

EMERGENCY

JRS

- 2020

AMENDING Ordinance No. 79-1981 to modify the revocable street privilege granted thereunder to the Cincinnati Metropolitan Housing Authority, which revocable street privilege authorized the construction and maintenance of certain retaining structures in City-owned right-of-way in order to provide lateral support for a portion of Westwood Northern Boulevard.

WHEREAS, City Council adopted Ordinance No. 79-1981 on February 25, 1981, through which the Council granted a revocable street privilege to the Cincinnati Metropolitan Housing Authority (“CMHA”) to permit the construction of approximately 500 feet of retaining structures in order to provide lateral support for a portion of Westwood Northern Boulevard following a landslide that threatened to undermine the integrity of Westwood Northern Boulevard and CMHA’s Millvale Housing Complex; and

WHEREAS, the landslide leading to the adoption of Ordinance No. 79-1981 resulted at least in part from hillside destabilization caused by work undertaken by CMHA when developing the Millvale Housing Complex in the 1950s and, for this reason, the ordinance required CMHA to maintain the retaining structures and to provide lateral support for the roadway and shoulder at its sole expense; and

WHEREAS, the subject hillside recently slid again and threatened the integrity of a portion of Westwood Northern Boulevard and the Millvale Housing Complex; and

WHEREAS, the City performed emergency repairs to stabilize the hillside in FY20 to remove immediate threats to public health and safety and to otherwise remove the threat to City-owned property and the Millvale Housing Complex; and

WHEREAS, CMHA has agreed to provide reimbursement to the City in the amount of \$469,319.00 for the costs the City incurred in stabilizing the hillside, as authorized by CMHA’s Board of Commissioners on September 29, 2020 by Resolution No. 5461, which amount approximates the cost and expense the City incurred in its stabilization and repair efforts; and

WHEREAS, in consideration for CMHA’s agreement to reimburse the City, the City has agreed to assume sole responsibility for repairing and maintaining those portions of the hillside that it stabilized and repaired; and

WHEREAS, CMHA will otherwise remain responsible for repairing and maintaining the remaining portions of the hillside pursuant to the terms and conditions of Ordinance No. 79-1981; and

WHEREAS, the Council wishes to amend Ordinance No. 79-1981 to reflect the agreement between the City and CMHA and to clarify that, upon providing the agreed reimbursement amount to the City, CMHA will no longer have responsibility for repairing and maintaining those portions of the hillside for which the City has agreed to assume responsibility; now, therefore,

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

Section 1. That Ordinance No. 79-1981 is hereby amended by ordaining a new Section 2 as follows:

Section 2. Upon the City's receipt of payment from the Cincinnati Metropolitan Housing Authority ("CMHA") in the amount of \$469,319.00 as reimbursement for the costs incurred by the City in FY20 in making emergency repairs to the retaining structures and adjacent hillside that are the subject of this ordinance, the improvements and area governed by the Revocable Street Privilege, and its applicable reservations, limitations, and restrictions, shall be reduced to the approximately one hundred sixty-five (165) feet of retaining structures consisting of two (2) feet diameter reinforced concrete caissons located in the area depicted on the attached Exhibit A, incorporated herein by reference.

Section 2. That existing Section 2 of Ordinance No. 79-1981 and the subsequent sections of the ordinance are hereby renumbered accordingly.

Section 3. That except as otherwise expressly amended herein, Ordinance No. 79-1981 shall remain in full force and effect.

Section 4. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to carry out the terms of Sections 1 hereof, including executing any agreements necessary to clarify the respective obligations of the City and CMHA with respect to the hillside area that is the subject of this ordinance.

Section 5. That, upon the City’s receipt of funds from CMHA for reimbursement of costs incurred in repairing the retaining structures and hillside that are the subject of this ordinance, such proceeds shall be deposited into the Wall Stabilization and Landslide Correction Fund No. 980x233x7671x202312.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate any such funds from the Wall Stabilization and Landslide Correction Fund No. 980x233x7671x202312 for the repayment of funds used by the City to repair the retaining structures and hillside that are the subject of this ordinance.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to clarify the obligations of CMHA with respect to the hillside area that is the subject of this ordinance, and the immediate need for the City to recover the costs it incurred in repairing said hillside.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.