



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Thursday, June 1, 2023

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Board of Housing Appeals

1. [202301529](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Nicholas Klingensmith to the Board of Housing Appeals for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)

**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

**Sponsors:** Mayor

#### MR. CRAMERDING

2. [202301531](#) **MOTION**, submitted by Councilmember Cramerding, **WE MOVE** that the Office of the Urban Conservator prepare and execute a local designation landmark study for the property located at 4609 Rapid Run Road, also known as the Kreis Mansion in West Price Hill.

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** Cramerding

#### MR. JOHNSON

3. [202301525](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer and return to source of \$18,500 from Councilmember Johnson's General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; **AUTHORIZING** the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission ("CRC") non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; **AUTHORIZING** the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District

Fund 416; AUTHORIZING the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children's dental program; and AUTHORIZING the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Johnson

## MS. PARKS

4. [202301526](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Parks, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and AUTHORIZING the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Parks

## MR. CRAMERDING

## MR. WALSH

5. [202301534](#) **MOTION**, submitted by Councilmembers Cramerding and Walsh, **WE MOVE** that the Cincinnati Recreation Commission, with the assistance of any other city agency, work to determine the feasibility and cost of repairing the Sedamsville Veteran's Memorial and relocate it to Boldface Park. (STATEMENT ATTACHED)

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** Cramerding and Walsh

## MR. HARRIS

## MR. JEFFREYS

6. [202301528](#) **MOTION**, submitted by Councilmembers Harris and Jeffreys, **WE MOVE** that the Administration work with the Oakley Community Council (OCC) to implement an Urban Parking Overlay in the Oakley Neighborhood Business Districts in accordance with the attached letter from OCC. We request that this ordinance be sponsored by the cosignatories of this motion in the interest of not placing a cost burden on the community. (STATEMENT ATTACHED)

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** Harris and Jeffreys

**MS. OWENS****MR. JEFFREYS**

7. [202301523](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmembers Owens and Jeffreys, from Emily Smart Woerner, City Solicitor, **APPROVING** the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

**Recommendation** CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

**Sponsors:** Owens and Jeffreys

**CITY MANAGER**

8. [202301501](#) **REPORT**, dated 6/1/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sisters Getting It Done LLC, 1832-34 Sutton Avenue. (#8198012, D1 D2 D3 D3A D6, Transfer) [Objections: None]

**Recommendation** FILE

**Sponsors:** City Manager

9. [202301502](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Rufus Du Sol - Icon Festival Stage at Smale Park.

**Recommendation** FILE

**Sponsors:** City Manager

10. [202301503](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Cincinnati Black Music Walk of Fame 2023 - ICON Festival Stage at Smale Park.

**Recommendation** FILE

**Sponsors:** City Manager

11. [202301504](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Pride Festival and Parade 2023.

**Recommendation** FILE

**Sponsors:** City Manager

12. [202301505](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Evanston En Blanc.

**Recommendation** FILE

**Sponsors:** City Manager

13. [202301506](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Sad Summer Festival - ICON Festival Stage at Smale Park.

**Recommendation** FILE

**Sponsors:** City Manager

14. [202301507](#) **REPORT**, dated 6/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Queen Bee Marathon.  
**Recommendation** FILE  
**Sponsors:** City Manager
15. [202301508](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant (“FY23 SHSP Grant”) (ALN 97.067) from the United States Department of Homeland Security, Federal Emergency Management Agency, administered by the State of Ohio Department of Public Safety, Ohio Emergency Management Agency, of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center; and **AUTHORIZING** the Director of Finance to deposit FY23 SHSP Grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
16. [202301509](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
17. [202301510](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
18. [202301511](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
19. [202301512](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to accept a donation of up to \$750,000 from Cincinnati, LLC, to support the operations and maintenance



of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

20. [202301513](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

21. [202301514](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

22. [202301515](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **APPROVING, AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction cost of approximately \$1,202,560.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

23. [202301516](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **LEVYING** a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

24. [202301517](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for

planting, maintaining, trimming, and removing shade trees in the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

25. [202301518](#) **REPORT**, dated 6/1/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 249 W. Mitchell Avenue LLC, DBA BP West Mitchell, 249 W. Mitchell Avenue. (#90784000005, C1 C2, New) [Objections: None]

**Recommendation** FILE

**Sponsors:** City Manager

26. [202301519](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, "Manufacturing General," zoning district to the CN-P, "Commercial Neighborhood-Pedestrian," zoning district to permit the construction of a three-story residential multi-family development.

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** City Manager

## CLERK OF COUNCIL

27. [202301530](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Ali Trianfo, Government Strategies Group, Director of Operations, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (TERMINATION)

**Recommendation** FILE

**Sponsors:** Clerk of Council

## BUDGET AND FINANCE COMMITTEE

28. [202301485](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

**Recommendation** PASS

**Sponsors:** City Manager

29. [202301486](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office's FY24 Impaired Driving Enforcement Program (ALN

20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

**Recommendation** PASS

**Sponsors:** City Manager

30. [202301487](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

**Recommendation** PASS

**Sponsors:** City Manager

31. [202301489](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

32. [202301490](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **ESTABLISHING** new capital improvement program project account no. 980x239x232337, "Computerized Traffic Signal System Grant," to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation ("ODOT"), to newly established capital improvement program project account no. 980x239x232337, "Computerized Traffic Signal System Grant"; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

33. [202301480](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development

Authority for the purpose of providing resources for replacing aging water mains.

**Recommendation**

PASS

**Sponsors:**

City Manager

34. [202301481](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

**Recommendation** PASS

**Sponsors:**

City Manager

35. [202301484](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$25,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.

**Recommendation** PASS EMERGENCY

**Sponsors:**

Kearney

36. [202301488](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

**Recommendation** PASS EMERGENCY

**Sponsors:**

City Manager

37. [202301491](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **DETERMINING** to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

**Recommendation** PASS

**Sponsors:**

City Manager

38. [202301492](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **TO LEVY** special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code §727.25, for the three-year period beginning on August 1, 2022.

**Recommendation** PASS

**Sponsors:** City Manager

39. [202301493](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **DECLARING** intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

## SUPPLEMENTAL ITEMS

### HEALTHY NEIGHBORHOODS COMMITTEE

40. [202301483](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **DECLARING** that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of "Dr. O'dell Owens Way" in honor of Dr. O'dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.

**Recommendation** PASS EMERGENCY

**Sponsors:** Kearney

## ANNOUNCEMENTS

Adjournment



**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

May 2023

**APPOINTMENT**

I hereby appoint Nicholas Klingensmith to the Board of Housing Appeals for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval



# Nicholas Klingensmith



## Experience

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<b>Treleven &amp; Klingensmith</b> <i>Partner</i>	<b>2019-Present</b>
<ul style="list-style-type: none"><li>• Broad legal practice including both criminal and civil litigation</li><li>• Manage offices in Cincinnati, Oxford and Amelia</li><li>• Manage associate attorneys and staff</li><li>• Voted Best Law Firm by readers of CityBeat in 2020, 2021 &amp; 2022</li></ul>	
<b>Nicholas Klingensmith, Attorney at Law</b> <i>Solo Practitioner</i>	<b>2013-2019</b>
<b>Ernst &amp; Associates</b> <i>Associate Attorney</i>	<b>2012-2013</b>
<b>City of Cincinnati</b> <i>Assistant Prosecutor</i>	<b>2010-2012</b>
<b>Hamilton County Common Pleas</b> <i>Law Clerk, Honorable Melba D. Marsh</i>	<b>2006-2010</b>

## Education

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<b>Juris Doctor</b> <i>Salmon P. Chase College of Law</i>	<b>2009</b>
<ul style="list-style-type: none"><li>• Class Rank: 12/42</li><li>• Cum Laude</li></ul>	
<b>Bachelor of Business Administration</b> <i>University of Cincinnati</i>	<b>2003</b>
<ul style="list-style-type: none"><li>• Major: Information Systems. Minor: International Business</li><li>• Studied international business in Linz, Austria at the Johannes Kepler University</li></ul>	

## Bar Admissions

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Ohio  
Kentucky, *Inactive*



**Jeff Cramerding**  
*Councilmember*

## **MOTION**

WE MOVE that the Office of the Urban Conservator prepare and execute a local designation landmark study for the property located at 4609 Rapid Run Road, also known as the Kries Mansion in West Price Hill.

## **BACKGROUND**

The Kries Mansion was built in the late 19<sup>th</sup> century by the Kries family and has been a historic community asset in Price Hill for decades. The community of West Price Hill has expressed concern about the future of the building following the demolition of adjacent properties and a desire to preserve it.

*Councilmember Jeff Cramerding*

202301575

**Date:** June 1, 2023

**To:** Councilmember Scotty Johnson  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Emergency Ordinance – FY 2023 Budget Reallocations**

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Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the transfer and return to source of \$18,500 from Councilmember Johnson’s General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; **AUTHORIZING** the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission (“CRC”) non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; **AUTHORIZING** the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; **AUTHORIZING** the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children’s dental program; and **AUTHORIZING** the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

ESW/MSS(dmm)  
Attachment  
384018

EMERGENCY

City of Cincinnati

MSS

EESW

An Ordinance No. \_\_\_\_\_ - 2023

**AUTHORIZING** the transfer and return to source of \$18,500 from Councilmember Johnson’s General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; **AUTHORIZING** the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission (“CRC”) non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; **AUTHORIZING** the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; **AUTHORIZING** the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children’s dental program; and **AUTHORIZING** the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

WHEREAS, the Approved FY 2023 Budget Update included \$18,500 for Councilmember Johnson’s office, which is available to support other City programs; and

WHEREAS, Council desires to provide resources of \$3,500 for Cincinnati Recreation Commission (“CRC”) programming, \$4,750 for CRC seniors programming, \$5,250 for the children’s dental program administered by the Cincinnati Health Department, and \$5,000 for the Affordable Housing Trust Fund to fund important programs benefiting the community; now, therefore,

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

Section 1. That the transfer and return to source of \$18,500 from Councilmember Johnson’s General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050 is authorized.

Section 2. That the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323 is authorized.

Section 3. That the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission (“CRC”)



Recreation Special Activities Fund non-personnel operating budget account no. 323x199x7200 is authorized to provide resources for CRC programming and for CRC senior programming.

Section 4. That the transfer of \$5,250 from the unappropriated surplus of the General Fund to the unappropriated surplus of Cincinnati Health District Fund 416 is authorized.

Section 5. That the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 is authorized to provide resources for the children’s dental program.

Section 6. That the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 is authorized to provide resources for affordable housing initiatives.

Section 7. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 6.

Section 8. 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 transfer Councilmember Johnson’s personnel services operating budget savings to other City programs before the end of Fiscal Year 2023.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

202301504  
**Date:** June 1, 2023

**To:** Councilmember Victoria Parks  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Emergency Ordinance – FY 2023 Transfer for Girls in Government Programming**

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Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and **AUTHORIZING** the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

ESW/LES(dmm)  
Attachmt  
384021



EMERGENCY

City of Cincinnati

LES

EESW

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

-2023

**AUTHORIZING** the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and **AUTHORIZING** the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

WHEREAS, the Approved FY 2023 Budget Update included \$29,000 for the office budget of President Pro Tem Parks; and

WHEREAS, Council desires to provide resources of \$29,000 for upcoming Girls in Government programming to fund an important program that benefits the community; and

WHEREAS, \$29,000 in the existing FY 2023 operating budget of the office of President Pro Tem Parks is available for transfer to provide resources for upcoming Girls in Government programming; now, therefore,

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

Section 1. That the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus is hereby authorized.

Section 2. That the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 is hereby authorized for the purpose of providing resources for upcoming Girls in Government programming.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. 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 transfer funds from the operating budget of President Pro Tem Parks to Special Events Fund 314 before the end of Fiscal Year 2023 to provide resources for upcoming Girls in Government programming.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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



202301534

**Jeff Cramerding**  
*Councilmember*

## MOTION

WE MOVE that the Cincinnati Recreation Commission, with the assistance of any other city agency, work to determine the feasibility and cost of repairing the Sedamsville Veteran's Memorial and relocate it to Boldface Park.

## BACKGROUND

The Sedamsville Veterans Memorial was paid for by residents of the neighborhood who lost loved ones in service to their country. In 2020, the monument was struck by a motor vehicle. It has never been repaired. We believe it will be a positive step if the City could partner with Sedamsville residents and others to fix this monument to Sedamsville veterans and move it to a more fitting place of honor.

JEFF CRAMERDING  
*Councilmember Jeff Cramerding*

Seth Walsh  
*Councilmember Seth Walsh*



202301528

**Reggie Harris**  
Councilmember

May 25, 2023

**MOTION**

***Oakley Community Urban Parking Overlay***

**WE MOVE** that the Administration work with the Oakley Community Council (OCC) to implement an Urban Parking Overlay in the Oakley Neighborhood Business Districts in accordance with the attached letter from OCC. We request that this ordinance be sponsored by the cosignatories of this motion in the interest of not placing a cost burden on the community.

\_\_\_\_\_  
Councilmember Reggie Harris

\_\_\_\_\_  
Councilmember Mark Jeffrey

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STATEMENT**

An Urban Parking Overlay is a zoning overlay that removes parking requirements from the zoning code within a specific geographic area. Parking requirements require most housing developments and businesses to provide a certain number of parking spaces corresponding to their housing development/business. This is a burden for small businesses and at times prevents economic

development from getting off the ground. By implementing an Urban Parking Overlay in Oakley, the City will support Oakley's efforts to continue to grow its business district and thrive as a community.

The City of Cincinnati has implemented three Urban Parking Overlay Districts: District #1 covers Downtown, Over-the-Rhine, Pendleton, and parts of Mt. Auburn and West End, and District #2 covers a large portion of Camp Washington, and District #3 along Linn Street in the West End. These two districts were approved on September 19, 2019, and June 23, 2021, respectively.

The Oakley Community Council reached out to Councilmember Jeffreys' and Councilmember Harris' offices in May of 2023 to discuss the possibility of sponsoring an Urban Parking Overlay in their neighborhood. The Oakley Community Council then provided the letter of support (attached) which clearly outlines the boundaries and scope of the proposed UPO. It also outlines the extensive engagement undertaken to advance this proposal, including specific callouts to the alignment with the Oakley Master Plan (2019).







April 7<sup>th</sup>, 2023

Mr. Jesse Urbancsik  
City of Cincinnati  
Department of City Planning & Engagement  
805 Central Avenue, Suite 720  
Cincinnati, Ohio 45202  
[Jesse.Urbancsik@cincinnati-oh.gov](mailto:Jesse.Urbancsik@cincinnati-oh.gov)

RE: Parking Overlay

Dear Mr. Urbancsik:

At the February 7<sup>th</sup>, 2023 meeting of the Oakley Community Council (“OCC”), the Board of Trustees took a vote regarding our desire for an urban parking overlay.

The motion read:

*The Oakley Community Council Board of Trustees issues a letter of support for a parking overlay within our defined business district along Madison Road, as well as our business district along Wasson Road, which will remove parking minimums for all types of future development projects. The letter ought to also capture the months of engagement the OCC has done around this issue, a clearly defined map of the properties that will change, and inclusion of our previously approved master plan language.*

The motion was voted on and approved by the Board of Trustees with a vote of: 11-1.

Below are the dates where this topic was noticed and discussed publicly amongst the Board and with the Oakley community. All of these dates have an approved set of meeting minutes that can be provided:

11/21/18	12/7/21
8/15/19	4/5/22
10/17/19	5/3/22
11/5/19	9/6/22
12/3/19	10/4/22
1/7/20	10/20/22
1/21/21	11/1/22
2/2/21	1/10/23
4/15/21	1/19/23
5/21/21	2/7/23
8/3/21	2/16/23
9/7/21	3/7/23



PO Box 9244  
Cincinnati OH 45209  
oakleynow.com

The link to the map will be provided in the email communication with this letter.

Below are excerpts from the Oakley Master Plan, approved by City Council October 2019 and dedicated to Jared Ellis, which also signals community support:

**investing in Our Businesses**

*Our Vision...*

*Oakley strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, creative business resources, parking solutions, and walkability.*

**Goal 1** Utilize creative parking solutions that allow our business district to thrive.

**STRATEGY #1** Explore options to create an Urban Parking Overlay District in the Oakley Business District.

**ACTION STEP**

**Work** with the community stakeholders, Oakley business owners, and City departments to study feasibility.

56

We are confident in our extensive community engagement on this topic and appreciate you and your team's assistance along the way. If you need any further information or have any questions, I can be reached at [colleen.reynolds@oakleynow.com](mailto:colleen.reynolds@oakleynow.com).

Sincerely,

Colleen M. Reynolds  
President  
Oakley Community Council

CC: OCC File

202301523

**Date:** June 1, 2023

**To:** Councilmembers Meeka Owens and Mark Jeffreys  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Emergency Ordinance – Waste Plan Adoption**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**APPROVING** the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

EESW/KKF(dmm)  
Attachment  
383407

EMERGENCY

**City of Cincinnati**

KKF

173W

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

- 2023

**APPROVING** the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

WHEREAS, the mission of the Hamilton County Solid Waste Management District (“HCSWMD”) is to reduce reliance on landfills through waste reduction, reuse, and recycling programs throughout Hamilton County; and

WHEREAS, the HCSWMD is responsible for ensuring Hamilton County meets State mandated waste reduction rates through the development of a countywide Solid Waste Management Plan; and

WHEREAS, the City of Cincinnati is committed to reducing its reliance on landfill disposal by promoting reuse, recycling, and composting, and further ensuring adequate waste disposal for the residents of the City; and

WHEREAS, the City of Cincinnati adopted the 2023 Green Cincinnati Plan by Resolution No. 37-2023 on April 12, 2023, which included a focus area on Zero Waste, which had the vision of achieving fifty percent waste diversion city-wide by 2030, and city-wide zero waste (ninety percent diversion) by 2040; and

WHEREAS, pursuant to the provisions of Chapter 3734 of the Ohio Revised Code, the HCSWMD Policy Committee approved an update of the Hamilton County Solid Waste Plan (“Update”) for the Hamilton County Solid Waste Management District; and

WHEREAS, pursuant to state law, the legislative authority of each municipal corporation or township under the jurisdiction of HCSWMD must approve or disapprove the Update, and failure to do so will be construed as disapproval; and

WHEREAS, Council reviewed the Update and determined that the Update is in the best interest of the City and Hamilton County; now, therefore,

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

Section 1. That the Hamilton County Solid Waste Management Plan Update (“Update”), which is on file with the Clerk of Council, the Introduction section of which is attached to this ordinance as Attachment A, is hereby approved by Council.

Section 2. That all formal actions and deliberations of Council relating to the adoption of this ordinance were taken in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That a certified copy of this ordinance will be promptly sent to the Hamilton County Solid Waste Management District, 250 William Howard Taft Road, Cincinnati, Ohio 45219, by the Clerk of Council.

Section 4. 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 need to comply with statutory provisions and to proceed with solid waste management policies without delay in order to properly serve the Cincinnati community.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

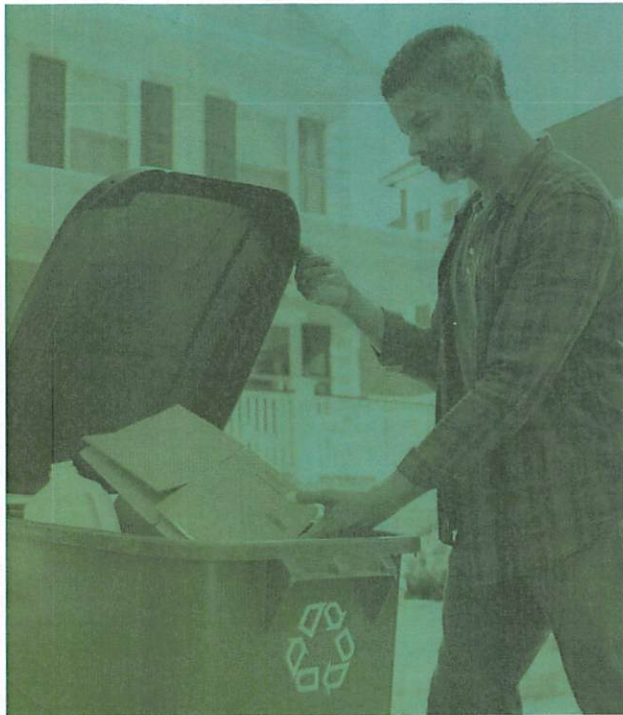
Attest: \_\_\_\_\_  
Clerk

**ATTACHMENT A**



HAMILTON COUNTY  
SOLID WASTE MANAGEMENT

# PLAN UPDATE



# 1 Introduction

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## A. Solid Waste Planning in Ohio

In 1988, Ohio faced a combination of solid waste management problems, including rapidly declining disposal capacity at existing landfills, increasing quantities of waste generated and disposed, environmental problems at many existing solid waste disposal facilities, and increasing quantities of waste imported into Ohio from other states. These issues, combined with Ohio's outdated and incomplete solid waste regulations, caused Ohio's General Assembly to pass House Bill (H.B.) 592, which dramatically revised Ohio's outdated solid waste regulatory program and established a comprehensive solid waste planning process.

There are three overriding purposes of this planning process: to reduce the amount of waste Ohioans generate and dispose; to ensure that Ohio has adequate, protective capacity at landfills to dispose of its waste; and to reduce Ohio's reliance on landfills.

## B. Requirements of County and Joint Solid Waste Management Districts

### 1. Structure

As a result of H.B. 592, each of Ohio's 88 counties must be a member of a solid waste management district (SWMD). A SWMD is formed by county commissioners. A board of county commissioners has the option of forming a single county SWMD or joining with board(s) of county commissioners from one or more other counties to form a multi-county SWMD. Ohio currently has 52 SWMDs. Of these, 37 are single-county SWMDs and 15 are multi-county SWMDs.<sup>1</sup>

A SWMD is governed by two bodies. The first is the Board of Directors which consists of the county commissioners from all counties in the SWMD. The second is a Policy Committee. The Policy Committee is responsible for developing a solid waste management plan for the SWMD. The Board of Directors is responsible for implementing the Policy Committee's solid waste management plan.<sup>2</sup>

### 2. Solid Waste Management Plan

In its solid waste management plan, the Policy Committee must, among other things, demonstrate that the SWMD will have access to at least 10 years of landfill capacity to manage all the SWMD's solid wastes that will be disposed. The solid waste management plan must also show how the SWMD will meet the waste reduction and recycling goals established in Ohio's state solid waste management plan and present a budget for implementing the solid waste management plan.

Solid waste management plans must contain the information and data prescribed in Ohio Revised Code (ORC) 3734.53 and Ohio Administrative Code (OAC) Rule 3745-27-90. Ohio EPA prescribes the format and way that information is presented.

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<sup>1</sup> Counties have the option of forming either a SWMD or a regional solid waste management authority (Authority). The majority of planning districts in Ohio are SWMDs, and Ohio EPA generally uses "solid waste management district", or "SWMD", to refer to both SWMDs and Authorities.

<sup>2</sup> In the case of an Authority, it is a Board of Trustees that prepares, adopts, and submits the solid waste management plan. Whereas a SWMD has two governing bodies, a Policy Committee and Board of Directors, an Authority has one governing body of trustees. The Board of Trustees performs all of the duties of a SWMD Board of Directors and Policy Committee.

The Policy Committee begins by preparing a draft of the solid waste management plan. After completing the draft version, the Policy Committee submits the draft to Ohio EPA. Ohio EPA reviews the draft and provides the Policy Committee with comments. After revising the draft to address Ohio EPA's comments, the Policy Committee makes the solid waste management plan available to the public for comment, holds a public hearing, and revises the plan as necessary to address the public's comments.

Next, the Policy Committee ratifies the solid waste management plan. Ratification is the process that the Policy Committee must follow to provide the SWMD's communities the opportunity to approve or reject the draft plan. Once the plan is ratified, the Policy Committee submits the ratified plan to Ohio EPA for review and approval or disapproval. From start to finish, preparing a solid waste management plan can take up to 33 months.

The Policy Committee is required to submit periodic updates to its solid waste management plan to Ohio EPA. How often the Policy Committee must update its plan depends upon the number of years in the planning period. For an approved plan that covers a planning period of 10 and 14 years, the Policy Committee must submit a revised plan to Ohio EPA within three years of the date the plan was approved. For an approved plan that covers a planning period of 15 or more years, the Policy Committee must submit a revised plan to Ohio EPA within five years of the date the plan was approved.

### **C. District Overview**

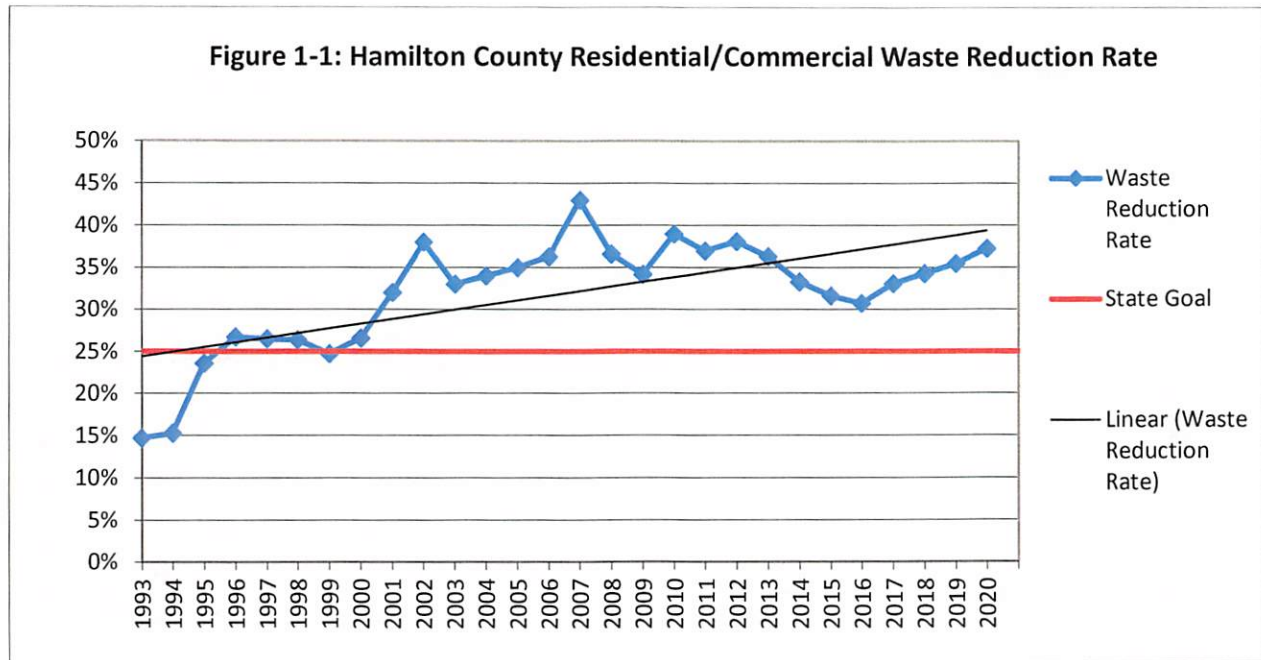
Hamilton County R3Source (formerly Hamilton County Recycling and Solid Waste District and legally Hamilton County Solid Waste Management District) is a single-county SWMD whose first plan was approved by Ohio EPA in July 1993. Since that time, R3Source has remained true to its core philosophies of:

- Enacting programs that meet state mandates and needs of stakeholders.
- Relying on the private sector to provide collection, disposal, and processing.
- Filling in gaps if the private sector is not providing services.
- Passing resources through to local governments to encourage flexibility in developing waste reduction and recycling programs.

In 2020, Hamilton County's overall waste reduction rate was 55.78%. The residential/commercial sector rate was 37.25% percent, and the industrial rate was 83.32% percent. The residential/commercial rate is well above the mandated goal (see Figure 1-1). Ohio no longer has a state-mandated goal for industrial waste reduction.

R3Source's success can be attributed to three factors:

- **Partnerships:** R3Source works closely with communities, schools, businesses, and the private sector waste industry to develop the most appropriate waste reduction programs.
- **Creativity:** R3Source continues to create award-winning programs and outreach to maintain and increase recycling efforts.
- **Continuous Improvement:** R3Source does not simply accept the fact that the state-mandated goals are achieved. Continual examination of programs is part of the culture.



### Reference Year

The reference year for the solid waste management plan is 2020. R3Source initiated data collection for recycling, composting, and source reduction in 2021.

### Planning Period

The planning period for this solid waste management plan is 2024 – 2038.

### D. Waste Reduction and Recycling Goals

As explained earlier, a SWMD must achieve goals established in the state solid waste management plan. The current state solid waste management plan is the *2020 State Solid Waste Management Plan (2020 State Plan)* that established ten goals as follows:

1. The SWMD shall ensure that there is adequate infrastructure to give residents and commercial businesses opportunities to recycle solid waste; and/or
2. The SWMD shall reduce and recycle at least 25 percent of the solid waste generated by the residential/commercial sector.
3. The SWMD shall provide the following required programs: a web site; a comprehensive resource guide; an inventory of available infrastructure; and a speaker or presenter.
4. The SWMD shall provide education, outreach, marketing, and technical assistance regarding reduction, recycling, composting, reuse, and other alternative waste management methods to identified target audiences using best practices.
5. The SWMD shall incorporate a strategic initiative for the industrial sector into its solid waste management plan.
6. The SWMD shall provide strategies for managing scrap tires, yard waste, lead-acid batteries, household hazardous waste, and obsolete/end-of-life electronic devices.

7. The SWMD shall explore how to incorporate economic incentives into source reduction and recycling programs.
8. The SWMD will use U.S. EPA's Waste Reduction Model (WARM) (or an equivalent model) to evaluate the impact of recycling programs on reducing greenhouse gas emissions.
9. The SWMD has the option of providing programs to develop markets for recyclable materials and the use of recycled-content materials (optional).
10. The SWMD shall report annually to Ohio EPA regarding implementation of the SWMD's solid waste management plan.

All nine SWMD goals in this state plan are crucial to furthering solid waste reduction and recycling in Ohio. However, by virtue of the challenges posed by Goals 1 and 2, SWMDs typically must devote more resources to achieving those two goals than to the remaining goals. Thus, Goals 1 and 2 are the primary goals of the state plan.

A SWMD is not required to demonstrate that it will achieve both goals. Instead, SWMDs have the option to choose either Goal 1 or Goal 2 for their solid waste management plans. This affords SWMDs two methods of demonstrating compliance with the state's solid waste reduction and recycling goals. Many of the programs and services that a SWMD uses to achieve Goal 1 help the SWMD make progress toward achieving Goal 2 and vice versa. For this solid waste management plan, R3Source will achieve Goal 2: reduce and recycle at least 25 percent of the solid waste generated by the residential/commercial sector.

Chapter 5 and Appendix I provide descriptions of the programs R3Source will use to continue exceeding Goal 2.

#### E. Aspirational Diversion Goal

Although not required by the 2020 State Plan, Hamilton County R3Source established its own aspirational diversion rate goals to increase landfill diversion throughout the planning period. This will continue to challenge Hamilton County to be a leader in waste reduction in Ohio. Increasing food rescue to feed hungry people, reducing unnecessary waste costs for businesses and residents, and recovering resources that become new products fueling our regional economy act as pivotal motivators for the work of Hamilton County R3Source.

As shown in Table 1-1, R3Source will strive to support Hamilton County communities and residents to achieve a 27% diversion rate for the residential sector, encompassing a 54% increase in tonnage or over 31,000 tons annually. The commercial sector represents a larger portion of the waste stream and more potential for diversion. R3Source will strive to support Hamilton County's commercial sector to achieve a 50% diversion rate by 2038. This represents a 15% increase in tonnage or over 74,000 tons annually.

	2020 Diversion Rate	Aspirational Diversion Rate
Residential	18%	27%
Commercial	43%	50%



Date: June 01, 2023

To: Mayor and Members of City Council

202301501

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – Transfer of Ownership**

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***FINAL RECOMMENDATION REPORT***

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 8198012  
PERMIT TYPE: TRFO  
CLASS: D1 D2 D3 D3A D6  
NAME: SISTERS GETTING IT DONE LLC  
DBA: NONE LISTED  
1832-34 SUTTON AV 1<sup>ST</sup> FL & BSMT  
CINCINNATI, OH 45230

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 3, 2023, Over-the-Rhine Community Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation

Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: June 26, 2023



Date: 6/01/2023

To: Mayor and Members of City Council 202301502  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Rufus Du Sol - (ICON Festival Stage at Smale Park)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (MEMI) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Rufus Du Sol - ICON Festival Stage at Smale Park  
EVENT SPONSOR/PRODUCER: MEMI  
CONTACT PERSON: David Armstrong  
LOCATION: 25 Race St.  
DATE(S) AND TIME(S): 08/09/2023 6:00pm—08/09/2023 11:00pm  
EVENT DESCRIPTION: Outdoor Concert on the Event Lawn.  
ANTICIPATED ATTENDANCE: 6500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (MEMI)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 6/01/2023

To: Mayor and Members of City Council 202301503  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Cincinnati Black Music Walk of Fame 2023 -  
ICON Festival Stage at Smale Park**

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In accordance with Cincinnati Municipal Code, Chapter 765; (MEMI) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Cincinnati Black Music Walk of Fame 2023 - ICON Festival Stage at Smale Park  
EVENT SPONSOR/PRODUCER: MEMI  
CONTACT PERSON: David Armstrong  
LOCATION: 25 Race St.  
DATE(S) AND TIME(S): 07/22/2023 11:00am—07/22/2023 5:00pm  
EVENT DESCRIPTION: Induction ceremony inside Brady followed by a concert on the ICON Festival Stage. Free and open to the public.  
ANTICIPATED ATTENDANCE: 2000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (MEMI)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 6/01/2023

To: Mayor and Members of City Council 202301504  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Pride Festival and Parade 2023**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (Megan Green) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Pride Festival and Parade 2023  
EVENT SPONSOR/PRODUCER: Cincinnati Pride Inc  
CONTACT PERSON: Megan Green  
LOCATION: Downtown and Sawyer Point  
DATE(S) AND TIME(S): 6/24/2023 11:00 am - 9:00 pm  
EVENT DESCRIPTION: Parade & Festival  
ANTICIPATED ATTENDANCE: 60,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: Cincinnati Parks

cc: Colonel Teresa A. Theetge, Police Chief

Date: 6/01/2023

To: Mayor and Members of City Council 202301505  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Evanston En Blanc)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (Evanston Community Council) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Evanston En Blanc  
EVENT SPONSOR/PRODUCER: Evanston Community Council  
CONTACT PERSON: Sharon Moon  
LOCATION: Evanston Park 3560 Evanston Av.  
DATE(S) AND TIME(S): 8/26/2023 3:00pm to 11:00pm  
EVENT DESCRIPTION: Fundraising Dinner Event  
ANTICIPATED ATTENDANCE: 200  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 6/01/2023

202301506

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Sad Summer Festival - ICON Festival Stage at Smale Park**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (MEMI) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Sad Summer Festival - ICON Festival Stage at Smale Park  
EVENT SPONSOR/PRODUCER: MEMI  
CONTACT PERSON: David Armstrong  
LOCATION: 25 Race St.  
DATE(S) AND TIME(S): 07/19/2023 2:00pm—07/19/2023 11:00pm  
EVENT DESCRIPTION: 1 day music festival at Brady Music Center and ICON Festival Stage.  
ANTICIPATED ATTENDANCE: 4400  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (MEMI)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 6/01/2023

202301507

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Queen Bee)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (Pig Works) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Queen Bee  
EVENT SPONSOR/PRODUCER: Pig Works  
CONTACT PERSON: Jeanette Kiely  
LOCATION: Hard Rock Casino, various streets through the East side and Sawyer Point Park.  
DATE(S) AND TIME(S): 10/14/2023 7:30am to 12:30pm  
EVENT DESCRIPTION: Road Race for Charity  
ANTICIPATED ATTENDANCE: 5,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief



June 1, 2023

**To:** Mayor and Members of City Council **202301508**

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Ordinance – Police: FY 2023 State Homeland Security Program (SHSP) Grant**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant (“FY23 SHSP Grant”) (ALN 97.067) from the United States Department of Homeland Security, Federal Emergency Management Agency, administered by the State of Ohio Department of Public Safety, Ohio Emergency Management Agency, of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center; and **AUTHORIZING** the Director of Finance to deposit FY23 SHSP Grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant (FY23 SHSP Grant) from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), administered by the State of Ohio Department of Public Safety (ODPS), Ohio Emergency Management Agency (OEMA), of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center (GCFC). This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.

The Cincinnati Police Department (CPD) manages the GCFC, which serves to combat potential domestic extremism, violence, and terrorist activity, and serves as a focal point for the receipt, gathering, analysis, and sharing of threat related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders. If awarded and accepted, the grant funds will be used to cover salary and fringe benefit costs for the Supervisory Intelligence Analyst (SIA) and a contracted cybersecurity analyst at the GCFC, as well as costs related to software, training, and other equipment for the GCFC.

The grant application deadline was May 4, 2023, and the Cincinnati Police Department has already submitted an application for the FY23 SHSP Grant. No grant funds will be accepted without prior approval from the City Council.

There are no new FTEs associated with this grant. Although the grant does not require matching funds, approximately \$5,300 of the SIA’s salary and fringe benefits will surpass the FY23 SHSP Grant allowance and will be provided from the CPD General Fund operating budget.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



## EMERGENCY

IMD

- 2022

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant (“FY22 SHSP-LE Grant”) (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to \$250,000 to enhance and sustain the Greater Cincinnati Fusion Center; and **AUTHORIZING** the Finance Director to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

WHEREAS, the Greater Cincinnati Fusion Center (“GCFC”) serves to combat potential domestic extremism, violence, and terrorist activity and also serves as a focal point for the receipt, analysis, gathering, and sharing of threat-related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders; and

WHEREAS, administration of the GCFC transferred to the Cincinnati Police Department (“CPD”) from the Hamilton County Sheriff’s Office (“HCSO”) on January 1, 2022; and

WHEREAS, the HCSO previously applied for and received four State Homeland Security Program – Law Enforcement grants from Fiscal Years 2018, 2019, 2020, and 2021, all of which were transferred to CPD along with the administration of the GCFC; and

WHEREAS, the application deadline for the SHSP-LE grant from Fiscal Year 2022 (“FY22 SHSP-LE Grant”) was September 30, 2022, and as a result, CPD has already submitted an application for the FY22 SHSP-LE Grant; and

WHEREAS, CPD will not accept any FY22 SHSP-LE Grant funds without approval from Council; and

WHEREAS, if the City is awarded and accepts a FY22 SHSP-LE Grant, the funds will be used to cover salary and fringe benefit costs for a Supervisory Intelligence Analyst (“SIA”) and a contracted cybersecurity analyst at the GCFC, as well as costs related to software, training, network firewalls, Automated License Plate Reader cameras and licenses, and other cybersecurity projects within the GCFC; and

WHEREAS, although the FY22 SHSP-LE Grant does not require matching funds or additional FTEs, approximately \$3,500 of the SIA’s salary and benefits surpass the FY22 SHSP-LE Grant allowance and will be paid through the CPD General Fund operating budget; and

WHEREAS, acceptance of the FY22 SHSP-LE Grant is in accordance with the “Live” goal to “[c]reate a more livable community,” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant (“FY22 SHSP-LE Grant”) (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to \$250,000 for enhancing and sustaining the Greater Cincinnati Fusion Center.

Section 2. That the Finance Director is hereby authorized to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of the grant and Sections 1 and 2 hereof.

Section 4. 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 need to meet the Ohio Emergency Management Agency’s sixty-day grant acceptance deadline, if the grant is awarded to the City.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

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

June 1, 2023

**To:** Mayor and Members of City Council **202301509**

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – Police: FY 2024 State Victims Assistance Act (SVAA) and Victims of Crime Act (VOCA) Grants**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

This Ordinance authorizes the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act (SVAA) and the federal Victims of Crime Act (VOCA) grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate. This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

The grant is available through the State of Ohio, Office of the Attorney General, for the purpose of funding the Cincinnati Police Department (CPD) Homicide Unit’s Victim Advocate, who provides support and advocacy to survivors of victims whose deaths are investigated by the CPD Homicide Unit.

The grant application deadline is June 14, 2023, and no funds will be accepted without approval of the City Council.

There are no new FTEs associated with this grant. The grant does require a 25 percent local match, to be provided by student volunteer hours utilized by CPD.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

WHEREAS, the State Victims Assistance Act and Victims of Crime Act grant programs will fund the Cincinnati Police Department (“CPD”) Homicide Unit’s Victim Advocate, who provides support and advocacy to the survivors of victims whose deaths are investigated by the Homicide Unit; and

WHEREAS, the grant application deadline is June 14, 2023, and no grant funds will be accepted without approval by Council; and

WHEREAS, the grant requires a 25 percent in-kind local match, which will be provided by student volunteers utilized by CPD; and

WHEREAS, acceptance of the grant will not require any additional FTEs/full time equivalents; and

WHEREAS, acceptance of the grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate.

Section 2. That the Director of Finance is authorized to deposit the grant funds in Law Enforcement Grant Fund 368, project account no. 24VALU.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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



**June 1, 2023**

**To:** Mayor and Members of City Council **202301510**

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Council: FY 2023 City Council Budget Adjustments**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

Approval of this Emergency Ordinance authorizes the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

The reason for the emergency is the immediate need to ensure necessary funds for the operation of various City Councilmember offices.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**CMZ**

**- 2023**

**AUTHORIZING** the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

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

Section 1. That the sum of \$14,449.85 existing within the General Fund is hereby transferred within the General Fund according to the attached Schedule of Transfer to realign the office budgets of various City Councilmembers.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 and the attached Schedule of Transfer.

Section 3. 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 ensure necessary funds for the operation of various City Councilmember offices.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

**SCHEDULE OF TRANSFER**

**FY 2023 GENERAL FUND ADJUSTMENTS**

Fund 050 General Fund

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	<b>Fund</b>	<b>Agency</b>	<b>Appropriation Unit</b>	<b>\$ Amount</b>		<b>Fund</b>	<b>Agency</b>	<b>Appropriation Unit</b>	<b>\$ Amount</b>
<b>TRANSFERS WITHIN APPROPRIATIONS</b>					<b>TRANSFERS WITHIN APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
CITY COUNCIL					CITY COUNCIL				
COUNCILMEMBER KEATING	050	012	7200	3,846.69	COUNCILMEMBER KEATING	050	012	7100	3,846.69
COUNCILMEMBER WALSH	050	015	7200	1,365.94	COUNCILMEMBER WALSH	050	015	7100	1,365.94
COUNCILMEMBER HARRIS	050	021	7200	2,898.52	COUNCILMEMBER HARRIS	050	021	7100	2,898.52
COUNCILMEMBER JEFFREYS	050	022	7200	2,181.06	COUNCILMEMBER JEFFREYS	050	022	7100	2,181.06
COUNCILMEMBER OWENS	050	025	7200	1,693.78	COUNCILMEMBER OWENS	050	025	7100	1,693.78
COUNCILMEMBER KEARNEY	050	029	7200	2,463.86	COUNCILMEMBER KEARNEY	050	029	7100	2,463.86
<b>TOTAL FUND REDUCTIONS</b>				<b>14,449.85</b>	<b>TOTAL FUND INCREASES</b>				<b>14,449.85</b>

Date: June 1, 2023

To: Mayor and Members of City Council **202301511**

From: Sheryl M. M. Long, City Manager

Subject: EMERGENCY ORDINANCE – PLK COOPER, LLC PROPERTY SALE AGREEMENT  
(VANDALIA AVENUE)

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Attached is an emergency ordinance captioned as follows:

**AUTHORIZING** the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.

The City of Cincinnati owns certain real property designated as public right-of-way, namely Vandalia Avenue, formerly known as Railroad Street, in the Northside neighborhood (the “Property”), which is under the management and control of the City’s Department of Transportation and Engineering (“DOTE”).

PLK Cooper, LLC (“Petitioner”) desires to purchase the Property from the City to facilitate the construction of a 52-unit affordable housing development on Petitioner’s abutting real property.

The City Manager, upon consultation with DOTE, has determined that the Property is not needed for transportation or any other municipal purpose, that there is good cause to vacate the Property, and that such vacation will not be detrimental to the general interest.

The approximate fair market value of the Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property.

The City Planning Commission approved the sale of the Property at its meeting on April 7, 2023.

The Administration recommends passage of the attached emergency ordinance.

Attachment I – Property Sale Agreement

Attachment II – Legal Description

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

City of Cincinnati

CHM

EE3W

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

- 2023

**AUTHORIZING** the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.

WHEREAS, the City owns certain real property designated as public right-of-way, namely, an approximately 0.115-acre tract of Vandalia Avenue, formerly known as Railroad Street, in the Northside neighborhood, as more particularly depicted and described in the *Property Sale Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (“Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOTE”); and

WHEREAS, PLK Cooper, LLC, an Ohio limited liability company (“Petitioner”), owns the real property abutting the Property, and Vandalia Point, LLC, an Ohio limited liability company (“Developer”) is under contract to purchase Petitioner’s property to construct a 52-unit affordable housing development on Petitioner’s property (“Project”); and

WHEREAS, Petitioner and Developer have petitioned the City to vacate and sell the Property to Petitioner to facilitate the Project; and

WHEREAS, Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Petitioner owns all real property abutting the Property; and

WHEREAS, pursuant to Ohio Revised Code Sec. 723.04, the City may, upon petition, vacate a street or alley if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that: (i) the Property is not needed for transportation purposes or any other municipal purpose; (ii) there is good cause to vacate the Property; and (iii) the vacation of the Property will not be detrimental to the general interest; and

WHEREAS, the City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Property is approximately \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because it is anticipated that the Project will create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City’s objective of creating good quality housing options in the Northside neighborhood, thereby

contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's property to productive use; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City and eliminating competitive bidding in connection with the City's sale of the Property is appropriate because Petitioner owns all real property abutting the Property, and, as a practical matter, no one other than an abutting property owner would have any use for it; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing; and

WHEREAS, in furtherance of the foregoing public purposes, the City believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents and is in accordance with applicable state and local laws; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and sale of the Property at its regularly scheduled meeting on April 7, 2023; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Property Sale Agreement* ("Agreement") with PLK Cooper, LLC, an Ohio limited liability company ("Petitioner"), and Vandalia Point, LLC, an Ohio limited liability company ("Developer"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati ("City") will vacate and convey to Petitioner an approximately 0.115-acre tract of Vandalia Avenue in the Northside neighborhood, as more particularly depicted and described in the Agreement ("Property"), which Property is more particularly described below and on the legal description attached to this ordinance as Attachment B and incorporated herein by reference:



Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

Section 2. That the Property is not needed for transportation or other municipal purposes, that there is good cause to vacate and sell the Property, and that such vacation and sale will not be detrimental to the general interest.

Section 3. That the City's Real Estate Services Division has determined, by a professional appraisal, the fair market value of the Property is approximately \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits that equal

or exceed the fair market value of the Property because the vacation and sale of the Property will facilitate the construction of a 52-unit affordable housing development by Developer that is anticipated to create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's property to productive use.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Petitioner owns all real property that abuts the Property, and, as a practical matter, no one other than an abutting property owner would have any use for the Property.

Section 5. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in the excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is hereby authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs, and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That, pursuant to Ohio Revised Code Sec. 723.041, any affected public utility shall be deemed to have a permanent easement in the Property to maintain, operate, renew, reconstruct, and remove its utility facilities and to access said utility facilities.

Section 8. That the City Manager is hereby authorized to vacate the Property as public right-of-way, and the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, deeds, plats, or other documents described in or contemplated by the Agreement to facilitate the vacation and sale of the Property to Petitioner.

Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the Hamilton County, Ohio Recorder's Office.

Section 10. 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 allow the shovel-ready project to move forward so that the City may receive the economic and non-economic benefits from the sale and redevelopment of the Property at the earliest possible time.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

ATTACHMENT A

## PROPERTY SALE AGREEMENT

This Property Sale Agreement (this "**Agreement**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 ("**Purchaser**"), and **VANDALIA POINT, LLC**, an Ohio limited liability Company, whose tax mailing address is 114 West 14<sup>th</sup> Street, Cincinnati, OH 45202 ("**Developer**").

### Recitals:

A. The City owns certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati, Ohio, as more particularly described on Exhibit A (Legal Description- the Sale Property) hereto (the "**Sale Property**"), which Sale Property is under the management of the City's Department of Transportation and Engineering ("**DOTe**").

B. Purchaser owns certain real property adjoining the Sale Property, as depicted on Exhibit B (Vacation Plat) hereto ("**Purchaser's Property**").

C. Developer is under contract to purchase Purchaser's Property and intends to construct a 52-unit affordable housing development thereon (the "**Project**").

D. Purchaser and Developer desire the City to vacate and convey the Sale Property prior to Developer purchases Purchaser's Property to facilitate the Project.

E. Following the acquisition of Purchaser's Property, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks as generally depicted on Exhibit C (Dedication Plat) hereto (the "**Dedication Property**").

F. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

G. The City has determined that the Sale Property is not needed for transportation or other municipal purposes and that the sale of the Sale Property will not be detrimental to the public interest.

H. Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Purchaser owns all the real property abutting the Sale Property.

I. The City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because the Developer will provide the Dedication Property to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks, and it is anticipated that the Project will create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's Property to productive use. However, notwithstanding the foregoing, to ensure the timely dedication, construction, and completion of the street improvements on the Dedication Property, Developer has agreed to pay the fair market value of the Sale

{00383816-4}

Property into escrow (the “**Escrow Funds**”) as additional consideration for the City agreeing to vacate and convey the Sale Property to Purchaser in advance of Developer’s closing on Purchaser’s Property.

J. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is justified because Purchaser owns all real property abutting the Sale Property, and as a practical matter, no one other than an abutting property owner would have any use for it.

K. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

L. Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Purchaser at its meeting on April 7, 2023.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. [ ]-2023, passed on [ ], 2023.

NOW, THEREFORE, the parties agree as follows:

1. **Agreement to Convey Property Interests.**

(A) **Agreement to Vacate and Convey the Sale Property.** Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and sell the Sale Property to Purchaser, and Purchaser hereby agrees to purchase and accept the Sale Property from the City. The purchase price of the Sale Property shall be \$1.00 (the “**Purchase Price**”). Purchaser acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to Purchaser in “as is” condition. The City makes no representations or warranties to Purchaser with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

(B) **Agreement to Dedicate the Dedication Property.** Developer hereby agrees to dedicate the Dedication Property to the City within 18 months of closing on the Purchaser’s Property. Developer acknowledges that the City shall have no obligation to accept the Dedication Property as public right-of-way under the management and control of the City until and unless such real property interests have been approved by formal action of the Cincinnati City Council. The City makes no representations or other assurances to Developer that Cincinnati City Council will accept such real property interests. Developer hereby waives any and all rights and remedies under this Agreement or otherwise available at law or in equity against the City, its officers, councilmembers, and employees for the Cincinnati City Council’s failure to accept and confirm the dedication of the Dedication Property as public right-of-way. As a material inducement for the City to enter into this Agreement, at Closing, the City and Developer shall execute an *Escrow Agreement* in substantially the form attached hereto as Exhibit D (*Escrow Agreement*) (the “**Escrow Agreement**”), pursuant to which Developer shall deposit the Escrow Funds with Mercantile Title Agency, Inc., an Ohio Corporation, an affiliate of Developer’s legal counsel (the “**Escrow Agent**”). The Escrow Agent shall hold and transfer the Escrow Funds in the manner set forth on Exhibit D.

(C) **Title and Condition of Dedication Property.** Developer acknowledges that before Cincinnati City Council considers an ordinance to accept the Dedication Property, Developer shall represent and warrant that (a) it holds title to the Dedication Property in fee simple, with full power to convey; (b) there are no tenants or other third parties who are entitled to the use or possession of any part of the Dedication

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Property; (c) the Dedication Property is free and clear of all liens and encumbrances, or that Developer has made satisfactory provision for release thereof, except: [i] easements, restrictions, conditions and covenants of record; [ii] legal highways; and [iii] zoning and building laws, ordinances, rules and regulations; and (d) free and clear of any and all taxes and assessments or that Developer has made satisfactory provision for payment of all real estate taxes and assessment. Developer shall assist, in whatever manner reasonably possible under the circumstances as requested by the City, to procure and deliver to the City any releases, assignments or cancellations of any and all other rights, titles and interests in the Dedication Property, whether attaching to the Dedication Property prior to or during Developer's ownership of the Dedication Property. Such interests may include, but are not limited to, those belonging to tenants, lessees, mortgagees, or others now in possession or otherwise occupying the Dedication Property, and all tax and assessment claims against the Dedication Property. Any mortgage or other monetary liens on the Dedication Property shall be discharged and paid by Developer at or before Cincinnati City Council considers an ordinance to accept the Dedication Property. Developer, at no cost to the City, shall provide the City with a phase one assessment prepared by a reputable environmental consulting firm, evidencing that the environmental condition of the Dedication Property is acceptable to the City's Office of Environment and Sustainability.

## 2. Closing.

(A) Conditions. The closing on the City's sale of the Sale Property to Purchaser (the "Closing") shall not occur unless and until the following conditions have been satisfied or waived (the "Conditions"); *provided however*, that if the City, in its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Quitclaim Deed to Purchaser or handle such Conditions post-Closing. Developer shall perform or shall cause the performance of all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) Title & Survey: Purchaser's approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;
- (ii) Inspections, Utilities & Zoning/Building Code Requirements: Purchaser's approval of inspections of the Sale Property, including, without limitation, environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) Plats, Legal Descriptions and Deed: Developer shall have provided the City with all plats and legal descriptions as required by DOTE, the Department of City Planning and Engagement, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to: [x] an acceptable deed of record evidencing Purchaser as the vested legal owner as to Purchaser's Property; [y] an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit C – (Form of Quitclaim Deed – Sale Property); and [z] an acceptable survey plat and legal description with closure to consolidate the Sale Property with Purchaser's Property immediately after recording of the *Quitclaim Deed*;
- (iv) Coordinated Report Conditions (CR #84-2022/ #1-2021):
  - (a) DOTE:
    - 1. [Intentionally Omitted].
    - 2. [Intentionally Omitted].
    - 3. [Intentionally Omitted].

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4. [Intentionally Omitted].
5. No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
6. Developer is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
7. Abutting streets must be delineated with a continuous curb, sidewalk, and/or drive approach.
8. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) Metropolitan Sewer District of Greater Cincinnati ("MSD"): The MSD Request for Availability of Sewer Service (RASS) will be required for a future development or redevelopment project. The MSD RASS will determine the availability of a sewer and outline any additional MSD project requirements that could impact a project schedule if not considered early in project conceptual planning. Such considerations may include the need to obtain any MSD tap permits, easements, Ohio EPA Permit to Install, utilization of licensed and bonded sewer tappers with MSD, sewer inspection scheduling, project on-site separation of flow requirements, MSD Excavation/Fill permitting and bonding, MSD storm water detention requirements, need for a grease interception system, and/or a reminder for the project to coordinate with City of Cincinnati Stormwater Management Utility (SMU) for their specific storm water, erosion control, and storm water detention requirements.

(c) Duke Energy: Existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

(d) Altafiber: Existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

(B) Right to Terminate. If any party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **90 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

(D) Closing Costs and Closing Documents. At the Closing, (i) the City shall confirm that Purchaser has paid the Purchase Price in full; (ii) the City shall convey all its right, title, and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit E (Form of Quitclaim Deed); {00383816-4}

(iii) the City and Developer shall execute the Escrow Agreement; and (iv) Developer shall deposit the Escrow Funds with the Escrow Agent. Purchaser or Developer shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing or other similar documents pertaining to title, it being acknowledged by Purchaser that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Purchaser shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water, or other utility charges, and any and all other outstanding amounts owed by Purchaser to the City.

(E) Survival. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein or waive any of the obligations of Developer under this Agreement not stipulated or contained in the *Quitclaim Deed*, nor shall the *Quitclaim Deed* in any way prejudice or bar the City in asserting any of its rights hereunder, all of which shall survive the execution and delivery of the *Quitclaim Deed*.

3. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

4. Representations, Warranties, and Covenants of Purchaser and Developer. Purchaser and Developer make the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) Developer is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(iii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iv) Developer's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or any mortgage, contract, agreement, or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

(v) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, at law or in equity or before or by any governmental authority.

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(vi) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or the Project.

(vii) The statements made in the documentation provided by Developer to the City have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(viii) Neither Purchaser, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

(ix) Neither Developer, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

**5. General Provisions.**

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(B) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and the parties agree that venue in such court is proper.

(D) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and assigns. The City hereby consents to an assignment by the Purchaser of any and all of its rights and obligations under this Agreement to Developer upon the sale by Purchaser of Purchaser's Property to Developer. Developer shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(E) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(F) Severability. If any part of this Agreement is held by a court of law to be void, illegal or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(G) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(H) Brokers. The parties represent to the City that neither Purchaser nor Developer have dealt with any real estate brokers and agents in connection with this transaction.

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(I) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee, or attorney of the City in other than his or her official capacity.

(J) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the property sale shall have any personal financial interest, direct or indirect, in the property sale, and the parties shall take appropriate steps to assure compliance.

(K) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(L) Counterparts: E-Signature. The parties hereto agree that this Agreement may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Agreement in two or more counterparts, and each executed counterpart shall be considered an original.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description -the Sale Property*

Exhibit B – *Vacation Plat*

Exhibit C – *Dedication Plat*

Exhibit D – *Escrow Agreement*

Exhibit E – *Form of Quit Claim Deed*

[ *Signature Pages Follow* ]

Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “**Effective Date**”).

**PLK COOPER, LLC,**  
{00383816-4}

an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

[ Developer signatures on the following page]

**VANDALIA POINT, LLC**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Recommended by:

\_\_\_\_\_  
John Brazina, Director  
Department of Transportation and  
Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director



**EXHIBIT A**  
to Property Sale Agreement

*Legal Description - the Sale Property*

**Auditor's Parcel No.:** None

**Property Address:** None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

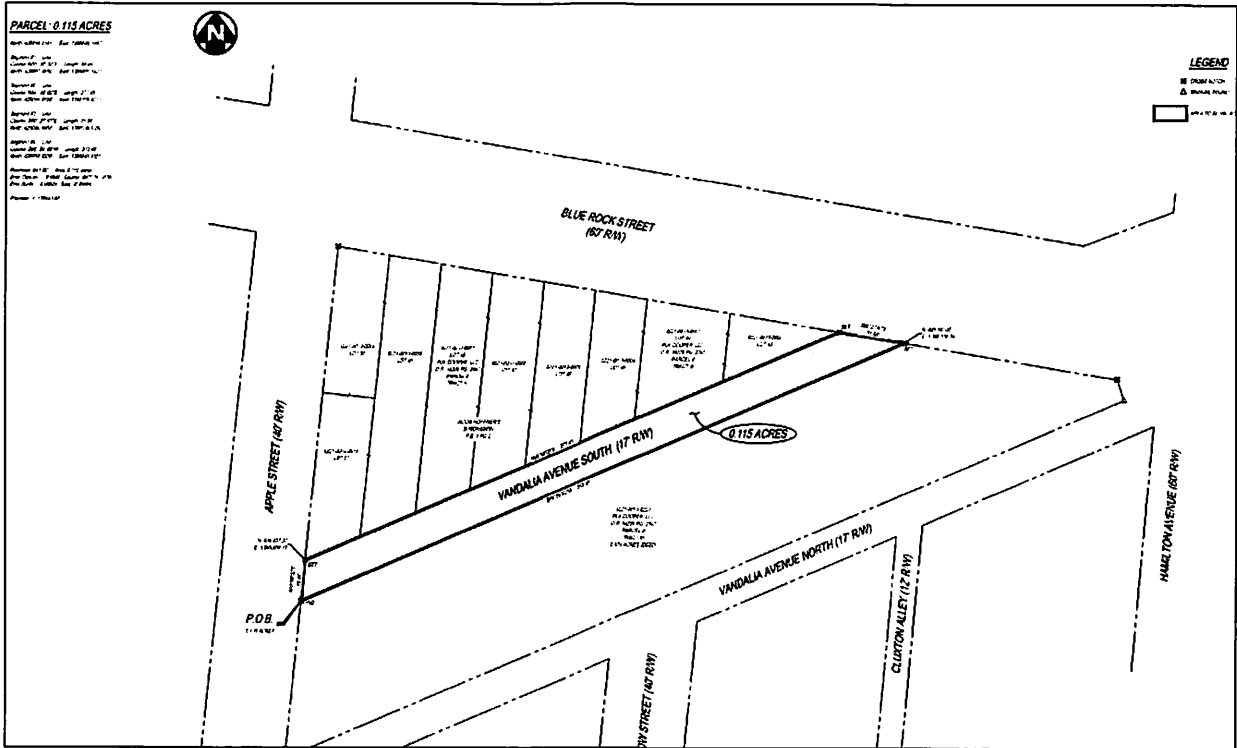
Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

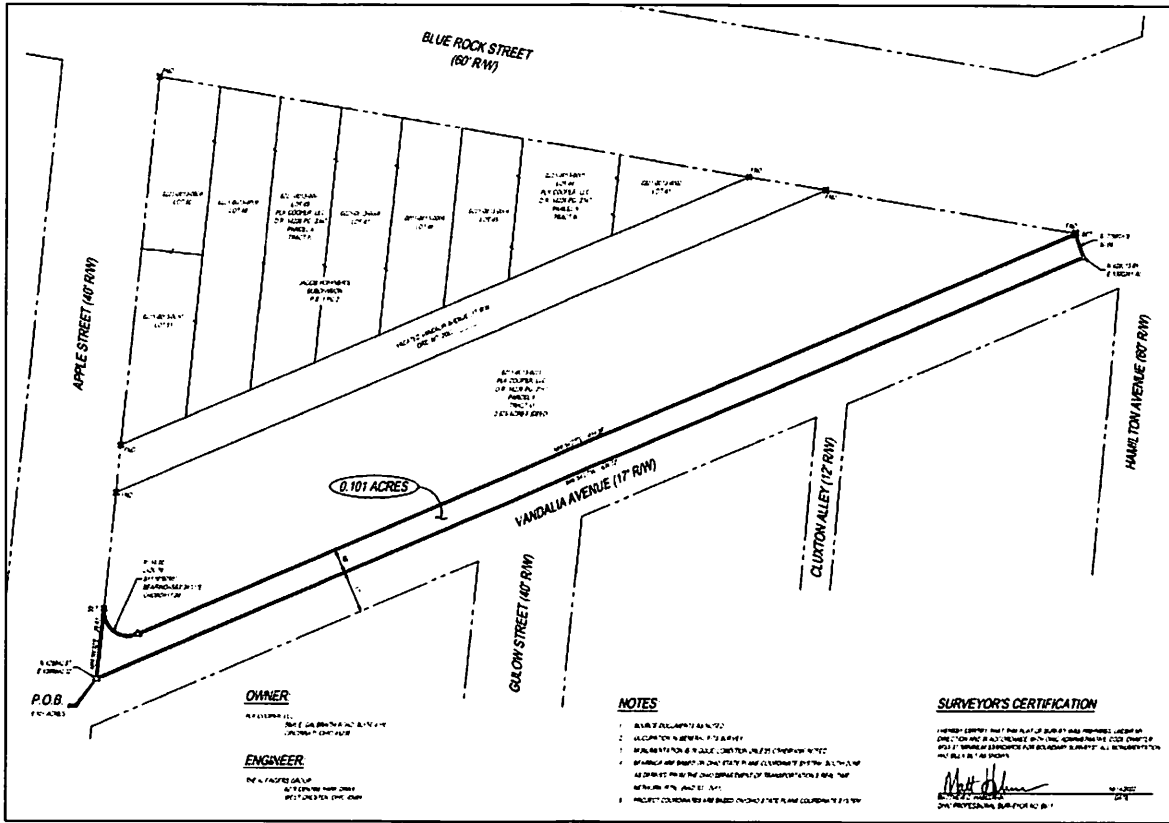
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**EXHIBIT B**  
to Property Sale Agreement  
*Vacation Plat*



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**EXHIBIT C**  
to Property Sale Agreement  
Dedication Plat



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**EXHIBIT D**  
to Property Sale Agreement  
*Escrow Agreement*

**ESCROW AGREEMENT**

THIS ESCROW AGREEMENT (this "Escrow Agreement") dated as of the \_\_\_\_ day of \_\_\_\_\_, 2023 (the "Effective Date"), by and among **VANDALIA POINT, LLC**, an Ohio limited liability company ("Developer"), **CITY OF CINCINNATI**, an Ohio municipal corporation (the "City"), and **Mercantile Title Agency, Inc.**, an Ohio corporation ("Escrow Agent").

WHEREAS, PLK Cooper, LLC ("PLK"), Developer and the City are parties to a Property Sale Agreement dated \_\_\_\_\_ (the "Purchase Agreement").

WHEREAS, pursuant to the Purchase Agreement, the City has agreed to sell to PLK certain property and in partial payment therefor, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue (the "Dedication Property").

WHEREAS to ensure Developer's performance of its covenants under the Purchase Agreement, including, but not limited to, the dedication of the Dedication Property, Developer has deposited the sum of Thirty-Two Thousand and No/100 Dollars (\$32,500.00) into escrow to be held in Escrow Agent's escrow account, such amount to be held and disbursed by Escrow Agent as set forth herein.

WHEREAS, the parties hereto now wish to enter into this Escrow Agreement providing for the appointment of Escrow Agent as escrow agent to hold the Escrowed Funds and to set forth the terms and conditions under which the Escrowed Funds shall be disbursed.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

1. **Appointment of Escrow Agent.** The City and Developer hereby jointly appoint Escrow Agent as the escrow agent under this Escrow Agreement, and Escrow Agent hereby accepts such appointment and agrees to hold all of the funds deposited into escrow with it pursuant to Section 1B of the Purchase Agreement (collectively, the "Escrowed Funds") in accordance with the terms hereof and to perform its other duties hereunder.

2. **Establishment of Escrow.** Escrow Agent shall hold the Escrowed Funds in a non-interest bearing account with U.S. Bank, a national banking association and disburse it pursuant to the terms of this Escrow Agreement.

3. **Disposition of Escrowed Funds.** Escrow Agent shall disburse the Escrowed Funds as follows:

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- (a) upon receipt of written notice from the City (which such notice may be provided to Escrow Agent via e-mail) that Developer has not completed the dedication of the Dedication Property on or before \_\_\_\_\_ [20 months from the Effective Date]; or
- (b) upon receipt of joint written instructions of Developer and the City (which such instructions may be provided to Escrow Agent via e-mail) directing the disposition of the Escrowed Funds, Escrow Agent shall promptly disburse the Escrowed Funds in accordance with such joint written instructions.

If there is a dispute between the parties (other than Escrow Agent) with regard to the payment of an amount from the Escrowed Funds, the fees and expenses of Escrow Agent, including, but not limited to, reasonable attorneys' fees and expenses and other costs incurred by Escrow Agent in connection with the adjudication of such dispute, shall be paid by the party that is not the prevailing party in such dispute.

**4. Resignation or Removal of Escrow Agent.** Escrow Agent may resign at any time upon ten (10) days' prior notice to the City and Developer, and may be removed by the mutual consent of the City and Developer upon thirty (30) days' prior notice to Escrow Agent. Upon receipt of Escrow Agent's notice of resignation, the City and Developer shall jointly appoint a successor escrow agent to hold the Escrowed Funds, and any such successor escrow agent shall execute and deliver to the predecessor escrow agent an instrument accepting such appointment, upon which such successor agent shall, without further act, become vested with all of the rights, powers and duties of the predecessor escrow agent as if originally named herein and the predecessor escrow agent's resignation shall become effective and such predecessor escrow agent shall be discharged from any future duties and obligations under this Escrow Agreement.

**5. Escrow Agent.** Escrow Agent undertakes to perform only such duties as are expressly set forth herein and no duties shall be implied. Escrow Agent shall have no liability under and no duty to inquire as to the provisions of any agreement other than this Escrow Agreement. Escrow Agent may rely upon and shall not be liable for acting or refraining from acting upon any written notice, instruction or request furnished to it hereunder and reasonably believed by it to be genuine and to have been signed or presented by the proper party or parties. Escrow Agent shall be under no duty to inquire into or investigate the validity, accuracy, or content of any such document. Escrow Agent shall have no duty to solicit any payments which may be due it or the Escrowed Funds. Escrow Agent shall not be liable for any action reasonably taken or omitted by it in good faith except to the extent that a court of competent jurisdiction determines that Escrow Agent's gross negligence or willful misconduct was the primary cause of any loss to the City or Developer. Escrow Agent may execute any of its powers and perform any of its duties hereunder directly or through agents or attorneys (and shall be liable only for the careful selection of any such agent or attorney) and may consult with counsel, accountants, and other skilled persons to be selected and retained by it. Escrow Agent shall not be liable for anything reasonably done, suffered, or omitted in good faith by it in accordance with the advice or opinion of any such counsel, accountants or other skilled persons. In the event that Escrow Agent shall be uncertain as to its duties or rights hereunder or shall receive instructions, claims or demands from any party hereto which, in its opinion, conflict with any of the provisions of this Escrow Agreement, it shall be entitled to refrain from taking any action and its sole obligation shall be to keep all property held in escrow until it shall be directed otherwise in writing by all of the other parties hereto or by a final order or judgment of a court of competent jurisdiction. Notwithstanding anything to the contrary contained in this Escrow Agreement, if at any time a dispute shall exist as to the duty of the Escrow Agent under the terms hereof, the right to possession, title or proceeds of any funds in escrow, or as to any dispute arising between the parties as to any matter under this Escrow Agreement, the Escrow Agent may deposit this Escrow Agreement and funds in escrow with any court of competent jurisdiction, and may interplead the parties hereto. Upon so depositing such Agreement and funds in escrow and filing its complaint in interpleader, Escrow Agent shall be released from all liability under the terms hereof, as to the funds so deposited. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE PURCHASE AGREEMENT OR THIS ESCROW AGREEMENT, IN NO EVENT SHALL ESCROW AGENT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL LOSS

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OR DAMAGE OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO LOST PROFITS), EVEN IF ESCROW AGENT HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH LOSS OR DAMAGE AND REGARDLESS OF THE FORM OF ACTION.

**6. Fees and Expenses of Escrow Agent.** Developer hereby agrees to (a) pay Escrow Agent the sum of \$\_\_\_\_\_ as its fee for serving as Escrow Agent under this Escrow Agreement, and (b) pay or reimburse Escrow Agent upon request for its extraordinary fees and for all expenses, disbursements and advances, including reasonable attorney's fees and expenses as incurred, reasonably required by Escrow Agent to be incurred or made by it in connection with the performance, delivery, modification and termination of this Escrow Agreement, such payments to be split equally among such parties, subject to any right of the prevailing party as per Section 3 hereof.

**7. Indemnity.** Developer shall indemnify, defend and save harmless Escrow Agent and its directors, officers, agents and employees (each an "Indemnitee") from all loss, liability or expense (including the reasonable fees and expenses of outside counsel) arising out of or in connection with (i) Escrow Agent's performance of this Escrow Agreement, except in the case of any Indemnitee to the extent that such loss, liability or expense is due to the gross negligence or willful misconduct of such Indemnitee, or (ii) its following any instructions or other directions from Developer and the City, except to the extent that it is following any such instruction or direction is expressly forbidden by the terms hereof. The parties hereto acknowledge that the foregoing indemnities shall survive the resignation or removal of Escrow Agent or the termination of this Escrow Agreement.

**8. Notices.** All notices hereunder shall be in writing and shall be sufficiently given or sent if hand-delivered, sent by documented overnight delivery service or registered or certified mail, postage prepaid, return receipt requested or by telegram, fax or telecopy (confirmed by U.S. mail), receipt acknowledged, addressed as set forth below or to such other person and/or at such other address as may be furnished in writing by any party hereto to the other. Any such notice shall be deemed to have been given as of the date received, in the case of personal delivery, or on the date shown on the receipt or confirmation therefor, in all other cases.

(a) If to Developer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

(b) If to the City:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

(c) If to Escrow Agent:

Mercantile Title Agency, Inc.  
Attn: Brian K. Groemminger, Esq.  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Phone: 513-977-8331  
E-mail: brian.groemminger@dinsmore.com

**9. Entire Agreement and Modification.** This Escrow Agreement and the Purchase Agreement constitutes the entire agreement between the parties hereto with respect to the Escrowed Funds and supersedes all prior agreements and understandings with respect thereto. Any amendment, modification, or waiver of this Escrow Agreement shall not be effective unless in writing. Neither the failure nor any delay on the part of any party to exercise any right, remedy, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence.

**10. Governing Law.** This Escrow Agreement is made pursuant to, and shall be construed and enforced in accordance with, the internal laws of the State of Ohio (and United States federal law, to the extent applicable), without giving effect to otherwise applicable principles of conflicts of law.

**11. Counterparts.** This Escrow Agreement may be executed in any two or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to constitute but one and the same agreement.

**12. Further Assurances.** Each of the parties hereto shall execute such further instruments and take such other actions as any other party shall reasonably request in order to effectuate the purposes of this Escrow Agreement.

**13. Binding Effect.** This Escrow Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, heirs, executors, and administrators. If any provision of this Escrow Agreement shall be or become illegal or unenforceable in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless be deemed valid, binding and subsisting.

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IN WITNESS WHEREOF, this Escrow Agreement has been executed as of the date and year first-above written.

**DEVELOPER:**

**VANDALIA POINT, LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**CITY:**

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Recommended by:

\_\_\_\_\_  
John Brazina, Director  
Department of Transportation and  
Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

ESCROW AGENT:

**MERCANTILE TITLE AGENCY, INC.**

By: \_\_\_\_\_  
Brian K. Groemminger, President

**EXHIBIT F**  
to Property Sale Agreement  
*Form of Quitclaim Deed*

[SEE ATTACHED]

{00383816-4}

**QUITCLAIM DEED**

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), for valuable consideration paid, hereby grants and conveys to **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 ("**Grantee**"), all of the City's right, title, and interest in and to the real property depicted on Exhibit A (*Survey Plat*) and described on Exhibit B (*Legal Description*) hereto (the "**Property**").

Property Address: None; former public right-of-way known as Vandalia Avenue, f/k/a Railroad Street  
Auditor's Parcel ID No.: None; (former public right-of-way)  
Prior instrument reference: Plat Book 1, Pages 2-3, Hamilton County, Ohio records

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. [ ]-2023, passed by Cincinnati City Council on [ ], 2023, the Property is hereby vacated as public right-of-way by the City.

This conveyance is subject to the exceptions, reservations, easements, covenants, and restrictions set forth below. Grantee, its successors, and assigns shall forever hold, develop, encumber, lease, occupy, improve, build upon, use, and convey the Property subject to such exceptions, reservations, easements, covenants, and restrictions, which shall "run with the land" and be binding upon Grantee and its successors-in-interest with respect to the Property.

(A) Creation of Utility Easements: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of the Property to maintain, operate, renew, reconstruct, and remove said utility facilities and to access said facilities.

(B) Consolidation. This conveyance shall not create an additional building site. Grantee may not convey the Property separately from Grantee's adjoining parcel without the prior approval of the authority having jurisdiction of plats.

This conveyance was authorized by Ordinance No. [ ]-2023, passed by Cincinnati City Council on [ ], 2023.

The following exhibits are attached hereto and made a part hereof:

- Exhibit A – *Survey Plat*
- Exhibit B – *Legal Description*

Executed on the date of acknowledgment below.

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO            )  
  ) SS:  
COUNTY OF HAMILTON    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023.  
by \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF CINCINNATI**, an Ohio municipal  
corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public:  
My commission expires: \_\_\_\_\_

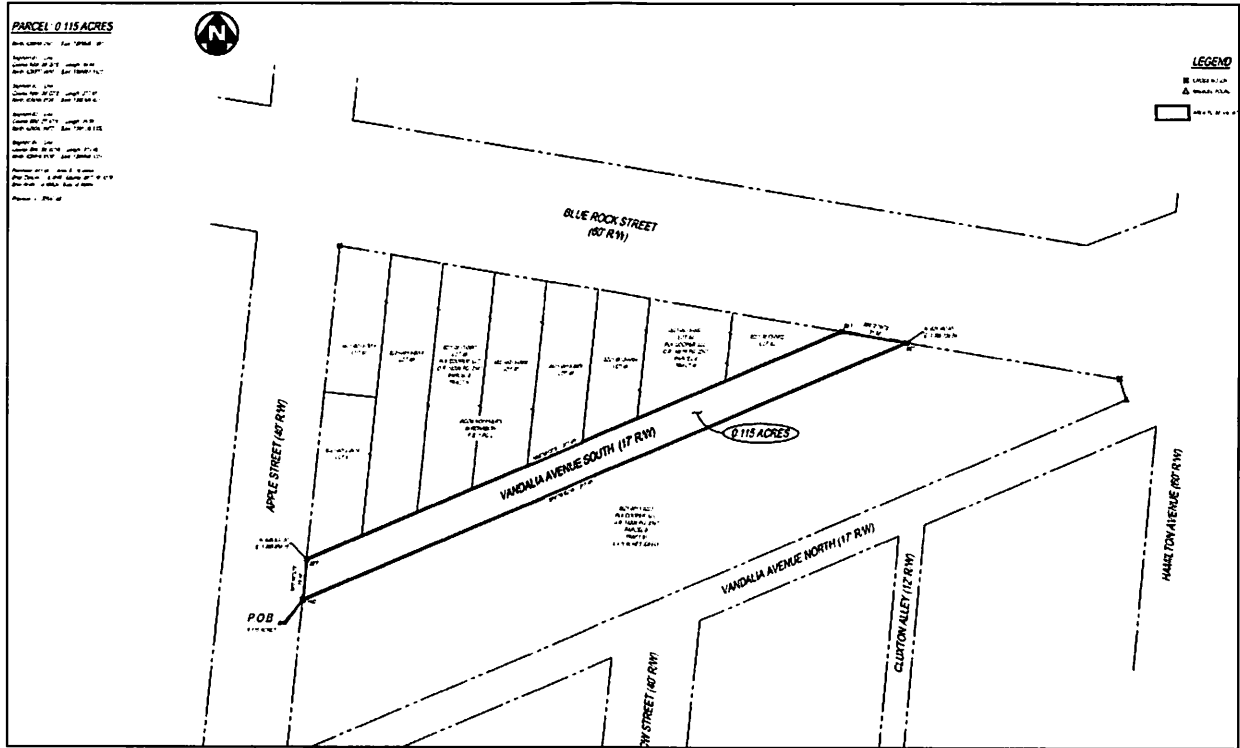
Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,  
801 Plum Street, Suite 214,  
Cincinnati, Ohio 45202

**EXHIBIT A**  
to Quitclaim Deed  
Survey Plat



{00383816-4}



**EXHIBIT B**  
to Quitclaim Deed  
*Legal Description*

**Auditor's Parcel No.:** None  
**Property Address:** None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

{00383816-4}

**ATTACHMENT B**

## LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South  $00^{\circ}26'15''$  West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North  $89^{\circ}31'40''$  West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W: thence with the centerline of said Colerain Avenue, North  $26^{\circ}40'00''$  West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North  $44^{\circ}53'46''$  East, 91.71 feet to an existing iron pin; thence North  $63^{\circ}20'00''$  East, 62.99 feet to an existing iron pin; thence North  $26^{\circ}40'00''$  West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North  $63^{\circ}20'00''$  East, 16.24 feet to an existing iron pin; thence North  $02^{\circ}14'36''$  West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South  $89^{\circ}31'40''$  East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.

## PROPERTY SALE AGREEMENT

This Property Sale Agreement (this “**Agreement**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”), **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 (“**Purchaser**”), and **VANDALIA POINT, LLC**, an Ohio limited liability Company, whose tax mailing address is 114 West 14<sup>th</sup> Street, Cincinnati, OH 45202 (“**Developer**”).

### Recitals:

A. The City owns certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati, Ohio, as more particularly described on Exhibit A (*Legal Description- the Sale Property*) hereto (the “**Sale Property**”), which Sale Property is under the management of the City’s Department of Transportation and Engineering (“**DOT**”).

B. Purchaser owns certain real property adjoining the Sale Property, as depicted on Exhibit B (*Vacation Plat*) hereto (“**Purchaser’s Property**”).

C. Developer is under contract to purchase Purchaser’s Property and intends to construct a 52-unit affordable housing development thereon (the “**Project**”).

D. Purchaser and Developer desire the City to vacate and convey the Sale Property prior to Developer purchases Purchaser’s Property to facilitate the Project.

E. Following the acquisition of Purchaser’s Property, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks as generally depicted on Exhibit C (*Dedication Plat*) hereto (the “**Dedication Property**”).

F. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

G. The City has determined that the Sale Property is not needed for transportation or other municipal purposes and that the sale of the Sale Property will not be detrimental to the public interest.

H. Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Purchaser owns all the real property abutting the Sale Property.

I. The City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because the Developer will provide the Dedication Property to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks, and it is anticipated that the Project will create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City’s objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser’s Property to productive use. However, notwithstanding the foregoing, to ensure the timely dedication, construction, and completion of the street improvements on the Dedication Property, Developer has agreed to pay the fair market value of the Sale

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Property into escrow (the “**Escrow Funds**”) as additional consideration for the City agreeing to vacate and convey the Sale Property to Purchaser in advance of Developer’s closing on Purchaser’s Property.

J. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is justified because Purchaser owns all real property abutting the Sale Property, and as a practical matter, no one other than an abutting property owner would have any use for it.

K. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

L. Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Purchaser at its meeting on April 7, 2023.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. [ ]-2023, passed on [ ], 2023.

NOW, THEREFORE, the parties agree as follows:

**1. Agreement to Convey Property Interests.**

(A) Agreement to Vacate and Convey the Sale Property. Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and sell the Sale Property to Purchaser, and Purchaser hereby agrees to purchase and accept the Sale Property from the City. The purchase price of the Sale Property shall be \$1.00 (the “**Purchase Price**”). Purchaser acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to Purchaser in “as is” condition. The City makes no representations or warranties to Purchaser with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

(B) Agreement to Dedicate the Dedication Property. Developer hereby agrees to dedicate the Dedication Property to the City within 18 months of closing on the Purchaser’s Property. Developer acknowledges that the City shall have no obligation to accept the Dedication Property as public right-of-way under the management and control of the City until and unless such real property interests have been approved by formal action of the Cincinnati City Council. The City makes no representations or other assurances to Developer that Cincinnati City Council will accept such real property interests. Developer hereby waives any and all rights and remedies under this Agreement or otherwise available at law or in equity against the City, its officers, councilmembers, and employees for the Cincinnati City Council’s failure to accept and confirm the dedication of the Dedication Property as public right-of-way. As a material inducement for the City to enter into this Agreement, at Closing, the City and Developer shall execute an *Escrow Agreement* in substantially the form attached hereto as Exhibit D (Escrow Agreement) (the “**Escrow Agreement**”), pursuant to which Developer shall deposit the Escrow Funds with Mercantile Title Agency, Inc., an Ohio Corporation, an affiliate of Developer’s legal counsel (the “**Escrow Agent**”). The Escrow Agent shall hold and transfer the Escrow Funds in the manner set forth on Exhibit D.

(C) Title and Condition of Dedication Property. Developer acknowledges that before Cincinnati City Council considers an ordinance to accept the Dedication Property, Developer shall represent and warrant that (a) it holds title to the Dedication Property in fee simple, with full power to convey; (b) there are no tenants or other third parties who are entitled to the use or possession of any part of the Dedication

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Property; (c) the Dedication Property is free and clear of all liens and encumbrances, or that Developer has made satisfactory provision for release thereof, except: [i] easements, restrictions, conditions and covenants of record; [ii] legal highways; and [iii] zoning and building laws, ordinances, rules and regulations; and (d) free and clear of any and all taxes and assessments or that Developer has made satisfactory provision for payment of all real estate taxes and assessment. Developer shall assist, in whatever manner reasonably possible under the circumstances as requested by the City, to procure and deliver to the City any releases, assignments or cancellations of any and all other rights, titles and interests in the Dedication Property, whether attaching to the Dedication Property prior to or during Developer's ownership of the Dedication Property. Such interests may include, but are not limited to, those belonging to tenants, lessees, mortgagees, or others now in possession or otherwise occupying the Dedication Property, and all tax and assessment claims against the Dedication Property. Any mortgage or other monetary liens on the Dedication Property shall be discharged and paid by Developer at or before Cincinnati City Council considers an ordinance to accept the Dedication Property. Developer, at no cost to the City, shall provide the City with a phase one assessment prepared by a reputable environmental consulting firm, evidencing that the environmental condition of the Dedication Property is acceptable to the City's Office of Environment and Sustainability.

## 2. Closing.

(A) Conditions. The closing on the City's sale of the Sale Property to Purchaser (the "**Closing**") shall not occur unless and until the following conditions have been satisfied or waived (the "**Conditions**"); *provided however*, that if the City, in its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Quitclaim Deed to Purchaser or handle such Conditions post-Closing. Developer shall perform or shall cause the performance of all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) Title & Survey: Purchaser's approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;
- (ii) Inspections, Utilities & Zoning/Building Code Requirements: Purchaser's approval of inspections of the Sale Property, including, without limitation, environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) Plats, Legal Descriptions and Deed: Developer shall have provided the City with all plats and legal descriptions as required by DOTE, the Department of City Planning and Engagement, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to: [x] an acceptable deed of record evidencing Purchaser as the vested legal owner as to Purchaser's Property; [y] an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit C – (Form of Quitclaim Deed – Sale Property); and [z] an acceptable survey plat and legal description with closure to consolidate the Sale Property with Purchaser's Property immediately after recording of the *Quitclaim Deed*;
- (iv) Coordinated Report Conditions (CR #84-2022/ #1-2021):
  - (a) DOTE:
    - 1. [Intentionally Omitted].
    - 2. [Intentionally Omitted].

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3. [Intentionally Omitted].
4. [Intentionally Omitted].
5. No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
6. Developer is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
7. Abutting streets must be delineated with a continuous curb, sidewalk, and/or drive approach.
8. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) Metropolitan Sewer District of Greater Cincinnati ("MSD"): The MSD Request for Availability of Sewer Service (RASS) will be required for a future development or redevelopment project. The MSD RASS will determine the availability of a sewer and outline any additional MSD project requirements that could impact a project schedule if not considered early in project conceptual planning. Such considerations may include the need to obtain any MSD tap permits, easements, Ohio EPA Permit to Install, utilization of licensed and bonded sewer tappers with MSD, sewer inspection scheduling, project on-site separation of flow requirements, MSD Excavation/Fill permitting and bonding, MSD storm water detention requirements, need for a grease interception system, and/or a reminder for the project to coordinate with City of Cincinnati Stormwater Management Utility (SMU) for their specific storm water, erosion control, and storm water detention requirements.

(c) Duke Energy: Existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

(d) Altafiber: Existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

(B) Right to Terminate. If any party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **90 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

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(D) Closing Costs and Closing Documents. At the Closing, (i) the City shall confirm that Purchaser has paid the Purchase Price in full; (ii) the City shall convey all its right, title, and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit E (Form of Quitclaim Deed); (iii) the City and Developer shall execute the Escrow Agreement; and (iv) Developer shall deposit the Escrow Funds with the Escrow Agent. Purchaser or Developer shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing or other similar documents pertaining to title, it being acknowledged by Purchaser that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Purchaser shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water, or other utility charges, and any and all other outstanding amounts owed by Purchaser to the City.

(E) Survival. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein or waive any of the obligations of Developer under this Agreement not stipulated or contained in the *Quitclaim Deed*, nor shall the *Quitclaim Deed* in any way prejudice or bar the City in asserting any of its rights hereunder, all of which shall survive the execution and delivery of the *Quitclaim Deed*.

**3. Notices.** All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

**4. Representations, Warranties, and Covenants of Purchaser and Developer.** Purchaser and Developer make the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) Developer is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(iii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iv) Developer's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or any mortgage, contract, agreement, or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

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(v) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, at law or in equity or before or by any governmental authority.

(vi) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or the Project.

(vii) The statements made in the documentation provided by Developer to the City have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(viii) Neither Purchaser, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

(ix) Neither Developer, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

## **5. General Provisions.**

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(B) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and the parties agree that venue in such court is proper.

(D) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and assigns. The City hereby consents to an assignment by the Purchaser of any and all of its rights and obligations under this Agreement to Developer upon the sale by Purchaser of Purchaser's Property to Developer. Developer shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(E) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(F) Severability. If any part of this Agreement is held by a court of law to be void, illegal or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(G) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

{00383816-4}

(H) Brokers. The parties represent to the City that neither Purchaser nor Developer have dealt with any real estate brokers and agents in connection with this transaction.

(I) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee, or attorney of the City in other than his or her official capacity.

(J) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the property sale shall have any personal financial interest, direct or indirect, in the property sale, and the parties shall take appropriate steps to assure compliance.

(K) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(L) Counterparts; E-Signature. The parties hereto agree that this Agreement may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Agreement in two or more counterparts, and each executed counterpart shall be considered an original.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description -the Sale Property*

Exhibit B – *Vacation Plat*

Exhibit C – *Dedication Plat*

Exhibit D – *Escrow Agreement*

Exhibit E – *Form of Quit Claim Deed*

[ *Signature Pages Follow* ]

{00383816-4}

Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “**Effective Date**”).

**PLK COOPER, LLC,**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

[ Developer signatures on the following page]

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**VANDALIA POINT, LLC**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

{00383816-4}

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Recommended by:

\_\_\_\_\_  
John Brazina, Director  
Department of Transportation and  
Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

{00383816-4}

**EXHIBIT A**  
to Property Sale Agreement

*Legal Description - the Sale Property*

**Auditor's Parcel No.:** None

**Property Address:** None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

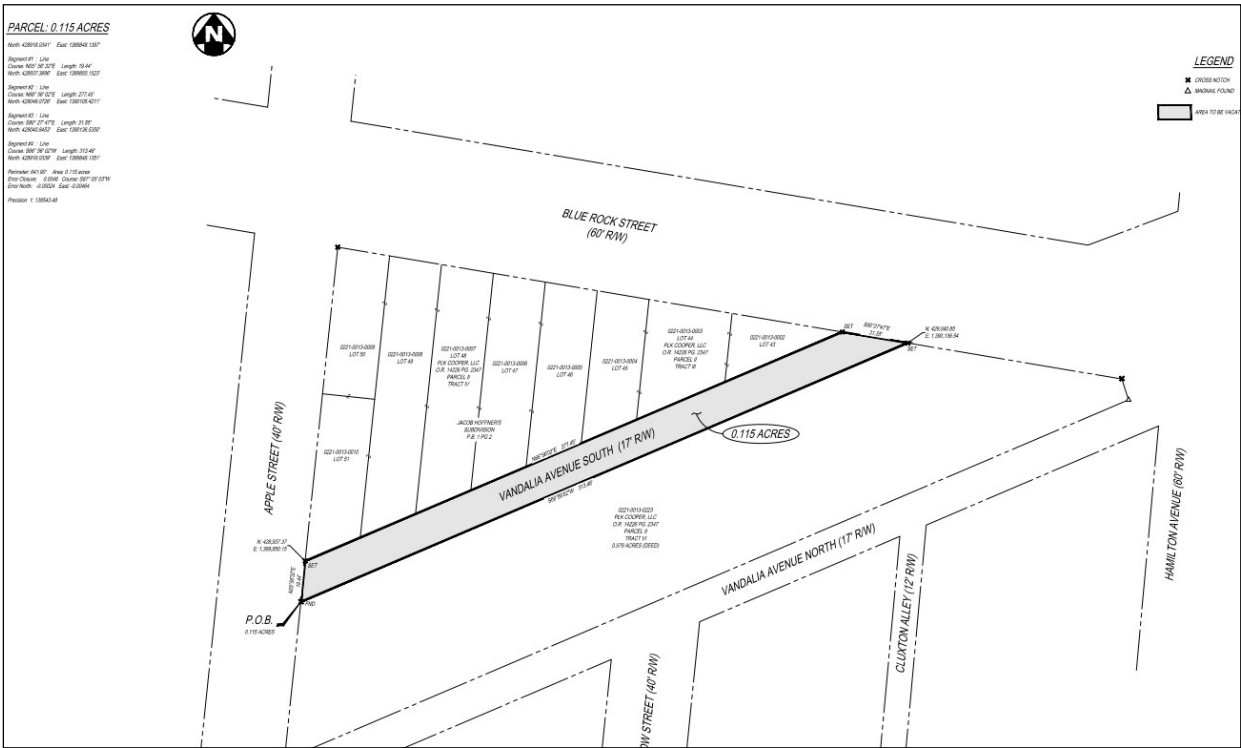
Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

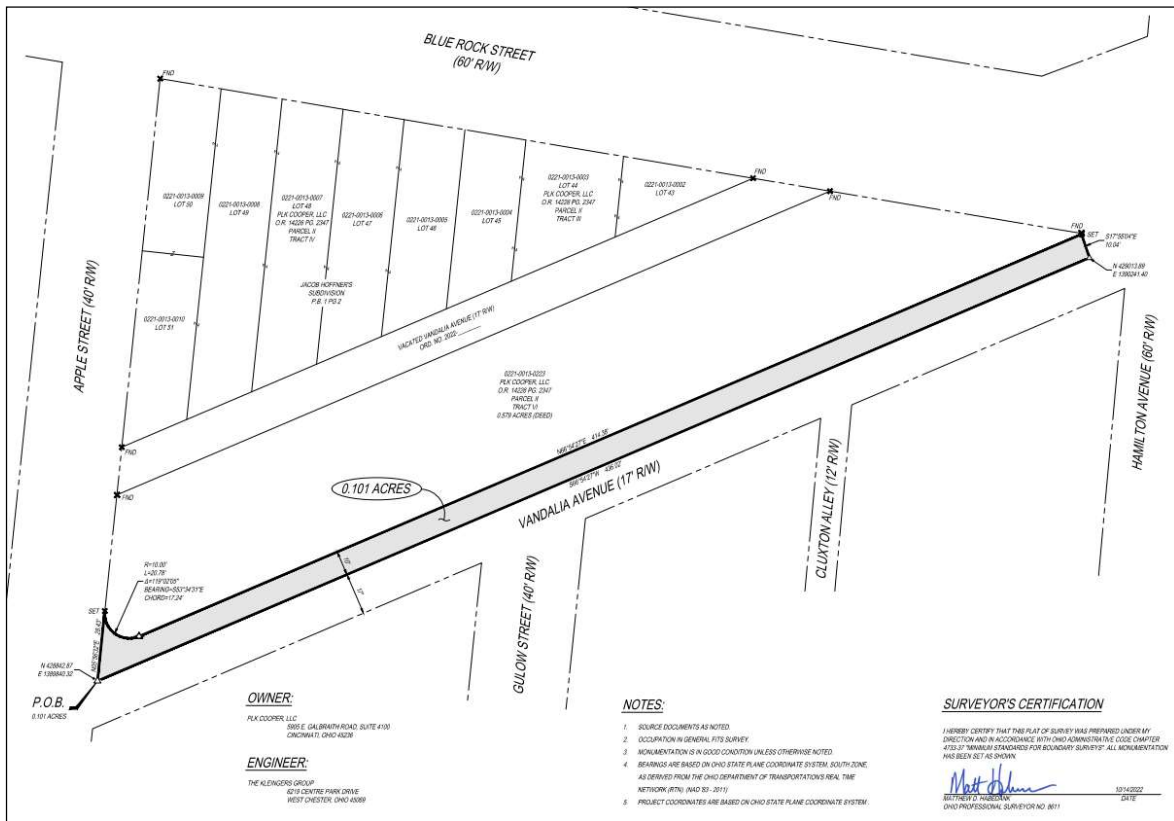
{00383816-4}

**EXHIBIT B**  
to Property Sale Agreement  
Vacation Plat



{00383816-4}

**EXHIBIT C**  
to Property Sale Agreement  
**Dedication Plat**



**OWNER:**  
FLX COOPER LLC  
5955 E. GALBRAITH ROAD, SUITE #101  
CINCINNATI, OHIO 45236

**ENGINEER:**  
THE KLEINERS GROUP  
4215 CENTER PARK DRIVE  
WEST CHESTER, OHIO 45389

- NOTES:**
1. SOURCE DOCUMENTS ARE NOTED.
  2. OCCUPATION IN GENERAL FITS SURVEY.
  3. MONUMENTATION IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
  4. BEARINGS ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
  5. AS DERIVED FROM THE OHIO DEPARTMENT OF TRANSPORTATION'S REAL TIME NETWORK (RTN) (NAED 83-3911).
  6. POINT COORDINATES ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED UNDER MY DIRECTION AND IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4765.37 MINIMUM STANDARDS FOR BOUNDARY SURVEYS. ALL MONUMENTATION HAS BEEN SET AS SHOWN.

*Matthew D. Proffman*  
MATTHEW D. PROFFMAN  
OHIO PROFESSIONAL SURVEYOR NO. 8911

1/14/2022  
DATE

{00383816-4}



{00383816-4}

**EXHIBIT D**  
to Property Sale Agreement  
*Escrow Agreement*

**ESCROW AGREEMENT**

THIS ESCROW AGREEMENT (this “Escrow Agreement”) dated as of the \_\_\_\_ day of \_\_\_\_\_, 2023 (the “Effective Date”), by and among **VANDALIA POINT, LLC**, an Ohio limited liability company (“Developer”), **CITY OF CINCINNATI**, an Ohio municipal corporation (the “City”), and **Mercantile Title Agency, Inc.**, an Ohio corporation (“Escrow Agent”).

WHEREAS, PLK Cooper, LLC (“PLK”), Developer and the City are parties to a Property Sale Agreement dated \_\_\_\_\_ (the “Purchase Agreement”).

WHEREAS, pursuant to the Purchase Agreement, the City has agreed to sell to PLK certain property and in partial payment therefor, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue (the “Dedication Property”).

WHEREAS to ensure Developer’s performance of its covenants under the Purchase Agreement, including, but not limited to, the dedication of the Dedication Property, Developer has deposited the sum of Thirty-Two Thousand and No/100 Dollars (\$32,500.00) into escrow to be held in Escrow Agent’s escrow account, such amount to be held and disbursed by Escrow Agent as set forth herein.

WHEREAS, the parties hereto now wish to enter into this Escrow Agreement providing for the appointment of Escrow Agent as escrow agent to hold the Escrowed Funds and to set forth the terms and conditions under which the Escrowed Funds shall be disbursed.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

**1. Appointment of Escrow Agent.** The City and Developer hereby jointly appoint Escrow Agent as the escrow agent under this Escrow Agreement, and Escrow Agent hereby accepts such appointment and agrees to hold all of the funds deposited into escrow with it pursuant to Section 1B of the Purchase Agreement (collectively, the “Escrowed Funds”) in accordance with the terms hereof and to perform its other duties hereunder.

{00383816-4}

**2. Establishment of Escrow.** Escrow Agent shall hold the Escrowed Funds in a non-interest bearing account with U.S. Bank, a national banking association and disburse it pursuant to the terms of this Escrow Agreement.

**3. Disposition of Escrowed Funds.** Escrow Agent shall disburse the Escrowed Funds as follows:

- (a) upon receipt of written notice from the City (which such notice may be provided to Escrow Agent via e-mail) that Developer has not completed the dedication of the Dedication Property on or before \_\_\_\_\_ [20 months from the Effective Date]; or
- (b) upon receipt of joint written instructions of Developer and the City (which such instructions may be provided to Escrow Agent via e-mail) directing the disposition of the Escrowed Funds, Escrow Agent shall promptly disburse the Escrowed Funds in accordance with such joint written instructions.

If there is a dispute between the parties (other than Escrow Agent) with regard to the payment of an amount from the Escrowed Funds, the fees and expenses of Escrow Agent, including, but not limited to, reasonable attorneys' fees and expenses and other costs incurred by Escrow Agent in connection with the adjudication of such dispute, shall be paid by the party that is not the prevailing party in such dispute.

**4. Resignation or Removal of Escrow Agent.** Escrow Agent may resign at any time upon ten (10) days' prior notice to the City and Developer, and may be removed by the mutual consent of the City and Developer upon thirty (30) days' prior notice to Escrow Agent. Upon receipt of Escrow Agent's notice of resignation, the City and Developer shall jointly appoint a successor escrow agent to hold the Escrowed Funds, and any such successor escrow agent shall execute and deliver to the predecessor escrow agent an instrument accepting such appointment, upon which such successor agent shall, without further act, become vested with all of the rights, powers and duties of the predecessor escrow agent as if originally named herein and the predecessor escrow agent's resignation shall become effective and such predecessor escrow agent shall be discharged from any future duties and obligations under this Escrow Agreement.

**5. Escrow Agent.** Escrow Agent undertakes to perform only such duties as are expressly set forth herein and no duties shall be implied. Escrow Agent shall have no liability under and no duty to inquire as to the provisions of any agreement other than this Escrow Agreement. Escrow Agent may rely upon and shall not be liable for acting or refraining from acting upon any written notice, instruction or request furnished to it hereunder and reasonably believed by it to be genuine and to have been signed or presented by the proper party or parties. Escrow Agent shall be under no duty to inquire into or investigate the validity, accuracy, or content of any such document. Escrow Agent shall have no duty to solicit any payments which may be due it or the Escrowed Funds. Escrow Agent shall not be liable for any action reasonably taken or omitted by it in good faith except to the extent that a court of competent jurisdiction determines that Escrow Agent's gross negligence or willful misconduct was the primary cause of

{00383816-4}

any loss to the City or Developer. Escrow Agent may execute any of its powers and perform any of its duties hereunder directly or through agents or attorneys (and shall be liable only for the careful selection of any such agent or attorney) and may consult with counsel, accountants, and other skilled persons to be selected and retained by it. Escrow Agent shall not be liable for anything reasonably done, suffered, or omitted in good faith by it in accordance with the advice or opinion of any such counsel, accountants or other skilled persons. In the event that Escrow Agent shall be uncertain as to its duties or rights hereunder or shall receive instructions, claims or demands from any party hereto which, in its opinion, conflict with any of the provisions of this Escrow Agreement, it shall be entitled to refrain from taking any action and its sole obligation shall be to keep all property held in escrow until it shall be directed otherwise in writing by all of the other parties hereto or by a final order or judgment of a court of competent jurisdiction. Notwithstanding anything to the contrary contained in this Escrow Agreement, if at any time a dispute shall exist as to the duty of the Escrow Agent under the terms hereof, the right to possession, title or proceeds of any funds in escrow, or as to any dispute arising between the parties as to any matter under this Escrow Agreement, the Escrow Agent may deposit this Escrow Agreement and funds in escrow with any court of competent jurisdiction, and may interplead the parties hereto. Upon so depositing such Agreement and funds in escrow and filing its complaint in interpleader, Escrow Agent shall be released from all liability under the terms hereof, as to the funds so deposited. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE PURCHASE AGREEMENT OR THIS ESCROW AGREEMENT, IN NO EVENT SHALL ESCROW AGENT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL LOSS OR DAMAGE OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO LOST PROFITS), EVEN IF ESCROW AGENT HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH LOSS OR DAMAGE AND REGARDLESS OF THE FORM OF ACTION.

**6. Fees and Expenses of Escrow Agent.** Developer hereby agrees to (a) pay Escrow Agent the sum of \$ \_\_\_\_\_ as its fee for serving as Escrow Agent under this Escrow Agreement, and (b) pay or reimburse Escrow Agent upon request for its extraordinary fees and for all expenses, disbursements and advances, including reasonable attorney's fees and expenses as incurred, reasonably required by Escrow Agent to be incurred or made by it in connection with the performance, delivery, modification and termination of this Escrow Agreement, such payments to be split equally among such parties, subject to any right of the prevailing party as per Section 3 hereof.

**7. Indemnity.** Developer shall indemnify, defend and save harmless Escrow Agent and its directors, officers, agents and employees (each an "Indemnitee") from all loss, liability or expense (including the reasonable fees and expenses of outside counsel) arising out of or in connection with (i) Escrow Agent's performance of this Escrow Agreement, except in the case of any Indemnitee to the extent that such loss, liability or expense is due to the gross negligence or willful misconduct of such Indemnitee, or (ii) its following any instructions or other directions from Developer and the City, except to the extent that it is following any such instruction or direction is expressly forbidden by the terms hereof. The parties hereto acknowledge that the foregoing indemnities shall survive the resignation or removal of Escrow Agent or the termination of this Escrow Agreement.

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**8. Notices.** All notices hereunder shall be in writing and shall be sufficiently given or sent if hand-delivered, sent by documented overnight delivery service or registered or certified mail, postage prepaid, return receipt requested or by telegram, fax or telecopy (confirmed by U.S. mail), receipt acknowledged, addressed as set forth below or to such other person and/or at such other address as may be furnished in writing by any party hereto to the other. Any such notice shall be deemed to have been given as of the date received, in the case of personal delivery, or on the date shown on the receipt or confirmation therefor, in all other cases.

{00383816-4}

(a) If to Developer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

(b) If to the City:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

(c) If to Escrow Agent:

Mercantile Title Agency, Inc.  
Attn: Brian K. Groemminger, Esq.  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Phone: 513-977-8331  
E-mail: brian.groemminger@dinsmore.com

**9. Entire Agreement and Modification.** This Escrow Agreement and the Purchase Agreement constitutes the entire agreement between the parties hereto with respect to the Escrowed Funds and supersedes all prior agreements and understandings with respect thereto. Any amendment, modification, or waiver of this Escrow Agreement shall not be effective unless in writing. Neither the failure nor any delay on the part of any party to exercise any right, remedy, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence.

**10. Governing Law.** This Escrow Agreement is made pursuant to, and shall be construed and enforced in accordance with, the internal laws of the State of Ohio (and United States federal law, to the extent applicable), without giving effect to otherwise applicable principles of conflicts of law.

{00383816-4}

**11. Counterparts.** This Escrow Agreement may be executed in any two or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to constitute but one and the same agreement.

**12. Further Assurances.** Each of the parties hereto shall execute such further instruments and take such other actions as any other party shall reasonably request in order to effectuate the purposes of this Escrow Agreement.

**13. Binding Effect.** This Escrow Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, heirs, executors, and administrators. If any provision of this Escrow Agreement shall be or become illegal or unenforceable in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless be deemed valid, binding and subsisting.

*Remainder of Page Intentionally Left Blank*

IN WITNESS WHEREOF, this Escrow Agreement has been executed as of the date and year first-above written.

**DEVELOPER:**

**VANDALIA POINT, LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

{00383816-4}



**CITY:**

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Recommended by:

\_\_\_\_\_  
John Brazina, Director  
Department of Transportation and  
Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

{00383816-4}

**ESCROW AGENT:**

**MERCANTILE TITLE AGENCY, INC.**

By: \_\_\_\_\_  
Brian K. Groemminger, President

{00383816-4}

**EXHIBIT F**  
to Property Sale Agreement  
*Form of Quitclaim Deed*

[SEE ATTACHED]

{00383816-4}

**QUITCLAIM DEED**

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 (“**Grantee**”), all of the City’s right, title, and interest in and to the real property depicted on Exhibit A (Survey Plat) and described on Exhibit B (Legal Description) hereto (the “**Property**”).

Property Address: None; former public right-of-way known as Vandalia Avenue, f/k/a Railroad Street  
Auditor’s Parcel ID No.: None; (former public right-of-way)  
Prior instrument reference: Plat Book 1, Pages 2-3, Hamilton County, Ohio records

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. [ ]-2023, passed by Cincinnati City Council on [ ], 2023, the Property is hereby vacated as public right-of-way by the City.

This conveyance is subject to the exceptions, reservations, easements, covenants, and restrictions set forth below. Grantee, its successors, and assigns shall forever hold, develop, encumber, lease, occupy, improve, build upon, use, and convey the Property subject to such exceptions, reservations, easements, covenants, and restrictions, which shall “run with the land” and be binding upon Grantee and its successors-in-interest with respect to the Property.

(A) Creation of Utility Easements: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of the Property to maintain, operate, renew, reconstruct, and remove said utility facilities and to access said facilities.

(B) Consolidation. This conveyance shall not create an additional building site. Grantee may not convey the Property separately from Grantee’s adjoining parcel without the prior approval of the authority having jurisdiction of plats.

This conveyance was authorized by Ordinance No. [ ]-2023, passed by Cincinnati City Council on [ ], 2023.

The following exhibits are attached hereto and made a part hereof:

- Exhibit A – *Survey Plat*
- Exhibit B – *Legal Description*

{00383816-4}

Executed on the date of acknowledgment below.

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023.  
by \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF CINCINNATI**, an Ohio municipal  
corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public:  
My commission expires: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,  
801 Plum Street, Suite 214,  
Cincinnati, Ohio 45202

{00383816-4}



**EXHIBIT B**  
to Quitclaim Deed  
*Legal Description*

**Auditor's Parcel No.:** None  
**Property Address:** None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

{00383816-4}

## LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South  $00^{\circ}26'15''$  West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North  $89^{\circ}31'40''$  West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W; thence with the centerline of said Colerain Avenue, North  $26^{\circ}40'00''$  West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North  $44^{\circ}53'46''$  East, 91.71 feet to an existing iron pin; thence North  $63^{\circ}20'00''$  East, 62.99 feet to an existing iron pin; thence North  $26^{\circ}40'00''$  West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North  $63^{\circ}20'00''$  East, 16.24 feet to an existing iron pin; thence North  $02^{\circ}14'36''$  West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South  $89^{\circ}31'40''$  East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.



June 1, 2023  
202301512

**To:** Mayor and Members of City Council

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – DOTE: Streetcar VTICA Donation Acceptance**

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept a donation of up to \$750,000 from CinciVTICA, LLC, to support the operations and maintenance of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

This Emergency Ordinance authorizes the City Manager to accept a donation of up to \$750,000 from CinciVTICA, LLC to support the operations and maintenance of the Cincinnati streetcar. The Finance Director will be authorized to deposit the donated funds into Streetcar Operations Fund revenue account no. 455x8645.

The City identified non-City funding sources to augment the resources available for operating and maintaining the Streetcar. On November 19, 2014, the City Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods that would incentivize applicants for real property tax abatements to enter into a Voluntary Tax Incentive Contribution Agreement (“VTICA”) to voluntarily contribute a portion of their abated tax savings to the Streetcar.

Previously, the City and the Southwest Ohio Regional Transit Authority (SORTA) cooperated with Downtown Cincinnati Inc. (operating for this purpose as CinciVTICA, LLC) to facilitate the collection of VTICA payments by CinciVTICA and the application of such payments to the streetcar with those payments going directly to SORTA. With the termination of SORTA’s role in management and operation of the streetcar, this Emergency Ordinance will allow the City to receive donated funds that will cover the VTICA payments collected from July 1, 2022 until June 30, 2023.

Accepting funds to support Streetcar maintenance and operations is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “[e]xpand options for non-automotive travel” and “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need for the City to accept the donations to provide resources for the operation and maintenance of the streetcar system.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



## EMERGENCY

MSS

-2023

**AUTHORIZING** the City Manager to accept a donation of up to \$750,000 from CincinnatiVTICA, LLC, to support the operations and maintenance of the Cincinnati streetcar; and **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

WHEREAS, the City of Cincinnati (“City”) constructed a modern streetcar project in downtown Cincinnati (“Streetcar”), which began passenger service in September 2016; and

WHEREAS, the City identified non-City funding sources to augment the resources available for operating and maintaining the Streetcar; and

WHEREAS, on November 19, 2014, Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods to incentivize applicants for real property tax abatements to enter into Voluntary Tax Incentive Contribution Agreements (“VTICA”) to voluntarily contribute a portion of their abated tax savings to support the Streetcar; and

WHEREAS, the City is not a party to VTICA commitments, and payments made thereunder are managed and collected by a third party; and

WHEREAS, the City and the Southwest Ohio Regional Transit Authority (“SORTA”) cooperated with Downtown Cincinnati Inc., operating for this purpose as CincinnatiVTICA, LLC, (“CincinnatiVTICA”) to facilitate collection of VTICA payments by CincinnatiVTICA and application of such payments to the Streetcar; and

WHEREAS, the City and SORTA agreed to terminate SORTA’s role in management and operation of the Streetcar effective January 1, 2020, and the City now directly operates and manages the Streetcar; and

WHEREAS, CincinnatiVTICA therefore wishes to donate the proceeds of the VTICA payments collected from July 1, 2022 until June 30, 2023 to the City to ensure that the funds will be used for operation and maintenance of the Streetcar; and

WHEREAS, accepting funds to support Streetcar maintenance and operations is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and the strategies to “[e]xpand options for non-automotive travel” and “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

{00383950-4}

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

Section 1. That the City Manager is authorized to accept a donation of up to \$750,000 from Cincinnati, LLC, to operate and maintain the City's streetcar system.

Section 2. That the Director of Finance is authorized to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out Sections 1 and 2.

Section 4. 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 for the City to accept the donations to provide resources for the operation and maintenance of the streetcar system.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

June 1, 2023

**To:** Mayor and Members of City Council **202301513**

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Cincinnati Health Department: Moral  
Obligation to Cross Country Staffing**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Approval of this Emergency Ordinance would authorize a payment of \$17,411 from Cincinnati Health Department (CHD) Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Cincinnati Health Department utilized the temporary staff without obtaining the proper approvals and therefore, resources to pay Cross Country Staffing were not encumbered in a timely manner, necessitating a moral obligation payment.

The Cincinnati Health Department staff has since implemented a procurement and accounting review policy to ensure compliance in the future.

The reason for the emergency is the immediate need to pay Cross Country Staffing in a timely manner for services provided to the Cincinnati Health Department.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**LES**

**- 2023**

**AUTHORIZING** a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

WHEREAS, the City has a contract with Cross Country Staffing for temporary staffing needs, and the Cincinnati Health Department (“CHD”) regularly utilizes temporary staffing for healthcare related positions; and

WHEREAS, a temporary clinical pharmacist was needed between March 13, 2023 and April 21, 2023; and

WHEREAS, CHD utilized the temporary staffing contract to obtain the services of a clinical pharmacist without obtaining the proper approvals, and therefore, resources to pay Cross Country Staffing were not encumbered in a timely manner, necessitating a moral obligation payment; and

WHEREAS, CHD staff members were informed of the encumbrance issues and advised of the proper financial and procurement processes to prevent moral obligations in the future; and

WHEREAS, sufficient resources are available in CHD Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to pay for the services provided by Cross Country Staffing; and

WHEREAS, Council desires to provide payment of \$17,411 to Cross Country Staffing for services provided to CHD; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. 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 pay Cross Country Staffing in a timely manner for services provided to the Cincinnati Health Department.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

June 1, 2023

To: Mayor and Members of City Council 202301514  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Utility Easement Kirby Avenue

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office.

The attached ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property located at 4945 Kirby Avenue, City of Cincinnati, in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, and which easement has been granted by Sue A. Hartman. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works, Stormwater Management Utility Engineer, and found to be correct. The City Manager, upon consultation with the Greater Cincinnati Water Works, Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Executive Director

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office.

WHEREAS, Sue A. Hartman has granted a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati, which property is more particularly identified as Hamilton County, Ohio Auditor's Parcel Identification No. 227-0A03-0003 on the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works, Stormwater Management Utility Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, Stormwater Management Utility recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by Sue A. Hartman to the City of Cincinnati for the construction, perpetual maintenance, reconstruction, repair, and operation of storm sewers and associated fixtures, appurtenances, and equipment in, through, and upon certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati, as more particularly depicted on the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:



Situate in the City of Cincinnati, County of Hamilton and State of Ohio, an accurate description and plat of each separate body or parcel of which are as follows, to-wit:

Situate in Section 35, Town 3, Fractional Range 2, and being more particularly described as follows: beginning at a point in the center of Kirby Avenue, said point being the extreme easterly point of land registered under certificate no. 1476, Hamilton County, Registered Lands, said point being also 532.48 feet northwestwardly from the intersection of the center line of Kirby Avenue with the east line of said Section 35; thence in the center of Kirby Avenue, North 58° 01' West 294.00 feet; thence South 31° 59' West 337.3 feet to a point; thence South 58° 01' East 264.28 feet to a point; thence North 37° 01' East 338.62 feet to the place of beginning.

Registered Land Certificate No. 225236

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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



**June 1, 2023**

**To:** Mayor and Members of City Council

**From:** Sheryl M.M. Long, City Manager

202301515

**Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement for 4024 Hamilton Avenue**

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Attached is an Emergency Ordinance captioned:

**APPROVING, AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction cost of approximately \$1,202,560.

### **BACKGROUND/CURRENT CONDITIONS**

The property, located at 4024 Hamilton Avenue, contains a vacant, 3-story historic building in the southern end of the Northside NBD, controlled by the Cincinnati Northside Community Urban Redevelopment Corporation, which is Northside's community development corporation that does business as NEST. The building was in a neglected and distressed condition prior to Neighborhood Business District Improvement Program (NBDIP) funding from the City for acquisition and stabilization to make it ready for renovation.

After the Northside Business Association (NBA) successfully acquired and stabilized the property several years ago, NBA agreed to transfer the property to NEST to pursue its full renovation and reuse with the goal of revitalizing and activating the blighted 4000 block of Hamilton Avenue. NEST then applied for, and secured, \$475,000 in additional public grants, while also securing a partnership with the Port of Greater Cincinnati Development Authority (Port) to co-develop the project and fully fund the remainder of the costs.

### **PROJECT OVERVIEW**

NEST and the Port plan to co-develop the property to contain 5,100 square feet of renovated commercial space, at a total development cost of \$1,250,928. The developers have successfully secured a key anchor tenant, Dean's Mediterranean Imports, a local specialty grocer that is expanding to a new location and opening a restaurant with rear outdoor patio space. The developers will also be renovating the 2<sup>nd</sup> and 3<sup>rd</sup> floors to a "whitebox" condition to attract other commercial tenant(s) such as office users. The developers intend to make the space affordable and to prioritize small, local, and/or disadvantaged businesses during the tenanting process. At full leaseup, the project is anticipated to generate approximately 11 permanent FTE jobs, in addition to approximately 15 temporary jobs during construction.

The Port and NEST are self-funding the majority of the renovation costs, however in order to make the renovation financially feasible, the City would need to provide a commercial tax abatement in addition to a \$275,000 NBDIP grant. Additionally, Homebase Cincinnati has elected to provide a \$200,000 grant of ARPA dollars through the City's NBD Support Grant program to complete the 1<sup>st</sup> floor tenant's buildout and finishes. The various forms of public financial incentives are all necessary to close the financing gap.

During the acquisition and stabilization phase, the City provided \$270,000 in NBDIP grants. Factoring in the new NBDIP grant and the new NBDSG grant, the total all-in City funding in support of the acquisition and renovation of the property will total \$745,000. The total non-City funding provided by the Port and NEST will total \$775,928.

### **DEVELOPER INFORMATION**

NEST and the Port will be co-developers. The Port will own the property during construction and will be responsible for constructing the project under a separate NBDIP funding agreement, while NEST will serve as the construction manager. After construction, NEST will purchase the completed project from the Port through an installment sale, and will be responsible for the leaseup of the remaining space and the property's long-term operation.

Formerly doing business under its legal name of Cincinnati Northside Community Urban Redevelopment Corporation (CNCURC), NEST is Northside's nonprofit community development corporation. NEST has successfully completed many projects in Northside, including numerous house renovations in target areas of the neighborhood for affordable homeownership. Since switching its focus from residential to commercial development, NEST partnered with Pennrose to successfully co-develop of John Arthur Flats, the first LGBTQ+ affirming senior affordable housing development in Cincinnati, containing 57 newly constructed apartments. NEST has also acquired the former Stagecraft building which it intends to renovate and reuse as residential or commercial space.

### **RECOMMENDATION**

The Administration recommends approval of this Emergency Ordinance.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

# Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Renovation of 4024 Hamilton Avenue
Street Address	4024 Hamilton Avenue
Property Condition	Historic vacant shell
Neighborhood	Northside
Incentive Application Process	Commercial CRA application
Recent or other projects by Developer	NEST has renovated many Northside houses and co-developed John Arthur Flats
Approval at Planning Commission/Neighborhood support	Planning Commission N/A; Northside Community Council has issued letters supportive of the project
Plan Cincinnati Goals	Achieves the Compete Goal 2, particularly 'Focus Development on Existing Centers of Activity' (p. 116) and Sustain Initiative Area Goal 2 to 'Preserve Our Built History' (pages 197-198).

## Project Image



<b><u>Incentive Summary Category</u></b>	<b><u>Explanation</u></b>
Abatement Term and amount	15-yr CRA 100% (Net 59.5%).
Construction Cost & Private investment committed	\$1,202,560 in hard construction costs and \$48,368 in soft costs; developers are self-funding \$775,928 (private investment)
Sq. Footage by Use	5,100 SF of commercial space
Number of units and rental ranges	No residential units
Jobs created/retained and payroll (living wage)	Projected to create 11 permanent FTE positions at \$500,000 in annual payroll.
“But For”	This project would not proceed without an abatement; the developers project negative cash flow without the abatement.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: -5.63 % (stabilized) With Abatement: Year 5: 1.05 % (stabilized)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Neighborhood VTICA – 7.5% (for Affordable Housing)
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$2.30 of new CPS/VTICA/Income taxes for each \$1 forgone
City’s ROI	\$9.75 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$142,200
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	Next door to the Northside Transit Center, SORTA’s 2 <sup>nd</sup> largest transit hub, connecting Routes 15, 16, 17, 19, 20, 23, 27 and 51
Geography	Located in an Opportunity Zone
Historic Preservation/Existing Building Renovation	This project will activate and bring back to productive use a long-underutilized and blighted historic building.
Public Infrastructure Improvements	N/A

**EMERGENCY**

**ZDS**

**- 2023**

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction cost of approximately \$1,202,560.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Cincinnati Northside Community Urban Redevelopment Corporation (the “Company”) desires to remodel an existing building on real property at 4024 Hamilton Avenue located within the corporate boundaries of the City of Cincinnati into approximately 5,100 square feet of commercial space (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as

may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City of Cincinnati’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$5,846; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 7.5 percent of the exempt real property taxes, which funds shall be committed by the, third-party organization to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority (the “Agreement”), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 4024 Hamilton Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, to be completed at a total construction cost of approximately \$1,202,560.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with R.C. Section 3735.672,



and to the Board of Education of the Cincinnati City School District, as necessary;  
and

- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. 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 allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

ATTACHMENT A

## Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), CINCINNATI NORTHSIDE COMMUNITY URBAN REDEVELOPMENT CORPORATION, an Ohio nonprofit corporation, d/b/a NORTHSIDERS ENGAGED IN SUSTAINABLE TRANSFORMATION (NEST) (the "Company"), and PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, an Ohio port authority, d/b/a THE PORT ("Owner").

## Recitals:

- A. The City and \_\_\_\_\_ are parties to a *Funding Agreement* dated \_\_\_\_\_, 2023 (the "Funding Agreement"), pursuant to which the City agreed to provide \_\_\_\_\_ with financial support for the Project (as defined below).
- B. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- C. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- D. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- E. Owner is the sole owner of certain real property within the City, located at 4024 Hamilton Avenue (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Owner intends to convey its fee title in the Property to the Company following the completion of the Project, as more fully described in Recital F. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax

exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Northside neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Northside neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to seven and one half percent (7.5%) of the real property taxes

that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). All of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2023, passed by Cincinnati City Council on \_\_\_\_\_, 2023.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building on the Property to create approximately 5,100 square feet of commercial space (the "Improvements") at an estimated aggregate cost of \$1,202,560 to commence after the execution of this Agreement and to be completed no later than June 30, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for

exemption, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the 15th year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or

appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.<sup>1</sup>

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs

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<sup>1</sup> Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 11 full-time permanent jobs, and (ii) 15 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$500,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$400,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement or the Funding Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction



in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or

to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati  
Attention: Director of the Department of Community and Economic Development  
Centennial Plaza Two, Suite 700  
805 Central Avenue  
Cincinnati, Ohio 45202

To the Owner:

Port of Greater Cincinnati Development Authority  
Attention: Laura Brunner, President & CEO  
3 E. Fourth Street, Suite 300  
Cincinnati, Ohio 45202

To the Company:

Northsiders Engaged in Sustainable Transformation  
Attention: Sarah Thomas, Executive Director  
1546 Knowlton Street  
Cincinnati, Ohio 45223

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,  
an Ohio municipal corporation

CINCINNATI NORTHSIDE COMMUNITY  
URBAN REDEVELOPMENT CORPORATION,  
an Ohio nonprofit corporation

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

PORT OF GREATER CINCINNATI  
DEVELOPMENT AUTHORITY, d/b/a  
THE PORT, an Ohio port authority

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_.

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**Exhibit A to CRA Agreement**

**LEGAL DESCRIPTION OF PROPERTY**

Situated in Section 28, Township 3 and Fractional Range 2, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

**BEGINNING** at the intersection of the north line of Cosby Street and the east line of Hamilton Avenue, referenced by set cross notches at North 60°36'41" West, 3.00 feet and South 03°12'45" West, 3.00 feet;

Thence with the east line of said Hamilton Avenue, North 03°12'45" East, 25.00 feet to a point referenced by a set cross notch at North 67°29'47" West, 3.00 feet;

Thence South 67°29'47" East 119.73 feet to a set MAG nail in the centerline of vacated Hogan Alley;

Thence with the centerline of said vacated Hogan Alley, South 34°21'40" West, 16.40 feet to a set MAG nail;

Thence South 68°18'15" East 13.40 feet to the northwest corner of Hamilton County Auditor's Parcel 221-0013-0174 as conveyed to Cincinnati Northside Community Urban Redevelopment Corporation in Official Record 14786, Page 2100;

Thence with the westerly line of said Cincinnati Northside Community Urban Redevelopment Corporation, South 34°04'19" West 22.24 feet to a set cross notch in the north line of aforesaid Cosby Street;

Thence with the north line of said Cosby Street, North 68°16'41" West 0.57 feet to a set cross notch **AND** North 60°36'41" West 117.32 feet to the **POINT OF BEGINNING**.

**CONTAINING 0.0831 Acres.** and being subject to all legal easement and highways of record.

**Exhibit B to CRA Agreement**  
**APPLICATION FOR TAX EXEMPTION**

**TO BE ATTACHED**



**June 1, 2023**

**To:** Mayor and Members of City Council

202301516

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – Levying 2024 Urban Forestry Assessment**

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Attached is an Ordinance captioned:

**LEVYING** a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

The Administration recommends passage of this Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

Attachment

**LEVYING** a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

WHEREAS, on February 8, 2023, Council passed Resolution No. 8-2023 pursuant to Ohio Revised Code ("R.C.") Section 727.12, declaring the necessity of continuing the Urban Forestry Program for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City's Urban Forestry Maintenance District, for the calendar year 2024; and

WHEREAS, under Resolution 8-2023, Council also authorized the assessment of properties within the Urban Forestry Maintenance District at the rate of \$0.31 per front foot, and the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, notice of the passage of the resolution was published in a newspaper of general circulation as required by law, and notice by certified mail has been completed to the property owners for whom the assessment amount exceeds \$500.00; and

WHEREAS, there are no outstanding objections to the estimated assessments; and

WHEREAS, on \_\_\_\_\_, 2023, Council passed Ordinance No. \_\_\_\_-2023 determining to proceed with the special assessment; and

WHEREAS, Council has determined that the actual cost of the Urban Forestry Program ("Program") does not exceed the estimated cost for the Program for the year 2024; now, therefore,

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

Section 1. That there is hereby levied, in accordance with R.C. Chapter 727, an assessment of \$0.31 per front foot upon the property abutting the public right-of-way and streets within the Urban Forestry Maintenance District, which includes all territory within, and

coextensive with, the City's boundaries, for the portion of the cost and expense of said shade tree program for the Urban Forestry Maintenance District for the year 2024.

Section 2. That it is hereby determined that said assessments do not exceed the special benefits resulting from said Urban Forestry Program and do not exceed any statutory limitations.

Section 3. That the special assessment against each lot and parcel of land shall be payable in one annual installment to the Treasurer of Hamilton County, Ohio at the same time and in the same manner as real property taxes, due and payable in December 2023, are paid.

Section 4. That the City Treasurer and the Clerk of Council are hereby directed to certify said assessments to the Auditor of Hamilton County, Ohio to be placed by the Auditor on the Tax List and collected in the same manner as real property taxes are collected for December 2023, as provided by law.

Section 5. That said assessments, when collected, shall be placed into a fund for the purpose of paying the cost and expense of the Urban Forestry Program and shall be paid out upon proper vouchers in payment of such cost and expense.

Section 6. That the following costs shall be paid out of a fund provided to pay the City's portion of the cost and expense of the shade tree program: the cost of street intersections, any uncollectible assessments on property owned by the federal government or the State of Ohio, assessments on property owned by the City of Cincinnati, and any portion of the cost not specifically assessed.

Section 7. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati.

Section 8. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

**June 1, 2023**

202301517

**To:** Mayor and Members of City Council

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – 2024 Urban Forestry Assessment  
Determination to Proceed**

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Attached is an Emergency Ordinance captioned:

**DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

The Administration recommends passage of this Emergency Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

Attachment

**EMERGENCY**

**KKF**

**- 2023**

**DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

WHEREAS, on February 8, 2023, Council passed Resolution No. 8-2023 pursuant to Ohio Revised Code ("R.C.") Section 727.12, declaring the necessity of continuing the Urban Forestry Program for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City's Urban Forestry Maintenance District, for the calendar year 2024; and

WHEREAS, under Resolution 8-2023, Council also authorized the assessment of properties within the Urban Forestry Maintenance District at the rate of \$0.31 per front foot, and the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, no objections were filed to the special assessment pursuant to R.C. Section 727.15; now, therefore,

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

Section 1. That the Council of the City of Cincinnati is determined to proceed with the Urban Forestry Program for the control of blight and disease of shade trees within the public right-of-way and for planting, maintaining, trimming, and removing shade trees along the streets of the City of Cincinnati's Urban Forestry Maintenance District for the year 2024 as set out and approved in accordance with the provisions of Resolution No. 8-2023.

Section 2. That the estimated assessments, as prepared and filed in the Office of the Clerk of Council, are hereby approved and adopted.

Section 3. That no claim for damages has been filed pursuant to R.C. Section 727.18.

Section 4. 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 that Council must pass this ordinance determining the need to proceed with the assessment before Council passes the levying ordinance required by statute.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

Date: June 1, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301518

Subject: **Liquor License – New**

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***FINAL RECOMMENDATION REPORT***

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 90784000005  
PERMIT TYPE: NEW  
CLASS: C1 C2  
NAME: 249 W MITCHELL AVE LLC  
DBA: BP WEST MITCHELL  
249 W MITCHELL AVE  
CINCINNATI, OH 45232

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 8, 2023, Over-the-Rhine Community Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation

Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: June 30, 2023



June 1, 2023  
202301519

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance for the Rezoning of 1670 Cooper Street in Northside

---

Transmitted is an Ordinance captioned:

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood-Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

The City Planning Commission recommended approval of the zone change at its April 21, 2023 meeting.

**Summary:**

The petitioner, PLK Communities, requests a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties.

This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

The City Planning Commission recommended the following on April 21, 2023, to City Council:

**APPROVE** the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

WHEREAS, PLK Cooper, LLC, an Ohio limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood (“Property”) from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district; and

WHEREAS, the Petitioner desires to construct a three-story residential multi-family development containing 105 studio apartment units; and

WHEREAS, a zone change is necessary to permit the residential multi-family development because the current MG, “Manufacturing General,” zoning district does not permit residential multi-family uses; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), particularly the Live goal to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” as described on page 164; and

WHEREAS, the proposed zone change is consistent with the Northside Comprehensive Land Use Plan Update (2014), particularly the goal to “[m]ake zoning changes where appropriate to accommodate new land uses, and ensure that the zoning in the southern part of the neighborhood is flexible enough to allow housing, light industrial, office, studio, and retail uses to coexist in the same blocks and buildings” as described on page 64; and

WHEREAS, at its regularly scheduled meeting on April 21, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, Council resolves to rezone the Property from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district, finding it to be in the interest of the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati’s official zoning map in the location of the real property located at 1670 Cooper Street in the Northside neighborhood, shown on the map attached hereto as Attachment “A” and incorporated by reference, and being more particularly described on the legal description contained in Attachment “B” attached hereto and incorporated herein by reference, is hereby amended from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood–Pedestrian,” zoning district.

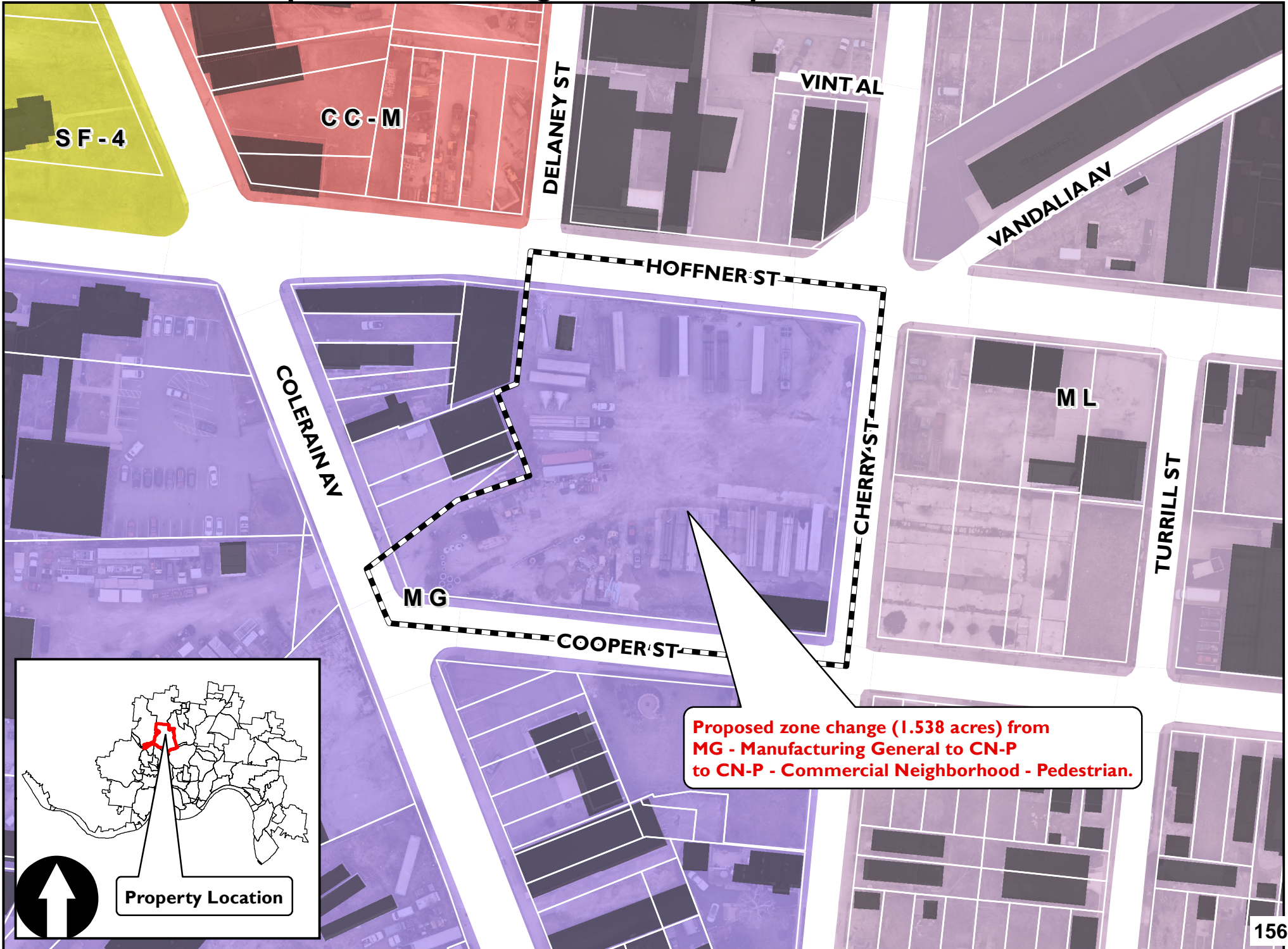
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

# Proposed Zone Change at 1670 Cooper Street in Northside



## LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South  $00^{\circ}26'15''$  West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North  $89^{\circ}31'40''$  West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W; thence with the centerline of said Colerain Avenue, North  $26^{\circ}40'00''$  West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North  $44^{\circ}53'46''$  East, 91.71 feet to an existing iron pin; thence North  $63^{\circ}20'00''$  East, 62.99 feet to an existing iron pin; thence North  $26^{\circ}40'00''$  West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North  $63^{\circ}20'00''$  East, 16.24 feet to an existing iron pin; thence North  $02^{\circ}14'36''$  West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South  $89^{\circ}31'40''$  East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on a proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

**GENERAL INFORMATION:**

**Location:** 1670 Cooper Street, Cincinnati, OH 45223

**Petitioner:** Nicholas Lingenfelter – PLK Communities  
505 E. Galbraith Road, Suite 4100  
Cincinnati, OH 45236

**Property Owner:** PLK Cooper LLC  
505 E. Galbraith Road, Suite 4100  
Cincinnati, OH 45236

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Zone Change Plat
- Exhibit D Legal Description
- Exhibit E Proposed Development Renderings
- Exhibit F Coordinated Site Review Letter
- Exhibit G Letters of Support
- Exhibit H Additional Correspondence

**BACKGROUND:**

The petitioner, PLK Communities, is requesting a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties.

This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

**ADJACENT LAND USE AND ZONING:**

The subject property is currently zoned Manufacturing General (MG). The zoning and land uses surrounding the subject properties are as follows:

**North:**

Zoning: Manufacturing Limited (ML)  
Existing Use: Wooley Electric Supply Store – electrical supply store

**East:**

Zoning: Manufacturing Limited (ML)  
Existing Use: Doran Transfer & Rigging, Inc. – manufacturing businesses

**South:**

Zoning: Manufacturing General (MG)  
Existing Use: Kessler Construction & Remodeling – manufacturing businesses

**West:**

Zoning: Manufacturing General (MG)  
Existing Use: Businesses and multi-family residences

**PROPOSED DEVELOPMENT:**

The proposed zone change will allow the future construction of a 3-story multi-family market-rate residential building with parking and a swimming pool. This development is planned to include 105 studio units and 111 parking spaces. Example renderings may be found in Exhibit E.

**COORDINATED SITE REVIEW:**

The proposed development went through the Coordinated Site Review (CSR) process in December of 2022. Staff from the Department of City Planning and Engagement recognized with the applicant the need for the zone change in order for the proposed development to proceed.

Other departments provided comments regarding future necessary steps in order to move their project forward, such as Cincinnati Fire Department identifying the need of accessible hydrants and Greater Cincinnati Water Works providing information about water mains and permits.

**COMMUNITY ENGAGEMENT AND PUBLIC COMMENT:**

There was a Public Staff Conference held by the Department of City Planning and Engagement on March 2, 2023 via Zoom. Members of the applicant team and City staff were in attendance with thirteen (13) members from the public as well.

Most of the individuals present were supportive of the zone change itself and the prospect of introducing new housing options into the neighborhood, however the majority was adamantly opposed to the future development as proposed. The concerns brought up included there being too much parking, not enough greenspace or greenery, and the overall design of the development and structure. The residents and adjacent property owners spoke of what they would like to see which included better engagement from the applicant team, increased greenspace, fewer parking spots, a variety of the residential unit options, and better affordability.

Notice of the April 21, 2023 City Planning Commission meeting was sent out to all property owners within 400-feet of the subject property, including the applicant, and the Northside Community Council and Northsiders Engaged in Sustainable Transformation (NEST). Letters of support may be found in Exhibit G and additional correspondence and concerns may be found in Exhibit H.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati* (2012)

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati*, specifically the



Goal to, “Create a more livable community” through the Strategy to “Support and stabilize our neighborhoods” (p. 160). This proposal is additionally consistent with the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169).

This subject property is located within an identified Neighborhood Center through the Guiding Geographic Principles of *Plan Cincinnati* and correlates with the goal to focus revitalization on existing centers of activity (p. 86).

*Northside Comprehensive Land Use Plan Update (2014)*

The subject proposal is consistent with the Northside Comprehensive Land Use Plan Update (2014) through the following strategies:

- “Focus redevelopment opportunities in the area south of Blue Rock Street for new kinds of commercial, residential, studio and light manufacturing uses and other unique, unconventional live/work spaces” (p. 61 – Compete)
- “Make zoning changes where appropriate to accommodate new land uses, and ensure that the zoning in the southern part of the neighborhood is flexible enough to allow housing, light industrial, office, studio, and retail uses to coexist in the same blocks and buildings” (p. 64 – Compete)
- “Pursue compatible land use and redevelopment opportunities for vacant or underutilized land” (p. 64 – Compete)
- “Create a wide variety of quality housing types for a diverse group of people with mixed incomes” (p. 79 – Live)
- “Work towards ensuring that new development does not displace current residents or property owners” (p. 79 – Live)
- “Continue to develop projects that revitalize under-producing or obsolete spaces by creating a mix of uses that take advantage of existing significant buildings and the unique physical layout of the area” (p. 80 – Live)
- The subject site additionally is identified directly as a future want of mixed-use commercial, office, and/or residential on p. 56.

**ANALYSIS:**

The current zoning district, Manufacturing General (MG), does not permit residential multi-family uses. The proposed zoning district, Commercial Neighborhood – Pedestrian (CN-P), permits multi-family dwelling units and developments. CN-P districts strive to identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses.

This proposal is situated along a busy corridor and is located just west of the Northside Neighborhood Business District. It is consistent with the existing surrounding zoning districts and built environment. Lastly, this proposal will additionally reactivate vacant property and introduce another housing option for Northside as they are focused on “being a diverse neighborhood that provides great housing choices, a variety of work environments and job opportunities, easy access to recreational greenspace, cultural



and education opportunities that allows one to live an interesting, nurtured and active life close to home” (p. 42 - *Northside Comprehensive Land Use Plan Update*).

The proposed development will need to follow all the Development Regulations for the CN-P zoning district in § 1409-09 of the Zoning Code, otherwise they will need to request zoning relief through the Zoning Hearing Examiner. The proposed development currently provides the necessary number of parking spaces that the Code requires. Concerns brought up about the look of the development itself during the Public Staff Conference are not regulated by the Zoning Code because the subject property does not fall within an Urban Design Overlay District or Local Historic District.

**CONCLUSIONS:**

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment in regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Northside Comprehensive Land Use Plan Update* (2014) through many goals and strategies.
3. It is consistent with *Plan Cincinnati* (2012) within the Live Initiative Area, specifically the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164).

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

**APPROVE** the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner  
Department of City Planning and Engagement

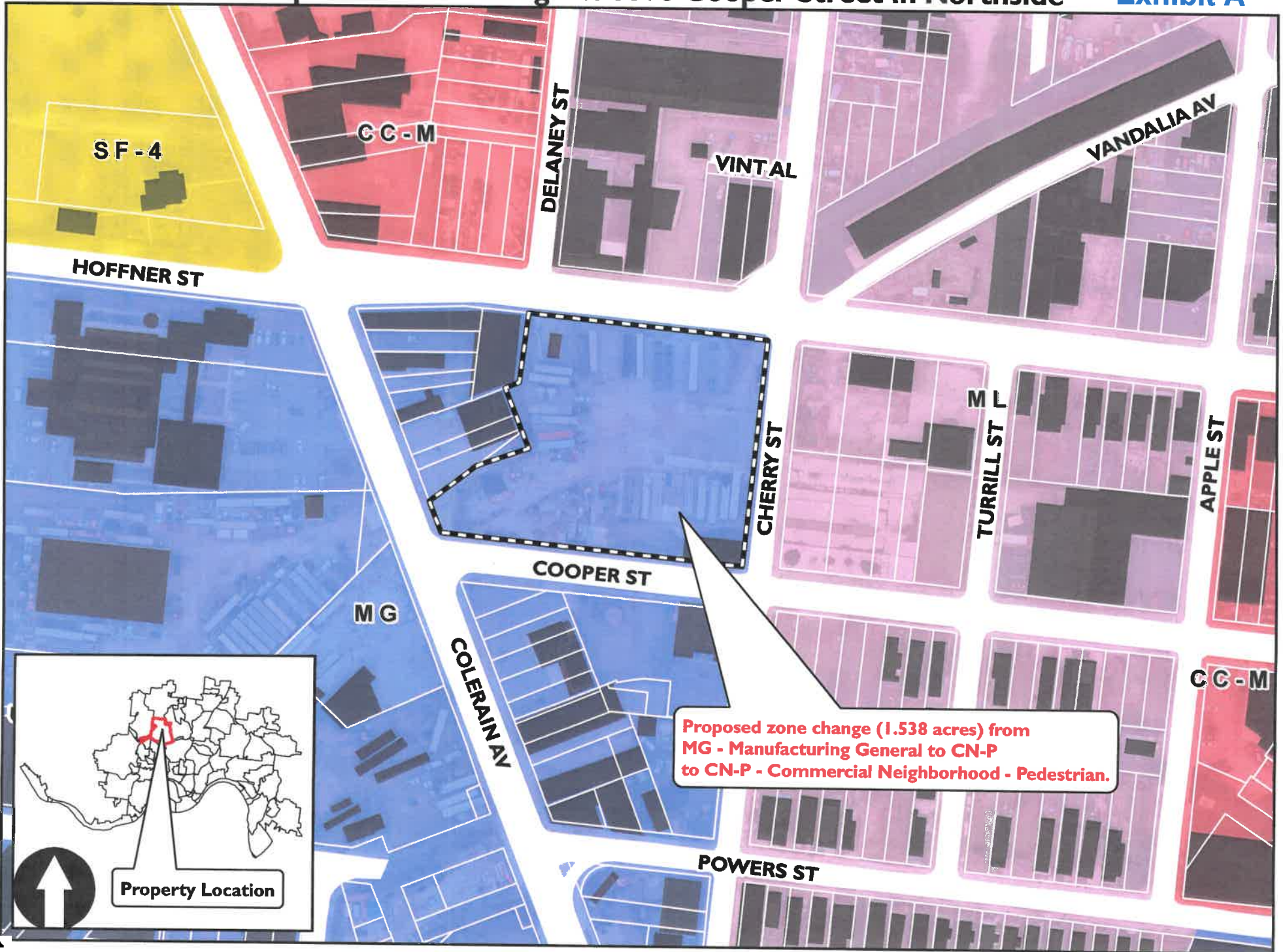
Approved:



Katherine Keough-Jurs, FAICP, Director  
Department of City Planning and Engagement

# Proposed Zone Change at 1670 Cooper Street in Northside

# Exhibit A



PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 02/07/2023

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the MG Zone District to the CN-P Zone District.

Location of Property (Street Address): 1670 Cooper St. Cincinnati, OH 45223

Area Contained in Property (Excluding Streets): 1.538 acres

Present Use of Property: Vacant surface lot

Proposed Use of Property & Reason for Change: \_\_\_\_\_

Remediation and subsequent redevelopment to residential of the former rail property

Property Owner's Signature: 

Name Typed: PLK Cooper LLC

Address: 505 E. Galbraith Rd. Suite 4100, Cincinnati, OH Phone: 513-561-5080

Agent Signature: \_\_\_\_\_

Name Typed: Nicholas Lingenfelter

Address: 505 E. Galbraith Rd. Suite 4100, Cincinnati, OH Phone: 513-561-5080

Please Check if the Following Items are Attached

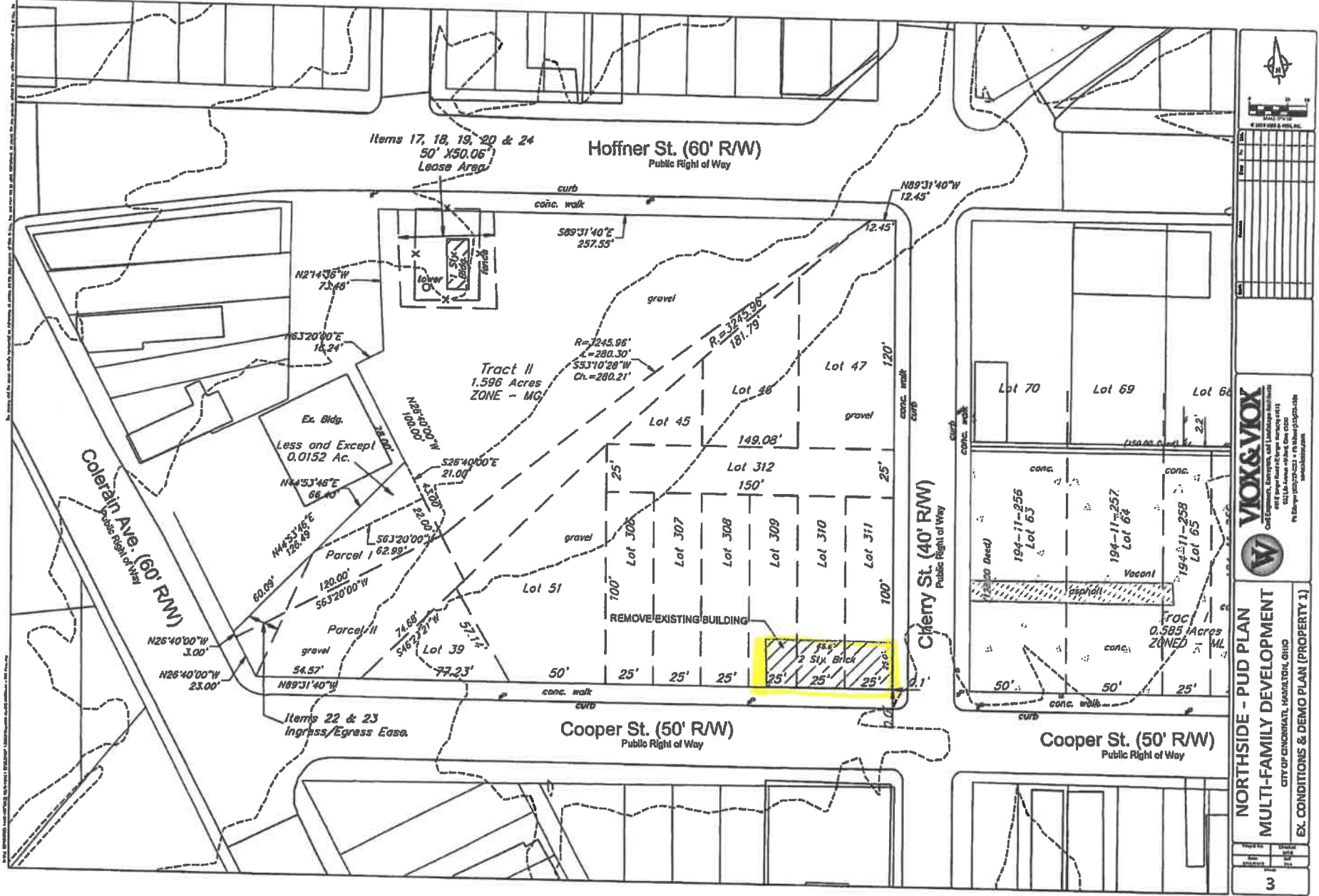
Application Fee X

Copies of Plat X

Copies of Metes and Bounds X







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**VOX&VOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 4915 Springdale Drive, Columbus, OH 43230  
 614.291.1100 • Fax: 614.291.1101  
 www.voxandvox.com



**NORTHSIDE - PUD PLAN**  
**MULTI-FAMILY DEVELOPMENT**  
 CITY OF CINCINNATI - HAVERTH, OHIO  
**EX. CONDITIONS & DEMO PLAN (PROPERTY 1)**

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## PROCEDURE TO INITIATE A CHANGE OF ZONING

**Purpose:** This is an abstract of rules and regulations concerning rezoning property in the City of Cincinnati. It has been created as a means of simplifying the explanation of the process and is not the officially adopted rules of the City Council or City Planning Commission. The officially adopted regulations are contained in the City Charter, the Cincinnati Municipal Code, and the City Planning Commission Rules and Procedures.

### Initiation of a Zone Change

A request for a change of zoning may be initiated by one of the following methods:

1. Petition to City Council
2. Petition to the City Planning Commission
3. By a member of City Council

The process for each method is outlined below.

#### 1. PETITION TO CITY COUNCIL (City Charter Article VII-6, Cincinnati Municipal Code 111-1).

A property owner, or owners, may petition City Council for a change of zoning on the property. The petition is submitted to the Department of City Planning and Buildings. The following materials are required in the submittal:

- Petition – Two copies of a petition to City Council (attached)
- Description- One hard copy and one digital copy of a metes and bounds description of the area to be rezoned.
- Plat – One hard copy and one digital copy of a plat reproduced from an original drawing (no auditor plats accepted at any scale), not to exceed 30 x 30 inches, at a scale of at least one inch equals on hundred feet (1:100), showing:
  - Street right-of-way lines
  - Existing zone lines
  - The last name of the owner of each property
  - The dimensions of the property being petitioned
  - Area of proposed rezoning shall be shaded in or crosshatched and the zone change stated in the legend.
  - Scale (1:100, 1:50, 1:20)
  - North arrow
- Fee: a non-refundable filing fee of \$1,500.00 for all changes in zoning. Checks should be payable to the “City of Cincinnati.”
- An additional fee of \$3,000 as well as a Concept Plan and Development Program Statement are also required in the event of a Planned Development (PD) District. (See Chapter 1429 of the Cincinnati Zoning Code).

#### 2. PETITION TO CITY PLANNING COMMISSION [Rules and Procedures for the Cincinnati City Planning Commission Article VIII Section 1(B)].

- A. A majority of owners of twelve or more contiguous properties may petition the City Planning Commission for a change of zoning on their property provided that they are all within the zoning district which they desire changed and that they supply the City Planning Commission with the following materials as required by the rules of the Commission.
- A Petition to the City Planning Commission requesting a change of zoning signed by a majority of owners of twelve or more contiguous properties stating the present zone and the requested zone, along with the purpose for the requested change.
  - A plat or map showing the area covered by the petition.
- B. The City Planning Commission may authorize the staff to present a report and recommendation on a proposed change of zoning where no petition exists. The City Planning Commission as an official action of that body must make such authorization.

3. **ZONE CHANGE INITIATED BY A COUNCILMEMBER.** A City Council member may initiate a change of zoning on any property in the City, as an elected member of City Council. Such action or motion is referred to the City Planning Commission under the requirements of the City Charter.

## SUMMARY OF ZONE CHANGE PROCESS

After the request is filed:

**Preliminary Step:** All petitioners are encouraged to discuss the proposed change of zoning with the officially recognized Community Council for the neighborhood in which the change of zoning is requested. Most Community Councils will request a formal presentation and conduct a vote at a meeting of the full Community Council. This can take place any time after the request is filed, and is recommended to occur prior to the recommendation to City Planning Commission. In most cases, this activity occurs between Steps 1 and 2. **A delay in this activity can cause delays further in the process. (Time varies depending on petitioner/Community Council)**

### **Step 1: Staff Conference (Approximately 2 – 4 weeks)**

The staff of the Department of City Planning and Buildings will schedule a Staff Conference to discuss the zone change and gather information. Staff will notify the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization. Interested parties will be invited to attend the Staff Conference or send written statements concerning the proposed change. Notices must be mailed at least 14 days prior to the Staff Conference.

### **Step 2: City Planning Commission (Approximately 4 – 6 weeks)**

A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the City Planning Commission. Notice of the Planning Commission meeting is sent to the petitioner, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The City Planning Commission votes to either approve or disapprove the proposed change of zoning.

### **Step 3: City Council (Approximately 4 – 14 weeks)**

Planning staff requests an Ordinance from the Solicitor's Office. (*Ordinance preparation can take 2 – 4 weeks*). Planning staff transmits City Planning Commission's recommendation along with the Ordinance to City Council and asks for the Clerk of Council to schedule a Public Hearing. The Public Hearing must be scheduled at least 14 days from the date of the first day of publication in the City Bulletin. (*Transmittal and schedule of public hearing can take 2 - 4 weeks*).

The Neighborhoods Committee of City Council will hold a public hearing on the proposed change. The same persons notified for the Staff Conference and Commission meeting will be notified by the Clerk of Council for the Council hearing. The Neighborhoods Committee will vote and make a recommendation to City Council. This may occur at the public hearing, or if desired by the Chair of the Neighborhoods Committee, at a later meeting. (*Recommendation can take up to two weeks if the item is held until a later calendar date.*)

City Council will make the final decision on all zoning petitions. (If the City Planning Commission fails to approve a zone change, City Council must have at least a two-thirds vote (6) of all members to overrule such failure to approve and adopt the proposed zone change).

The zone change goes into effect 30 days after the approval of the Ordinance by City Council. The zoning map is not changed until that time, and no permits can be acted upon for construction or uses that require the new zoning designation. An Ordinance that is approved as an Emergency Ordinance goes into effect immediately.

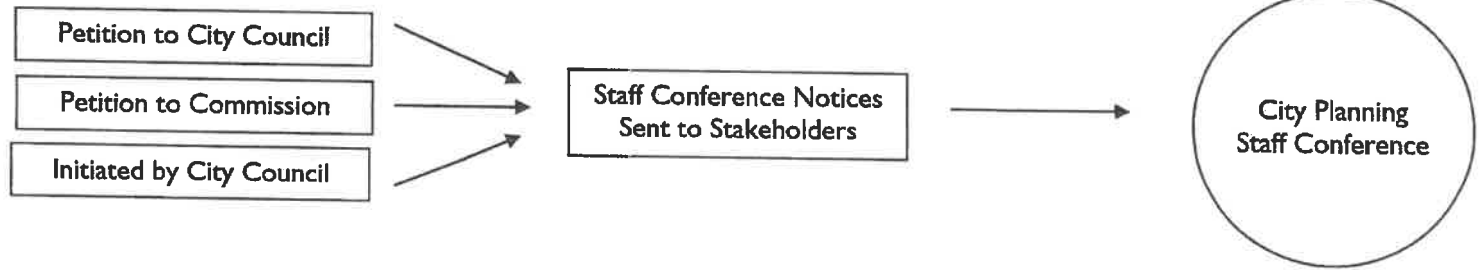
### **Step 4: Planned Development Districts (Approximately 2 – 6 weeks)**

In the event that the change of zoning features a Planned Development (PD) District, the Final Development Plan must be approved by City Planning Commission. A Staff Conference is not required but Community Council notification is.

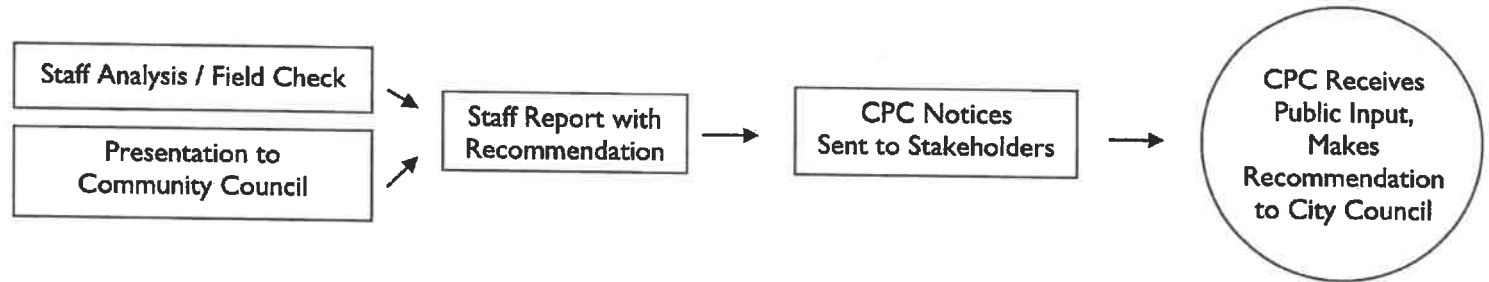
See Attached Application and Flow Chart

# City of Cincinnati Zone Change Process

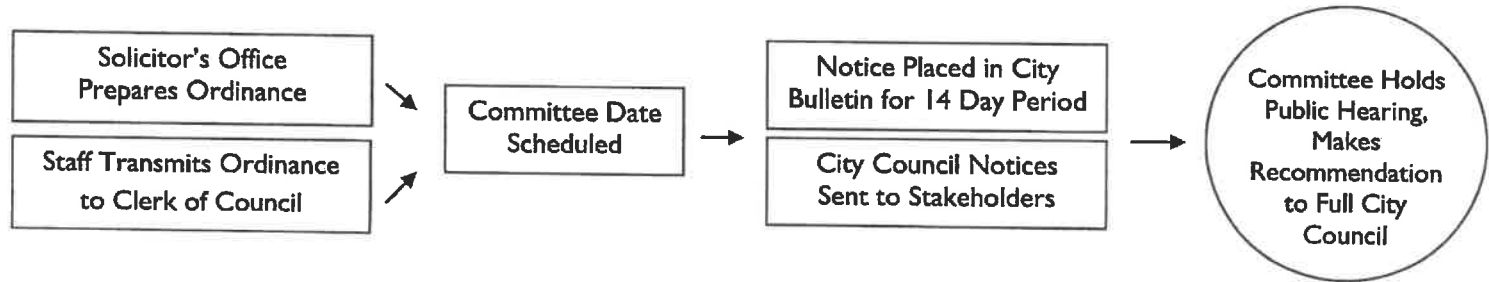
## STEP 1: Staff Conference 2 – 4 Weeks



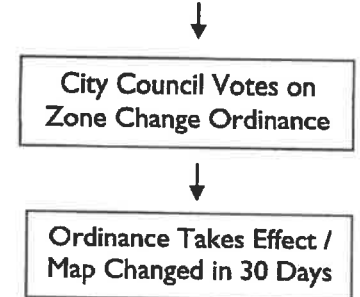
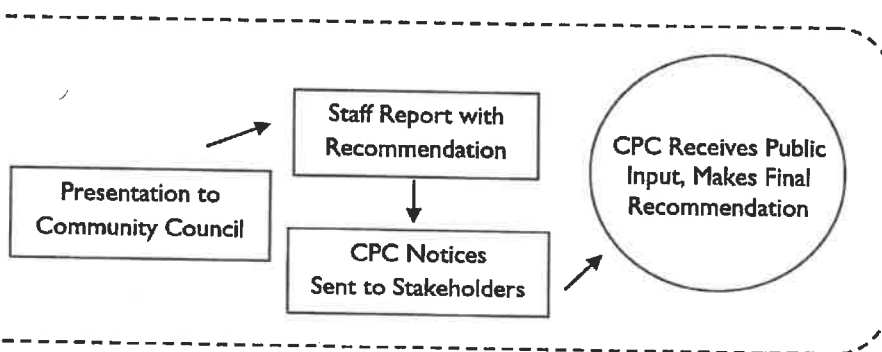
## STEP 2: City Planning Commission 4 – 6 Weeks



## STEP 3: City Council 4 – 14 Weeks



## STEP 4: (If Required) PD District 2 – 6 Weeks





**LEGAL DESCRIPTION****Tract "A"****August 25, 2020**

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lot 43 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Commencing at an existing cross notch at the intersection of the south line of Hoffner Street, 60' R/W and the west line of Cherry Street, 40' R/W; thence with the south line of said Hoffner Street, North 89°31'40" West, 209.93 feet to a set cross notch being the Place of Beginning; thence with a new division line the following three courses; South 02°14'36" East, 50.06 feet to a set 5/8" iron pin; thence North 89°31'40" West, 50.00 feet to a set Mag nail; thence North 02°14'36" West, 50.06 feet to a set cross notch in the south line of said Hoffner Street; thence with the south line of said Hoffner Street, South 89°31'40" East, 50.00 feet to the Place of Beginning. Containing 0.057 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

## LEGAL DESCRIPTION

### Tract "B"

August 25, 2020

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at an existing cross notch at the intersection of the south line of Hoffner Street, 60' R/W and the west line of Cherry Street, 40' R/W; thence with the west line of said Cherry Street, South  $00^{\circ}26'15''$  West, 245.00 feet to an existing building corner at the intersection of the west line of said Cherry Street and the north line of Cooper Street, 50' R/W; thence with the north line of said Cooper Street, North  $89^{\circ}31'40''$  West, 331.80 feet to an existing iron spike; thence with the east line of Colerain Avenue, 60' R/W, North  $26^{\circ}40'00''$  West, 26.00 feet to an existing cross notch; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480), the following three courses, North  $44^{\circ}53'46''$  East, 60.09 feet to an existing iron pin; thence North  $63^{\circ}20'00''$  East, 62.99 feet to an existing iron pin; thence North  $26^{\circ}40'00''$  West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North  $63^{\circ}20'00''$  East, 16.24 feet to an existing iron pin; thence North  $02^{\circ}14'36''$  West, 73.48 feet to an existing iron spike in the south line of said Hoffner Street; thence with the south line of said Hoffner Street, South  $89^{\circ}31'40''$  East, 10.07 feet to a set cross notch; thence with a new division line the following three course, South  $02^{\circ}14'36''$  East, 50.06 feet to a set Mag nail; thence South  $89^{\circ}31'40''$  East, 50.00 feet to a set 5/8" iron pin; thence North  $02^{\circ}14'36''$  West, 50.06 feet to a set cross notch in the south line of said Hoffner Street, thence with the south line of said Hoffner Street, South  $89^{\circ}31'40''$  East, 209.93 feet to the Place of Beginning. Containing 1.538 Acres. Bearings based

on P.B. 277, Pg. 33. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.



HOFFNER ST.

EXISTING  
CELL TOWER

ART DISPLAYS  
PAR PROJECTS  
COLLABORATION

PROPOSED BUILDING

CHERRY ST.

COOPER ST.

**TRUCK LOT DEVELOPMENT:**  
1670 COOPER STREET,  
CINCINNATI, OH 45223





COOPER STREET VIEW



CHERRY STREET VIEW



December 9, 2022

Mr. Nicholas Lingenfelter  
5905 E. Galbraith Road, Suite 4100  
Cincinnati, Ohio 45236

Re: 1670 Cooper Street | Cooper Multi-family Development (D) – **(CPRE220072) Final Recommendations**

Dear Mr. Lingenfelter,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **1670 Cooper Street** in the Community of Northside. It is my understanding that you are proposing to construct a new self-storage facility. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **December 13, 2022 @ 1:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

### **City Planning & Engagement – Planning Division**

#### **Immediate Requirements to move the project forward:**

1. The PD Planned Development Process: consists of:
  - Application and plans need to be submitted (including fee)
  - Staff Conference (3–4-week process)
  - City Planning Commission (4-6 weeks)
  - Equitable Growth & Housing Committee/City Council (4-14 weeks)
  - Final Development Plan (unless submitted concurrently) (2-6 weeks)
2. More information regarding the PD Process may be found here:  
[https://library.municode.com/oh/cincinnati/codes/code\\_of\\_ordinances?nodeId=TIXIZOC\\_OCI\\_CH1429PLDEDI](https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOC_OCI_CH1429PLDEDI)
3. Staff comments regarding the proposed PD:
  - Does not meet the 2-acre minimum
  - Need landscaping and landscaping plan
  - Open space plan
  - Too much parking on the site
4. PDs should encourage common open space (gathering areas, walkways, buffering, fencing, etc.) and provide for maintenance.
5. Staff recommends meeting with Department staff before officially submitting for the zone change.

#### **Requirements to obtain permits:**

- None

#### **Recommendations:**

1. It is highly recommended to reach out and share these plans to the adjacent property owners and the Northside Community Council.

**Contact:**

- **Jesse Urbancsik** | City Planning | 513-352-4843 | [jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

**City Planning & Engagement – Zoning Division**

**Immediate Requirements to move the project forward:**

1. The proposed multi-family use is not a permitted use in the MG zone. The applicant has indicated that re-zoning to accommodate the use is part of their plan and thus continuing the discussion about re-zoning with the City Planning staff is recommended. A PD may be the best option to avoid variances that would be required for other zoning district options.

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Wes Munzel** | ZPE | 513-352-2442 | [weston.munzel@cincinnati-oh.gov](mailto:weston.munzel@cincinnati-oh.gov)

**Metropolitan Sewer District (MSD)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Detention will be reviewed by Jeff Chen at [jeff.chen@cincinnati-oh.gov](mailto:jeff.chen@cincinnati-oh.gov) or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
2. An approved site utility plan will be required for building to receive approved permit.
3. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at [http://www.msdbg.org/customer\\_care/development\\_services/index.html](http://www.msdbg.org/customer_care/development_services/index.html) Email questions to [MSDAvailability@cincinnati-oh.gov](mailto:MSDAvailability@cincinnati-oh.gov)

**Recommendations**

- None

**Contact:**

- **Jim Wood** | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)

**Stormwater Management Utility (SMU)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Detention
  - Detention will be under MSD calculations for design.
  - Submit following documents - detention calculations, drainage map, detailed drawing of Detention Control structure with elevations, detentions shop drawings (manufacturer drawing), major storm calculations / flood routing

2. Storm Requirements
  - o Calculations for storm water conveyance system.
3. Utility Plan
  - o Label all pipes materials
  - o In the public R/W, pipes to be DIP or RCP
  - o Show Top & Invert elevations for all Appurtenances
  - o Show slopes for all pipes
  - o Show downspouts ties to the sewer system. Add note "All downspouts to tie to the sewer system".
  - o Curb cuts: driveway aprons at min. 5' away from SMU inlets, (Cherry St and Hoffner entrance)
  - o Ties into Curb inlets are not permitted.
  - o Easement requirements: if a pipe crosses a private property line, developer must submit separately a "recorded private drainage easement" if applicable.
4. Grading Plan
  - o Grading must show existing and proposed contours
  - o Impervious surfaces are NOT permitted to drain towards adjacent properties.
  - o Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
  - o Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
5. Erosion & Sediment Control Plan is required.
  - o Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
6. SMU Standards Plans Notes is required.
  - o Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
7. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
  - o State Plane Coordinates (N,E) for all MH's and Catch Basins
  - o Inverts and Top elevations for all MHs and Catch Basins
  - o Slopes, sizes, and materials for all storm lines.

**Recommendation:**

- None

**Contact:**

- Kevin Gold | SMU | 513-222-3643 | [kevin.gold@cincinnati-oh.gov](mailto:kevin.gold@cincinnati-oh.gov)

**Water Works**

**Immediate Requirements to move the project forward:**

1. Applicants are required to cover their frontage on Cooper Street with a public water main between Colerain Avenue and Cherry Street. Submit for a Greater Cincinnati Water Works (GCWW) Preliminary Application to extend the water main. Contact Phil Young at 513-591-6567 or [Phillip.Young@gcww.cincinnati-oh.gov](mailto:Phillip.Young@gcww.cincinnati-oh.gov).
2. GCWW should be able to contribute pipe material per GCWW Rules and Regulations.

**Requirements to obtain permits:**



1. Before any building permits are approved, the owner/developer will be required to meet all conditions of the approved preliminary application. This generally includes the completion of approved plans, all submittals including environmental report, easement plat, contractor bond and letter of intent.
2. The subject development property has inactive water services from the 6" public water main in Cherry Street and 12" public water main in Hoffner Street:

Address	Branch #	Size
3925 Cherry St.	H-103572	1" - FOD
1675 Hoffner St.	H-238487	1" – FOD

3. If the existing inactive water service branch(es) are not to be used for this project the owner/developer will need to abandon the branch(es) which will require a drawing showing the branch that is to be physically removed from the main. The branch will need to show the branch number. Submit to Phil Young at Phillip.Young@gcww.cincinnati-oh.gov.

**Recommendations:**

1. Owner(s)/Developer(s) will need to hire a civil engineering company to perform the public water main design work to submit to Phil Young, Greater Cincinnati Water Works.
2. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
3. The Owner(s)/Developer(s) must have a licensed plumber and fire protection company that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.
4. The applicant will need to contact the GCWW Engineering Records section at 513-591-7855 or records.request@gcww.cincinnati-oh.gov to request mapping and water main information.
5. The applicant's licensed plumber and fire protection company that is bonded and certified with GCWW will determine your water service needs.
6. Please contact Phil Young, Water Works, 513-591-6567, Phillip.Young@gcww.cincinnati-oh.gov for any water main extension questions.

**Contact:**

- **Rick Roell** | WaterWorks | 513-591-7858 | [richard.roell@gcww.cincinnati-oh.gov](mailto:richard.roell@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move the project forward:**

1. A site plan is needed showing 2 readily accessible Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Condominiums/Apartment Complex or Dwelling greater than a three-family dwelling is 1,800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Emergency Responder Bidirectional Antenna radio required in your building.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | [elton.britton@cincinnati-oh.gov](mailto:elton.britton@cincinnati-oh.gov)

**Office of Environment and Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.
3. This project appears to be requesting funding incentives from the City. Depending on the incentive, this project may require environmental approval from OES.

**Recommendations:**

1. **In a cursory review of office files there appears to be records of relevance to this development. OES recommends the developer request and review records relative to potential environmental information related on or near the site. These records may be requested through the Freedom of Information Act (FOIA) request to the Office of Environment and Sustainability. Records requests are preferred to be made through the GovQA portal which can be accessed at this link: <https://www.cincinnati-oh.gov/law/public-records/>**
2. The following recommendation is based on State of Ohio requirements:
  - a. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to its demolition.
3. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
  - a. The development goal should be to earn at a minimum the LEED Certified rating level.
  - b. Rooftop solar should be considered in the design as a renewable energy source.
  - c. Site parking should include electric vehicle charging stations.
  - d. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
  - e. The use of trees in the landscape design should be included to enhance urban forestry.
  - f. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- **Amanda Testerman** | OES | 513-352-5310 | [amanda.testerman@cincinnati-oh.gov](mailto:amanda.testerman@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Kurt Kastner** | Urban Forestry | 513-861-9070 | [kurt.kastner@cincinnati-oh.gov](mailto:kurt.kastner@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. A Traffic Analysis will be needed. Contact DOTE for requirements.
2. The right of way line needs to be a minimum of 10' behind the curb on all 3 sides of the project.
3. A minimum 10' sidewalk or 5' tree lawn/5' walk is required.
4. Use City standards for driveways and meet required clearances.
5. Remove unused driveway apron and restore to City standards.
6. All curb is to be 6" high and sidewalk to be 2% cross slope.
7. All work in the right of way will require a DOTE permit and needs to meet City standards.
8. Prior to applying for the building permit, contact [DTEaddress@cincinnati-oh.gov](mailto:DTEaddress@cincinnati-oh.gov) to have address(es) assigned. Addresses will be assigned based on points of entry/access.

**Recommendations:**

- None

**Contact:**

- **Morgan Kolks** | DOTE | 513-335-7322 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. A separate wrecking permit application is required for each building
2. The building must be sprinklered throughout
3. The pool requires a separate building permit application
4. The pool requires approval from the State of Ohio before applying for a permit.

**Recommendations:**

- None

**Contact:**

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)

**Law Department**

**Immediate Requirements to move the project forward:**

1. No comment at this time.

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Charles Martinez** | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

**Department of Community & Economic Development (DCED)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Roy Hackworth** | DCED | 513-352-6119 | [roy.hackworth@cincinnati-oh.gov](mailto:roy.hackworth@cincinnati-oh.gov)

**Health Department**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. No need for Health to review project as proposed.

**Recommendations:**

- None

**Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

**Police Department**

**Immediate Requirements to move the project forward:**

- None currently.

**Requirements to obtain permits:**

- No comments.

**Recommendations:**

- None

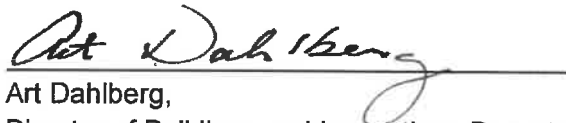
**Contact:**

- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | 513-564-1870 | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

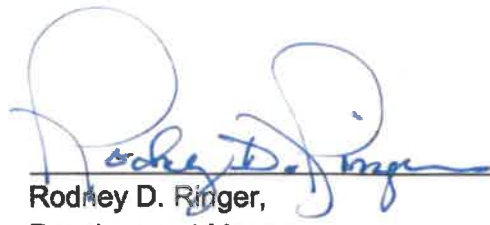
FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to the City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,

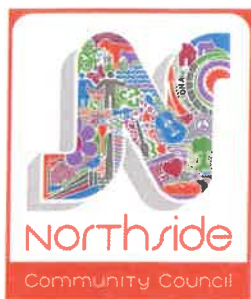


Art Dahlberg,  
Director of Buildings and Inspections Department  
& CSPRO Committee Chair



Rodney D. Ringer,  
Development Manager

AD:RDR:hs



March 23, 2023

Nick Lingenfelter  
Chief Development Officer  
PLK Communities  
5905 E. Galbraith Road, Suite 4100  
Cincinnati, OH 45236

Dear Mr. Lingenfelter,

I am writing to express the Northside Community Council's support for the zoning change from Manufacturing General (MG) to Commercial Neighborhood - Pedestrian (CN-P) at 1760 Cooper Street.

On Monday, March 20, 2023, the Northside Community Council, at its monthly meeting of the general council voted 26 in favor, 13 against, and 5 abstentions to pass the following motion:

**Motion**

We move that the NCC send a letter of support for the zoning change from Manufacturing General (MG) to Commercial Neighborhood - Pedestrian (CN-P) at 1760 Cooper Street, which is consistent with the land use recommendations in the Northside Land Use Plan. We further move that such letter will include the following contingencies:

This letter communicates support for the zoning change but should not be interpreted as support for this specific project in its current form or any variances it may need once it has received rezoning. We have sincere concerns with the specifics of the proposed design of the project, including:

- Placement on the site
- Design / amount of parking
- Building massing
- Lack of green space

We look forward to continuing to work with the developer to improve the project's potential for a more mutually beneficial outcome which best reflects our community's identified priorities and needs.

I am available for any questions and/or concerns most efficiently via email at [president@northsidecouncil.com](mailto:president@northsidecouncil.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Briana Moss', written over a light blue horizontal line.

Briana (Bree) Moss  
President, Northside Community Council  
513-402-2733

**Urbancsik, Jesse**

---

**From:** Rota, Matthew (rotamc) <rotamc@UCMAIL.UC.EDU>  
**Sent:** Thursday, March 2, 2023 9:45 AM  
**To:** Urbancsik, Jesse  
**Subject:** [External Email] 1670 Cooper Street rezone

You don't often get email from rotamc@ucmail.uc.edu. [Learn why this is important](#)  
External Email Communication

Hi, Jesse -

I wanted to provide support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I've lived on Chase Avenue for 5 years. The current zoning of manufacturing is an environmental risk and, honestly, makes that part our neighborhood a blighted eyesore. I strongly believe that rezoning this address to residential will also help address our neighborhood's need for housing and safety.

I strongly encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential.

Thank you,  
Dr. Rota

**Matthew J. Rota, PhD**  
Assistant Dean for Technology and Innovation  
Director, Center for Academic Technology, Educational Resources and Instructional Design  
Apple Distinguished Educator

UC, College of Nursing  
Office: [513-558-3885](tel:513-558-3885)  
[Email: Matthew.Rota@uc.edu](mailto:Matthew.Rota@uc.edu)  
Room: 413B Proctor Hall

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[www.nursing.uc.edu](http://www.nursing.uc.edu)

## Urbancsik, Jesse

---

**From:** Marianne Simmons <marianne@mariannesimmons.com>  
**Sent:** Thursday, March 2, 2023 9:23 AM  
**To:** Urbancsik, Jesse  
**Subject:** [External Email] Written Support Statement for Cooper St

You don't often get email from marianne@mariannesimmons.com. [Learn why this is important](#)

External Email Communication

Good Morning Jesse,  
I'm contacting you via email to submit a written statement of support for the rezoning of 1670 Cooper St Cincinnati, OH 45223 for residential.

As the majority of the Cincinnati population knows, there is a dire need for more housing. While manufacturing is an important part to our ecosystem, I would argue that housing takes precedence.

Residential zoning makes the most sense for that area of Cincinnati and I fully support and encourage the City Planning Commission to rezone 1670 Cooper St to residential.

Thank you!  
Marianne Simmons



## Urbancsik, Jesse

---

**From:** Veigel, Justin (veigeljn) <veigeljn@ucmail.uc.edu>  
**Sent:** Thursday, March 2, 2023 8:52 AM  
**To:** Urbancsik, Jesse  
**Subject:** [External Email] Written Statement of Support - 1670 Cooper St

You don't often get email from veigeljn@ucmail.uc.edu. [Learn why this is important](#)  
External Email Communication

Hi, Jesse -

I wanted to send a written statement of support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I've lived on Cooper Street for 4 years and the current zoning of manufacturing is an environmental risk to our neighborhood. The current zoning of manufacturing has attracted crime and standing water. Rezoning this address to residential will also help address our Cincinnati's need for additional housing.

I encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential.

Thank you,

Justin

Justin W. Veigel, MBA  
(He, Him, His)  
Director of Admissions & Recruitment  
University of Cincinnati  
College of Nursing



**From:** [Urbancsik, Jesse](#)  
**Sent:** Thursday, March 2, 2023 11:04 AM  
**To:** [Barakat, Alcy \(barakaay\)](#)  
**Subject:** RE: [External Email] Written Statement of Support - 1670 Cooper St

---

Hey Alcy,

Thanks for reaching out. Do you mind if I attach this comment to my staff report?

Thanks!

**Jesse Urbancsik | Senior City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
[jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)  
513-352-4843 | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#) | [LinkedIn](#)

Stay up to date with "[Connected Communities](#)"

 [Chat with me on Teams!](#)



**From:** Barakat, Alcy (barakaay) <[barakaay@ucmail.uc.edu](mailto:barakaay@ucmail.uc.edu)>  
**Sent:** Thursday, March 2, 2023 10:57 AM  
**To:** Urbancsik, Jesse <[jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)>  
**Subject:** [External Email] Written Statement of Support - 1670 Cooper St

You don't often get email from [barakaay@ucmail.uc.edu](mailto:barakaay@ucmail.uc.edu). [Learn why this is important](#)  
External Email Communication

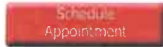
Hello Jesse,

I wanted to send a written statement of support for the rezoning of 1670 Cooper St. Cincinnati, Ohio 45223 to residential. I think the rezoning to residential will help aid our community's need for additional housing and lend to the further development of this neighborhood.

I encourage the City Planning Commission to support the rezoning of 1670 Cooper St. Cincinnati Ohio 45223 to Residential. Thank you your time and attention.

Bearcat Best,

Alcy Barakat, MPH (She/Her)  
Senior Admissions Counselor  
College of Medicine (COM)  
University of Cincinnati



Phone: 513-558-2589 | Text: 513-601-9147

Email: [alcy.barakat@uc.edu](mailto:alcy.barakat@uc.edu)

Web: <https://med.uc.edu/education/undergraduate-education/public-health/home>





The City of Cincinnati  
Department of City Planning and Engagement  
805 Central Avenue, Unit 720  
Cincinnati, Ohio 45202

To Whom It May Concern:

I own the property known as 3926 Colerain Ave in Cincinnati, Ohio. The property sits at the corner of Colerain Ave and Cooper Street. It has a main entrance on Cooper Street directly across from the property known as 1670 Cooper Street. The property is currently being rented by a roofing and construction company. I am adamantly opposed to the proposed zoning changes at 1670 Cooper Street due to concerns with traffic flow to my property. The ramp being added for highway access already poses a large increase in traffic to the Colerain Ave side of our building. On the main entrance side, Cooper Street, there has already been an increase in parked cars and traffic and a large apartment complex will cause that to increase. Whether I rent to my current tenet or another, the large increase in traffic will make conducting business at this location very difficult and therefore affect my rental income. My current tenet has already informed me that if this zoning change happens, they will have to explore other options as far their location. They have been operating at this location for 30 years and it would be a shame to lose them. Due to the loss income and the traffic issues, I previously outlined, I firmly oppose this zoning change.

Regards,

Verne Peake  
President



**PEAKE ROOFING**  
**KESSLER CONSTRUCTION**  
Divisions of Peake Contracting

The City of Cincinnati  
Department of City Planning and Engagement  
805 Central Avenue, Unit 720  
Cincinnati, Ohio 45202

To Whom It May Concern:

I am adamantly opposed proposed zoning changes to 1670 Cooper Street as I believe it would greatly impose on my ability to conduct business at 3926 Colerain Ave. My contracting business, Peake Contracting Inc, operates at the corner of Colerain Ave and Cooper St. Despite our building facing Colerain Ave, the main entrance to our lot is on Cooper Street. Even with the lot next to us, 1670 Cooper Street, vacant we often have difficulties accessing our lot due to the increase in traffic and cars parked on both sides of Cooper Street that we have seen over the last three years. We often have materials delivered as well as trailers that are stored in our lot. We feel that the increase in traffic caused by a multi-unit housing complex would severely hinder our ability to enter and exit our lot as needed and hinder our ability to receive the materials we that are necessary to operate. In addition we foresee the traffic increasing in front of our building due to the new ramp onto I-74. All of this increase will directly affect the efficiency of our operations and the addition of a multi-unit building on Cooper would make it worse. As business owner I believe that this zoning change would negatively impact my ability to do business.

Respectfully,

Justin Peake  
Owner

June 1, 2023

Cincinnati City Council  
 Council Chambers, City Hall  
 Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 1670 Cooper Street in the Northside neighborhood from the MG, “Manufacturing General,” zoning district to the CN-P, “Commercial Neighborhood-Pedestrian,” zoning district to permit the construction of a three-story residential multi-family development.

The City Planning Commission recommended approval of the zone change at its April 21, 2023 meeting.

**Summary:**

The petitioner, PLK Communities, requests a zone change for the property located at 1670 Cooper Street in Northside. The current zoning is Manufacturing General (MG), and the applicant is pursuing the change to Commercial Neighborhood – Pedestrian (CN-P). The property currently consists of vacant rail property and is 1.538 acres in size. The surrounding properties include manufacturing businesses, multi-family residences, and other vacant properties. This proposed zone change will allow the applicant to construct the future development of a 3-story multi-family residential building with parking and a swimming pool.

The City Planning Commission recommended the following on April 21, 2023, to City Council:

**APPROVE** the proposed zone change from Manufacturing General (MG) to Commercial Neighborhood – Pedestrian (CN-P) at 1670 Cooper Street in Northside.

Motion to Approve:	Ms. Sesler	Ayes:	Ms. Beltran
			Mr. Eby
			Ms. Kearney
Seconded:	Mr. Weber		Mr. Samad
			Ms. Sesler
			Mr. Stallworth
			Mr. Weber

THE CITY PLANNING COMMISSION




---

Katherine Keough-Jurs, FAICP, Director  
 Department of City Planning and Engagement

**Clerk of Council**

801 Plum Street, Room 308  
Cincinnati, Ohio 45202  
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- Updated Registration

**LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council by the last day of January and July, annually. Please read instructions and review Sections 112-1 to 112-17, Cincinnati Municipal Code, prior to filing. **There is no fee for this filing.** Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days (the form may be obtained from the Clerk.) **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.** Other related prohibitions and penalties are contained in Section 112-99 of the Cincinnati Municipal Code.

**A. GENERAL INFORMATION**

Full Name of Legislative Agent Ali Trianfo  
(First) (Middle) (Last)

Occupation Director of Operations, Government Strategies Group

Business Address 700 Walnut Street, Suite 450  
Street Suite Number

Cincinnati OH 45202  
City State Zip(+4)

Telephone Number (513) 651-4100

**AGENT CHANGE OF NAME OR ADDRESS** - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here )

Name of Legislative Agent \_\_\_\_\_

Address \_\_\_\_\_  
Street Suite Number

\_\_\_\_\_  
City State Zip(+4)

Telephone Number (\_\_\_\_\_) \_\_\_\_\_

**Reporting Period:** Statement filed for period covering (check one and fill in year).

- January 1 - June 30, 2023 (Report due on or before July 31)
- July 1 - December 31, 2023 (Report due on or before Jan. 31)

**B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION**

**AMENDED STATEMENT** - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

\_\_\_\_ YES    X NO

If yes, you are required to complete only the portion(s) you have amended.

**TERMINATIONS** - Are you still engaged by all of the employers listed on page 1 of this form?

X YES    \_\_\_\_ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
American Sign Museum; Bethany House	May 26, 2023 (all)
Services, Inc.; Caracole; LADD, Inc.;	
Lighthouse Youth & Family Services;	
MORTAR	

**ORDINANCES AND RESOLUTIONS** - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

See attachment	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**ADDITIONAL TYPES OF LEGISLATION** - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here \_\_\_\_)



**C. DEFINITIONS**

"Staff" means any city employee whose official duties are to formulate policy and who exercises administrative or supervisory authority or who authorizes the expenditure of city funds. "Staff" is limited to employees who are required to file a Financial Disclosure Statement under Article XXVI of the Administrative Code.

"Legislation" means ordinances, resolutions, amendments, nominations, and any other matter pending before the Council. See the definition of "legislation" under Section 112-1-L, Cincinnati Municipal Code.

"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

**D. FINANCIAL TRANSACTIONS**

If the Legislative Agent, or a member of his or her immediate family had, during this reporting period, a financial transaction\* (which is not being disputed under Section 112-19, Cincinnati Municipal Code,) with or for the benefit of a member of the Council, appointee of the Council, City Manager, the Director of a department created under the Administrative Code, or any member of the staff\* of such public officer or employee, then the following information is required with respect to each such financial transaction:

- a. Name of the public officer, employee, or staff member: \_\_\_\_\_
- b. Brief description of the purpose and nature of the transaction: \_\_\_\_\_  
\_\_\_\_\_
- c. Date the transaction was made or entered into: \_\_\_\_\_
- d. Other pertinent details: \_\_\_\_\_  
\_\_\_\_\_

(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here  X )

NOTE: If the Legislative Agent is required to disclose a financial transaction described in this Paragraph F, then the Legislative Agent shall deliver a copy of such paragraph which contains such information to the public officer(s) of employee(s) identified therein, at least ten (10) days before this form is filed with the Clerk of Council.

If the foregoing provision is applicable, indicate the date that such information was delivered:

**CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFIES THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.**

**ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.**

Ali Trianfo \_\_\_\_\_

Type or Print Name of Legislative Agent

 \_\_\_\_\_

Signature of Legislative Agent

5-26-23

Date

Ali Trianfo  
 Legislative Agent Updated Registration Statement & Termination Report  
 January 1 - May 26, 2023 (date of termination)

Client	Activity	Items
American Sign Museum	Activites related to capital expansion in Camp Washington.	No legislation.
Bethany House Services	Activities related to family homelessness, city operating, and human services funding.	Item # 202300264.
Caracole	Activity related to Human Services funding and HIV/AIDS prevention programming.	Item # 202300264.
LADD, Inc.	Activity related to smart technology, independent living, and ARPA.	No legislation.
Lighthouse Youth & Family Services	Activity related to homeless youth and the city operating budget.	Item # 202300264.
MORTAR	Activities related to city funding to support minority entrepreneurship.	No legislation.

May 24, 2023

**To:** Mayor and Members of City Council 202301485  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance – Police: FY 2024 Selective Traffic Enforcement Program (STEP) Grant

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) (ALN 20.600). This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

The grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to provide funding for a STEP program to reduce death and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

WHEREAS, a Selective Traffic Enforcement Program (“STEP”) grant is available from the Ohio Department of Public Safety, Ohio Traffic Safety Office, in an amount up to \$65,000; and

WHEREAS, the STEP grant aims to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a Selective Traffic Enforcement Program (“STEP”) grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents.

Section 2. That the Director of Finance is hereby authorized to deposit the STEP grant funds received by the City into Law Enforcement Grant Fund 368, project account no. 23STEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council 202301486

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Ordinance – Police: FY 2024 Impaired Driving Enforcement Program (IDEP) Grant**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office’s FY24 Impaired Driving Enforcement Program (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 in FY 2024 Impaired Driving Enforcement Program (IDEP) funds from the Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

This grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund the FY 2024 Impaired Driving Enforcement Program. This program aims to reduce deaths and injuries resulting from vehicular accidents due to OVI (Operating Vehicle Under Influence), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office’s FY24 Impaired Driving Enforcement Program (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account No. 23IDEP.

WHEREAS, a grant in an amount of up to \$60,000 is available from the Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund the FY24 Impaired Driving Enforcement Program; and

WHEREAS, this program aims to reduce deaths and injuries resulting from vehicular accidents due to OVI (Operating Vehicle Under Influence), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions; and

WHEREAS, the grant does not require matching funds, and there are no additional FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted before approval by Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate an Impaired Driving Enforcement Program Grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office, to aid in reducing death and injuries resulting from vehicular accidents.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23IDEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of this grant and Sections 1 and 2.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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



May 24, 2023

**To:** Mayor and Members of City Council 202301487  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Police: FY 2024 Traffic Safety Resource Prosecutor (TSRP) Grant**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO), to fund a Traffic Safety Resource Prosecutor (TSRP) to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio. This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

The grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to provide funding for a TSRP position with ODPS for Fiscal Year 2024, which will provide training and support to the City and the region, and develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio. The TSRP serves as a training and educational resource for public agencies in the region but is not a lawyer for the City and cannot provide legal advice to City departments. Per the condition of the grant, the TSRP would be assigned by the ODPS as a sub-contractor with a term from October 1, 2023 to September 30, 2024.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

WHEREAS, a grant is available from the Ohio Department of Public Safety (“ODPS”), Ohio Traffic Safety Office, in an amount up to \$185,000; and

WHEREAS, the grant will provide continued funding for the Traffic Safety Resource Prosecutor (“TSRP”) position with ODPS for fiscal year 2024, which will provide support and training to the City and the region; and

WHEREAS, the TSRP serves as a training and educational resource for public agencies in the region, but is not a lawyer for the City and cannot provide legal advice to City departments; and

WHEREAS, the TSRP will develop, for the Ohio Traffic Safety Office, a coordinated statewide multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and

WHEREAS, per the conditions of the grant award, the TSRP will be assigned by the ODPS as a sub-contractor with a term from October 1, 2023 to September 30, 2024; and

WHEREAS, the grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted before approval by Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic

Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council 202301489  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – OES: Fuse Corps Partnership Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

Approval of this Emergency Ordinance will authorize the City Manager to apply for and accept a grant of in-kind services valued at up to \$510,000 from Fuse Corps for up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

The grant requires matching resources of up to \$30,000, which will be provided from the Office of Environment and Sustainability's (OES) non-personnel operating budget. There are no new FTE associated with this grant as all positions will be contracted by Fuse Corps for the benefit of the City.

Establishment of a grant partnership between Fuse Corps and the City is in accordance with the "Live" goal to "[p]rovide a full spectrum of housing options, and improve housing quality and affordability" as well as the "Sustain" strategy to "[c]reate a healthy environment and reduce energy consumption" as described on pages 172 and 182 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to complete the contract with Fuse Corps in order to begin implementation of the 2023 Green Cincinnati Plan.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**EMERGENCY**

AKS

- 2023

**AUTHORIZING** the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

WHEREAS, on April 12, 2023, Council adopted the 2023 Green Cincinnati Plan (“Plan”) with its full list of recommendations by Resolution 37-2023; and

WHEREAS, there is a grant available from Fuse Corps for in-kind services to provide up to three full-time fellows to carry out key portions of the Plan; and

WHEREAS, this grant will allow the City to accelerate implementation of the Plan; and

WHEREAS, this grant requires local matching resources of up to \$30,000, which cost will be covered by the Office of Environment and Sustainability non-personnel operating budget; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant as all positions will be contracted by Fuse Corps for the benefit of the City; and

WHEREAS, the establishment of a grant partnership between Fuse Corps and the City is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” as well as the “Sustain” strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 172 and 182 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of 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 complete the contract with Fuse Corps in order to begin implementation of the 2023 Green Cincinnati Plan.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council 202301490  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – DOTE: Additional Grant Resources for Computerized Traffic Signal System**

---

Attached is an Emergency Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

Approval of this Emergency Ordinance will establish capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources to construct an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area. Approval of this Emergency Ordinance will also authorize the City Manager to accept and appropriate additional grant resources in an amount of up to \$400,000 from the Federal Highway Administration (FHWA), as administered by the Ohio Department of Transportation (ODOT), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”. This Emergency Ordinance will also authorize the City Manager to amend the existing Local Public Agency agreement with ODOT to include the additional grant resources and project scope.

On April 27, 2016, the City Council approved Ordinance No. 0101-2016, which authorized the City Manager to accept and appropriate grants of \$4,000,000 from the FHWA, administered by ODOT, for the purpose of providing resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area. Ordinance No. 0101-2016 also authorized the City Manager to cooperate with the Director of ODOT to complete the HAM-CTCS Various Project (ODOT PID 94484) to construct an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in

the downtown area. This authorization includes entering into a Local Public Agency (LPA) agreement with ODOT for the expenditure and administration of the grant funds.

Additional grant resources of up to \$400,000 are now available from the FHWA, as administered by ODOT, for the HAM-CTCS Various Project (ODOT PID 94484), requiring the LPA agreement to be amended to include the additional grant resources and project scope.

Acceptance of the grant requires local matching resources of up to 20%, totaling up to \$80,000, which may be provided from existing capital improvement program project accounts. The grant resources do not require additional FTEs.

Upgrading the Computerized Traffic Signal System is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to “[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate grant resources before the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment





## EMERGENCY

MSS

- 2023

**ESTABLISHING** new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

WHEREAS, Ordinance No. 101-2016 established capital improvement program project account no. 980x239x162384, “Computerized Traffic Signal System Grants”; and

WHEREAS, the ordinance authorized the City Manager to accept and appropriate grants of \$4,000,000 from the Federal Highway Administration (“FHWA”), administered by the Ohio Department of Transportation (“ODOT”), and \$3,500,000 from the Ohio Public Works Commission into the newly established capital improvement program project account for the purpose of providing resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; and

WHEREAS, the ordinance also authorized the City Manager to cooperate with the Director of ODOT to complete the HAM-CTCS Various Project (ODOT PID 94484) for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area, and to enter into a Local Public Agency (“LPA”) agreement with ODOT for the expenditure and administration of the grant funds; and

WHEREAS, additional grant resources of up to \$400,000 are now available from the FHWA, as administered by ODOT, for the HAM-CTCS Various Project (ODOT PID 94484), which is ongoing, but the LPA agreement must be amended to include the additional grant resources and project scope; and

WHEREAS, the prior capital improvement program project account no. 980x239x162384, “Computerized Traffic Signal System Grants,” is now closed, and a new capital improvement program project account must be established; and

WHEREAS, the grant requires a local match in the amount of twenty percent, totaling \$80,000, which will be made available from existing capital improvement program project accounts; and

WHEREAS, no new FTEs/full time equivalents are associated with these grant resources; and

WHEREAS, upgrading the Computerized Traffic Signal System is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to “[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” is established to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area.

Section 2. That the City Manager is authorized to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant.”

Section 3. That the City Manager is authorized to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

Section 5. 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 accept and appropriate grant resources before the end of the fiscal year.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council

**From:** Sheryl M. M. Long, City Manager

202301480

**Subject: Ordinance – GCWW: Water Supply Revolving Loan Account (WSRLA) Funding of \$25,000,000 for Water Main Replacement Projects**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains.

This Ordinance authorizes the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account (“WSRLA”) funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency (OEPA) and the Ohio Water Development Authority (OWDA) for the purpose of providing resources for replacing aging water mains. This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

Water Supply Revolving Loan Account funding in the amount of up to \$25,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains. This funding will be used for the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program.

The City of Cincinnati Greater Cincinnati Water Works (GCWW) water main replacement program is in accordance with the “Sustain” goal to “Become a healthier Cincinnati” and strategy to “Create a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Director  
Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains.

WHEREAS, each year the Administration applies for various funding sources to augment the City's Capital Improvement Program; and

WHEREAS, Water Supply Revolving Loan Account funding in the amount of up to \$25,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains; and

WHEREAS, this funding will be used for the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW's water main replacement program; and

WHEREAS, GCWW's water main replacement program is in accordance with the "Sustain" goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption" as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains.

Section 2. That the Finance Director is authorized to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the loan and Sections 1 and 2 hereof.

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

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council 202301481

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – GCWW: Water Supply Revolving Loan Account (WSRLA) Funding of \$10,000,000 for Private Lead Line Replacement**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

This Ordinance authorizes the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account (“WSRLA”) loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency (OEPA) and the Ohio Water Development Authority (OWDA) for the purpose of assisting with the cost of private lead service line replacement projects. This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

The City of Cincinnati Greater Cincinnati Water Works (“GCWW”) currently operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water.

WSRLA funding is being offered to public water systems at a proportion of 53% principal forgiveness to 47% zero-interest loan funding. GCWW desires to apply for up to \$10,000,000 in WSRLA funding for the replacement of private lead service lines in the form of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding.

This funding will be used for the private lead service line replacements associated with the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence; and Jonathan, Ruth, Woodburn private lead service line branch-only replacement projects

Assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption" as described on page 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Director  
Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment



**AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

WHEREAS, Water Supply Revolving Loan Account (“WSRLA”) funding in the amount of up to \$10,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the form of grant-like principal forgiveness and zero-interest loan funding to public water systems for private lead service line replacement projects; and

WHEREAS, WSRLA funding is being offered to public water systems at a proportion of 53 percent principal forgiveness to 47 percent zero-interest loan funding; and

WHEREAS, the City of Cincinnati Greater Cincinnati Water Works (“GCWW”) currently operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water; and

WHEREAS, GCWW desires to apply for up to \$10,000,000 in WSRLA funding for the replacement of private lead service lines in the form of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding; and

WHEREAS, this funding will be used for the private lead service line replacements associated with the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence; and Jonathan, Ruth, Woodburn private lead service line branch-only replacement projects; and

WHEREAS, assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” goal to “Become a healthier Cincinnati” and strategy to “Create a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to

\$10,000,000, comprised of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing private lead service lines within the utility's service area.

Section 2. That the Finance Director is authorized to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the loan and Sections 1 and 2 hereof.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

202301484  
**Date:** May 24, 2023

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Emergency Ordinance – Motion #202301379 – Funding for Additional Safe and Clean Projects**

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Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the transfer of \$25,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.

ESW/CMZ (dmm)  
Attachment  
383865

**EMERGENCY**

**City of Cincinnati**

CMZ

TEW

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

- 2023

**AUTHORIZING** the transfer of \$25,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.

WHEREAS, Ordinance No. 56-2022 revised the City’s Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, which included the establishment of a “Reserve for Operating Budget Contingencies” account; and

WHEREAS, existing funds for Safe and Clean projects have been exhausted through previous rounds of funding; and

WHEREAS, Motion #202301379, submitted by Vice Mayor Kearney and approved at the Budget and Finance Committee on May 15, 2023, requested \$25,000 as one-time funding for additional Safe and Clean projects during FY 2023 to support gun violence reduction initiatives led by community-based organizations during the summer of 2023 and beyond, with priority given to organizations or programs serving neighborhoods experiencing the most gun violence (shootings); and

WHEREAS, the \$25,000 requested can be provided from the “Reserve for Operating Budget Contingencies” account; now, therefore,

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

Section 1. That the transfer of \$25,000 from balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050 is hereby authorized.

Section 2. That the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 is hereby authorized to provide one-time funds for additional Safe and Clean projects.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. 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 make funding available for additional Safe and Clean projects.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

May 24, 2023

**To:** Mayor and Members of City Council 202301488  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Emergency Ordinance – Public Safety Mid-Year Budget Transfers**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Approval of this Emergency Ordinance will authorize the transfer of \$325,000 from the Cincinnati Fire Department’s (CFD) personnel operating budget account no. 050x271x7100 to the Cincinnati Fire Department’s non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023. This Emergency Ordinance will further authorize the transfer of \$65,000 from the Emergency Communications Center (ECC) personnel operating budget account no. 050x103x7200 to the City Manager’s Office non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Fire Recruit Class 121 will train 55 new Fire Recruits over a twenty-week training period. The Approved FY 2023 Budget Update included \$670,000 for equipment and supplies for Recruit Class 121, but additional resources are now required. \$325,000 in existing FY 2023 CFD personnel resources is available for transfer to the non-personnel operating budget to purchase the necessary items.

The City has been under contract for public safety consultant services and wishes to extend the contract. \$65,000 in existing ECC personnel savings is available to transfer to the City Manager’s Office to extend the contract.

Providing additional non-personnel resources for Fire Recruit Class 121 and the public safety consultancy contract is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our communities” as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to transfer resources to purchase equipment and supplies before the start of Fire Recruit Class 121 and to extend the City’s public safety consultancy contract.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

## EMERGENCY

LES

2023

**AUTHORIZING** the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

WHEREAS, Fire Recruit Class 121 will train 55 new fire recruits over the course of a twenty-week training period beginning June 11, 2023; and

WHEREAS, the Approved FY 2023 Budget Update included \$670,000 for equipment and supplies for Fire Recruit Class 121; and

WHEREAS, additional resources are necessary to purchase the proper equipment and supplies required for this training; and

WHEREAS, \$325,000 in existing FY 2023 Cincinnati Fire Department personnel resources is available for transfer to purchase these non-personnel items; and

WHEREAS, the City has been under contract for public safety consultant services; and

WHEREAS, the City has negotiated an extension of the consultancy contract, however payment is required at the time the extension is executed; and

WHEREAS, \$65,000 in existing FY 2023 Emergency Communications Center personnel resources is available for transfer to the City Manager’s Office to extend this contract; and

WHEREAS, providing additional non-personnel resources for Fire Recruit Class 121 and the public safety consultancy contract is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our communities” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the sum of \$325,000 is hereby transferred from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati



Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023.

Section 2. That the sum of \$65,000 is hereby transferred from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. 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 transfer resources to purchase equipment and supplies before the start of Fire Recruit Class 121 and to extend the City’s public safety consultancy contract.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

Date: May 24, 2023

To: Mayor and Members of City Council **202301491**  
From: Sheryl M. M. Long, City Manager  
Subject: ORDINANCE – DETERMINING TO PROCEED WITH SPECIAL STREET LIGHTING  
ASSESSMENTS GROUP 2 – CENTRAL BUSINESS DISTRICT

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Attached is an ordinance captioned as follows:

**DETERMINING** to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

This Ordinance Determining to Proceed is the second step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City Council. The Assessing Ordinance has been submitted subsequently with the Determining to Proceed Ordinance.

City Council adopted the Resolution of Necessity Resolution No. 36-2023 on April 12, 2023. The City has addressed all objections to the estimated assessments filed with the Clerk of Council.

The Administration recommends the passage of the attached ordinance.

Attachment A – Assessed Street Lighting – Group 2 CBD

cc: John S. Brazina, Director, Transportation and Engineering

**DETERMINING** to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

WHEREAS, Resolution No. 36-2023 (the “Resolution”), adopted by City Council on April 12, 2023, pursuant to O.R.C. §727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Attachment A hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the special street lighting were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to O.R.C. §727.14, property owners were given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, as permitted by O.R.C. §727.15, no property owner has filed an objection to the proposed assessment within two weeks following the completion of notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, the Council now desires to proceed with the special street lighting described in the Resolution and to adopt the estimated assessment associated therewith; now, therefore,

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

Section 1. That the Council of the City of Cincinnati intends to proceed, pursuant to Ohio Revised Code §727.23, with the special lighting of the streets or portions of the streets in Lighting Group 3 as set forth in Attachment A hereto and incorporated herein by reference.

Section 2. That the costs of the special street lighting provided in Resolution No. 36-2023, passed by Council on April 12, 2023, are hereby adopted and shall be assessed in the manner provided in Resolution No. 36-2023.

Section 3. That no claim for damages has been filed pursuant to O.R.C. §727.18.

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

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

Attachment A

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
1	BROADWAY	from the north line of Third Street to the north line of Eggleston Avenue	50	\$1.92	\$31,723.63
2	SYCAMORE STREET	from the north line of Third Street to the south line of Central Parkway	51	\$1.72	\$31,274.51
3	MAIN STREET	from the north line of Third Street to the south line of Sixth Street	24	\$2.57	\$20,470.90
4	MAIN STREET	from the north line of Sixth Street to the south line of Central Parkway	64	\$4.22	\$41,546.38
5	WALNUT STREET	from the north line of Third Street to the south line of Seventh Street	27	\$2.91	\$31,326.94
6	WALNUT STREET	from the north line of Seventh Street to the south line of Central Parkway	22	\$1.89	\$13,346.82
7	VINE STREET	from the north line of Third Street to the south line of Eighth Street	52	\$3.32	\$41,640.82
8	VINE STREET	from the north line of Eighth Street to the south line of Central Parkway	12	\$1.65	\$8,925.12
9	RACE STREET	from the north line of Third Street to the south line of Seventh Street	39	\$2.34	\$25,137.27
10	RACE STREET	from the north line of Seventh Street to the south line of Central Parkway	23	\$1.68	\$11,843.59
11	ELM STREET	from the north line of Third Street to the south line of Fifth Street	15	\$2.91	\$15,018.88
12	ELM STREET	from the north line of Seventh Street to the south line of Central Parkway	26	\$2.07	\$14,546.08
13	PLUM STREET	from the north line of Third Street to the south line of Fifth Street	11	\$1.57	\$8,107.07
14	PLUM STREET	from the north line of Seventh Street to the south line of Central Parkway	14	\$1.43	\$10,138.70
15	FOURTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.97	\$9,942.82
16	FOURTH STREET	from the east line of Elm Street to the west line of Race Street	11	\$3.63	\$8,547.21
17	FOURTH STREET	from the east line of Race Street to the west line of Vine Street	46	\$10.64	\$25,557.17
18	FOURTH STREET	from the east line of Vine Street to the west line of Walnut Street	24	\$7.98	\$19,073.48
19	FOURTH STREET	from the east line of Walnut Street to the west line of Broadway	29	\$2.68	\$21,567.86
20	FIFTH STREET	from the east line of Central Avenue to the west line of Race Street	16	\$1.49	\$11,676.11
21	FIFTH STREET	from the east line of Race Street to the west line of Vine Street	8	\$2.66	\$6,366.31
22	FIFTH STREET	from the east line of Walnut Street to the west line of Main Street	9	\$3.06	\$7,273.81

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
23	FIFTH STREET	from the east line of Main Street to the west line of Broadway	15	\$3.60	\$19,106.36
24	SIXTH STREET	from the east line of Elm Street to the west line of Broadway	46	\$3.50	\$56,493.05
25	SEVENTH STREET	from the east line of Central Avenue to the west line of Plum Street	6	\$1.67	\$3,847.66
26	SEVENTH STREET	from the east line of Plum Street to the west line of Elm Street	6	\$2.97	\$7,057.44
27	SEVENTH STREET	from the east line of Elm Street to the west line of Race Street	8	\$3.66	\$8,720.42
28	SEVENTH STREET	from the east line of Race Street to the west line of Vine Street	6	\$3.59	\$8,697.50
29	SEVENTH STREET	from the east line of Vine Street to the west line of Main Street	30	\$3.65	\$18,875.76
30	SEVENTH STREET	from the east line of Main Street to the west line of Broadway	13	\$1.06	\$5,683.39
31	EIGHTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.65	\$8,423.67
32	GARFIELD PLACE	from the east line of Elm Street to the west line of Vine Street	25	\$2.29	\$11,802.13
33	EIGHTH STREET	from the east line of Vine Street to the west line of Broadway	36	\$1.72	\$18,827.11
34	NINTH STREET	from the east line of Central Avenue to the west line of Broadway	62	\$1.48	\$32,410.64
35	COURT STREET	from the east line of Central Avenue to the west line of Vine Street	28	\$1.31	\$13,963.05
36	COURT STREET	from the east line of Vine Street to the west line of Main Street	15	\$3.50	\$18,304.81
37	COURT STREET	from the east line of Main Street to the west line of Sycamore Street	8	\$1.56	\$3,731.50
38	CHARLES STREET	from the east line of Central Avenue to the west line of Elm Street	5	\$0.43	\$2,191.65
39	CLAY STREET	from the north line of Central Parkway to the south line of Twelfth Street	2	\$0.45	\$882.67
40	GEORGE STREET	from the east line of Plum Street to the west line of Elm Street	4	\$0.76	\$1,814.35
41	PERRY STREET	from the east line of Central Avenue to the west line of Plum Street	4	\$0.79	\$1,823.35
42	SHILLITO-RIKES PLACE	from the east line of Rusconi Place to the west line of Race Street	2	\$0.75	\$904.21
Count of Assemblies			920	Total Assessment:	\$658,612.22

Date: May 24, 2023

To: Mayor and Members of City Council **202301492**

From: Sheryl M. M. Long, City Manager

Subject: **ORDINANCE – LEVYING SPECIAL STREET LIGHTING  
ASSESSMENTS GROUP 2 – CENTRAL BUSINESS DISTRICT**

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Attached is an ordinance captioned as follows:

**TO LEVY** special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code §727.25, for the three-year period beginning on August 1, 2022.

This Ordinance is the third step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City Council for the Finance Department to process the billing and certify the Assessments to the County Auditor for inclusion on the January 2024 tax bills.

The Administration recommends the passage of the attached ordinance.

Attachment A – Assessed Street Lighting – Group 2 CBD

cc: John S. Brazina, Director, Transportation and Engineering

**TO LEVY** special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code Section 727.25, for the three-year period beginning on August 1, 2022.

WHEREAS, Resolution No. 36-2023 (the “Resolution”), adopted by City Council on April 12, 2023, pursuant to Ohio Revised Code Section 727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Attachment A hereto and incorporated herein by reference; and

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

WHEREAS, there are no outstanding objections to the estimated assessments; and

WHEREAS, on \_\_\_\_\_ 2023, City Council passed Ordinance No. \_\_\_\_-2023 determining to proceed with the assessments; and

WHEREAS, the actual costs for the special street lighting for the three-year period have been ascertained and found to be substantially the same as the estimated costs; now, therefore,

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

Section 1. That the actual costs of the assessments for special street lighting in Lighting Group 2 for the three-year period beginning on August 1, 2022, as set forth on Attachment A hereto and incorporated herein by reference, are hereby adopted and affirmed, pursuant to Ohio Revised Code Section 727.25.

Section 2. That, with the exception of public rights-of-way, state-owned land, and federally-owned land, there is hereby levied, in accordance with Chapter 727 of the Ohio Revised Code, an assessment upon the properties abutting the locations described on Attachment A to pay the owners’ portion of the costs for special street lighting in Lighting Group 2, for a period of three years beginning on August 1, 2022 and ending on July 31, 2025.



Section 3. That it is hereby determined that the assessments levied by this ordinance comply with all applicable procedures and limitations as set forth in Chapter 727 of the Ohio Revised Code.

Section 4. That the assessments levied by this ordinance shall be payable in cash to the Treasurer of the City of Cincinnati within 45 days after the passage of this ordinance, or at the option of the property owner, in three annual installments at an annual rate of interest of nine percent.

Section 5. That the Clerk of Council or other appropriate City official shall certify, at the expiration of said 45-day period, any unpaid assessments to the Auditor of Hamilton County to be placed on the tax duplicate for collection at the time and in the same manner as property taxes are collected. Upon certification, the assessments shall be paid in three annual installments commencing with the December 2023 tax bill.

Section 6. That the City of Cincinnati shall not issue any notes or bonds in anticipation of the collection of the assessments.

Section 7. That the appropriate officials from the Finance Department are authorized to accept the assessment funds, deposit them into the appropriate account for the purpose of paying the costs and expenses of the special street lighting, and disburse them as required by law.

Section 8. That the portion of the cost of said improvements not specially assessed, any uncollectible assessments on property owned by the federal government and the State of Ohio, and assessments on property owned by the City of Cincinnati, shall be paid out of a fund provided to pay the City's portion of the cost of the special street lighting in the manner provided by law.

Section 9. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati pursuant to Ohio Revised Code Section 727.26.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

Attachment A

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
1	BROADWAY	from the north line of Third Street to the north line of Eggleston Avenue	50	\$1.92	\$31,723.63
2	SYCAMORE STREET	from the north line of Third Street to the south line of Central Parkway	51	\$1.72	\$31,274.51
3	MAIN STREET	from the north line of Third Street to the south line of Sixth Street	24	\$2.57	\$20,470.90
4	MAIN STREET	from the north line of Sixth Street to the south line of Central Parkway	64	\$4.22	\$41,546.38
5	WALNUT STREET	from the north line of Third Street to the south line of Seventh Street	27	\$2.91	\$31,326.94
6	WALNUT STREET	from the north line of Seventh Street to the south line of Central Parkway	22	\$1.89	\$13,346.82
7	VINE STREET	from the north line of Third Street to the south line of Eighth Street	52	\$3.32	\$41,640.82
8	VINE STREET	from the north line of Eighth Street to the south line of Central Parkway	12	\$1.65	\$8,925.12
9	RACE STREET	from the north line of Third Street to the south line of Seventh Street	39	\$2.34	\$25,137.27
10	RACE STREET	from the north line of Seventh Street to the south line of Central Parkway	23	\$1.68	\$11,843.59
11	ELM STREET	from the north line of Third Street to the south line of Fifth Street	15	\$2.91	\$15,018.88
12	ELM STREET	from the north line of Seventh Street to the south line of Central Parkway	26	\$2.07	\$14,546.08
13	PLUM STREET	from the north line of Third Street to the south line of Fifth Street	11	\$1.57	\$8,107.07
14	PLUM STREET	from the north line of Seventh Street to the south line of Central Parkway	14	\$1.43	\$10,138.70
15	FOURTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.97	\$9,942.82
16	FOURTH STREET	from the east line of Elm Street to the west line of Race Street	11	\$3.63	\$8,547.21
17	FOURTH STREET	from the east line of Race Street to the west line of Vine Street	46	\$10.64	\$25,557.17
18	FOURTH STREET	from the east line of Vine Street to the west line of Walnut Street	24	\$7.98	\$19,073.48
19	FOURTH STREET	from the east line of Walnut Street to the west line of Broadway	29	\$2.68	\$21,567.86
20	FIFTH STREET	from the east line of Central Avenue to the west line of Race Street	16	\$1.49	\$11,676.11
21	FIFTH STREET	from the east line of Race Street to the west line of Vine Street	8	\$2.66	\$6,366.31
22	FIFTH STREET	from the east line of Walnut Street to the west line of Main Street	9	\$3.06	\$7,273.81

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
23	FIFTH STREET	from the east line of Main Street to the west line of Broadway	15	\$3.60	\$19,106.36
24	SIXTH STREET	from the east line of Elm Street to the west line of Broadway	46	\$3.50	\$56,493.05
25	SEVENTH STREET	from the east line of Central Avenue to the west line of Plum Street	6	\$1.67	\$3,847.66
26	SEVENTH STREET	from the east line of Plum Street to the west line of Elm Street	6	\$2.97	\$7,057.44
27	SEVENTH STREET	from the east line of Elm Street to the west line of Race Street	8	\$3.66	\$8,720.42
28	SEVENTH STREET	from the east line of Race Street to the west line of Vine Street	6	\$3.59	\$8,697.50
29	SEVENTH STREET	from the east line of Vine Street to the west line of Main Street	30	\$3.65	\$18,875.76
30	SEVENTH STREET	from the east line of Main Street to the west line of Broadway	13	\$1.06	\$5,683.39
31	EIGHTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.65	\$8,423.67
32	GARFIELD PLACE	from the east line of Elm Street to the west line of Vine Street	25	\$2.29	\$11,802.13
33	EIGHTH STREET	from the east line of Vine Street to the west line of Broadway	36	\$1.72	\$18,827.11
34	NINTH STREET	from the east line of Central Avenue to the west line of Broadway	62	\$1.48	\$32,410.64
35	COURT STREET	from the east line of Central Avenue to the west line of Vine Street	28	\$1.31	\$13,963.05
36	COURT STREET	from the east line of Vine Street to the west line of Main Street	15	\$3.50	\$18,304.81
37	COURT STREET	from the east line of Main Street to the west line of Sycamore Street	8	\$1.56	\$3,731.50
38	CHARLES STREET	from the east line of Central Avenue to the west line of Elm Street	5	\$0.43	\$2,191.65
39	CLAY STREET	from the north line of Central Parkway to the south line of Twelfth Street	2	\$0.45	\$882.67
40	GEORGE STREET	from the east line of Plum Street to the west line of Elm Street	4	\$0.76	\$1,814.35
41	PERRY STREET	from the east line of Central Avenue to the west line of Plum Street	4	\$0.79	\$1,823.35
42	SHILLITO-RIKES PLACE	from the east line of Rusconi Place to the west line of Race Street	2	\$0.75	\$904.21
Count of Assemblies			920	Total Assessment:	\$658,612.22

May 24, 2023

To: Mayor and Members of City Council

202301493

From: Sheryl M.M. Long, City Manager

Subject: Legislative Resolution- Budd Street Watermain Easements

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Attached is a Legislative Resolution captioned:

**DECLARING** intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

Approval of this ordinance will authorize the City Manager, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in certain property necessary to carry out the Budd Street Water Main Replacement Project (the "Project"), namely, Hamilton County Auditor Parcel Nos. 141-0005-0007-00 and 141-0005-0008-00, owned by CSX Transportation Inc.

Acquiring permanent easements in the aforementioned parcels is for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment and appurtenances to provide for and protect the water supply as part of the Project and is necessary to ensure the Project's construction and undisturbed operation of the water mains and related fixtures, equipment, and appurtenances.

The Administration recommends passage of this Legislative Resolution as an emergency measure, due to the immediate need to acquire all necessary real property interests to construct the Project without delay, ensuring safe and uninterrupted provision and protection of the City's water supply.

cc: Andrea Yang, GCWW, Interim Executive Director



# Legislative Resolution

TWH

RESOLUTION NO. \_\_\_\_\_ - 2023

**DECLARING** the intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

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

Section 1. That it is hereby declared to be the intent of Council to appropriate to public use permanent easements in, on, under, and across the real property described on Attachment A, attached hereto and incorporated by reference, and depicted on Attachment B, attached hereto and incorporated herein by reference (collectively, “Property”), to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project (“Project”), which interests in the Property are hereby deemed necessary to ensure the construction of the Project and the undisturbed operation and maintenance of the water mains and related fixtures, equipment, and appurtenances. The owners of record of the Property are as follows:

<b><u>Owner</u></b>	<b><u>Hamilton Co. Auditor Parcel No.</u></b>
CSX Transportation Inc., a Virginia corporation, as successor by merger to The Baltimore and Ohio Railroad Company	<b>141-0005-0007-00</b>
CSX Transportation, Inc., a Virginia corporation, as successor by merger to The Chesapeake and Ohio Railway Company of Indiana	<b>141-0005-0008-00</b>

Section 2. That at any time after the effective date of this Resolution and before the passage of an ordinance to appropriate, the City Manager is hereby authorized, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in the Property necessary to carry out the Project and, in accordance with such acquisition, to enter into special contracts for necessary services, expert or otherwise, as the City Manager deems necessary or appropriate.

Section 3. That this Resolution 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 acquire all real property interests necessary to construct the Project without delay to ensure the safe, dependable, and uninterrupted provision and protection of the City's water supply.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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

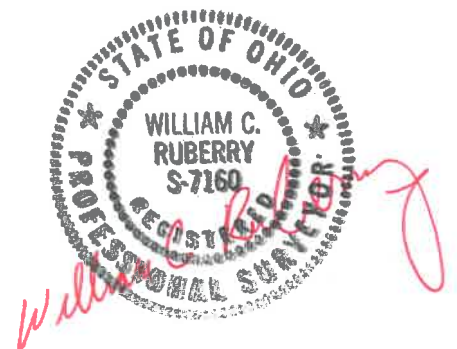
# GCWW EASEMENT E-1118 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-07 B & O RAILROAD

Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8<sup>th</sup> Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 425.19 feet to the common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 in the Hamilton County, Ohio Recorder's office; thence with said common line South 07 degrees 20 minutes 07 seconds West a distance of 15.50 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line South 07 degrees 20 minutes 07 seconds West a distance of 15.01 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 101.98 feet to the intersection of the south permanent easement line with the common property line of the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and the City of Cincinnati property recorded in Deed Book 1934, Page 355, APN 141-05-10 in the Hamilton County, Ohio Recorder's office; thence with said west permanent easement line and common property line North 07 degrees 06 minutes 04 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 102.04 feet to the POINT OF BEGINNING.

Containing 1,530.13933 square feet or 0.0351 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022





# GCWW EASEMENT E-1119 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-08 C & O RAILROAD

Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of C & O property recorded in Deed Book 1603, Page 301, APN 141 05-08 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8<sup>th</sup> Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 374.90 feet to the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the Norfolk Southern Deed Book 1531 Page 419 APN 141-05-33 in the Hamilton County, Ohio Recorder's office; thence with said common line South 03 degrees 55 minutes 29 seconds West a distance of 11.21 feet to a point of curve; thence along a curve to the right having a radius of 605.42 feet, a delta of 00 degrees 15 minutes 10 seconds, an arc length of 2.67 feet, and a chord which bears South 04 degrees 03 minutes 03 seconds West having a chord distance of 2.67 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line along a curve to the right having a radius of 605.42 feet, a delta of 01 degrees 25 minutes 11 seconds, an arc length of 15.00 feet, and a chord which bears South 04 degrees 53 minutes 14 seconds West having a chord distance of 15.00 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 51.79 feet to the intersection of the south permanent easement line with the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 in the Hamilton County, Ohio Recorder's office; thence with said west permanent easement line and common property line North 07 degrees 20 minutes 07 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 51.15 feet to the POINT OF BEGINNING.

Containing 772. 50934 square feet or 0.0177 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022





**Easement Granting language:** We, the undersigned ("Grantors"), being all of the owners of the easement area depicted and described herein ("Easement Area"), do hereby grant a permanent non-exclusive easement ("Easement") for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment and appurtenances (the "Water Facilities") through the Easement Area and for the right to access the Easement Area and the Water Facilities, which easement shall run with the land and inure to the benefit of the City of Cincinnati ("City") and be binding upon Grantors, their assigns, and their successors-in-interest to the Easement Area. Grantor shall comply with the terms, conditions and restrictions below and the rules and regulations of the Greater Cincinnati Water Works as to water main easements"

**GRANTOR SIGNATURE BLOCK**

Signed:

CSX Transportation, Inc., a Virginia corporation, as successor by merger to The Chesapeake and Ohio Railway Company of Indiana.

By: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Its: \_\_\_\_\_

State of \_\_\_\_\_, SS:  
County of \_\_\_\_\_

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., before me, a Notary Public in and for said state, personally appeared before me \_\_\_\_\_ of CSX Transportation, Inc., a Virginia corporation, who represented that they are duly authorized in the premises and who acknowledged that they did sign the forging instrument and that the same is their voluntary act and deed on behalf of CSX Transportation, Inc., a Virginia corporation for the uses and purposes in said instrument mentioned. In testimony whereof, I hereunto set my hand and affix my Notarial Seal on the day and date aforesaid.

Notary Public \_\_\_\_\_

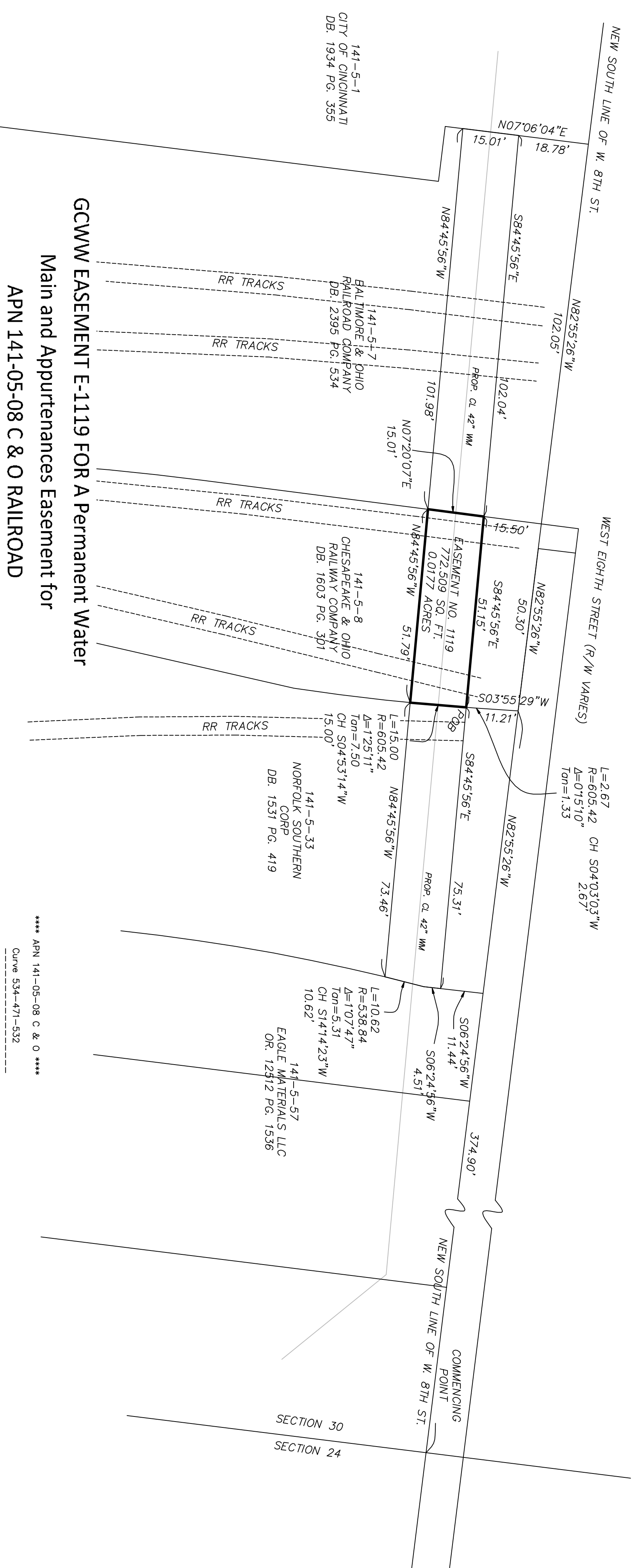
My Commission expires: \_\_\_\_\_

This is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

**OWNER INFORMATION**

141-5-8

CHESAPEAKE & OHIO RAILWAY COMPANY OF INDIANA  
DEED BOOK 1603, PAGE 301, HAMILTON COUNTY, OHIO RECORDS



**GCWW EASEMENT E-1119 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-08 C & O RAILROAD**

Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of C & O property recorded in Deed Book 1603, Page 301, APN 141 05-08 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8<sup>th</sup> Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 374.90 feet to the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the Norfolk Southern Deed Book 1531 Page 419 APN 141-05-33 in the Hamilton County, Ohio Recorder's office, thence with said common line South 03 degrees 55 minutes 29 seconds West a distance of 11.21 feet to a point of curve; thence along a curve to the right having a radius of 605.42 feet, a delta of 00 degrees 03 minutes 03 seconds West having a chord distance of 2.67 feet, and a chord which bears South 04 degrees 03 minutes 03 seconds West having a chord distance of 2.67 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line along a curve to the right having a radius of 605.42 feet, a delta of 01 degrees 25 minutes 11 seconds, an arc length of 15.00 feet, and a chord which bears South 04 degrees 53 minutes 14 seconds West having a chord distance of 15.00 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 51.79 feet to the intersection of the south permanent easement line with the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395 Page 534, APN 141 05-07 in the Hamilton County, Ohio Recorder's office, thence with said west permanent easement line and common property line North 07 degrees 20 minutes 07 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395 Page 534, APN 141 05-07; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 51.15 feet to the POINT OF BEGINNING.

Containing 772.50934 square feet or 0.0177 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022

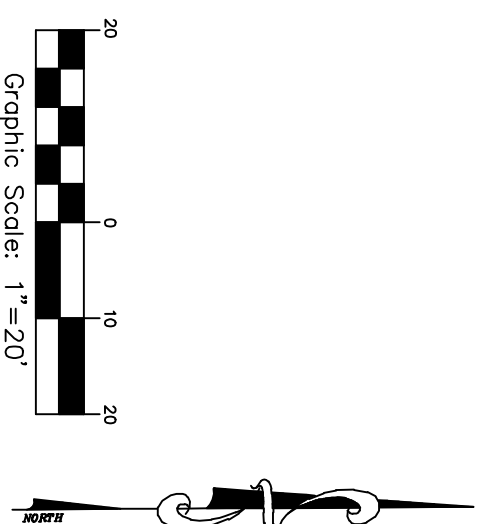
\*\*\*\* APN 141-05-08 C & O \*\*\*\*

Curve 534-471-532

Radius= 605.420000; Angle=001°25'10.7"; Length= 15.000660
Chord= 15.000226; Chord B=0.000109469807 East 1388526.421741'
534 -> 471: N 85°49'21.9" W 605.420000'
471 -> 532: S 84°24'11.2" E 605.420000'
Chord: S 04°53'13.5" W 15.000276'

532 -> 537: N 84°45'55.5" W 51.149045'	537 East 1388526.421741'
537 North 408810.946980 East 1388473.569574'	
537 -> 538: N 07°20'07.3" E 15.010088'	538 East 1388473.486014'
538 North 408815.613507 East 1388473.486014'	
538 -> 534: S 84°45'55.5" E 51.149045'	534 East 1388526.421741'
534 North 408810.946980 East 1388526.421741'	

Total area of all parcels: 772.50934 sq.ft. (0.0177 acres)



BEARING BASED ON HAMILTON COUNTY CAGIS NAD 83, NAVD29

EASE. NO.  
1119

NO.	DATE	REVISION
1	4-24-23	SIGNATURE BLOCK

PROJECT NO.	4-3152
DATE	04-14-2023
DRAWN BY	E. ARNOLD
CHECK BY	B. RUBERRY

GREATER CINCINNATI WATER WORKS  
ENGINEERING DIVISION/SURVEY SECTION  
4747 SPRING GROVE AVE., CINCINNATI, OH. 45232  
OFFICE PHONE: 513-591-7875

PERMANENT EASEMENT PLAT FOR WATER MAIN AND APPURTENANCES ACROSS RAILROAD TRACKS SOUTH OF WEST 8TH STREET  
SECTION 30 TOWNSHIP 4, FRACTIONAL RANGE 1, MIAMI PURCHASE, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO

SHEET NO.  
1/1

THIS PLAT IS THE RESULT OF A SURVEY BY GREATER CINCINNATI WATER WORKS SUPERVISING SURVEYOR ON APRIL 14TH 2023. ALL EXISTING MONUMENTS WERE IN GOOD CONDITION.

WILLIAM C. RUBERRY, P.S. #7160 OHIO



202301438

**Date:** May 24, 2023

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Emergency Ordinance – Honorary Street Name – Dr. O’dell Owens**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**DECLARING** that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of “Dr. O’dell Owens Way” in honor of Dr. O’dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.

ESW/JRS (dmm)  
Attachment  
383209

EMERGENCY

City of Cincinnati

JRS

EESW

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

- 2023

**DECLARING** that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of “Dr. O’dell Owens Way” in honor of Dr. O’dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.

WHEREAS, Doctor O’dell Moreno Owens, M.D., MPH, was born in Cincinnati, Ohio, grew up in the West End neighborhood, and graduated from Woodward High School; and

WHEREAS, Dr. Owens attended Antioch College and then went on to graduate from Yale University School of Medicine with both a medical doctorate and a Master of Public Health and then was the first African American fellow in reproductive endocrinology and infertility at Harvard Medical School; and

WHEREAS, Dr. Owens returned to Cincinnati in 1982 and established the in vitro fertilization program at the University of Cincinnati Medical Center and is credited with Cincinnati’s first successful in vitro conception and delivery and the first pregnancy from a frozen embryo; and

WHEREAS, Dr. Owens was elected as the Hamilton County Coroner in 2004 and reelected in 2008 where he continued his life’s mission to impact the lives of young people to encourage them to stay in school and pursue higher education; and

WHEREAS, in 2010, Dr. Owens became president of Cincinnati State Technical and Community College and later served as the interim Cincinnati health commissioner; and

WHEREAS, as a medical professional Dr. Owens was nationally recognized for his medical knowledge and his innovative procedures with in vitro fertilization and further worked to improve health care access using school-based centers, remedy the opioid epidemic, reduce tobacco use, and improve health equity in the City of Cincinnati; and

WHEREAS, Dr. Owens was also successful in business being on the board of directors for Star Bank which is now U.S. Bank for 29 years and president and chief executive officer of Interact for Health where he retired in 2021; and

WHEREAS, Dr. Owens also served on the boards for the Cincinnati Fire Foundation, the Carl H. Lindner Jr. Family Center for Conservation and Research of Endangered Wildlife at the Cincinnati Zoo & Botanical Garden, the Ronald McDonald House, the Federal Reserve Bank of Cleveland’s Cincinnati Business Advisory Council, and he was chairman of the Cincinnati Preschool Promise; and

WHEREAS, Dr. Owens further served on the boards for the University of Cincinnati, the Greater Cincinnati/Northern Kentucky International Airport, Cincinnati Red Cross, Fine Arts Fund, and the National Underground Railroad Freedom Center, and further chaired the annual CET Action Auction that supports Cincinnati's public television programming; and

WHEREAS, in 2020, the Cincinnati USA Regional Chamber of Commerce named Dr. Owens one of its Great Living Cincinnatians as a person who has made an indelible and significant impact in the Greater Cincinnati area; and

WHEREAS, Dr. Owens passed away on Wednesday, November 23, 2022 and was survived by his wife Marchelle and children Christopher, Justin, and Morgan; and

WHEREAS, Dr. O'dell Owens made a lasting impact in the Cincinnati medical community, the health of the City of Cincinnati's citizens, and his legacy, contributions, and dedication to the City of Cincinnati and its citizens will long be remembered; now, therefore,

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

Section 1. That Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of "Dr. O'dell Owens Way" in honor of Doctor O'dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through medicine and public service.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Central Parkway at Ezzard Charles Drive as "Dr. O'dell Owens Way" in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Doctor O'dell Moreno Owens via the office of Vice Mayor Jan-Michele Lemon Kearney.

Section 4. 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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the honorary naming of streets to provide for the ceremony and dedication of the honorary street name at the earliest possible time.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

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