

EMERGENCY

City of Cincinnati

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An Ordinance No. 103

- 2021

**LEVYING** special assessments to pay for the costs of 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 any financing and administrative expenses in connection therewith.

WHEREAS, on March 17, 2021, Council adopted a resolution (the "Resolution") 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

WHEREAS, Council has, pursuant to Chapter 727 of the Ohio Revised Code and the Resolution, determined the necessity of levying and collecting assessments for the costs of the Public Infrastructure Improvements (the "Special Assessments"), as provided in Chapter 727 of the Ohio Revised Code; and

WHEREAS, on the date hereof, Council enacted an ordinance (the "Determination to Proceed") (i) determining to proceed with the construction of the Public Infrastructure Improvements; (ii) adopting the estimated Special Assessments with respect to the Public Infrastructure Improvements, as prepared and filed with the Clerk of Council; and (iii) indicating that the City intends, by separate ordinance, to authorize cooperation with the Port of Greater Cincinnati Development Authority (the "Port Authority") in the issuance of bonds or other indebtedness of the Port Authority to finance the Assessable Cost (as defined in the Resolution) of the Public Infrastructure Improvements; and

WHEREAS, there are no outstanding objections to the estimated Special Assessments, the right to object having been waived by 100% of the owners of the Assessed Property (as defined in the Resolution); now, therefore,

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

Section 1. That the list of assessments ("Special Assessments") of the Assessable Cost of the Public Infrastructure Improvements (each as defined in the Resolution adopted by Council on March 17, 2021, with respect to improvements to Walworth Avenue (the "Resolution")), amounting in the aggregate to \$3,073,661.83, exclusive of interest thereon and administrative

expenses related thereto, as set forth in the Petition and as now on file in the office of the Clerk of Council, is hereby adopted and confirmed and there are hereby levied and assessed upon all of numbered lots 1 through 27, 29, 31 through 33, 36, and 38, included in the Assessed Property (as defined in the Resolution and as described and depicted on Exhibit A hereto) the amounts reported on such list of Special Assessments attached as Exhibit B hereto (the “Special Assessment Roll”), which includes the interest and financing costs. The Special Assessments with respect to each such lot within the Assessed Property shall be payable in 30 equal semi-annual installments commencing with the date on which the first installment of tax year 2022 real property taxes are due. The breakdown of the estimated assessments attached to the petition of the owner of the Assessed Property on file with the Clerk of Council (the “Petition”) as Exhibit D thereto is hereby incorporated herein by reference.

Section 2. That Council further finds and determines that the Special Assessments which may be certified to the Hamilton County Auditor for collection are as set forth in the Special Assessment Roll attached hereto as Exhibit B. The appropriate officials from the City’s Finance Department are (a) authorized to accept the Special Assessments from the appropriate County officials, deposit them into the appropriate account for the purpose of paying the costs of the Public Infrastructure Improvements, and disburse them for said purpose; and (b) authorized to take such other steps as are necessary to receive and process the Special Assessments.

Section 3. That Council hereby finds and determines that the Special Assessments are in proportion to the benefits received by each applicable lot within the Assessed Property, as set forth in the Special Assessment Roll, because each lot will benefit equally from access to the Public Infrastructure Improvements.

Section 4. That Council hereby finds and determines that all Special Assessments levied hereby shall be certified by the Clerk of Council or other appropriate City official to the

Hamilton County Auditor as provided by law, to be placed by him or her on the tax duplicate and collected as other taxes are collected.

Section 5. That the City anticipates that it will cooperate with the Port of Greater Cincinnati Development Authority (the "Port Authority") to issue bonds or other indebtedness of the Port Authority to be repaid using the Special Assessments, which issuance will be authorized by a separate ordinance.

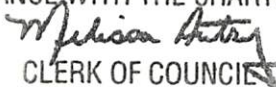
Section 6. That Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including the Charter of the City and Ohio Revised Code Section 121.22.

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 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: MARCH 31, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 103-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 4.13.2021  
  
CLERK OF COUNCIL