

City of Cincinnati

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An Ordinance No. _____

- 2022

AMENDING Ordinance No. 13-2008, to remove certain real property located at 2117 Dana Avenue in the Evanston neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.

WHEREAS, the City and Neyer Properties, Incorporated (“Developer”) are parties to a certain *Development Agreement* dated February 5, 2007, pertaining to the multi-phase mixed-use development commonly known as Keystone Parke located in the Evanston neighborhood of Cincinnati (the “Development Site”); and

WHEREAS, Developer now desires to convey a portion of the Development Site, being a vacant parcel located at 2117 Dana Avenue, as more particularly described on Attachment A hereto (the “Property”), to Cincinnati Public Radio (“CPR”) to facilitate the construction of a new office building to serve as CPR’s new headquarters (the “Project”); and

WHEREAS, on January 16, 2008, City Council passed Ordinance No. 13-2008 (the “TIF Ordinance”), to exempt certain real property, including, without limitation, the Property, from real property taxation pursuant to Section 5709.40(B) of the Ohio Revised Code (the “TIF Area”); and

WHEREAS, the City and Developer entered into a *Service Agreement* dated June 27, 2007, which was amended and supplemented by an *Amended and Restated Service Agreement* dated April 14, 2008, and a *Second Supplement to Service Agreement* dated April 25, 2016 (as amended, the “Service Agreement”), which requires owners of the parcels constituting the Development Site to make service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

WHEREAS, CPR desires to obtain a real property tax exemption for the Property based on its intent to exclusively use the Property for charitable purposes, and has; therefore, asked the City to remove the Property from the TIF Area; and

WHEREAS, in order to enable CPR to file for a separate real property tax exemption for the Property, Council has determined to amend the TIF Ordinance to remove the Property from the TIF Area, and authorize the City Manager to execute an amendment to the Service Agreement to remove the obligation of CPR to pay service payments in lieu of taxes as it relates to the Property; now, therefore,

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

Section 1. That Ordinance No. 13-2008, passed on January 16, 2008 (the “TIF Ordinance”), is hereby amended to remove certain real property located at 2117 Dana Avenue, as more particularly described on Attachment A hereto (the “Property”), from the property tax exemption area created thereby.

Section 2. That the TIF Ordinance, except as amended herein, shall remain in full force and effect.

Section 3. That the proper City officials are hereby authorized to take all necessary and appropriate actions to fulfill the provisions of this ordinance, including, without limitation, amending that certain Service Agreement dated June 27, 2007, which was amended and supplemented by an Amended and Restated Service Agreement dated April 14, 2008, and a Second Supplement to Service Agreement dated April 25, 2016, to remove the obligation to pay service payments in lieu of taxes as it relates to the Property.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

Situated in Section 33, Town 4, Fractional Range 2, Columbia Township, in the City of Cincinnati, Hamilton County, Ohio and being all of the land as conveyed to Keystone Parke I, LLC, in Official Record 10783, Page 1600, and Official Record 10783, Page 1602 as recorded at the Hamilton County Recorder's Office and being more particularly described as follows:

Begin at the intersection of the existing South right-of-way line of Dana Avenue (Original 60' R/W) with the existing West right-of-way line of Realistic Avenue (50' R/W), said point also being the former Northeast corner of Lot 34 of Langdale Subdivision (Plat Book 11, Page 52) and referenced by a found 5/8" iron pin (S 0.71', E 0.97') and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING, and with the existing West right-of-way line of Realistic Avenue, South 04°23'34" West, 220.67 feet to a set iron pin;

thence leaving the existing West right-of-way line of Realistic Avenue, and with the South line a 0.447 acre tract (O.R. 10783, Pg. 1602), North 85°36'26" West, 156.00 feet to a set iron pin;

thence with the West line of said 0.447 acre tract (Keystone Parke I, LLC), North 04°23'34" East, 220.67 feet to a set iron pin on the existing South right-of-way line of Dana Avenue;

thence with the existing South right-of-way line of Dana Avenue, South 85°36'26" East, 156.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.7903 acres of land and subject to all easements and rights-of-way of record. The basis of bearings is O.D.O.T. right-of-way plans for HAM-71-4.58, Sheet 50 of 61.

The above description was prepared from a survey made on January 18, 2008 under the direction of Jerome F. Eisenmann, Ohio Professional Surveyor #S-8373.

Prior Instrument Reference: Official Record 10783, Page 1600 and Official Record 10783, Page 1602.