore,

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

Section 1. That Council authorizes the City Manager:

- (a) to execute an amendment to a certain Community Reinvestment Area Tax Exemption Agreement between the City of Cincinnati (the “City”) and SoLi Interests LLC (together with its successors and assigns, the “Company”), dated September 15, 2014 (the “Agreement”), in substantially the form of Attachment A to this ordinance (the “Amendment”), authorizing the extension of the real property tax exemption provided by the Agreement by up to ten additional years, relating to real property located 1200 and 1208 Main Street in the Over-the-Rhine neighborhood of Cincinnati, which property is more particularly described in the Agreement, provided the Company satisfies certain conditions as described in the Agreement, as amended by the Amendment, including compliance with all statutory requirements;
- (b) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (c) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement, as amended by the Amendment.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the parties to execute the Amendment as soon as possible prior to the termination of the current property exemption.

Passed: \_\_\_\_\_, 2025

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

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

**Date:** November 21, 2025

**To:** Mayor and Members of City Council

202502085

**From:** Sheryl M. M. Long, City Manager

**Subject:** Options for Energy Aggregation Through Shared Electricity Procurement

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**Reference Document #202501981**

The Budget & Finance Committee of Council at its session on November 10, 2025, referred the following motion for report:

WE MOVE that the administration prepares a report within 30 days covering the city's options for energy aggregation through shared electricity procurement. The report should cover the city's current work regarding energy aggregation and how possible partnerships with groups such as SOPEC would affect customers' electricity bills.

**Background**

Energy prices are rising<sup>1</sup>, and the impact is felt unevenly across households and businesses. The City Administration recognizes these challenges and seeks new tools to deliver clean and affordable energy to residents and businesses. This report provides an overview of energy aggregation in Ohio, the role it has played in Cincinnati, and new options and program partners to consider.

**Energy Aggregation**

To support competition and local choice, Ohio is one of ten states with legislation that enables community choice aggregation (CCA), also known as “government aggregation,” as a mechanism for municipalities to collectively procure electricity<sup>2</sup> and natural gas<sup>3</sup>. In Ohio, 390 electricity and gas aggregation programs are

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<sup>1</sup> <https://ohiocapitaljournal.com/2025/07/24/energy-bills-likely-to-tick-up-again-in-2026-after-electricity-auction-clears-at-maximum-price/>

<sup>2</sup> ORC 4928.20

<sup>3</sup> ORC 4929.26



registered with the Public Utilities Commission of Ohio (PUCO) with more passing every year.

There are two types of government aggregation programs: Opt-in and Opt-out. "Opt in" means you must take a positive step, like checking a box, to agree to enroll. "Opt out" means you are automatically included by default and must take negative action, like calling to unenroll, to decline participation<sup>4</sup>.

### **Aggregation in Cincinnati**

In Cincinnati, voters approved a ballot initiative in 2011 that enacted the City of Cincinnati to aggregate electricity<sup>5</sup> and natural gas<sup>6</sup> accounts and suppliers on behalf of its citizens and small businesses. By combining ("aggregating") all its eligible residents and small businesses together into one group, the City can obtain competitive utility rates that are typically lower than those offered by other suppliers.

Both current aggregation programs in Cincinnati are "Opt-out" and serve residential and small business customers. No municipality within Ohio or nationally serves the commercial or industrial sector, known collectively as mercantile customers.

**The City operates a Residential Aggregation Program (RAP) for electricity and natural gas.** In May 2021, the City entered an eight-year contract with Dynegy Energy Services to supply electricity for the City's Residential Aggregation Program<sup>7</sup>. Dynegy provides participants in the program with 100% green energy through the purchase of renewable energy credits (RECs), a portion of which is provided by the New Market Solar array in Highland County.

From 2021-2025, this program has provided measurable electricity savings from Duke Standard Service Offering (SSO) while concurrently advancing the City's sustainability objectives.

	<b>Duke SSO per kWh</b>	<b>City RAP per kWh</b>
<b>2021-2022</b>	\$0.0558	\$0.0531
<b>2022-2023</b>	\$0.0685	\$0.0502
<b>2023-2024</b>	\$0.0961	\$0.0532
<b>2024-2025</b>	\$0.0805	\$0.0778

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<sup>4</sup> <https://puco.ohio.gov/utilities/electricity/resources/government-aggregation>

<sup>5</sup> [ORD/Res# 0270-2011](#)

<sup>6</sup> [ORD/Res# 0271-2011](#)

<sup>7</sup> Dynegy Energy Services contract information (City of Cincinnati, 2021)



*Table showing historical residential aggregation rates versus Duke SSO (2021–2025) both averaged over fiscal year (July-June).<sup>8</sup>*

These savings reflect the City’s ability to leverage the collective purchasing power of residential participants and highlight the program’s ongoing success in delivering both financial and environmental benefits. Based on a compilation of data publicly available from the Public Utility Commission of Ohio, the rate offered by the aggregation program has been an average of 14.2% less than the Duke SSO since June 2019.<sup>9</sup>

Participation in the program is open to eligible residents, with no fees for joining or leaving the RAP. Eligible residents who are not currently participating in the Residential Aggregation Program for electricity may join at any time by contacting Dynegy Energy Services at 1-855-326-0520. However, residents who have a contract with another electricity provider should review the terms of their contract to determine if they may be responsible for any cancellation fees charged by their current provider. Additional information on the City’s RAP can be found on the City’s Aggregation Program Website<sup>10</sup>.

Dynegy will continue to be the City’s Residential Electric Aggregation Program provider through 2030, and IGS will continue to be the City’s Residential Natural Gas Aggregation provider through August 2026.

For more information on Duke Energy’s current rates and to compare suppliers, residents may visit PUCO’s [energychoice.ohio.gov](https://energychoice.ohio.gov) website.

Residents who would like to opt-out of the aggregation program this year should call Dynegy Energy Services at 1-855-326-0520. Residents wishing to be permanently removed from the electric aggregation program customer list should also contact the Public Utility Commission of Ohio (PUCO) at 1-800-686-7826.

### **Clean Energy Development**

The overarching goal of the Green Cincinnati Plan is to achieve carbon neutrality by 2050<sup>11</sup>. The City’s efforts to deliver affordable clean energy to residents and businesses are critical to achieving Cincinnati’s carbon neutrality commitment.

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<sup>8</sup> City of Cincinnati Office of Environment and Sustainability, 2024, “Historic Rate Comparison 2024-11-26”

<sup>9</sup> City of Cincinnati Office of Environment and Sustainability, 2024, “Historic Rate Comparison 2024-11-26”

<sup>10</sup> <https://www.cincinnati-oh.gov/oes/buildings-and-energy/aggregation-program/>

<sup>11</sup> [www.greencincinnatiplan.com](https://www.greencincinnatiplan.com)

Moving towards this goal necessitates action primarily in the sectors of buildings, energy, and mobility. Collectively, our buildings and the energy they consume account for nearly 62% of Cincinnati's carbon emissions. While residential buildings represent 7.8% of this whole, commercial and industrial buildings account for 54%.

**The Residential Aggregation Program provides cost-competitive clean energy to more than 70,000 households. The administration is pursuing options to develop a similar program to provide affordable clean energy to businesses, described as a Mercantile Aggregation Program (MAP).**

### **Sustainable Ohio Public Energy Council (SOPEC)**

Ordinance #0271-2025<sup>12</sup> considers the City of Cincinnati becoming a member of the Sustainable Ohio Public Energy Council (SOPEC). SOPEC is a regional council of governments that has 40+ member communities across the state of Ohio including Cleveland, Dayton, Athens, and Chillicothe. They facilitate aggregation programs with a mission to provide access to sustainable energy solutions, offering a default product with 100% renewable energy.<sup>13</sup> If chosen as a facilitator of the MAP, **SOPEC would manage the program and leverage renewable energy resources to serve commercial or mercantile customers that opt-in to the program.** Membership in SOPEC provides options for the City to consider for MAP and does not require formal agreement or limit choice for the City or businesses within City limits.

### **Council of Governments Aggregation**

Per Ohio Revised Code, cities in Ohio can join councils of governments (COGs) and gain access to the energy programs they offer, including aggregation. Unlike investor-owned utilities, Councils of Government are responsible to their members, not investors.

To take part in an aggregation program with a COG government aggregator, the city must follow the steps outlined in Ohio law<sup>14</sup>. These steps include posting a notice, making Plans of Governance available, holding two public hearings and passing an

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<sup>12</sup> [ORD/Res #0271-2025](#)

<sup>13</sup> <https://www.sopec-oh.gov/>

<sup>14</sup> [Ohio R.C. 4928.20](#)

ordinance. In this case, the City seeks to adopt a plan of governance for a mercantile aggregation program.

The Mercantile Aggregation Program concept is separate and distinct from the Residential Aggregation Program. The MAP could allow the City to aggregate medium and large commercial and industrial energy users who are currently ineligible for the existing Residential Aggregation Program due to energy use thresholds. By creating a separate, opt-in program, the City could extend the benefits of collective procurement to these additional sectors. The MAP would be a voluntary program, meaning only businesses who sign up will participate.

In the future, the City could also consider joining the Northeast Ohio Public Energy Council (NOPEC). NOPEC is the other government aggregator based in Ohio and negotiates energy rates for 248 communities in Ohio. In 2024, NOPEC created its first sustainability mission, committed to achieving Net Zero by 2050 and 50% renewable electricity in its default offering to the communities by the end of 2026. As of June 2025, NOPEC's default product includes 25% renewable energy mix.<sup>15</sup>

## **Conclusion**

The City seeks to accelerate the pace of local clean energy development and provide easy and cost-effective access to commercial customers. **Becoming a member of the SOPEC council of governments adds new expertise and capacity to launch a first-of-its-kind Mercantile Aggregation Program.** The method for partnering with a council of governments is through joining as a member by adopting a Plan of Governance.

Becoming a member has no cost to the City and does not require the City to move forward with any commitment, but it does give the City a partner to help reach its ambitious carbon emissions reduction goals in a new building sector.

## **Q&A**

- 1) What is the difference between Mercantile and Residential customers?**

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<sup>15</sup> <https://www.nopec.org/who-is-nopec/white-papers>

Mercantile customers are commercial or industrial users whose electricity consumption exceeds 700,000 kWh per year.

Residential customers consume less than 700,000 kWh annually and can include residences of all sizes as well as small businesses.

Residential customers are presently served by the City's Residential Aggregation Program, while Mercantile customers are not.

**2) Would Council approval of SOPEC membership prevent an eligible participant from using a different provider?**

No, all residents and businesses in Cincinnati can select their own energy provider. Becoming a member of SOPEC does not change this. Becoming a member of SOPEC would provide mercantile customers a new, additional choice for energy provision. Any customer who would like to receive energy from SOPEC will have to opt in.

**3) Can it be confirmed that selecting SOPEC as an energy provider is opt-in and that participants would have to actively sign up for it?**

Yes, selecting SOPEC as an energy provider would be opt-in and participants would have to actively sign up.

The Residential Aggregation Program will be unchanged and continue to be an opt-out program operated by Dynegy. This is in alignment with the requirements stated in Ohio R.C. 4928.20.

**4) Will entering into SOPEC preclude the city in any way from governing their own energy rates?**

No, the City will retain its authority to choose the most advantageous energy rates.

**5) Will household utility bills be affected if the City joins SOPEC?**

No. Household utility bills will not be affected by becoming a member of SOPEC. Residential aggregation will continue to be facilitated by Dynegy and IGS in partnership with the City through the duration of the existing contracts.

To avoid any confusion, a B version of the ordinance to join SOPEC is provided to explicitly state that this membership would serve mercantile customers, an audience not presently served by existing aggregation contracts.

**6) Will joining SOPEC infringe on existing aggregation contracts held by the City?**

No. Joining SOPEC does not infringe upon existing city aggregation contracts.

**7) Does joining SOPEC prevent Cincinnati from joining other Councils of Governments like NOPEC?**

No. Joining SOPEC does not prevent the City from joining NOPEC. There are other Ohio cities that are members of both organizations (e.g, Athens, Cleveland).

CC: Oliver Kroner, Director, Office of Environment & Sustainability

September 24, 2025

**To:** Mayor and Members of the City Council

**From:** Sheryl M. M. Long, City Manager

202501777

**Subject: Ordinance – SOPEC Membership**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council ("SOPEC") and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

WHEREAS, on September 4, 2025, Council passed Ordinance No. 271-2025 authorizing the scheduling of two public hearings pursuant to Ohio Revised Code 4928.20 to consider the Plan of Operation and Governance (the "Plan") for the Electric Service Aggregation Program sponsored by the Southeast Ohio Public Energy Council ("SOPEC"); and

WHEREAS, the two public hearings were conducted, and Council has reviewed the Plan and the SOPEC Bylaws; and

WHEREAS, Ordinance No. 270-2011, passed August 3, 2011, authorizes the City Manager to exercise the authority granted by voters jointly with other political subdivisions of the State of Ohio and to execute and deliver any necessary agreements with such other political subdivisions to establish an Electric Service Aggregation Program; and

WHEREAS, Council finds it is in the best interest of the City and its residents to join the SOPEC and to authorize the City Manager to participate in the SOPEC aggregation program when it is advantageous to the City and its residents; 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 enter into any agreements and take any action necessary for the City to join the Southeast Ohio Public Energy Council ("SOPEC"), including but not limited to entering into the Amended and Restated Agreement Establishing the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) ("SOPEC Agreement") substantially in the form as attached, to implement the City's participation in the SOPEC's Electric Service Aggregation Programs and any additional programs referenced in the Plan as the City Manager determines is in the best interests of the City, its residents, and businesses.

Section 2. That the Plan of Operation and Governance (the "Plan") for the Electric Service Aggregation Program sponsored by the SOPEC is approved.

Section 3. That the Amended and Restated Bylaws Governing the SOPEC (DBA Sustainable Ohio Public Energy Council) are adopted and approved.

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

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.

Joining SOPEC supports the 2023 Green Cincinnati Plan is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012). The reason for the emergency is the immediate need for the City to achieve greater savings for the City's electric customers as soon as possible. The Administration recommends passage of this Emergency Ordinance.

cc: Oliver Kroner, Director, Office of Environment and Sustainability  
John S. Brazina, Interim Assistant City Manager

## **EMERGENCY**

**KKF**

**- 2025**

**AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council (“SOPEC”) and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

WHEREAS, on September 4, 2025, Council passed Ordinance No. 271-2025 authorizing the scheduling of two public hearings pursuant to Ohio Revised Code 4928.20 to consider the Plan of Operation and Governance (the “Plan”) for the Electric Service Aggregation Program sponsored by the Southeast Ohio Public Energy Council (“SOPEC”); and

WHEREAS, the two public hearings were conducted, and Council has reviewed the Plan and the SOPEC Bylaws; and

WHEREAS, Ordinance No. 270-2011, passed August 3, 2011, authorizes the City Manager to exercise the authority granted by voters jointly with other political subdivisions of the State of Ohio and to execute and deliver any necessary agreements with such other political subdivisions to establish an Electric Service Aggregation Program; and

WHEREAS, Council finds it is in the best interest of the City and its residents to join the SOPEC and to authorize the City Manager to participate in the SOPEC aggregation program when it is advantageous to the City and its residents; 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 enter into any agreements and take any action necessary for the City to join the Southeast Ohio Public Energy Council (“SOPEC”), including but not limited to entering into the Amended and Restated Agreement Establishing the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) (“SOPEC Agreement”) substantially in the form as attached, to implement the City’s participation in the SOPEC’s Electric Service Aggregation Programs and any additional programs referenced in the Plan as the City Manager determines is in the best interests of the City, its residents, and businesses.

Section 2. That the Plan of Operation and Governance (the “Plan”) for the Electric Service Aggregation Program sponsored by the SOPEC is approved.



Section 3. That the Amended and Restated Bylaws Governing the SOPEC (DBA Sustainable Ohio Public Energy Council) are adopted and approved.

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

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 join the SOPEC to achieve greater savings for the City's electric customers as soon as possible.

Passed: \_\_\_\_\_, 2025

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

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

**ATTACHMENT A**

**AMENDED AND RESTATED AGREEMENT**  
**ESTABLISHING THE**  
**SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**  
**(DBA SUSTAINABLE OHIO PUBLIC ENERGY COUNCIL)**

This AMENDED AND RESTATED AGREEMENT is made and entered into as of October 8, 2014, as amended and restated as of July 20, 2023 ("Agreement"), by and among the political subdivisions identified below.

**RECITALS:**

**WHEREAS**, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies.

**NOW, THEREFORE**, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council), also referred to herein as "SOPEC," it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

**Section 1. Definitions.**

Definitions of terms used in this Agreement and Amended and Restated Bylaws ("Bylaws") are set forth on Exhibit A hereto.

**Section 2. Name.**

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council," which also may do business under one or more trade names, including the Sustainable Ohio Public Energy Council.

**Section 3. Members.**

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this Agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

**Section 4. Purpose: The Aggregation Programs; Additional Programs of the Council.**

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Programs and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Programs for the benefit of the Members and their respective electricity and natural gas consumers. The Members will act jointly through the Council to establish and implement the Aggregation Programs and the Board of Directors may establish Additional Programs of the Council, as set forth in the Bylaws.

**Section 5. Fiscal Year.**

The fiscal year for SOPEC shall be the twelve month period beginning January 1 and ending December 31.

**Section 6. Adoption of Bylaws.**

Within ninety (90) days of adoption of this Agreement, Members shall meet for the purpose of adopting Bylaws of SOPEC. The Bylaws shall address the purposes of SOPEC, its governance, addition and withdrawal of members, adding new programs, and other governance issues including SOPEC's decision-making process and the designation of its fiscal agent.

**Section 7. Withdrawal and Inclusion of Members.**

All issues pertaining to the withdrawal of existing Members or inclusion of new Members shall be governed by the Bylaws.

**Section 8. Amendments.**

This Agreement may be amended subject to the majority vote of the signatory Members to the Agreement, until the adoption of Bylaws pursuant to Section 6 of this Agreement, at which time all amendments to this Agreement will be subject to the provisions set forth in the Bylaws.

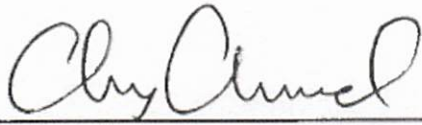
**Section 9. Term and Termination.**

It is the intention of the Members that this Agreement shall continue for an indefinite term, but may be terminated subject to the provisions set forth in the Bylaws.

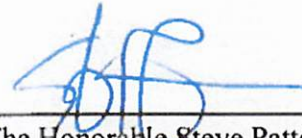
**Section 10. Effective Date.**

This Agreement shall take effect initially this 8th day of October, 2014, as amended and restated effective July 20, 2023. This Agreement, as amended, may be signed in separate counterparts on behalf of one, or more than one, of the Members, and may be signed

electronically, without the necessity for any one counterpart to be signed on behalf of all Members.



The Honorable Chris Chmiel,  
Athens County Commissioner  
Chairman of the Board of Directors



The Honorable Steve Patterson  
Mayor of Athens  
Vice Chair of the Board of Directors

## **EXHIBIT A**

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

“Additional Program” means any other cooperative program the Council may establish, with approval of the Council’s Board of Directors, under an Additional Program Agreement.

“Additional Program Agreement” means any agreement among some or all Members, and such non-members as may be permitted to participate, establishing an Additional Program in accordance with Section 9 of the Bylaws.

“Additional Program Costs” means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement; provided, however, that no Member shall be assessed Additional Program Costs if the Member is not participating in such Additional Program.

“Advisory Committee” means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

“Aggregation Costs” means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Programs; provided, however, that no Member shall be assessed Aggregation Costs unless such assessment is imposed on all Members and unanimously approved by all impacted Members at a meeting of the Assembly.

“Aggregation Fund” means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council, if any.

“Aggregation Programs” means the cooperative programs for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers and natural gas by natural gas customers in the political subdivisions that join the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council), pursuant to the terms of Ohio Revised Code Sections 4928.20 and 4929.26, and this Agreement.

“Agreement” means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

“Assembly” means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

**“Bylaws”** means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

**“Council”** means the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) established by this Agreement.

**“Fiscal Agent”** means the person or organization designated by the Members of the Council to receive, deposit, invest, and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement. The Council may serve as its own Fiscal Agent.

**“Fiscal Year”** means the twelve (12) month period beginning January 1 and ending December 31.

**“Member”** means any municipal corporation, county, township, or any other political subdivision under the laws of the State of Ohio which pursuant to duly adopted legislation, has caused this Agreement to be executed in its name, which Member shall be listed on Exhibit B hereof, including any additional municipal corporation, county, township, or any other political subdivision under the laws of the state of Ohio which has caused this Agreement to be executed in accordance therewith, and has not withdrawn from the Council pursuant to this Agreement or the Bylaws.

**“Program”** means an Aggregation Program or any Additional Program.

## **EXHIBIT B**

### **Current List of SOPEC Member Communities & Political Subdivisions**

#### **Athens County**

Athens County

City of Athens

Village of Albany

Village of Amesville

Village of Buchtel

Village of Chauncey

Village of Jacksonville

Village of Trimble

#### **Columbiana County**

Unity Township

#### **Cuyahoga County**

City of Cleveland

#### **Franklin County**

Blendon Township

City of Gahanna

City of Upper Arlington

Village of Marble Cliff

#### **Gallia County**

City of Gallipolis

Village of Rio Grande

#### **Greene County**

Village of Yellow Springs

#### **Hocking County**

City of Logan

#### **Lucas County**

Village of Whitehouse



**Meigs County**

Village of Racine

**Montgomery County**

City of Dayton

City of Huber Heights

City of Riverside

**Morgan County**

Village of Chesterhill

Village of McConnelsville

**Muskingum County**

Village of New Concord

Village of Norwich

**Perry County**

Village of Glenford

Village of Hemlock

Village of New Straitsville

Village of Shawnee

Village of Somerset

**Pike County**

Village of Piketon

**Washington County**

City of Belpre

Village of Lowell

**Political Subdivisions**

Athens-Hocking Solid Waste District

Dayton Metro Library

Five Rivers MetroParks

Hocking Conservancy District

MetroParks of Butler County

Muskingum Watershed Conservancy District

Syracuse Racine Regional Sewer District

**NEW MEMBER ATTACHMENT FOR AGREEMENT ESTABLISHING**  
**THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**  
**(DBA SUSTAINABLE OHIO PUBLIC ENERGY COUNCIL) ("SOPEC")**

Approved by the City Manager,

this \_\_\_\_ day of \_\_\_\_\_, 2025

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Sheryl M. M. Long  
City Manager, City of Cincinnati

**December 1, 2025**

**To:** Members of the Budget and Finance Committee

202502063

**From:** Sheryl M.M. Long, City Manager

**Subject: Emergency Ordinance: SOPEC Membership Ordinance – B Version**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council (“SOPEC”) and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts for mercantile customers; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

The Administration recommends passage of this Emergency Ordinance. This is a B Version of Ordinance #202501777. This version states the City will adopt the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws for *Mercantile Customers only*. This is intended to provide clarification that this program will serve commercial customers and that residential energy bills will not be impacted by SOPEC membership.

cc: Oliver Kroner, Director, Environment and Sustainability

## **EMERGENCY**

**KKF/B**

**- 2025**

**AUTHORIZING** the City Manager to enter into any agreements necessary to enable the City to join the Southeast Ohio Public Energy Council (“SOPEC”) and act jointly with other municipalities, townships, counties, and other political subdivisions to maximize the potential benefits of electricity procurement through group purchasing efforts for mercantile customers; and **APPROVING** the SOPEC Plan of Operation and Governance and the Amended and Restated Bylaws Governing SOPEC.

WHEREAS, on September 4, 2025, Council passed Ordinance No. 271-2025 authorizing the scheduling of two public hearings pursuant to Ohio Revised Code 4928.20 to consider the Plan of Operation and Governance (the “Plan”) for the Electric Service Aggregation Program sponsored by the Southeast Ohio Public Energy Council (“SOPEC”); and

WHEREAS, the two public hearings were conducted, and Council has reviewed the Plan and the SOPEC Bylaws; and

WHEREAS, Ordinance No. 270-2011, passed August 3, 2011, authorizes the City Manager to exercise the authority granted by voters jointly with other political subdivisions of the State of Ohio and to execute and deliver any necessary agreements with such other political subdivisions to establish an Electric Service Aggregation Program; and

WHEREAS, Council finds it is in the best interest of the City and its residents to join the SOPEC and to authorize the City Manager to participate in the SOPEC aggregation program, for mercantile customers that use over 700,000 kWh per year, when the City Manager determines it is advantageous to the City and its mercantile customers to do so; 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 enter into any agreements and take any action necessary for the City to join the Southeast Ohio Public Energy Council (“SOPEC”), including but not limited to entering into the Amended and Restated Agreement Establishing the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) (“SOPEC Agreement”) substantially in the form as attached, to implement the City’s participation in the SOPEC’s Electric Service Aggregation Programs and any additional programs referenced in the Plan, as they apply to mercantile customers using over 700,000 kWh per year, as the City Manager determines is in the best interests of the City and its mercantile customers.

Section 2. That the Plan of Operation and Governance (the “Plan”) for the Electric Service Aggregation Program sponsored by the SOPEC is approved.

Section 3. That the Amended and Restated Bylaws Governing the SOPEC (DBA Sustainable Ohio Public Energy Council) are adopted and approved.

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

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 join the SOPEC to achieve greater savings for the City’s mercantile electric customers as soon as possible.

Passed: \_\_\_\_\_, 2025

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

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

Clerk  
4929-2053-0773, v. 7

November 19, 2025

202502015

**To:** Mayor and Members of City Council

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission (CRC):  
Recreation Special Activities Fund 323 Supplemental Appropriation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of \$1,174,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to various Cincinnati Recreation Commission Recreation Special Activities Fund operating budget accounts according to the attached Schedule of Transfer to provide resources for planned expenditures.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$1,174,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to various Cincinnati Recreation Commission (CRC) Recreation Special Activities Fund operating budget accounts according to the attached Schedule of Transfer to provide resources for planned expenditures.

The Cincinnati Recreation Commission had a FY 2025 budget shortfall in the Recreation Special Activities Fund and now requires a supplemental appropriation. The supplemental appropriation has been reduced compared to the prior proposed mid-year budget adjustment Ordinance, which was initially introduced to the City Council in September 2025 as Item No. [202501613](#).

CRC's Division of Finance is now under new leadership with an interim Chief Financial Officer (CFO). The interim CFO re-examined the projections and reviewed historical actual spending, which led to a reduction in the total need. The need reduction is primarily driven by two sources, neither of which impacts service delivery.

The first driver is a reduction in anticipated energy costs. This need was reduced based on a review of historical trends, plus updated energy projections provided by the Office of Environment and Sustainability (OES). The second driver is a reduction in non-personnel expenses related to automated external defibrillators (AEDs). These resources will now be appropriately aligned with the department's updated AED implementation timeline.

The reason for the emergency is the immediate need to provide resources within the Recreation Special Activities Fund for the ongoing needs of the Cincinnati Recreation Commission.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew Dudas, Budget Director  
Steve Webb, Finance Director

Attachment

**EMERGENCY**

**AEP**

**- 2025**

**AUTHORIZING** the transfer and appropriation of \$1,174,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to various Cincinnati Recreation Commission Recreation Special Activities Fund operating budget accounts according to the attached Schedule of Transfer to provide resources for planned expenditures.

WHEREAS, the Cincinnati Recreation Commission had a FY 2025 budget shortfall in the Recreation Special Activities Fund and now requires a supplemental appropriation in that fund; now, therefore,

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

Section 1. That \$1,174,000 is transferred and appropriated from the unappropriated surplus of Recreation Special Activities Fund 323 to various Cincinnati Recreation Commission Recreation Special Activities Fund operating budget accounts according to the attached Schedule of Transfer to provide resources for planned expenditures.

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

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 provide resources within the Recreation Special Activities Fund for the ongoing needs of the Cincinnati Recreation Commission.

Passed: \_\_\_\_\_, 2025

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

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

## SCHEDULE OF TRANSFER

### CINCINNATI RECREATION COMMISSION FY 2026 MID-YEAR BUDGET ADJUSTMENT ORDINANCE

Fund 323 Recreation Special Activities

<i>REDUCTIONS</i>				<i>INCREASES</i>			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
<b>SUPPLEMENTAL APPROPRIATIONS</b>				<b>SUPPLEMENTAL APPROPRIATIONS</b>			
SOURCE ACCOUNTS				USE ACCOUNTS			
UNAPPROPRIATED SURPLUS				CINCINNATI RECREATION COMMISSION			
	323		1,174,000	WEST REGION	323	191	7100 31,000
				WEST REGION	323	191	7200 56,000
				EAST REGION	323	192	7100 131,000
				EAST REGION	323	192	7200 47,000
				CENTRAL REGION	323	193	7100 132,000
				CENTRAL REGION	323	193	7200 49,000
				MAINTENANCE	323	194	7200 58,000
				ATHLETICS	323	197	7100 643,000
				ATHLETICS	323	197	7200 12,000
				ADMINISTRATION	323	199	7400 15,000
<b>TOTAL FUND 323 REDUCTIONS</b>			<b>1,174,000</b>	<b>TOTAL FUND 323 INCREASES</b>			<b>1,174,000</b>



November 19, 2025

**To:** Mayor and Members of City Council 202502020

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission (CRC): Municipal Golf Fund 105 Supplemental Appropriation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of \$480,000 from the unappropriated surplus of Municipal Golf Fund 105 to Cincinnati Recreation Commission Municipal Golf Fund non-personnel operating budget account no. 105x195x7200 to provide resources for planned expenditures.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$480,000 from the unappropriated surplus of Municipal Golf Fund 105 to Cincinnati Recreation Commission (CRC) Municipal Golf Fund non-personnel operating budget account no. 105x195x7200 to provide resources for planned expenditures.

The Cincinnati Recreation Commission had a FY 2025 budget shortfall in the Municipal Golf Fund and now requires a supplemental appropriation in that fund. The supplemental appropriation has been slightly reduced compared to the prior proposed mid-year budget adjustment Ordinance, which was initially introduced to the City Council in September 2025 as Item No. [202501613](#).

CRC's Division of Finance is now under new leadership with an interim Chief Financial Officer (CFO). The interim CFO re-examined the projections for this fund and reviewed historical actual spending, which led to a reduction in the total need.

The reason for the emergency is the immediate need to provide resources within the Municipal Golf Fund for the ongoing needs of the Cincinnati Recreation Commission.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew Dudas, Budget Director  
Steve Webb, Finance Director

Attachment

**EMERGENCY**

**JWF**

**- 2025**

**AUTHORIZING** the transfer and appropriation of \$480,000 from the unappropriated surplus of Municipal Golf Fund 105 to Cincinnati Recreation Commission Municipal Golf Fund non-personnel operating budget account no. 105x195x7200 to provide resources for planned expenditures.

WHEREAS, the Cincinnati Recreation Commission had a FY 2025 budget shortfall in the Municipal Golf Fund and now requires a supplemental appropriation in that fund; now, therefore,

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

Section 1. That \$480,000 is transferred and appropriated from the unappropriated surplus of Municipal Golf Fund 105 to Cincinnati Recreation Commission Municipal Golf Fund non-personnel operating budget account no. 105x195x7200 to provide resources for planned expenditures.

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

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 provide resources within the Municipal Golf Fund for the ongoing needs of the Cincinnati Recreation Commission.

Passed: \_\_\_\_\_, 2025

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

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

November 19, 2025

**To:** Mayor and Members of City Council

202502014

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – Cincinnati Recreation Commission (CRC): National Recreation and Parks Association (NRPA) Grant**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for a grant of up to \$120,000 from the National Recreation and Parks Association (“NRPA”) for lighting and parking infrastructure improvements at the Losantiville Recreation Area; **AUTHORIZING** the City Manager to accept an in-kind donation of lighting and parking infrastructure from NRPA through Musco Lighting for the Losantiville Recreation Area valued at up to \$100,000; **AUTHORIZING** the City Manager to accept and appropriate up to \$20,000 in grant resources from NRPA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance authorizes the City Manager to apply for a grant of up to \$120,000 from the National Recreation and Parks Association for lighting and parking infrastructure improvements at the Losantiville Recreation Area. NRPA funding consists of two parts, one part is an in-kind donation from Musco Lighting of between \$50,000 and \$100,000 for lighting and parking infrastructure improvements, and the second part is a \$20,000 monetary donation from NRPA to activate infrastructure and increase participation in sports.

The grant application deadline was October 10, 2025, and the City has already applied for the grant, but no grant resources will be accepted without approval by the City Council.

Utilizing grant resources to increase access to sports is in accordance with the “Live” goal to “[b]uild a robust life” as described on page 149 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Steve Webb, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for a grant of up to \$120,000 from the National Recreation and Parks Association (“NRPA”) for lighting and parking infrastructure improvements at the Losantiville Recreation Area; **AUTHORIZING** the City Manager to accept an in-kind donation of lighting and parking infrastructure from NRPA through Musco Lighting for the Losantiville Recreation Area valued at up to \$100,000; **AUTHORIZING** the City Manager to accept and appropriate up to \$20,000 in grant resources from NRPA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, funding is available from the National Recreation and Parks Association (“NRPA”) for recreation agencies to increase access to sports and play; and

WHEREAS, NRPA grant funding consists of two parts – one part is an in-kind donation of lighting and parking infrastructure improvements from NRPA through Musco Lighting valued between \$50,000 and \$100,000, and the second part is a \$20,000 monetary contribution from NRPA to activate infrastructure and increase participation in sports; and

WHEREAS, the grant application deadline was October 10, 2025, and the City has already applied for the grant, but no grant resources will be accepted without approval by Council; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, utilizing grant resources to increase access to sports is in accordance with the “Live” goal to “[b]uild a robust life” as described on page 149 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 a grant of up to \$120,000 from the National Recreation and Parks Association (“NRPA”) for lighting and parking infrastructure improvements at the Losantiville Recreation Area.

Section 2. That the City Manager is authorized to accept an in-kind donation of lighting and parking infrastructure from NRPA through Musco Lighting for the Losantiville Recreation Area valued at up to \$100,000.

Section 3. That the City Manager is authorized to accept and appropriate up to \$20,000 in grant resources from NRPA to activate infrastructure and increase participation in sports.

Section 4. That the Director of Finance is authorized to deposit the grant funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

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

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2025

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

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

November 19, 2025

**To:** Mayor and Members of City Council 202502013

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Ordinance – Cincinnati Fire Department (CFD): Cincinnati Fire Foundation Donation for Fire Training Facility**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept a donation of up to \$11,520 from the Cincinnati Fire Foundation to provide resources for the installation of an equipment storage unit at the new Fire Training Facility; **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of up to \$11,520 from the unappropriated surplus of General Fund 050 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 to provide resources for the installation of an equipment storage unit at the new Fire Training Facility.

This Ordinance authorizes the City Manager to accept a donation of up to \$11,520 from the Cincinnati Fire Foundation to provide resources for the installation of an equipment storage unit at the new Fire Training Facility. This Ordinance also authorizes the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571. Finally, this Ordinance authorizes the transfer and appropriation of up to \$11,520 from the unappropriated surplus of the General Fund to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 to provide resources for the installation of an equipment storage unit at the new Fire Training Facility.

The Cincinnati Fire Foundation has agreed to donate up to \$11,520 for the design, purchase, and installation of a multi-purpose operational storage facility at the Fire Training Facility. This prefabricated steel structure will provide a durable, weather resistant space for equipment storage, auxiliary equipment housing, and hands-on training evolutions.

There are no new FTEs/full time equivalents or matching funds associated with the donation.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-211 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Steve Webb, Finance Director

Attachment



**AUTHORIZING** the City Manager to accept a donation of up to \$11,520 from the Cincinnati Fire Foundation to provide resources for the installation of an equipment storage unit at the new Fire Training Facility; **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of up to \$11,520 from the unappropriated surplus of General Fund 050 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 to provide resources for the installation of an equipment storage unit at the new Fire Training Facility.

WHEREAS, the Cincinnati Fire Foundation has agreed to donate up to \$11,520 for the design, purchase, and installation of a multi-purpose operational storage facility at the Fire Training Facility; and

WHEREAS, the prefabricated steel structure will provide a durable, weather-resistant space for equipment storage, auxiliary equipment housing, and hands-on training evolutions; and

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

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-211 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 of up to \$11,520 from the Cincinnati Fire Foundation to provide resources for the installation of an equipment storage unit at the new Fire Training Facility.

Section 2. That the Director of Finance is authorized to deposit the donated funds into General Fund 050 revenue account no. 050x8571.

Section 3. That the transfer and appropriation of \$11,520 from the unappropriated surplus of General Fund 050 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 is authorized to provide funds for the installation of an equipment storage unit at the new Fire Training Facility.

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

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

Passed: \_\_\_\_\_, 2025

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

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



November 19, 2025

202502017

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance –Second Amendment to Water Service Agreement between the City of Cincinnati and the City of Lebanon

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to execute a Second Amendment to the Water Service Agreement between the City of Cincinnati and the City of Lebanon, Ohio to permit the installation of a new wholesale water connection to serve new residential properties within the City of Lebanon.

The City and the City of Lebanon are currently parties to a Water Area Contract (the “Contract” dated December 10, 2008, and as amended by a First Amendment dated June 3, 2010, for the supply of wholesale surplus water within Lebanon. The parties desire to amend the Contract to add a new residential subdivision to be built in Lebanon to the “Water Service Area” as defined by the Contract so that it may be served by the City under the terms of the Contract, as amended.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrea Yang, Interim Executive Director, Greater Cincinnati Water Works

## **EMERGENCY**

**CFG**

**- 2025**

**AUTHORIZING** the City Manager to execute a Second Amendment to the Water Service Agreement between the City of Cincinnati and the City of Lebanon, Ohio to permit the installation of a new wholesale water connection to serve new residential properties within the City of Lebanon.

WHEREAS, the City of Cincinnati (“City”) and the City of Lebanon, Ohio (“Lebanon”) entered into a Water Service Agreement (as amended, the “Agreement”), dated December 10, 2008, providing for the supply of wholesale surplus water within Lebanon by the City’s Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, the City and Lebanon entered into a First Amendment to the Agreement on June 3, 2010, modifying certain planned water service facilities and infrastructure included in the Agreement; and

WHEREAS, a new residential subdivision to be built in Lebanon (the “Property”) will require wholesale water service; and

WHEREAS, GCWW has water mains in the vicinity of the Property and is able to provide water service to the Property; and

WHEREAS, the City and Lebanon desire to enter into a Second Amendment to the Water Service Agreement in a form substantially similar to Attachment A hereto, in order to add the Property to the “Water Service Area” as defined in the Agreement so that it may be served by GCWW under the terms of the Agreement, as amended; 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 execute the Second Amendment to the Water Service Agreement between the City of Cincinnati (“City”) and the City of Lebanon, Ohio (“Lebanon”) in substantially the form attached as Attachment A to this ordinance, to permit the installation of a new wholesale water connection to serve new residential properties within Lebanon.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the Water Service Agreement as amended.

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 4 of the Charter, be effective immediately. The reason for the emergency is the immediate need to execute the Second Amendment so that the City may begin providing water to the Property at the earliest possible time.

Passed: \_\_\_\_\_, 2025

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

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

## ATTACHMENT A

Contract No. 85x0048

### SECOND AMENDMENT

to Water Service Agreement between the City of Cincinnati  
and the City of Lebanon, Ohio

This *Second Amendment to Water Service Agreement* ("Second Amendment") is made and entered into effective on the Effective Date (as defined on the signature page hereof) by and between the City of CINCINNATI, an Ohio municipal corporation ("Cincinnati"), on behalf of its Greater Cincinnati Water Works ("GCWW") located at 4747 Spring Grove Avenue, Cincinnati, Ohio 45232, and the CITY OF LEBANON, an Ohio municipal corporation ("Lebanon") located at 50 South Broadway, Lebanon, Ohio 45036.

### RECITALS

- A. Cincinnati and Lebanon are parties to a certain *Water Service Agreement* (the "Agreement") dated December 10, 2008, as amended by a *First Amendment to the City of Lebanon Water Service Agreement* dated June 3, 2010, for the provision of wholesale water service to the City of Lebanon.
- B. Cincinnati and Lebanon desire to amend the Agreement to permit the installation of a new wholesale water connection (the "New Connection") which would serve a residential subdivision within the City of Lebanon known as "The Acres," currently comprised of fewer than fifty (50) properties.
- C. The New Connection would be located on Mason Morrow Millgrove Road, between Cox-Smith and Columbia Roads, as set forth in Exhibit A to this Second Amendment.
- D. Execution of this Second Amendment was authorized by Cincinnati City Council Ordinance No. \_\_\_\_\_, passed on \_\_\_\_\_, 2025, and by Lebanon City Ordinance No. \_\_\_\_\_, passed on \_\_\_\_\_, 2025.

**NOW, THEREFORE**, the parties amend and supplement the Agreement as follows:

1. The area depicted on Exhibit A to this Second Amendment, which shows the New Connection, is hereby agreed to and adopted by the City and Lebanon as being part of the "Water Service Area" referenced in Section 4 of the Agreement.
2. Lebanon Responsibilities. In addition to its responsibilities set forth in the Agreement, as amended, Lebanon agrees to the following:
  - A. Lebanon shall notify GCWW in writing within thirty (30) days should the number of properties served by the New Connection increase by 100% or more after the execution of this Second Amendment.

- B. Lebanon is responsible for verifying that GCWW's volume and pressure provided via the New Connection suffice to meet the needs of "The Acres."
  - C. Lebanon, and/or its agent or designee, shall submit stamped plans, by an engineer licensed in the state of Ohio, showing the connection layout, meter pit design, and all associated piping to GCWW's Engineering Planning Division for review and approval.
  - D. Lebanon shall not install any service connections upstream of the meter(s) and backflow prevention device(s). Any downstream connections within the meter pit require prior written approval by GCWW.
  - E. Lebanon, and/or its agent or designee, shall design, furnish, and install the new water connection, including the meter pit and all associated piping and appurtenances, as approved by GCWW. All materials located within the Mason Morrow Millgrove right-of-way, up to and including the gate valve(s) downstream of the meter(s) inside the meter pit, shall comply with GCWW standards and are subject to GCWW inspection and approval.
  - F. Lebanon shall retain ownership, operation, maintenance, and repair responsibility, including but not limited to securing OUPS markings as needed for all piping and appurtenances located downstream of the Mason Morrow Millgrove Road right-of-way. Any service branches installed by Lebanon, and/or its agent or designee, within the Mason Morrow Millgrove Road right-of-way as part of the Lebanon Water System shall also be owned and maintained by Lebanon. Standard clearance distances, as determined by GCWW, shall be maintained between GCWW water mains and any Lebanon Water System branches that cross such mains.
  - G. Lebanon shall provide GCWW with an easement adjacent to Mason Morrow Millgrove Road that is sufficient for access to the meter pit and associated infrastructure for operation, inspection, and maintenance.
  - H. Lebanon shall be responsible for the cost of the initial master meter(s) required for the New Connection, as procured from GCWW. Lebanon and/or its agent or designee shall be responsible for installation of the master meter(s) associated with the New Connection.
3. Cincinnati Responsibilities. In addition to responsibilities set forth in the Agreement, as amended, Cincinnati agrees to the following:
- A. GCWW will supply water service via the New Connection from the Mason North System, which has a theoretical maximum Hydraulic Grade Line ("HGL") of 946.0 feet above sea level and a normal operating range between 929 and 940 (subject to change as required by GCWW Operations).
  - B. At its sole discretion, GCWW may install a Water Quality Monitoring Sample Station within the meter pit or on the piping to the meter pit. GCWW shall retain

full responsibility for the operation, monitoring, maintenance, and replacement of this equipment.

- C. Upon installation by Lebanon, successful inspection and acceptance by GCWW, and completion of the standard warranty period, GCWW shall assume ownership, operation, maintenance, and repair responsibilities for all Distribution System pipe and appurtenances within the Mason Morrow Millgrove Road right-of-way, including but not limited to the pipe supplying the New Connection from the tee to the right-of way.
  - D. After Lebanon's installation of the master meter(s) for the New Connection, and GCWW's acceptance of said installation, GCWW shall own the meter(s) and be responsible for their maintenance, repair and replacement.
- 4. Ratification. All terms of the Agreement not amended hereby or not inconsistent herewith shall remain in full force and effect, and by this reference are incorporated herein as if fully rewritten herein, and the Agreement, as amended hereby, is hereby ratified by the parties.
  - 5. Electronic, Counterpart, and PDF Signatures. This Second Amendment may be executed in any number of counterparts, all of which shall constitute one Agreement, and an electronic, facsimile, or PDF signature shall be deemed to be, and shall have the same force and effect as, an original signature.
  - 6. Exhibit. The following exhibit is hereby attached and incorporated into this Second Amendment as Exhibit A: "GCWW/Lebanon Contract, Amendment #2, Exhibit A."

IN WITNESS WHEREOF, the parties have executed this *Second Amendment to Water Service Agreement* on the dates indicated below their respective signature, effective as of the later of such dates (the "Effective Date").

**CITY OF LEBANON, OHIO**

By: \_\_\_\_\_  
Scott Brunka, City Manager

Approved as to form:

Date: \_\_\_\_\_, 2025

\_\_\_\_\_  
City Attorney, City of Lebanon

**[CITY OF CINCINNATI SIGNATURE PAGE FOLLOWS]**

**CITY OF CINCINNATI, OHIO**

By: \_\_\_\_\_  
Sheryl M.M. Long, City Manager

Date: \_\_\_\_\_, 2025

**RECOMMENDED BY:**

\_\_\_\_\_  
Andrea Yang, Interim Executive Director  
Greater Cincinnati Water Works

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Solicitor

**CERTIFICATION OF FUNDS**

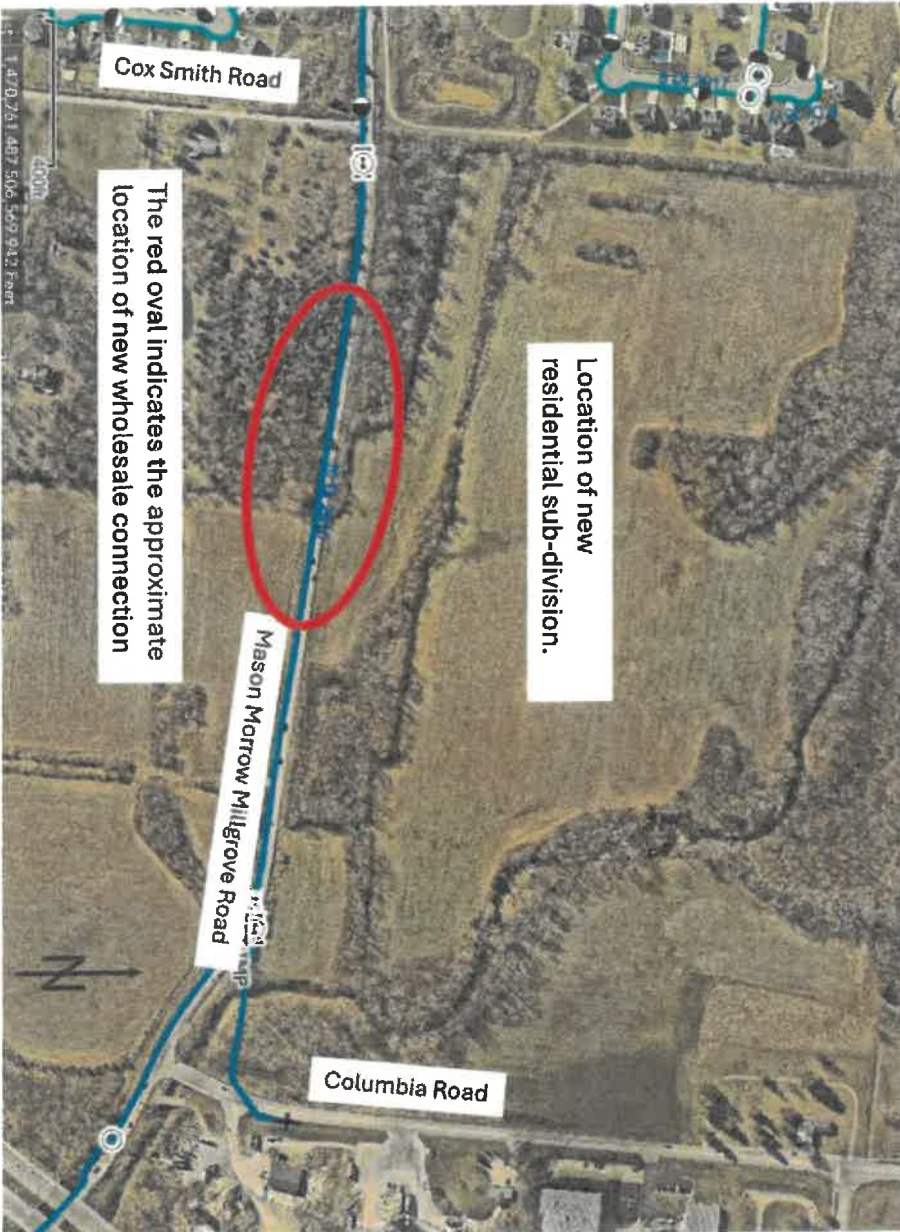
Date: \_\_\_\_\_

Funding: \_\_\_\_\_

Amount: \_\_\_\_\_

\_\_\_\_\_  
Steve Webb, Finance Director

GCWW/Lebanon Contract  
Amendment #2 - Exhibit A





November 19, 2025

To: Mayor and Members of City Council 202502019

From: Sheryl M.M. Long, City Manager

Subject: Ordinance Releasing Easements-Madison Road (Oakley Capital Partners)

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to execute a release of easements to terminate certain easements for road and flood protection levee purposes and acquire an easement for road and flood protection levee purposes over a portion of real property located along or near Madison Road in the Madisonville neighborhood of the City of Cincinnati.

This Ordinance expresses the City's intent to release various easements and restrictions that encumber property owned by Oakley Capital Partners 2, LLC ("Developer"). The Developer petitioned the City for release of the easements and restrictions in exchange for new easements for the benefit of the City to provide for road and flood protection levee purposes.

The City has determined that the easements and restrictions that are being released are not needed for municipal purposes. The fair market value associated with the released easements is approximately \$83,707, and the fair market value associated with the new easements is approximately \$59,500, a difference of \$23,570, which Developer has agreed to pay.

The City Planning Commission approved the release of the easements and restrictions at its meeting on May 16, 2025.

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, Interim Executive Director, Greater Cincinnati Water Works

**AUTHORIZING** the City Manager to execute a release of easements to terminate certain easements for road and flood protection levee purposes and acquire an easement for road and flood protection levee purposes over a portion of real property located along or near Madison Road in the Madisonville neighborhood of the City of Cincinnati.

WHEREAS, Oakley Capital Partners 2, LLC, an Ohio limited liability company (“Developer”), owns property in the Madisonville neighborhood of the City of Cincinnati (“City”) located along Madison Road, as described in the legal description attached to this ordinance as Attachment A (“Property”); and

WHEREAS, Developer petitioned the City of Cincinnati to release various easements and restrictions in favor of the City that encumber Developer’s property, namely the “Road Easement” and “Flood Protection Levee” easement as more particularly described in a Grant of Easements recorded on May 21, 2009 in Official Record 11146, Page 1820, Hamilton County, Ohio records (the “Released Easements”); and

WHEREAS, the City Manager, in consultation with the Greater Cincinnati Water Works has determined that the Released Easements are not needed for municipal purposes and, in exchange for new easements for the benefit of the City to provide for road and flood protection levee purposes through, in, and over the Developer’s Property (“New Easements”), therefore is agreeable to releasing the same to facilitate Developer’s use of the site; and

WHEREAS, the City’s Real Estate Services Division has determined, by professional appraisal, that: (i) the fair market value associated with the Released Easements is approximately \$83,707; and (ii) the fair market value associated with the New Easement is approximately \$59,500, a difference of \$23,570, which Developer has agreed to pay; and

WHEREAS, the City Planning Commission approved the City’s release of the easements and restrictions at its meeting on May 16, 2025; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Flood Protection Levee Easement with Oakley Capital Partners 2, LLC, an Ohio limited liability company (“Developer”), in substantially the form attached to this ordinance as Attachment B (the “Easement”), pursuant to which the City of Cincinnati (“City”) will terminate certain road and flood protection levee easements that encumber the property owned by the Developer (“Released Easements”) as more particularly

described in Attachment A to this ordinance (the “Property”), and the Developer will grant to the City certain road and flood protection levee easements through, in, and over the Property as more particularly detailed in the Easement (“New Easements”).

Section 2. That the City’s Real Estate Services Division has determined, by professional appraisal: (i) the fair market value of the Released Easements is approximately \$83,707; and (ii) the fair market value of the New Easements is approximately \$59,500, a difference of \$23,570, which the Developer has agreed to pay.

Section 3. That the proceeds from the release of the easement shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection therewith, and that the City’s Finance Director is hereby authorized to distribute amounts in excess thereof, if any, into Stormwater Management Enterprise Fund 107.

Section 4. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all ancillary agreements, plats, and other documents.

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 to expedite the parties’ execution of the Easement so that Developer can, without delay, enable the Property to be put to its highest and best use for the economic benefit of the City at the earliest possible time.

Passed: \_\_\_\_\_, 2025

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

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

## ATTACHMENT A

### PARCEL 51-0007-0080-00

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of Oakley Capital Partners 2, LLC (Official Record 14270, Page 1648), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61);

Thence with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and said Oakley Capital Partners 2, LLC in the northwest right of way line of Madison Road, the POINT OF BEGINNING of this description;

Thence with the line of SORTA, North 41°38'09" West 39.95 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227" at the corner of Oakley Capital Partners 2, LLC (Official Record 15045, Page 144);

Thence lines of said Oakley Capital Partners 2, LLC for the following seven (7) calls:

- 1 North 04°26'27" East 123.08 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 2 South 85°33'33" East 31.50 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 3 North 04°26'27" East 43.04 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 4 South 85°35'14" East 37.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 5 North 63°31'53" East 52.85 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 6 North 78°47'06" East 39.86 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227";
- 7 South 85°33'33" East 32.57 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK 5-8227" in the west line of Oakley Capital Partners 2, LLC (Official Record 14884, Page 2157);

Thence with said west line, South 05°21'51" West 142.85 feet to a recovered 5/8" steel rebar in the northwest right of way line of Madison Road;

Thence with the northwest right of way line of Madison Road, South 64°26'51" West 177.90 feet to the POINT OF BEGINNING.

Said herein description contains 0.6891 acres.

Being part of the lands conveyed to Oakley Capital Partners 2, LLC in Official Record 14270, Page 1648 and recorded at the Hamilton County recorder's office at Cincinnati, Ohio. Said herein description being the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

Parcel No. 051-0007-0086

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of MG CLEAN HOLDINGS II, LLC (Official Record 15013, Page 2219), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61);

Thence with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and MG CLEAN HOLDINGS II, LLC (Official Record 15013, Page 2219);

Thence leaving said northwest line and with the line of said SORTA North 41°38'09" West 39.95 to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1807), the POINT OF BEGINNING of this description.

Thence continuing with the lines of SORTA for the following two (2) calls:

North 41°38'09" West 77.47 feet to a point from which a recovered 5/8" steel rebar bears South 52°38'25" East 1.18 feet.

North 41°17'09" West 36.44 feet to a recovered 5/8" steel rebar at the corner of City of Cincinnati (Deed Book 2661, Page 541);

Thence with the line of said City of Cincinnati, North 05°21'51" East 38.90 feet to a recovered cross notch at the corner of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1807).

Thence with the lines of said Oakley Capital Partners 2, LLC for the following three (3) calls:

North 44°07'53" West 11.09 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 12°53'23" West 59.29 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 04°26'27" East 168.06 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

Thence South 85°33'33" East 294.75 feet to a set 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of MG CLEAN HOLDINGS II, LLC (Official Record 15013, Page 2219);

Thence with the lines of said MG CLEAN HOLDINGS II, LLC for the next eight (8) calls;

South 05°21'51" West 146.05 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°33'33" West 32.57 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 78°47'06" West 39.86 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 63°31'53" West 52.85 to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°35'14" West 37.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 04°26'27" West 43.04 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°33'33" West 31.50 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 04°26'27" West 123.08 feet to the POINT OF BEGINNING.

Said herein description contains 1.4493 acres more or less.

Subject all easements and right of ways or record.

Being part of the lands conveyed to and MG CLEAN HOLDINGS II LLC, Official Record 15063, Page 221<sup>9</sup> and recorded at the Hamilton County recorder's office at Cincinnati, Ohio.

The above description was written by Jeffrey Thompson Ohio Registered Surveyor S-7362 on July 15, 2024 for Cardinal Engineering and is the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

Parcel No. 005-0007-0087

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1477 and Oakley Capital Partners 2, LLC (Official Record , Page ), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61).

Thence, with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and Oakley Capital Partners 2, LLC (Official Record 15065, Page 1481);

Thence, continuing with said northwest line and with the line of said Oakley Capital Partners 2, LLC North 64°26'51" East 177.90 feet to a recovered 5/8" steel rebar, the POINT OF BEGINNING of this description.

Thence, leaving said northwest line and with said Oakley Capital Partners 2, LLC line North 05°21'51" East passing a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at 142.85 feet a total distance of 288.90 feet to a recovered 5/8" steel rebar at the northeast corner of the 1.4493 acre tract conveyed to MG CLEAN HOLDINGS II, LLC ;

Thence with the line of said MG CLEAN HOLDINGS II, LLC ; North 85°33'33" West for a distance of 294.75 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of Oakley Capital Partners 2, LLC parcel;

Thence with a line of said Oakley Capital Partners 2, LLC North 04°26'27" East 218.23 feet to a recovered 5/8" steel rebar with plastic cap stamped "Judge";

Thence with Oakley Capital Partners 2, LLC South 84°38'09" East passing a recovered 5/8" steel rebar with plastic cap stamped "Judge" at 33.23 feet a total distance of 319.23 feet to a recovered mag nail a corner of Oakley Capital Partners 2, LLC (Official Record , Page );

Thence with a line of said Oakley Capital Partners 2, LLC South 05°21'51" West 489.77 feet to a recovered cross notch on the northwest line of Madison Road;

The with said northwest line South 64°27'10" West 24.48 feet, to the POINT OF BEGINNING.

Said herein description contains 1.7082 acres.

Subject all easements and right of ways on record.

Being all of the lands conveyed to Oakley Capital Partners 2, LLC, Official Record 15065, Page 1477 and lands conveyed to Oakley Capital Partners 2, LLC from MG CLEAN HOLDINGS II, LLC. (Official Record , Page ) and recorded at the Hamilton County recorder's office at Cincinnati, Ohio.

The above description was written by Jeffrey Thompson Ohio Registered Surveyor S-7362 on July 15, 2024 for Cardinal Engineering and is the result of a field survey by Cardinal Engineering Corporation

under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

4925-1895-1540, v. 1

## **ATTACHMENT B**

### **FLOOD PROTECTION LEVEE EASEMENT**

This FLOOD PROTECTION LEVEE EASEMENT (this “**Agreement**”) is made effective, as of the date it is fully executed by the parties (the “**Effective Date**”), by and between OAKLEY CAPITAL PARTNERS 2, LLC, an Ohio limited liability company (“**Grantor**”), and THE CITY OF CINCINNATI, an Ohio municipal corporation (“**Grantee**”) (Grantor and Grantee may be collectively referred to as the “**Parties**” and individually as a “**Party**”).

#### **Background**

- A. Grantor is the fee owner of the real property located at 4710, 4716 and 4722 Madison Road, and identified as Hamilton County Auditor’s Parcel ID Nos. 051-0007-0080, 051-0007-0086 and 051-0007-0087, as more fully described on the attached **Exhibit A** (“**Grantor’s Property**”); and
- B. Grantor’s predecessor in title granted to Grantee certain easements for road and flood protection levee purposes over Grantor’s Property pursuant to that certain Grant of Easements dated May 19, 2009 recorded in Official Record 11146, Page 01820 in the Official Real Estate Records of Hamilton County, Ohio (the “**2009 Easement Agreement**”); and
- C. Grantor and Grantee agreed to vacate the easements contained in the 2009 Easement Agreement; and
- D. Grantee desires to use that portion of the Grantor’s Property described on **Exhibit B** attached hereto and depicted on **Exhibit C** attached hereto (the “**Easement Area**”) to maintain, repair, operate, patrol and replace a flood protection levee located on Grantor’s Property, including all appurtenances thereto (the “**Flood Protection Levee**”).

#### **Agreement**



NOW, THEREFORE, Grantor and Grantee agree, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, to set forth their respective rights and obligations.

1. Termination of 2009 Easement Agreement. Grantor and Grantee agree that the easements contained in the 2009 Easement Agreement are hereby terminated, null and void and of no further force and effect.

2. Easement Grant. Grantor grants to Grantee and its successors and assigns, a perpetual, non-exclusive easement and right-of-way over, under, across and through the Easement Area for the purpose of maintaining, repairing, operating, patrolling, and replacing the Flood Protection Levee, and ingress and egress necessary for the same (the “**Easement**”). The Easement shall be for the exclusive use and benefit of Grantee and its successors, assigns, employees, agents, contractors, tenants, licensees, invitees or visitors (collectively, “**Affiliates**”).

3. No Obstruction. Grantor covenants and agrees that, except for those improvements existing within the Easement Area as of the Effective Date, Grantor (i) shall keep the Easement Area clear of all obstructions that may interfere with the Permitted Use; and (ii) except as otherwise provided herein, shall not permit any excavation, construction, demolition, landscaping or other activities which would interfere with the purpose of the Easement or Grantee’s permitted use of the Easement Area. Grantee shall be permitted to remove all unauthorized obstructions within the Easement Area and to take all reasonable measures to protect the Easement Area and the Flood Protection Levee from damage. The removal of any such prohibited construction, improvements, landscaping or other obstructions in the Easement Area will be at the expense of Grantor. Grantee shall not be responsible to any present or future owners of the Grantor’s Property or the Easement Area for any damage done within the Easement Area to sod, shrubbery, landscaping, trees, pavement, roadway improvements or other improvements, either natural or artificial placed within the Easement Area.

4. Default and Remedies. Any forbearance, delay or omission by a Party hereto in exercising its rights or remedies under this Agreement in the event of a default of any term hereof by the other Party shall not impair such right or remedy or be deemed or construed to be a waiver by the non-defaulting Party of such default or of any of the non-defaulting Party's rights or remedies hereunder.

5. Maintenance of Easement Area. Grantee, at its sole cost and expense, shall maintain and keep the Easement Area and Flood Protection Levee in good condition and repair and in full compliance with all applicable laws, including those standards set forth by the City of Cincinnati, Ohio. Grantee and its Affiliates shall have a non-exclusive, perpetual right of ingress and egress and an easement over, under, across and through Grantor’s Property to the extent reasonably necessary to enable Grantee and its Affiliates to perform any of Grantee’s construction, maintenance and repair rights and obligations under this Agreement.

6. Notices. Notices required or permitted to be given hereunder shall be given by certified mail, return receipt requested or nationally-recognized overnight courier service to the Parties at the following addresses (or such substitute address given in writing by one Party to the other Party):

To Grantor: Oakley Capital Partners 2, LLC  
9370 Fields Ertel Road, #498428  
Cincinnati, Ohio 45249

To Grantee: City of Cincinnati  
Attn: Law Department – Real Estate Service  
801 Plum Street, Room 122  
Cincinnati, Ohio 45202

7. Covenants Running with the Land; Successors and Assigns. The covenants, rights and obligations in this Agreement shall: (a) run with the land, (b) apply to and be binding upon the Parties and their respective successors and assigns, and subsequent owners of any portion of Grantor's Property, (c) not be affected by a conveyance of all or any part of Grantor's Property, and (d) be for the benefit of the subsequent owners of any portion of Grantor's Property.

8. Amendments; Termination. This Agreement may be amended, modified or terminated at any time, but only by a written instrument executed by the Parties and with the Hamilton County Recorder's Office.

9. No Rights in Public; No Implied Easements. Nothing in this Agreement shall be construed to create any rights in the general public or as a dedication for public use. No easements, except those expressly set forth in this Agreement, shall be implied by this Agreement.

10. Governing Law. This Agreement shall be governed by, construed and enforced under the laws of the State of Ohio.

11. Authority. Each Party hereby covenants and warrants to the other that it has full power and authority and the legal right to execute and perform this Agreement.

12. Severability. The invalidity or unenforceability of any covenant, condition, term or provision in this Agreement shall not affect the validity and enforceability of any other covenant, condition, term or provision.

13. Recitals. The above recitals are hereby incorporated into this Agreement as if fully set forth herein and are true and correct in all material respects.

14. Relationship to Parties. Nothing in this Agreement shall be deemed or construed to create the relationship of principal and agent, partnership, or joint venture between the Parties.

15. Counterparts. This Agreement may be executed in one or more counterparts which, when taken together, shall constitute one and the same original document.

16. Exhibits. This Agreement includes and incorporates all of the following exhibits:

Exhibit A: Legal Description of Grantor's Property  
Exhibit B: Legal Description of the Easement Area  
Exhibit C: Depiction of the Easement Area

[Remainder of page intentionally left blank, signature pages to follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

**Grantor:**

OAKLEY CAPITAL PARTNERS 2, LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON        )

This instrument was signed, acknowledged and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, \_\_\_\_\_ of OAKLEY CAPITAL PARTNERS 2, LLC, an Ohio limited liability company, on behalf of such entity.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**Grantee:**

THE CITY OF CINCINNATI,  
an Ohio municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON        )

This instrument was signed, acknowledged and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, the \_\_\_\_\_ of THE CITY OF CINCINNATI, an Ohio municipal corporation, on behalf of such entity.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Approved to as to form:

\_\_\_\_\_  
Assistant City Solicitor

This instrument prepared by:  
R. Betsy Emmert, Esq.  
Dinsmore & Shohl LLP  
255 E. Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
(513) 832-5460

Exhibit A

**Legal Description of Grantor's Property**  
**15065 01484**

PARCEL 51-0007-0080-00

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of Oakley Capital Partners 2, LLC (Official Record 14270, Page 1648), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61);

Thence with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and said Oakley Capital Partners 2, LLC in the northwest right of way line of Madison Road, the POINT OF BEGINNING of this description;

Thence with the line of SORTA, North 41°38'09" West 39.95 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at the corner of Oakley Capital Partners 2, LLC (Official Record 15045, Page 144);

Thence lines of said Oakley Capital Partners 2, LLC for the following seven (7) calls:

North 04°26'27" East 123.08 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 85°33'33" East 31.50 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 04°26'27" East 43.04 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 85°35'14" East 37.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 63°31'53" East 52.85 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 78°47'06" East 39.86 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 85°33'33" East 32.57 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" in the west line of Oakley Capital Partners 2, LLC (Official Record 14884, Page 2157);

Thence with said west line, South 05°21'51" West 142.85 feet to a recovered 5/8" steel rebar in the northwest right of way line of Madison Road;

Thence with the northwest right of way line of Madison Road, South 64°26'51" West 177.90 feet to the POINT OF BEGINNING.

Said herein description contains 0.6891 acres.

Being part of the lands conveyed to Oakley Capital Partners 2, LLC in Official Record 14270, Page 1648 and recorded at the Hamilton County recorder's office at Cincinnati, Ohio. Said herein description being the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

Parcel No. 051-0007-0086-00

PARCEL C (1.4493 ac.)

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of MG CLEAN HOLDINGS II, LLC (Official Record **15213** , Page **2219** ), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61);

Thence with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and MG CLEAN HOLDINGS II, LLC (Official Record **15213** , Page **2219**);

Thence leaving said northwest line and with the line of said SORTA North 41°38'09" West 39.95 to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1807), the POINT OF BEGINNING of this description.

Thence continuing with the lines of SORTA for the following two (2) calls:

North 41°38'09" West 77.47 feet to a point from which a recovered 5/8" steel rebar bears South 52°38'25" East 1.18 feet.

North 41°17'09" West 36.44 feet to a recovered 5/8" steel rebar at the corner of City of Cincinnati (Deed Book 2661, Page 541);

Thence with the line of said City of Cincinnati, North 05°21'51" East 38.90 feet to a recovered cross notch at the corner of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1807).

Thence with the lines of said Oakley Capital Partners 2, LLC for the following three (3) calls:

North 44°07'53" West 11.09 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 12°53'23" West 59.29 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 04°26'27" East 168.06 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

Thence South 85°33'33" East 294.75 feet to a set 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of MG CLEAN HOLDINGS II, LLC (Official Record **15213** , Page **2219** );

Thence with the lines of said MG CLEAN HOLDINGS II, LLC for the next eight (8) calls;

South 05°21'51" West 146.05 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°33'33" West 32.57 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 78°47'06" West 39.86 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 63°31'53" West 52.85 to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°35'14" West 37.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 04°26'27" West 43.04 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

North 85°33'33" West 31.50 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227";

South 04°26'27" West 123.08 feet to the POINT OF BEGINNING.

ALL INFORMATION ACCEPTABLE

Ex. A

Said herein description contains 1.4493 acres more or less.

Subject all easements and right of ways or record.

Being part of the lands conveyed to and MG CLEAN HOLDINGS II LLC, Official Record ~~1523~~, Page ~~221~~<sup>229</sup> and recorded at the Hamilton County recorder's office at Cincinnati, Ohio.

The above description was written by Jeffrey Thompson Ohio Registered Surveyor S-7362 on July 15, 2024 for Cardinal Engineering and is the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

Ex. A

3



Parcel No. 005- 0007-0087

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, northwest of Madison Road in the lands of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1477 and Oakley Capital Partners 2, LLC (Official Record , Page ), more particularly described as follows:

COMMENCING at a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" at the intersection of the northwest line of Madison Road and the south line of Lot 4 of Ralph Reeder Estates (Deed Book 368 Page 61).

Thence, with said northwest line North 64°56'58" East 53.36 feet to a recovered 5/8" steel rebar with plastic cap stamped "DKY #8729" and North 63°53'50" East 116.11 feet to a recovered mag nail at the common corner of SORTA (Official Record 6507, Page 257) and Oakley Capital Partners 2, LLC (Official Record 15065, Page 1481);

Thence, continuing with said northwest line and with the line of said Oakley Capital Partners 2, LLC North 64°26'51" East 177.90 feet to a recovered 5/8" steel rebar, the POINT OF BEGINNING of this description.

Thence, leaving said northwest line and with said Oakley Capital Partners 2, LLC line North 05°21'51" East passing a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at 142.85 feet a total distance of 288.90 feet to a recovered 5/8" steel rebar at the northeast corner of the 1.4493 acre tract conveyed to MG CLEAN HOLDINGS II, LLC ;

Thence with the line of said MG CLEAN HOLDINGS II, LLC ; North 85°33'33" West for a distance of 294.75 feet to a recovered 5/8" steel rebar with plastic cap stamped "JGK S-8227" at a corner of Oakley Capital Partners 2, LLC parcel;

Thence with a line of said Oakley Capital Partners 2, LLC North 04°26'27" East 218.23 feet to a recovered 5/8" steel rebar with plastic cap stamped "Judge";

Thence with Oakley Capital Partners 2, LLC South 84°38'09" East passing a recovered 5/8" steel rebar with plastic cap stamped "Judge" at 33.23 feet a total distance of 319.23 feet to a recovered mag nail a corner of Oakley Capital Partners 2, LLC (Official Record , Page );

Thence with a line of said Oakley Capital Partners 2, LLC South 05°21'51" West 489.77 feet to a recovered cross notch on the northwest line of Madison Road;

The with said northwest line South 64°27'10" West 24.48 feet, to the POINT OF BEGINNING.

Said herein description contains 1.7082 acres.

Ex. A

Subject all easements and right of ways or record.

Being all of the lands conveyed to Oakley Capital Partners 2, LLC, Official Record 15065, Page 1477 and lands conveyed to Oakley Capital Partners 2, LLC from MG CLEAN HOLDINGS II, LLC. (Official Record , Page ) and recorded at the Hamilton County recorder's office at Cincinnati, Ohio.

The above description was written by Jeffrey Thompson Ohio Registered Surveyor S-7362 on July 15, 2024 for Cardinal Engineering and is the result of a field survey by Cardinal Engineering Corporation

under the direct supervision of Joseph G. Kramer, P.L.S. #8227 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).



Jeffrey C. Thompson  
2024.07.15 12:21:43-04'00'

## Exhibit B

### **Legal Description of the Easement Area**

#### **0.5615 INGRESS/EGRESS EASEMENT**

Situated in Section 22, Town 4, Fractional Range 2, in the City of Cincinnati, Hamilton County, Ohio, being part of a tract of land conveyed to Oakley Capital Partners 2, LLC (Official Record 15065, Page 1481, Official Record 15218, Page 1698, and Official Record 15227, Page 1496), more particularly described as follows:

BEGINNING at the intersection of the north right of way line of Madison Road and the east line of a tract of land conveyed to SORTA (Official Record 6507, Page 257);

Thence with said east line of SORTA for the following two (2) courses:

North 41°38'09" West a distance of 117.42 feet to a recovered 5/8" steel rebar to a point which bears, South 52°38'25" East a distance of 1.18 feet;

North 41°17'09" West a distance of 36.43 feet to a recovered 5/8" steel rebar at the common corner to the City of Cincinnati (Deed Book 2661, Page 541);

Thence with the east line of City of Cincinnati for the following four (4) courses:

North 05°21'51" East 38.90 feet to a recovered cross notch;

North 44°07'53" West a distance of 11.09 feet to a recovered 5/8" steel rebar (S-8227);

North 12°53'23" West a distance of 59.29 feet to a recovered 5/8" steel rebar (S-8227);

North 04°26'27" East a distance of 386.29 feet to a recovered 5/8" steel rebar (Judge) at the common corner to Oakley Capital Partners 2, LLC (Official Record 15227, Page 1496);

Thence along said Oakley Capital Partners 2, LLC, South 84°38'09" East a distance of 15.00 feet to a point on the north line;

Thence through the lands of Oakley Capital Partners 2, LLC (Official Record 15065, Page 1481, Official Record 15218, Page 1698, and Official Record 15227, Page 1496), for the following thirteen (13) courses:

South 04°26'27" West a distance of 383.76 feet to a point;

South 12°53'23" East a distance of 43.44 feet to a point;

South 41°33'24" East a distance of 177.62 feet to a point;

North 64°26'51" East a distance of 137.28 feet to a point;

North 64°27'10" East a distance of 22.85 feet to a point;

North 05°25'04" East a distance of 63.29 feet to a point;

North 27°25'46" West a distance of 67.40 feet to a point;

North 04°26'27" East a distance of 137.58 feet to a point;

South 85°33'33" East a distance of 35.00 feet to a point;

South 05°21'51" West a distance of 15.00 feet to a point;

North 85°33'33" West a distance of 20.88 feet to a point;

---

South 04°26'27" West a distance of 118.94 feet to a point;

South 27°25'46" East a distance of 69.35 feet to a point;

South 05°25'04" West a distance of 92.76 feet to a point in the north right of way of Madison Road;

Thence along said right of way the following two (2) courses:

South 64°27'10" West a distance of 21.59 feet to a recovered 5/8" steel rebar;

South 64°26'51" West a distance of 177.90 feet to the POINT OF BEGINNING.

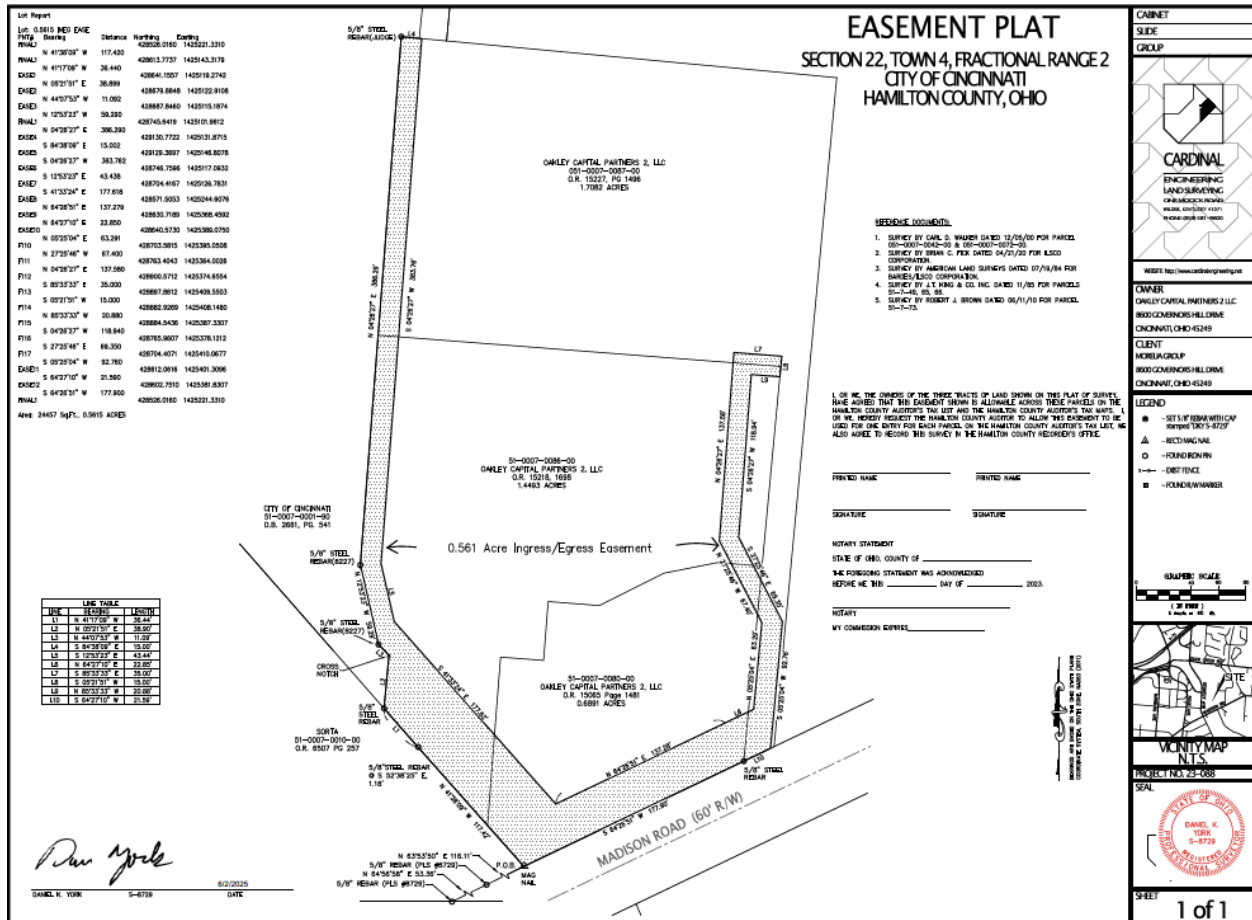
Said herein description contains 0.5615 acres.

Being part of the lands conveyed to Oakley Capital Partners 2, LLC in Official Record 15065, Page 1481, Official Record 15218, Page 1698, and Official Record 15227, Page 1496, and recorded at the Hamilton County recorder's office at Cincinnati, Ohio. Said herein description being the result of a field survey by Cardinal Engineering Corporation under the direct supervision of Daniel K. York, P.L.S. #8729 in June, 2021. Bearings based on Ohio State Plane coordinate system, South Zone, NAD83 (2011).

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# Exhibit C

## Depiction of the Easement Area



4907-7556-4916, v. 1

December 1, 2025

To: Members of the Budget and Finance Committee  
202502058

From: Sheryl M. M. Long, City Manager

Subject: Presentation – Cincinnati Recreation Commission (CRC) FY 2025 Budget  
Variance

---

Attached is the Cincinnati Recreation Commission (CRC) FY 2025 Budget Variance presentation for the Budget and Finance Committee meeting on December 1, 2025 at 1:00 PM.

cc: William “Billy” Weber, Assistant City Manager  
Cathy B. Bailey, Interim Assistant City Manager  
John Brazina, Interim Assistant City Manager

# CRC FY2025 Budget Variance

## Key Contributors, Accountability, Action Plan

Presented by:

Daniel Betts, Director

Tiffany Stewart, Assistant Director of Administration

Austin Lubbers, Interim CFO

# Agenda

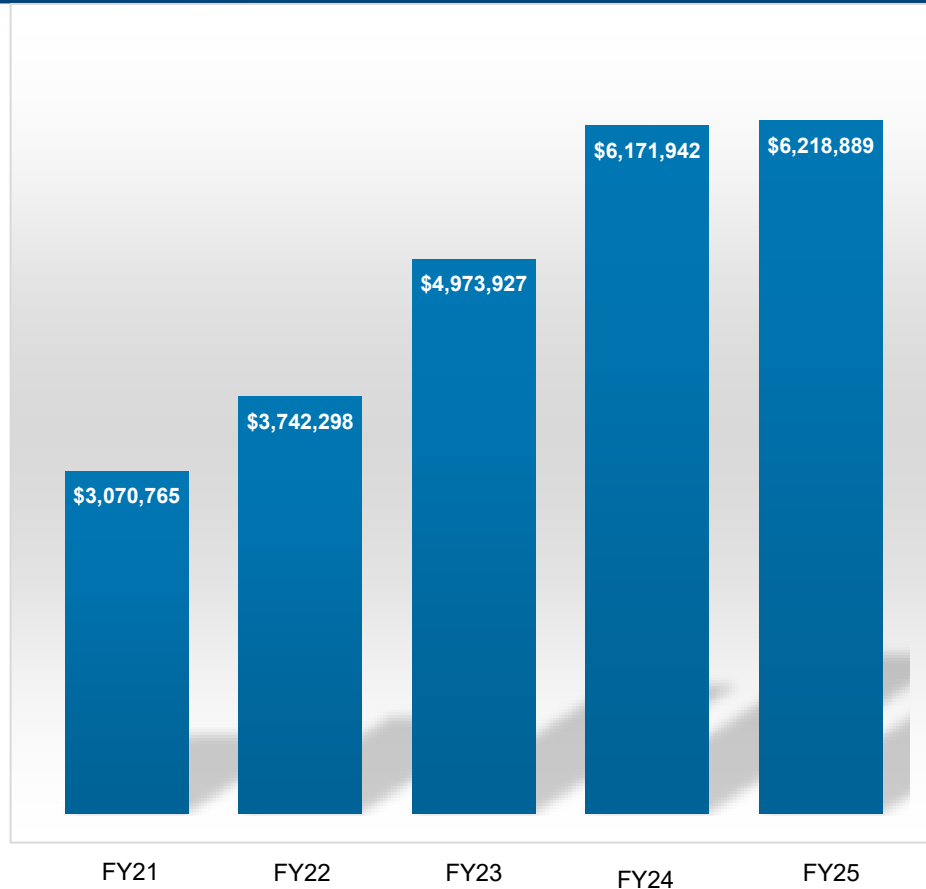
- Snapshot of CRC revenue & expenses
- FY25 Budget Variance key contributors
- Supplemental Request FY26
- Golf Supplemental Request FY26
- Corrective Strategy Moving Ahead



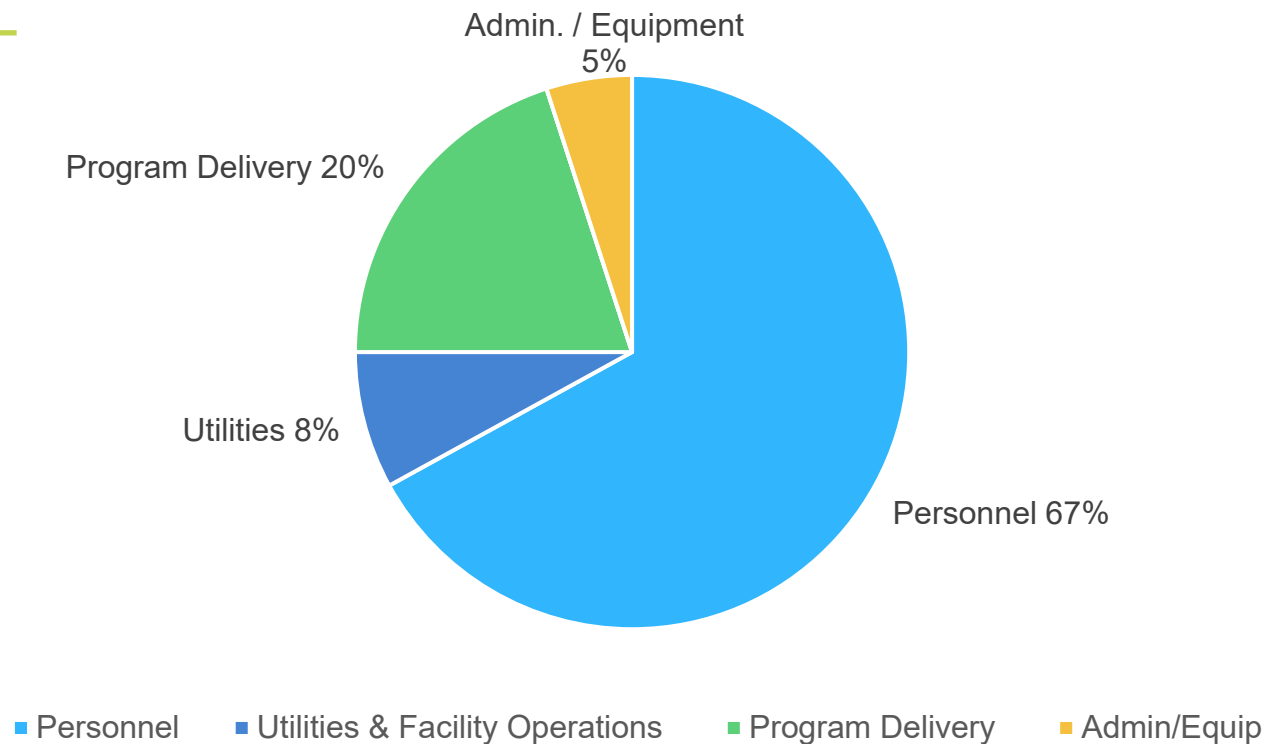
# CRC Revenue Sources

Recreation Activities	96.9%
Rents and Investments	2.4%
General Concessions	0.2%
Contributions/Donations	0.2%
Miscellaneous	0.3%

Funding (in Millions of \$)



## CRC (Fund 323) Expense Allocation – FY25



## Reasons for FY25 Budget Variance

Insufficient staffing & weakened fiscal controls in Finance Division

Unfunded programming, unforeseen events/requests

Increased aquatics security costs

Increased part-time personnel and aquatics staffing (aquatics – extended pool hours to 8 pm, opened 2 additional pools, extended recreation days/hours)

Increased utility costs

## Supplemental Appropriation Request in FY25/FY26

Fleet, Maintenance, and Personnel Expenses(FY25)	\$1,019,000
State Mandated AEDs ( <b>FY26</b> )	\$55,000
Unfunded Programming ( <b>FY26</b> )	\$30,000
Credit Card Processing Fees ( <b>FY26</b> )	\$55,000
Rec Trac Software ( <b>FY26</b> )	\$15,000
Total	\$1,174,000

## Golf Supplemental Appropriation Request in FY25/FY26

Fleet expenses, facility insurance, and contractor expenses (FY25)	\$280,000
Forecasted increases to utilities and operator expenses due to increased volume of golfers (FY26)	\$200,000
Total	\$480,000

## Corrective Strategy Moving Ahead **FY26**

- Interim CFO Appointed: CRC now has a new Interim Chief Financial Officer providing oversight and continuity.
- Finance Team Fully Staffed: All vacant Accounting and Finance positions have been filled.
- Continue to work with Office of Performance & Data Analytics to develop department budget dashboards to improve budget monitoring and tracking.
- Improve and enhance our forecasting across the department.

## Corrective Strategy Moving Ahead **FY26**

- Continue monthly budget & finance subcommittee/commission meeting updates.
- Strengthening staff budget training and accountability.
- Incorporate department-wide belt-tightening through vacancy savings and targeted part-time staffing reductions while maintaining service levels.
- Continue to work with the CRC business office and the CRC Foundation on writing and securing grants to secure alternative funding streams.

# THANK YOU



**December 1, 2025**

**To:** Members of the Budget & Finance Committee

**From:** Sheryl M.M. Long, City Manager

202502090

**Subject: Presentation – Energy Aggregation & SOPEC**

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Attached is a presentation regarding Energy Aggregation & SOPEC.

**Cc:** John S. Brazina, Assistant City Manager  
Oliver Kroner, Director of the Office of Environment & Sustainability



# Energy Aggregation & SOPEC

Budget & Finance Committee Presentation

12.1.25



# What is Energy Aggregation?

- Local governments are permitted by Ohio law to “aggregate” utility accounts into buying groups to obtain better rates from suppliers
- Enables local governments to find competitive electricity rates for their residents, businesses, and municipal accounts from different suppliers while maintaining transmission and distribution services through their current utility provider
- There are 390 electricity and gas aggregation programs are registered with the Public Utilities Commission of Ohio

## Residential Aggregation

- Since a ballot initiative in 2011, Cincinnati has operated a residential aggregation program for households and small business customers who use less than 700,000 kWh/yr
  - Program delivers low-cost green energy to over 70,000 households
  - Participating households have saved 14.4% on utility bills since 2019

## Mercantile Aggregation

- The City seeks to build a similar program for large customers who use more than 700,000 kWh/yr (known as mercantile customers)
  - There are approximately 700 mercantile accounts in Cincinnati, together they consume three times as much electricity as the residential sector

	Residential Electricity Aggregation	Mercantile Electricity Aggregation (Proposed)
<b>Eligible Participants</b>	Households and businesses using less than 700,000 kWh/yr	Businesses using more than 700,000 kWh/yr
<b>Number of eligible participants</b>	Approximately 80,000	Approximately 700
<b>Total yearly energy consumption</b>	1.2 Billion kWh	3.5 billion kWh
<b>Participation</b>	<b>Opt-out:</b> Default program, where participants are included, unless they sign-up with a different provider	<b>Opt-in:</b> Voluntary aggregation program, where participants must sign-up to participate
<b>Electricity Provider</b>	Dynegy	SOPEC



# Sustainable Ohio Public Energy Council (SOPEC)

- A Council of Governments that manages aggregation programs for over 40 member governments
- SOPEC has a mission to provide simple, valuable, and reliable public energy programs that help communities achieve their local sustainable energy goals
- Current members include: Cities of Cleveland, Dayton, Athens, Chillicothe, and others
- Beholden to member communities, not shareholders

# Process for joining a Council of Governments

- 1) Hold two public hearings
  - (Completed. Held 9/24/25 and 10/6/25)
- 2) Pass an ordinance accepting the Plan of Operation & Governance

# Key Questions

## **Would Council approval of SOPEC membership prevent an eligible participant from using a different provider?**

No. All residents and businesses in Cincinnati can select their own energy provider. Becoming a member of SOPEC does not change this.

## **Will entering into SOPEC preclude the city in any way from governing their own energy rates?**

No. The City will retain its authority to choose the most advantageous energy rates.

## **Will household utility bills be affected if the City joins SOPEC?**

No. Household utility bills will not be affected by becoming a member of SOPEC.



# B Version

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

Section 1. That the City Manager is authorized to enter into any agreements and take any action necessary for the City to join the Southeast Ohio Public Energy Council (“SOPEC”), including but not limited to entering into the Amended and Restated Agreement Establishing the Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) (“SOPEC Agreement”) substantially in the form as attached, to implement the City’s participation in the SOPEC’s Electric Service Aggregation Programs and any additional programs referenced in the Plan as they apply to mercantile customers using over 700,000 kWh per year, as the City Manager determines is in the best interests of the City and its mercantile customers.

# B Version

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 join the SOPEC to achieve greater savings for the City's mercantile electric customers as soon as possible.

# Committed to Community Outreach

To engage community members on the Energy Aggregation Program, the administration has utilized outreach strategies including:

- Home mailers
- Press outreach
- Print and radio media interviews
- Community presentations
- Council memos
- Educational videos
- Frequently Asked Questions on website





# Questions

