

EMERGENCY

City of Cincinnati

SSB *AWB*

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

- 2021

**DETERMINING** to proceed with improving Walworth Avenue in the East End neighborhood of Cincinnati by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements, and of assessing certain lots adjacent to Walworth Avenue, as extended, for costs of those improvements, in accordance with Chapter 727 of the Ohio Revised Code.

WHEREAS, on March 17, 2021, Council adopted a resolution (the "Resolution") (i) declaring the necessity of improving Walworth Avenue by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements (the "Public Infrastructure Improvements") and of assessing certain lots for the costs of the Public Infrastructure Improvements; (ii) accepting the petition of the owners of 100% of the lands benefitted and to be assessed requesting the Public Infrastructure Improvements, which is presently on file with the Clerk of Council (the "Petition"); and (iii) determining, among other things, that (a) the Public Infrastructure Improvements should be treated as a single improvement, (b) the "Assessable Cost" (as defined and described in the Petition) should be paid in the amount of \$3,073,661.83, together with interest and financing costs, from assessments levied for the Public Infrastructure Improvements against the assessed property (the "Special Assessments"), and (c) the City intends to cooperate with the Port of Greater Cincinnati Development Authority (the "Port Authority") to issue bonds or other indebtedness of the Port Authority to provide for the up-front costs of the Public Infrastructure Improvements, which indebtedness will be repaid via the collection of the Special Assessments; and

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

WHEREAS, 100% of the owners of the lots and lands to be assessed waived, among other things, any further notice required by law in connection with the Public Infrastructure Improvements, and the right to object to and make claims for damages alleged to result from the Public Infrastructure Improvements; now, therefore,

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

Section 1. That Council determines to proceed with improving Walworth Avenue by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks,

water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements (the “Public Infrastructure Improvements”), as further described in the petition for the Public Infrastructure Improvements received from the owners of 100% of the lots and lands to be assessed and on file with the Clerk of Council (the “Petition”) and the plans, specifications, and profiles included therewith.

Section 2. That the Public Infrastructure Improvements shall be made in accordance with the provisions of the Resolution declaring the necessity of making the Public Infrastructure Improvements, which was adopted by this Council on March 17, 2021 (the “Resolution”), and in accordance with the plans, specifications, profiles, and estimates of cost of the Public Infrastructure Improvements, approved pursuant to the Resolution and now on file in the office of the Clerk of Council.

Section 3. That the portion of the “Assessable Cost” (as defined in the Resolution) of the Public Infrastructure Improvements to be assessed shall be \$3,073,661.83, together with interest and financing costs, and that this amount shall be assessed on the properties described in the Resolution and payable in 30 semi-annual installments or otherwise in the manner determined by the Hamilton County Treasurer, all as further described and provided in the Resolution.

Section 4. That the City intends to cooperate with the Port of Greater Cincinnati Development Authority (the “Port Authority”) to facilitate the issuance by the Port Authority of bonds or other indebtedness to pay for the up-front costs of the Public Infrastructure Improvements, a portion of which bonds or other indebtedness the City anticipates will be repaid via the special assessments collected.

Section 5. That Council adopts and approves the estimated assessments heretofore prepared and filed in the office of the Clerk of Council, as set forth in the Resolution.

Section 6. That Council, in compliance with Ohio Revised Code (“ORC”) Section 319.61, hereby authorizes the proper City officials to deliver a certified copy of this ordinance to the Hamilton County Auditor within 15 days after the date of passage hereof.

Section 7. That no claims for damages have been filed pursuant to ORC Section 727.18 or shall be inquired into before commencing and completing the Public Infrastructure Improvements, and the right to make such claims has been waived by the owners of 100% of the lots and lands to be assessed.

Section 8. That Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including the Charter of the City and ORC Section 121.22.

Section 9. 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 construction contemplated hereby to proceed as scheduled and to effectuate the improvement of the City’s transportation network and increase the amount of developable land within Cincinnati as soon as possible.

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

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

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