



EMERGENCY

City of Cincinnati

KKF

EESW

An Ordinance No. 74

- 2023

ESTABLISHING capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **AUTHORIZING** the transfer and appropriation of the sum of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **DECLARING** expenditures from capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” to be for a public purpose; and **AMENDING** Ordinance 342-2020 to allow for the reimbursement of \$50,000 to the Cincinnati Center City Development Corporation for an advance of Phase I design services.

WHEREAS, Ordinance No. 0342-2020 authorized the City to engage with Cincinnati Center City Development Corporation (“3CDC”), which is uniquely qualified to act as the development manager for the Findlay Park recreation improvements due to its successful experiences designing, planning, and completing redevelopment of public spaces throughout the Central Business District and Over-the-Rhine, including the successful redevelopment of Fountain Square, Washington Park, and Ziegler Park as development manager; and

WHEREAS, Ordinance No. 0109-2022 authorized the transfer and appropriation of \$450,000 for the purpose of providing additional resources for the costs of continued design work and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park, representing the second phase of the recreation improvements including soft costs associated with the redevelopment in order to identify the specific design elements to include as part of the improvements; and

WHEREAS, the City desires to further engage 3CDC for (i) the continued design and construction of new state-of-the-art recreation permanent improvements, including, without limitation, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers in and around Findlay Park in Over-the-Rhine; and (ii) the design and construction of

permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets (collectively, “Phase III”); and

WHEREAS, 3CDC will use this funding to contract with and manage consultants’ performance of services, which services include but are not limited to (i) advancement of design, (ii) development of construction cost estimates and timelines, (iii) procurement of project financing, and (iv) continuation of community engagement; and

WHEREAS, the transfer and appropriation of \$1,698,000 is necessary to (i) cover costs related to Phases I and II that exceeded initial estimates, including up to \$53,197.63 for Phase I (\$3,197.63 for cost overruns and \$50,000 to be reimbursed to 3CDC) and up to \$159,098.94 for Phase II, and (ii) provide additional resources for Phase III, including coverage of costs already incurred on Phase III; and

WHEREAS, the expenditures will be for a public purpose because they will benefit and serve the Downtown/OTR East TIF District Incentive District by increasing neighborhood vitality; and

WHEREAS, Ordinance No. 0342-2020 also authorized the appropriation of \$50,000 of City funds for Phase I of the project; and

WHEREAS, Ordinance No. 0342-2020 characterized \$50,000 of in-kind services from 3CDC as a match to the \$50,000 City contribution, when it should have been identified as a reimbursable expense, and so Ordinance No. 0342-2020 must be amended; and

WHEREAS, improvements to Findlay Park are in accordance with the “Live” goal to “[b]uild a robust public life,” as well as the strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 147-152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements – TIF,” is hereby established for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets.

Section 2. That the transfer and appropriation of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements – TIF,” is hereby authorized for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets, is hereby authorized.

Section 3. That Council hereby declares that the “Findlay Recreation Area Improvements – TIF” capital improvement program project (a) constitutes a Public Infrastructure Improvement (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43; and (b) serves a public purpose because the project will provide resources for the continued design and construction of new state-of-the-art recreation permanent improvements and streetscape improvements, increasing neighborhood vitality.

Section 4. That Section 5 of Ordinance 0342-2020, approved by Council on October 14, 2020, be amended as follows:

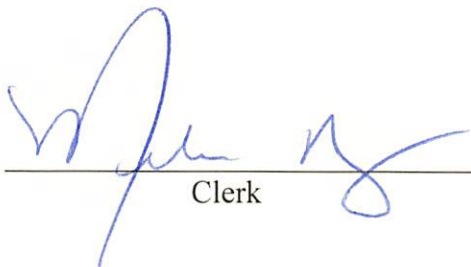
Section 5. That the City Manager is hereby authorized to accept ~~in-kind donations from 3CDC constituting design, community engagement, and development services valued at \$50,000 that are necessary to complete the Recreation Improvements~~ an advance from 3CDC constituting design, community

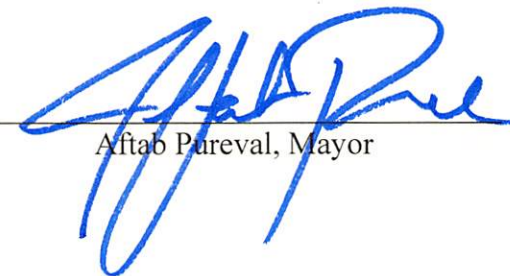
engagement, and development services valued at \$50,000 that are necessary to complete the Recreation Improvements, which advance will be reimbursed from future appropriations of project funding.

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

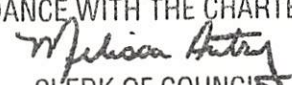
Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to continue the design of the Findlay Park area recreation improvements and the Vine Street streetscape improvements so that community outreach, design, and construction may continue as quickly as possible.

Passed: March 9, 2023

Attest: 
Clerk


Aftab Pureval, Mayor

New ordinance language underscored. Deleted ordinance language indicated by strikethrough.

I HEREBY CERTIFY THAT ORDINANCE NO 74/2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 3/21/2023

CLERK OF COUNCIL