



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson Reggie Harris
Vice Chair Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks

Monday, November 13, 2023

1:00 PM

Council Chambers, Room 300

AGENDA

COMMUNITY REINVESTMENT AGREEMENT

1. [202302198](#) **ORDINANCE**, submitted by Councilmembers Harris and Jeffreys, from Emily Smart Woerner, City Solicitor, **ESTABLISHING** certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for the Arcadia housing project in the Oakley neighborhood of Cincinnati, notwithstanding Ordinance No. 106-2023

Sponsors: Harris and Jeffreys

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

GRANTS AND DONATIONS

2. [202302313](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of a therapy dog, related equipment and supplies, and training services from K9s for Warriors, valued at up to \$10,576, to be used by the Cincinnati Fire Department's Peer Support Program.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

3. [202302311](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **AUTHORIZING** the City Manager to accept and deposit a donation of \$65,483 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," to provide resources for improvements to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park; and **AUTHORIZING** the transfer and

appropriation of \$65,483 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements."

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

4. [202302314](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of third-party professional services from FC Cincinnati valued at up to \$151,775 for the construction and installation of a mini-pitch soccer facility at Lunken Play Field.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

5. [202302317](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of goods and professional services from Perfect North Slopes, through Corbeau Ski Club, valued at approximately \$36,550 to support the Cincinnati Recreation Commission's Ski and Snowboard program.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

FUND ADVANCE

6. [202302316](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **AUTHORIZING** the repayment of a fund advance of \$200,000 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to the unappropriated surplus of General Fund 050.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

MULTI-HAZARD MITIGATION PLAN

7. [202302326](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/8/2023, **ADOPTING** the Hamilton County Emergency Management & Homeland Security Agency's "2023 Hamilton County Multi-Hazard Mitigation Plan," which will allow the City of Cincinnati to be eligible for future disaster mitigation funds provided by the Federal Emergency Management Agency.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Ordinance](#)

SPECIAL ASSESSMENTS

8. [202302293](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **DECLARING** by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Resolution](#)
 [Attachment](#)

9. [202302294](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **DETERMINING** to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Ordinance](#)
 [Attachment](#)

10. [202302295](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **LEVYING** special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Ordinance](#)
 [Attachment A](#)
 [Attachment B](#)

11. [202302376](#) **PETITION**, submitted by the Clerk of Council, A petition regarding Oakley Parke Property Assessed Clean Energy Financing Petition and Supplemental Plan- 4710 Madison Road.

Attachments: [Petition](#)

UTILITY EASEMENTS

12. [202302263](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Kellogg and Renslar Avenues in the California neighborhood of Cincinnati. (Subject to the [Temporary Prohibition List](#) [<https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

13. [202302264](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Beechmont Avenue and Canoe Court in the Linwood and Mt. Washington neighborhoods of Cincinnati. (Subject to the [Temporary Prohibition List](#) [<https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

14. [202302257](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Canoe Court and Renslar Avenue in the Mt. Washington and California neighborhoods of Cincinnati. (Subject to the [Temporary Prohibition List](#) [<https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

CARRYOVER

15. [202302300](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, "Industrial Site Redevelopment - GF CO," to provide

resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, "Industrial Site Redevelopment - GF CO," to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, "West End Community Development Initiatives," within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 "West End Community Development Initiatives," to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Sponsors: Mayor

Attachments: [Transmittal](#)
[Ordinance](#)

16. [202302301](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **AUTHORIZING** the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

17. [202302439](#) **MOTION**, submitted by Councilmembers Harris and Cramerding, WE MOVE to accept the Mayor and administration's FY24 Carryover dollar recommendations as listed in Ordinance #202302300 without modification as indicated in the following chart: Industrial Site Redevelopment- GF CO \$1,600,000, West End Community Development Initiatives \$2,000,000, Keep Cincinnati Beautiful Capital Facilities Improvement \$250,000. (BALANCE ON FILE IN THE CLERK'S OFFICE)

Sponsors: Harris and Cramerding

Attachments: [Motion](#)

ADJOURNMENT

202302193
Date: October 18, 2023

To: Councilmembers Reggie Harris and Mark Jeffreys
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Notwithstanding Ordinance – Arcadia (3033 Jared Ellis)**

Transmitted herewith is a notwithstanding ordinance captioned as follows:

ESTABLISHING certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for the Arcadia housing project in the Oakley neighborhood of Cincinnati, notwithstanding Ordinance No. 106-2023.

EESW/EVK(dmm)
Attachment
388554

City of Cincinnati

EVK

JESW

An Ordinance No. _____

- 2023

ESTABLISHING certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for the Arcadia housing project in the Oakley neighborhood of Cincinnati, notwithstanding Ordinance No. 106-2023.

WHEREAS, Ordinance No. 274-2017, passed on September 27, 2017, as amended by Ordinance No. 166-2018, passed on June 27, 2018, and Ordinance No. 370-2020, passed on November 12, 2020 (the "2020 Ordinance"), designated the area within the corporate boundaries of the City of Cincinnati as a Community Reinvestment Area (the "CRA") pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute"); 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, the 2020 Ordinance (i) defines residential properties to include structures with one to four dwelling units, and (ii) amends the prior policy with respect to residential tax abatements enacted pursuant to Ordinance No. 276-2017, passed on September 27, 2017 (the "2017 Ordinance"); and

WHEREAS, Ordinance No. 106-2023, passed on March 9, 2023 (the "2023 Ordinance"), sets forth additional policies, conditions, and limitations regarding newly constructed or remodeled residential structures in the CRA and establishes a three-tiered policy to align the level of incentive more closely with the amount of development in a neighborhood, and to encourage sustainable and accessible development within the City of Cincinnati; and

WHEREAS, Local Oakley, LLC ("Developer") owns the real property located at 3033 Jared Ellis Drive in the Oakley neighborhood, which property is more particularly described on Attachment A hereto (the "Property"); and

WHEREAS, Ordinance No. 322-2022, passed October 12, 2022, amended the official zoning map of the City of Cincinnati to rezone the Property from the CG-A, "Commercial General Auto," zoning district to Planned Development District No. 94, "Arcadia" to facilitate the construction of a development that contains 119 townhomes at a density of sixteen units per acre (the "Project"); and

WHEREAS, Developer is in the process of developing the Project, which is the largest for-sale housing development currently under construction in the City of Cincinnati and will bring 119 for-sale homes to the market; and

WHEREAS, the addition of 119 newly constructed housing units benefits the City of Cincinnati (the "City") by creating critical housing supply; and

WHEREAS, Developer has represented to the City that Developer has incurred significant costs to date of approximately \$18,000,000 into the Project; and

WHEREAS, Developer has undertaken significant community engagement and incurred substantial costs, and received certain approvals from the City, including Coordinated Site Review and zoning approvals, all prior to the passage of the 2023 Ordinance; and

WHEREAS, Developer is ready to commence construction, but due to the scale and cost of the Project, it must be phased over multiple years; and

WHEREAS, Developer has broad support from the community stakeholders to complete the Project under the policies and conditions established by the 2017 Ordinance, as amended by the 2020 Ordinance, to foster continued growth and progress in the Oakley neighborhood; and

WHEREAS, the 2023 Ordinance is generally applicable to projects commencing construction on and after September 1, 2023, as determined in accordance with Section 12 of the 2023 Ordinance; and

WHEREAS, Council desires to apply the terms and conditions of the 2017 Ordinance, as amended by the 2020 Ordinance, to residential real property tax abatement applications for any portion of the Property received by the City on or before September 1, 2027, notwithstanding the 2023 Ordinance because (i) Developer is constructing a multi-year phased project consisting of more than 110 homes, and (ii) Developer received certain City approvals and broad support from the community prior to the passage of the 2023 Ordinance; now, therefore,

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

Section 1. That this Council desires to apply the policies, terms, and conditions for residential real property tax abatements established pursuant to Ordinance No. 276-2017, as amended by Ordinance No. 370-2020, to applications for residential real property tax abatements received by the City on or before September 1, 2027, related to any portion of the property described on Attachment A of this ordinance (the "Property").

Section 2. That this Council enacts Section 1 of this ordinance notwithstanding Ordinance No. 106-2023.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 and 2 herein.

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

Attachment A
to Ordinance

Situated in Section 28, Town 3, Fractional Range 2, Columbia Township, Between the Miamis, The City of Cincinnati, Hamilton County, Ohio and being 8.414 acres to be re-zoned to Planned Development (PD) and being further described as follows:

Begin at the southwest corner of Lot #4 of Cast Fab Subdivision as recorded in Plat Book 473, Page 49 and being on the northerly boundary of Baltimore & Ohio Railroad Company and being the True Point of Beginning:

thence, from the True Point of Beginning, departing the southwest corner of said Lot #4 and with the northerly boundary of said Baltimore & Ohio Railroad Company, North 68° 18' 08" West, 608.37 feet to the southeast corner of Lot #7 of said Cast Fab Subdivision;

thence, leaving the northerly boundary of said Baltimore & Ohio Railroad Company and with the easterly boundary extended of said Lot #7 and through Jared Ellis Drive, North 21° 41' 52" East, 602.47 feet to the centerline of said Jared Ellis Drive;

thence, with the centerline of said Jared Ellis Drive, South 68° 18' 08" East, 608.37 feet;

thence, leaving the centerline of said Jared Ellis Drive and through said Jared Ellis Drive and with the westerly boundary of Lot #3 of said Cast Fab Subdivision and with the westerly boundary of said Lot #4, South 21° 41' 52" West, 602.47 feet to the True Point of Beginning containing 8.414 acres of which 0.838 acres is right of way.

November 8, 2023

To: Mayor and Members of City Council 202302313

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Cincinnati Fire Department: Therapy Dog In-Kind Donation**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of a therapy dog, related equipment and supplies, and training services from K9s for Warriors, valued at up to \$10,576, to be used by the Cincinnati Fire Department’s Peer Support Program.

Approval of this Ordinance would authorize the City Manager to accept an in-kind donation of a therapy dog, related equipment and supplies, and training services from K9s for Warriors valued at up to \$10,576 to be used by the Cincinnati Fire Department’s (CFD) Peer Support Program.

K9s for Warriors is a non-profit organization that provides highly trained service dogs to military veterans and its Station Dog Program provides service dogs to law enforcement and first responder agencies. K9s for Warriors has agreed to donate a service dog, vest, leash, treat pouch, waste bags, identification patches, a one-year supply of preventative medications, toys, a crate, and training services.

CFD’s Peer Support Program provides firefighters with support dealing with work-related stress and trauma. The therapy dog will be available primarily at fire houses and occasionally at the scene of an incident.

There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

The use of therapy dogs in the Peer Support Program is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and the strategy to “[d]ecrease mortality and chronic and acute diseases” as described on pages 187-188 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept an in-kind donation of a therapy dog, related equipment and supplies, and training services from K9s for Warriors, valued at up to \$10,576, to be used by the Cincinnati Fire Department's Peer Support Program.

WHEREAS, K9s for Warriors is a non-profit organization that provides highly trained service dogs to military veterans suffering from PTSD, traumatic brain injury, or military sexual trauma for the purpose of ending veteran suicide; and

WHEREAS, K9s for Warriors' Station Dog Program provides service dogs to law enforcement and first responder agencies; and

WHEREAS, K9s for Warriors has generously agreed to donate a service dog, vest, leash, treat pouch, waste bags, identification patches, one-year supply of preventative medications, toys, crate, and pre- and post-placement training to the Cincinnati Fire Department ("CFD") for use in CFD's Peer Support Program; and

WHEREAS, CFD's Peer Support Program provides firefighters with support dealing with work-related stress and trauma, and the therapy dog will be available primarily at fire houses and occasionally at the scene of an incident; and

WHEREAS, acceptance of this in-kind donation requires no matching funds, and no FTEs/full time equivalents are associated with acceptance of this in-kind donation; and

WHEREAS, the use of therapy dogs in CFD's Peer Support Program is in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[d]ecrease mortality and chronic and acute diseases" as described on pages 181 and 187-188 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 accept an in-kind donation of a therapy dog, related equipment and supplies, and training services from K9s for Warriors, valued at up to \$10,576, to be used by the Cincinnati Fire Department's Peer Support Program.

Section 2. That the appropriate 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 take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

November 8, 2023

To: Mayor and Members of City Council

202302311

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Parks: Commissioners’ Fund Donations for Sawyer Point Improvements

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and deposit a donation of \$65,483 from the Cincinnati Park Board Commissioners’ Fund into Fund No. 430, “Parks Private Endowment and Donations,” to provide resources for improvements to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park; and **AUTHORIZING** the transfer and appropriation of \$65,483 from the unappropriated surplus of Fund No. 430, “Parks Private Endowment and Donations,” to capital improvement program project account no. 980x203x232036, “Sawyer Point Improvements.”

Approval of this Ordinance would authorize the City Manager to accept and deposit a donation of \$65,483 from the Cincinnati Park Board Commissioners’ Fund into Parks Private Endowment and Donations Fund 430.

This Ordinance also authorizes the transfer and appropriation of \$65,483 from the Parks Private Endowment and Donations Fund 430 to existing capital improvement program project account no. 980x203x232036 “Sawyer Point Improvements” to provide resources for improvements to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park.

There are no new FTEs associated with the donations.

Improvements to Sawyer Point are in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 179-193 and 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept and deposit a donation of \$65,483 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," to provide resources for improvements to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park; and **AUTHORIZING** the transfer and appropriation of \$65,483 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements."

WHEREAS, the Cincinnati Board of Parks Commissioners approved the allocation of \$65,483 from the Cincinnati Park Board Commissioners' Fund to provide resources to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park; and

WHEREAS, this donation does not require matching funds, and there are no new FTEs/full time equivalents associated with this donation; and

WHEREAS, the improvements to Sawyer Point are in accordance with the "Sustain" goal to "[p]reserve our natural and built environment" and the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and the strategy to "[u]nite our communities" as described on pages 179-193 and 207-212 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 accept and deposit a donation of \$65,483 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," to provide resources for improvements to Sawyer Point to eliminate safety hazards, halt deterioration of infrastructure, and make aesthetic improvements to the park.

Section 2. That the City Manager is authorized to transfer and appropriate \$65,483 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements."

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of 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

November 8, 2023

To: Mayor and Members of City Council 202302314
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – Cincinnati Recreation Commission: FC Cincinnati Mini-Pitch Soccer Facility In-Kind Donation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of third-party professional services from FC Cincinnati valued at up to \$151,775 for the construction and installation of a mini-pitch soccer facility at Lunken Play Field.

Approval of this Emergency Ordinance would authorize the City Manager to accept an in-kind donation of third-party professional services from FC Cincinnati valued at up to \$151,775 for the construction and installation of a mini-pitch soccer facility at Lunken Play Field.

FC Cincinnati has offered to donate third-party professional services valued at up to \$151,775 to construct and install a mini-pitch soccer facility at Lunken Play Field. The services will be provided by The Motz Group, who previously constructed the mini-pitch facility at the North Avondale Recreation Area. Once complete, the improvements will allow for afterschool soccer programs, tournaments, clinics, training sessions, and other soccer-related activities and events.

This in-kind donation falls outside the parameters established in Ordinance No. 0317-2023, which authorized ongoing donations from the Cincinnati Recreation Foundation in amounts up to \$20,000, and therefore requires discrete approval. There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donation and begin construction.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

CMZ

- 2023

AUTHORIZING the City Manager to accept an in-kind donation of third-party professional services from FC Cincinnati valued at up to \$151,775 for the construction and installation of a mini-pitch soccer facility at Lunken Play Field.

WHEREAS, FC Cincinnati has generously offered to donate third-party professional services, valued at up to \$151,775, to construct and install a mini-pitch soccer facility at the Lunken Play Field; and

WHEREAS, the services will be provided by a third-party contractor, The Motz Group; and

WHEREAS, The Motz Group has completed several synthetic turf and natural grass field installations across the Greater Cincinnati Area, including at the North Avondale Recreation Area; and

WHEREAS, this in-kind donation falls outside the parameters established in Ordinance No. 317-2023, which authorized ongoing donations to the Cincinnati Recreation Foundation in amounts up to \$20,000, and therefore requires discrete approval; and

WHEREAS, acceptance of this donation requires no matching funds, and there are no additional FTEs/full time equivalents associated with the donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 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 accept an in-kind donation of third-party professional services from FC Cincinnati valued at up to \$151,775 for the construction and installation of a mini-pitch soccer facility at Lunken Play Field.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the donation and 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 accept the donation and begin construction.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

November 8, 2023

To: Mayor and Members of City Council 202302317
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Cincinnati Recreation Commission: Corbeau Ski Club In-Kind Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services from Perfect North Slopes, through Corbeau Ski Club, valued at approximately \$36,550 to support the Cincinnati Recreation Commission’s Ski and Snowboard program.

Approval of this Ordinance would authorize the City Manager to accept an in-kind donation of goods and professional services from Perfect North Slopes, through Corbeau Ski Club, valued at approximately \$36,550 to support the Cincinnati Recreation Commission’s (CRC) Ski and Snowboard program.

Corbeau Ski Club is a nonprofit organization dedicated to promoting skiing and snowboarding within the African American community. The organization has generously invited CRC to utilize lift passes and equipment rentals donated by Perfect North Slopes. Corbeau has also offered to provide ski and snowboard instruction through the 2023-2024 winter season.

CRC’s Ski and Snowboard program allows underserved youth, ages ten through seventeen, an opportunity to spend six weeks learning to ski and snowboard, exposing participants to new experiences while developing confidence and independence.

This in-kind donation falls outside the parameters established in Ordinance No. 0317-2023 and requires discrete approval. There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

Acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork un synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services from Perfect North Slopes, through Corbeau Ski Club, valued at approximately \$36,550 to support the Cincinnati Recreation Commission’s Ski and Snowboard program.

WHEREAS, Corbeau Ski Club invited Cincinnati Recreation Commission’s (“CRC”) Ski and Snowboard program to utilize lift passes and equipment rentals donated by Perfect North Slopes and offered to provide ski and snowboard instruction through the 2023-2024 winter season; and

WHEREAS, CRC’s Ski and Snowboard program provides underserved youth between the ages of ten and seventeen an opportunity to spend six weeks learning to ski and snowboard, exposing participants to new experiences while developing confidence and independence; and

WHEREAS, this in-kind donation falls outside the parameters established in Ordinance No. 317-2023 and requires discrete approval; and

WHEREAS, there are no match requirements or new FTEs/full time equivalents associated with acceptance of this in-kind donation; and

WHEREAS, acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 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 accept an in-kind donation of goods and professional services from Perfect North Slopes, through Corbeau Ski Club, valued at approximately \$36,550 to support the Cincinnati Recreation Commission’s Ski and Snowboard program.

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

Section 3. 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

November 8, 2023

To: Mayor and Members of City Council 202302316

From: Sheryl M. M. Long, City Manager

**Subject: Ordinance – Budget: Emergency Shelter Fund – Fund Advance
Repayment to General Fund**

Attached is an Ordinance captioned:

AUTHORIZING the repayment of a fund advance of \$200,000 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to the unappropriated surplus of General Fund 050.

This Ordinance authorizes the repayment of a fund advance in the amount of \$200,000 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to the unappropriated surplus of General Fund 050.

The Emergency Solutions Grants (ESG) Program is funded by entitlement grants from the U.S. Department of Housing and Urban Development (HUD) and provides annual grants to local communities for projects that engage homeless individuals and families, improve the number and quality of emergency shelters, help to operate shelters and provide essential services to shelter residents, rapidly re-house homeless persons, and prevent people from becoming homeless.

Due to the anticipated award timing of the Calendar Year 2020 ESG Program, the City Council passed Ordinance No. 0020-2020, authorizing a fund advance and transfer of \$200,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Emergency Shelter Grant Fund 445 to provide timely support for homeless shelters, to be reimbursed through the ESG Program.

The resources provided by the 2020 fund advance were never appropriated and are no longer needed for cash flow purposes and should now be repaid to General Fund 050.

The Administration recommends passage of this Ordinance.

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

Attachment

AUTHORIZING the repayment of a fund advance of \$200,000 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to the unappropriated surplus of General Fund 050.

WHEREAS, the Emergency Solutions Grants (“ESG”) Program is funded by entitlement grants from the U.S. Department of Housing and Urban Development (“HUD”), and provides annual grants to local communities for projects that engage homeless individuals and families, improve the number and quality of emergency shelters, help to operate shelters and provide essential services to shelter residents, rapidly re-house homeless persons, and prevent people from becoming homeless; and

WHEREAS, Emergency Shelter Fund 445 is utilized for the HUD-funded ESG Program; and

WHEREAS, due to the anticipated award timing of the Calendar Year 2020 ESG Program, Council passed Ordinance No. 20-2020, authorizing a fund advance and transfer of \$200,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Emergency Shelter Fund 445 to provide timely support for homeless shelters, to be reimbursed through the ESG Program; and

WHEREAS, the resources provided by the 2020 fund advance were never appropriated and are no longer needed for cash flow purposes and should now be repaid to General Fund 050; now, therefore,

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

Section 1. That Council authorizes the repayment of a fund advance of \$200,000 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to the unappropriated surplus of General Fund 050.

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 take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



November 8, 2023

To: Mayor and Members of City Council

202302326

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance** – Adopting 2023 Hamilton County Multi-Hazard Mitigation Plan

Attached is an Emergency Ordinance captioned:

ADOPTING the Hamilton County Emergency Management & Homeland Security Agency’s “2023 Hamilton County Multi-Hazard Mitigation Plan,” which will allow the City of Cincinnati to be eligible for future disaster mitigation funds provided by the Federal Emergency Management Agency.

The Administration recommends passage of this Emergency Ordinance.

cc: Natasha S. Hampton, Assistant City Manager

EMERGENCY

CMZ

-2023

ADOPTING the Hamilton County Emergency Management & Homeland Security Agency’s “2023 Hamilton County Multi-Hazard Mitigation Plan,” which will allow the City of Cincinnati to be eligible for future disaster mitigation funds provided by the Federal Emergency Management Agency.

WHEREAS, on November 19, 2003, Council passed Resolution No. 126-2003 expressing Council’s approval and adoption of the “Hamilton County Natural Hazard Mitigation Plan”; and

WHEREAS, Council approved and adopted subsequent versions of the plan in 2009 (Resolution No. 55-2009), 2014 (Resolution No. 22-2014), and 2018 (Ordinance No. 366-2018); and

WHEREAS, on August 24, 2023, the Hamilton County Board of County Commissioners adopted a “2023 Hamilton County Multi-Hazard Mitigation Plan” (“2023 Plan”); and

WHEREAS, both the Ohio Emergency Management Agency and the Federal Emergency Management Agency (“FEMA”) have reviewed the 2023 Plan for legislative compliance and approved the plan pending adoption by the City of Cincinnati and other local governments; and

WHEREAS, Council’s adoption of the Hamilton County Emergency Management Agency’s “2023 Hamilton County Multi-Hazard Mitigation Plan” will allow the City to remain eligible for future disaster mitigation funds provided by FEMA; now, therefore,

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

Section 1. That Council adopts the “2023 Hamilton County Multi-Hazard Mitigation Plan” as approved by the Ohio Emergency Management Agency and the Federal Emergency Management Agency.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with 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 approve the “2023 Hamilton County Multi-Hazard Mitigation Plan” so the City remains eligible for future disaster mitigation funds provided by FEMA.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

November 1, 2023

To: Mayor and Members of City Council

202302293

From: Sheryl M.M. Long, City Manager

**Subject: EMERGENCY LEGISLATIVE RESOLUTION DECLARING THE
NECESSITY OF THE PACE ASSESSMENT PROJECT FOR 4710
MADISON ROAD**

Attached is an Emergency Legislative Resolution captioned:

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common

mailing address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

The Administration recommends approval of this emergency legislative resolution.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Madison Road Picture

EMERGENCY

Legislative Resolution

RESOLUTION NO. _____ - 2023

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, Ohio Revised Code (“R.C.”) Section 1710.02(F) provides that a political subdivision that has approved a petition for special assessments for public improvements in a special improvement district pursuant to R.C. Chapter 1710 shall levy said special assessments pursuant to R.C. Chapter 727; and

WHEREAS, pursuant to Resolution No. 28-2014 passed on April 9, 2014, Council approved the Petition for the Creation of the City of Cincinnati, Ohio Energy Special Improvement District, together with the Articles of Incorporation of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. and, following said approvals by Council, on July 23, 2014, the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (hereinafter, the “ESID”) was formed as an ESID and is now duly authorized and operating pursuant to R.C. Chapter 1710; and

WHEREAS, Oakley Capital Partners 2, LLC (the “Owner”), as the owner of 100 percent of the lots and lands, including air parcels, to be assessed for the improvements described in this Resolution, has executed and filed with this Council a Petition for Special Assessments for Special Energy Improvement Projects dated as of October 23, 2023 (the “Petition”), including a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), proposing the necessity of special assessments to pay the costs of special energy improvement projects (as more fully identified in the Petition and Supplemental Plan, the “Authorized Improvements”) to be located at 4710 Madison Road in Cincinnati (the “Assessed Property”); and

WHEREAS, the Petition and the Supplemental Plan are on file with the Clerk of Council, and copies thereof are attached to this Resolution as Attachment A; and

WHEREAS, in the Petition, the Owner requests that the Authorized Improvements be paid for by special assessments assessed upon the Assessed Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Authorized Improvements and other related costs of financing the Authorized Improvements, which include, without limitation, the payment of principal of, interest on, and financing, credit enhancement, and issuance expenses related to, any bonds, notes, loans, or other financing provided to pay the costs of the Authorized Improvements, and requests that the Authorized Improvements be undertaken cooperatively by the City, the ESID, and the Owner, in accordance with the Standing Assignment Agreement dated as of February 28, 2017 by and among the City, the Port of Greater Cincinnati Development Authority, and the ESID (the “Standing Assignment Agreement”); and

WHEREAS, in order to provide for the assignment and transfer of the Special Assessments, the ESID has requested that the City execute and deliver an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council; and

WHEREAS, (i) the Special Assessments are conducive to the public health, convenience and welfare of this City and the inhabitants of the City; (ii) the Assessed Property is specially benefited by the Special Assessments; and (iii) the Special Assessments have been petitioned for by the owner of 100 percent of the Assessed Property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition for Special Assessments for Special Energy Improvement Projects dated October 23, 2023 (the “Petition”), which Petition, together with a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), are hereby approved and accepted, and copies of which are attached to this Resolution as Attachment A.

Section 2. That this Council hereby approves and authorizes the City Manager to execute an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council, together with any modifications as may be necessary to effectuate the purpose of the Petition and Ohio Revised Code (“R.C.”) Chapter 1710, provided that any such modifications shall not, in the judgment of the City Manager, be adverse to the City.

Section 3. That it is hereby declared necessary, and a vital and essential public purpose of the City, to improve the real property located at 4710 Madison Road, Cincinnati, Ohio (the “Assessed Property”), by providing for special energy improvement projects as more fully identified in the Petition and Supplemental Plan (the “Authorized Improvements”) on the Assessed Property, including any and all costs and expenses in connection with or otherwise related thereto as described in the Petition (collectively, the “Assessment Project”), which Assessment Project is described in the plans, specifications, profiles, and estimates of costs included in the Petition and on file in the office of the Clerk of Council.

Section 4. That the plans and specifications and total cost of the Assessment Project now on file in the office of the Clerk of Council are approved, subject to changes as provided for in the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “ESID”), and as permitted by R.C. Chapter 727. The Assessment Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Assessment Project.

Section 5. That this Council finds and determines that: (i) the Assessment Project is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and that it is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project as defined in R.C. Section 1710.01(I); (ii) the Assessed Property is specially benefited by the Assessment Project; and (iii) the Assessment Project has been petitioned for by the owner of 100 percent of the Assessed Property. It is hereby determined that the Assessment Project’s elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Assessment Project’s elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner, and that the Assessment Project’s elements shall be treated as a single improvement pursuant to R.C. Section 727.09.

Section 6. That pursuant to R.C. Section 1710.02(G)(4), Council hereby determines that the Assessment Project is not required to be owned exclusively by the City. Council accordingly hereby authorizes the board of directors of the ESID to act as its agent to sell, transfer, lease, or convey the Assessment Project. The board of directors of the ESID must obtain from any sale, transfer, lease, or conveyance of the Assessment Project any consideration greater than or equal to \$1.00.

Section 7. That the costs of the Assessment Project, as set forth in the Petition, shall be assessed in proportion to the benefits upon the Assessed Property, and the assessment for such purpose (the “Special Assessments”) shall be assessed and paid as specified in the Petition. The portion of the costs of the Assessment Project allocable to the City will be zero percent. The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

Section 8. That the City’s Finance Director and/or her designee is authorized to cause to be prepared and filed in the office of the Clerk of Council the estimated Special Assessments and the cost of the Assessment Project in accordance with the method of assessment set forth in the Petition and this Resolution.

Section 9. That the Special Assessments shall be levied and paid in 58 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition. The Owner has waived the right to pay the Special Assessment in cash within thirty days after the first publication of the notice of the assessing ordinance.

Section 10. That the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments upon the filing of the estimated Special Assessments with the Clerk of Council under R.C. Section 727.13.

Section 11. That pursuant to and subject to the provisions of a valid Petition signed by the Owner, as the owner of 100 percent of the Assessed Property, which Petition is hereby accepted, the entire cost of the Assessment Project, which shall be located entirely on the Assessed Property, shall be paid by the Special Assessments levied against the Assessed Property, which is the benefited property.

Section 12. That this Council hereby accepts and approves the waivers contained in the Petition of all further notices, hearings, claims for damages, rights to appeal, and other rights of property owners under the law, including, but not limited to, those specified in the Ohio

Constitution, R.C. Chapter 727, R.C. Chapter 1710, and the Charter of the City of Cincinnati, Ohio, and consents to the immediate imposition of the Special Assessments upon the Assessed Property.

Section 13. That the City’s Finance Director and/or her designee is authorized, pursuant to R.C. Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Assessment Project.

Section 14. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. Section 121.22.

Section 15. 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 to ensure that the board of directors of the ESID may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the “Property”) and will implement special energy improvement projects on the Property (the “Authorized Improvements,” as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “Corporation”), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the “District”), created within the boundaries of the City of Cincinnati, Ohio (the “City”) has approved a plan (the “Program Plan”) for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the “Supplemental Plans”) (the Program Plan and every Supplemental Plan together constituting the “Plan”) to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council (“Council”) to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the “Special Assessments”) to pay the costs of the Authorized Improvements.

In consideration of the City’s acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

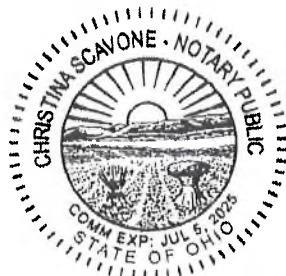
Address for notices to Petitioner: Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
) SS:
COUNTY OF Hamilton)

On the 23 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 36.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11' E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 286 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the “Plan”), the City of Cincinnati, Ohio Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the “Property Owner”) has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the “Property”). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an “Original Parcel” and, collectively, the “Original Parcels”) constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the “Non-Assessed Parcels”). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.

The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 

Name: Christopher R. Hildebrand

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Morelia Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Morelia Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. **By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.**

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) Eligibility. The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.


Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

**Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner:

Port of Greater Cincinnati Development
Authority

299 East Sixth Street, Suite 2A

Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

November 1, 2023

To: Mayor and Members of City Council

202302294

From: Sheryl M.M. Long, City Manager

**Subject: DETERMINING TO PROCEED WITH THE PACE ASSESSMENT
PROJECT FOR 4710 MADISON ROAD**

Attached is an emergency ordinance captioned:

DETERMINING to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common mailing address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

The Administration recommends approval of this emergency ordinance.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Madison Road Picture

EMERGENCY

-2023

DETERMINING to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, prior to the passage of this ordinance, this Council duly adopted a resolution declaring the necessity of the assessment project at 4710 Madison Road in the City of Cincinnati (the “Resolution of Necessity”), which provides for the levying and collection of special assessments to be assessed on such property sufficient to pay the costs of the Authorized Improvements (as defined in the Resolution of Necessity); and

WHEREAS, all statutory procedural requirements for the imposition of special assessments on the assessed property, including, without limitation, the right to make claims for damages alleged to result from and objections to the Assessment Project (as defined in the Resolution of Necessity), have been waived by the owners of 100 percent of the affected property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity, an unsigned copy of which is attached to this ordinance as Attachment A.

Section 2. That it is hereby determined to proceed with the Assessment Project described in the Resolution of Necessity. The Assessment Project shall be located entirely on the Assessed Property and shall be made in accordance with the provisions of the Resolution of Necessity, the Petition (a copy of which is attached to the Resolution of Necessity), and the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Clerk of Council.

Section 3. That the assessment of the Special Assessments to pay costs of the Assessment Project shall be assessed against the Assessed Property in the manner and in the number of installments provided in the Petition. The Special Assessments shall be assessed against the

Assessed Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2053 for collection in 2054.

Section 4. That the estimated Special Assessments for costs of the Assessment Project prepared and filed in the office of the Clerk of Council and in the office of the City's Director of Finance, in accordance with the Resolution of Necessity, are hereby adopted.

Section 5. That all contracts for the construction of the Assessment Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code ("R.C.") and the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc., and the costs of the Assessment Project shall be financed as provided in the Resolution of Necessity.

Section 6. That in compliance with R.C. Section 319.61, the Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the Hamilton County Auditor within fifteen days after the date of passage.

Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

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 to ensure that the board of directors of the City of Cincinnati, Ohio Energy Special Improvement

District, Inc. may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the “Property”) and will implement special energy improvement projects on the Property (the “Authorized Improvements,” as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “Corporation”), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the “District”), created within the boundaries of the City of Cincinnati, Ohio (the “City”) has approved a plan (the “Program Plan”) for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the “Supplemental Plans”) (the Program Plan and every Supplemental Plan together constituting the “Plan”) to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council (“Council”) to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the “Special Assessments”) to pay the costs of the Authorized Improvements.

In consideration of the City’s acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

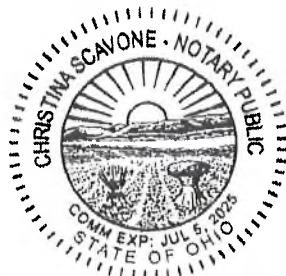
Address for notices to Petitioner: Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
) SS:
COUNTY OF Hamilton)

On the 23 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 36.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11' E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 286 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the “Plan”), the City of Cincinnati, Ohio Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the “Property Owner”) has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the “Property”). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an “Original Parcel” and, collectively, the “Original Parcels”) constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the “Non-Assessed Parcels”). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.

The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 

Name: Christopher R. Hildebrand

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Morelia Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Morelia Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. **By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.**

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) Eligibility. The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.


Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

**Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner:

Port of Greater Cincinnati Development
Authority

299 East Sixth Street, Suite 2A

Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

November 1, 2023

To: Mayor and Members of City Council

202302295

From: Sheryl M.M. Long, City Manager

**Subject: LEVYING SPECIAL ASSESSMENTS FOR THE PACE
ASSESSMENT PROJECT FOR 4710 MADISON ROAD**

Attached is an emergency ordinance captioned:

LEVYING special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common mailing

address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

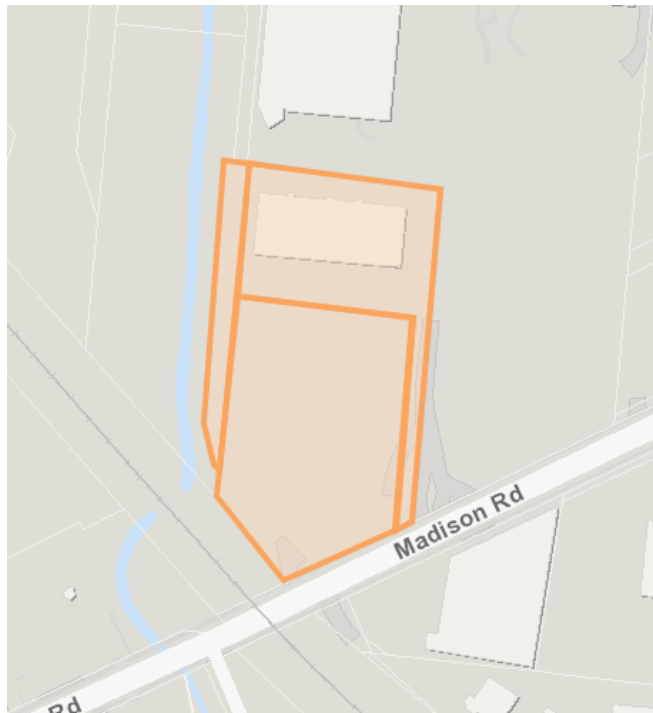
The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

The Administration recommends approval of this emergency ordinance.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Maidson Road Picture

EMERGENCY

-2023

LEVYING special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, this Council duly adopted a legislative resolution declaring the necessity of an assessment project at 4710 Madison Road in the City of Cincinnati (the “Resolution of Necessity”), which Resolution of Necessity also accepted and approved the Petition (as defined therein) requesting the improvements described in Section 3 of the Resolution of Necessity and an assessment for the cost thereof, all as set forth in the Petition; and

WHEREAS, this Council duly passed an ordinance determining to proceed with the Assessment Project (as defined in the Resolution of Necessity) and adopted the estimated Special Assessments filed with the Clerk of Council and the City’s Director of Finance pursuant to the Resolution of Necessity; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity, an unsigned copy of which is attached to this ordinance as Attachment B.

Section 2. That the Special Assessments for the costs and expenses of the Assessment Project, which are set forth in the Petition (a copy of which is attached to the Resolution of Necessity) and are on file with the Clerk of Council and the City’s Finance Director, are adopted and confirmed and are assessed against the Assessed Property in the manner and in the number of installments provided in the Resolution of Necessity and the Petition. The Special Assessments are assessed against the Assessed Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2053 for collection in 2054. The list of Special Assessments to be levied and assessed against the Assessed Property and the schedule of the

Special Assessments are attached to this ordinance as Attachment A. The Assessment Project shall be located entirely on the Assessed Property, as set forth in the Resolution of Necessity and the Petition.

Section 3. That this Council hereby finds and determines that the Special Assessments are in proportion to the special benefits received by the Assessed Property as set forth in the Petition and are not in excess of any applicable statutory limitation. The Special Assessments against the Assessed Property shall be payable as set forth in the Resolution of Necessity and the Petition. All Special Assessments shall be certified by the City's Finance Director to the Hamilton County Auditor pursuant to the Petition and Ohio Revised Code ("R.C.") Section 727.33, to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition. This Council hereby appropriates the Special Assessments collected to be used by the City to meet its obligations with respect to the Assessment Project in accordance with the Standing Assignment Agreement and the Addendum.

Section 4. That the Owner of the Assessed Property has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments thereof are to be certified by the City's Finance Director to the Hamilton County Auditor as provided by law to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

Section 5. That the City's Finance Director is authorized to keep the Special Assessments on file in the office of the Finance Director.

Section 6. That in compliance with R.C. Section 319.61, the Clerk of the Council is hereby directed to deliver a certified copy of this ordinance to the Hamilton County Auditor within twenty days after its passage.

Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

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 to ensure that the board of directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

4710 MADISON ROAD
LIST OF SPECIAL ASSESSMENTS

Name	Assessed Properties Description	Portion of Benefit and Special Assessment	Amount of Special Assessments
	Hamilton County Parcel No: 051-0007-0041-00	56%	\$154,066.15
Oakley Capital Partners 2, LLC	Hamilton County Parcel Number: 051-0007-0042-00	44%	\$120,009.43

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID No. 051-0007-0042
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

ATTACHMENT B

EMERGENCY

Legislative Resolution

RESOLUTION NO. _____ - 2023

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, Ohio Revised Code (“R.C.”) Section 1710.02(F) provides that a political subdivision that has approved a petition for special assessments for public improvements in a special improvement district pursuant to R.C. Chapter 1710 shall levy said special assessments pursuant to R.C. Chapter 727; and

WHEREAS, pursuant to Resolution No. 28-2014 passed on April 9, 2014, Council approved the Petition for the Creation of the City of Cincinnati, Ohio Energy Special Improvement District, together with the Articles of Incorporation of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. and, following said approvals by Council, on July 23, 2014, the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (hereinafter, the “ESID”) was formed as an ESID and is now duly authorized and operating pursuant to R.C. Chapter 1710; and

WHEREAS, Oakley Capital Partners 2, LLC (the “Owner”), as the owner of 100 percent of the lots and lands, including air parcels, to be assessed for the improvements described in this Resolution, has executed and filed with this Council a Petition for Special Assessments for Special Energy Improvement Projects dated as of October 23, 2023 (the “Petition”), including a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), proposing the necessity of special assessments to pay the costs of special energy improvement projects (as more fully identified in the Petition and Supplemental Plan, the “Authorized Improvements”) to be located at 4710 Madison Road in Cincinnati (the “Assessed Property”); and

WHEREAS, the Petition and the Supplemental Plan are on file with the Clerk of Council, and copies thereof are attached to this Resolution as Attachment A; and

WHEREAS, in the Petition, the Owner requests that the Authorized Improvements be paid for by special assessments assessed upon the Assessed Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Authorized Improvements and other related costs of financing the Authorized Improvements, which include, without limitation, the payment of principal of, interest on, and financing, credit enhancement, and issuance expenses related to, any bonds, notes, loans, or other financing provided to pay the costs of the Authorized Improvements, and requests that the Authorized Improvements be undertaken cooperatively by the City, the ESID, and the Owner, in accordance with the Standing Assignment Agreement dated as of February 28, 2017 by and among the City, the Port of Greater Cincinnati Development Authority, and the ESID (the “Standing Assignment Agreement”); and

WHEREAS, in order to provide for the assignment and transfer of the Special Assessments, the ESID has requested that the City execute and deliver an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council; and

WHEREAS, (i) the Special Assessments are conducive to the public health, convenience and welfare of this City and the inhabitants of the City; (ii) the Assessed Property is specially benefited by the Special Assessments; and (iii) the Special Assessments have been petitioned for by the owner of 100 percent of the Assessed Property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition for Special Assessments for Special Energy Improvement Projects dated October 23, 2023 (the "Petition"), which Petition, together with a Supplement to Plan for 4710 Madison Road Project (the "Supplemental Plan"), are hereby approved and accepted, and copies of which are attached to this Resolution as Attachment A.

Section 2. That this Council hereby approves and authorizes the City Manager to execute an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council, together with any modifications as may be necessary to effectuate the purpose of the Petition and Ohio Revised Code ("R.C.") Chapter 1710, provided that any such modifications shall not, in the judgment of the City Manager, be adverse to the City.

Section 3. That it is hereby declared necessary, and a vital and essential public purpose of the City, to improve the real property located at 4710 Madison Road, Cincinnati, Ohio (the "Assessed Property"), by providing for special energy improvement projects as more fully identified in the Petition and Supplemental Plan (the "Authorized Improvements") on the Assessed Property, including any and all costs and expenses in connection with or otherwise related thereto as described in the Petition (collectively, the "Assessment Project"), which Assessment Project is described in the plans, specifications, profiles, and estimates of costs included in the Petition and on file in the office of the Clerk of Council.

Section 4. That the plans and specifications and total cost of the Assessment Project now on file in the office of the Clerk of Council are approved, subject to changes as provided for in the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the "ESID"), and as permitted by R.C. Chapter 727. The Assessment Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Assessment Project.

Section 5. That this Council finds and determines that: (i) the Assessment Project is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and that it is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project as defined in R.C. Section 1710.01(I); (ii) the Assessed Property is specially benefited by the Assessment Project; and (iii) the Assessment Project has been petitioned for by the owner of 100 percent of the Assessed Property. It is hereby determined that the Assessment Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Assessment Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner, and that the Assessment Project's elements shall be treated as a single improvement pursuant to R.C. Section 727.09.

Section 6. That pursuant to R.C. Section 1710.02(G)(4), Council hereby determines that the Assessment Project is not required to be owned exclusively by the City. Council accordingly hereby authorizes the board of directors of the ESID to act as its agent to sell, transfer, lease, or convey the Assessment Project. The board of directors of the ESID must obtain from any sale, transfer, lease, or conveyance of the Assessment Project any consideration greater than or equal to \$1.00.

Section 7. That the costs of the Assessment Project, as set forth in the Petition, shall be assessed in proportion to the benefits upon the Assessed Property, and the assessment for such purpose (the “Special Assessments”) shall be assessed and paid as specified in the Petition. The portion of the costs of the Assessment Project allocable to the City will be zero percent. The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

Section 8. That the City’s Finance Director and/or her designee is authorized to cause to be prepared and filed in the office of the Clerk of Council the estimated Special Assessments and the cost of the Assessment Project in accordance with the method of assessment set forth in the Petition and this Resolution.

Section 9. That the Special Assessments shall be levied and paid in 58 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition. The Owner has waived the right to pay the Special Assessment in cash within thirty days after the first publication of the notice of the assessing ordinance.

Section 10. That the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments upon the filing of the estimated Special Assessments with the Clerk of Council under R.C. Section 727.13.

Section 11. That pursuant to and subject to the provisions of a valid Petition signed by the Owner, as the owner of 100 percent of the Assessed Property, which Petition is hereby accepted, the entire cost of the Assessment Project, which shall be located entirely on the Assessed Property, shall be paid by the Special Assessments levied against the Assessed Property, which is the benefited property.

Section 12. That this Council hereby accepts and approves the waivers contained in the Petition of all further notices, hearings, claims for damages, rights to appeal, and other rights of property owners under the law, including, but not limited to, those specified in the Ohio

Constitution, R.C. Chapter 727, R.C. Chapter 1710, and the Charter of the City of Cincinnati, Ohio, and consents to the immediate imposition of the Special Assessments upon the Assessed Property.

Section 13. That the City’s Finance Director and/or her designee is authorized, pursuant to R.C. Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Assessment Project.

Section 14. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. Section 121.22.

Section 15. 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 to ensure that the board of directors of the ESID may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the "Petitioner") is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the "Property") and will implement special energy improvement projects on the Property (the "Authorized Improvements," as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the "Corporation"), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the "District"), created within the boundaries of the City of Cincinnati, Ohio (the "City") has approved a plan (the "Program Plan") for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the "Supplemental Plans") (the Program Plan and every Supplemental Plan together constituting the "Plan") to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council ("Council") to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the "Special Assessments") to pay the costs of the Authorized Improvements.

In consideration of the City's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the "County Auditor"), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the "Assessed Parcels"). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the "Assessed Buildings") shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

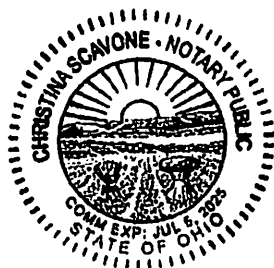
Address for notices to Petitioner: Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
) SS:
COUNTY OF Hamilton)

On the 22 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL.]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 38.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11" E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 288 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the “Plan”), the City of Cincinnati, Ohio Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the “Property Owner”) has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the “Property”). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an “Original Parcel” and, collectively, the “Original Parcels”) constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the “Non-Assessed Parcels”). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.


The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 
Name: Christopher R. Hildebrand
Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Moreña Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Moreña Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) **Eligibility.** The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

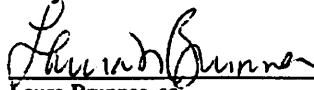
Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

**Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner:

Port of Greater Cincinnati Development
Authority

299 East Sixth Street, Suite 2A

Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

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BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 

Name: Christopher R. Hildebrandt

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Handwritten Signature]

Name: Christopher R. Hildebrand

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor’s Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

STATE OF Ohio)
)
COUNTY OF Hamilton)

SS:

On the 8 day of November, 2023, Christopher Hildebrand, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL]



[Handwritten Signature]
Notary Public

18742365v6
CLERK OF COUNCIL

October 25, 2023

To: Mayor and Members of City Council 202302263
From: Sheryl M.M. Long, City Manager
Subject: Emergency Ordinance Accepting and Confirming the Grant of Utility Easements
in Favor of Duke Energy Ohio, Inc.

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Kellogg and Renslar Avenues in the California neighborhood of Cincinnati.

The attached ordinance accepts and confirms the grant of utility easements in favor of Duke Energy Ohio, Inc. (“Grantee”) for the purpose of replacing existing underground gas pipelines upon portions of real property owned by the City of Cincinnati and managed by the Greater Cincinnati Water Works. The easement areas are more particularly depicted and described in the Grant of Easement attached to this ordinance as Attachment A.

The City Manager, in consultation with the Greater Cincinnati Water Works, has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the property, nor will it interfere with the City’s municipal use of the property.

The collective fair market value of the easements is approximately \$145,217, which Grantee has agreed to pay. The City Planning Commission approved the easements at its meeting on October 20, 2023.

The Administration recommends passage of the attached emergency ordinance.

cc: Cathy B. Bailey, GCWW, Executive Director

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Kellogg and Renslar Avenues in the California neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property generally located along Kellogg and Renslar Avenues in the California neighborhood (“Properties”), as more particularly described and depicted in the Grant of Easement attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”), which Properties are under the management of Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), has requested certain utility easements upon portions of the Properties to upgrade and replace existing underground gas pipelines, as more particularly described and depicted in the Easement; and

WHEREAS, the City Manager, in consultation with the GCWW, has determined that granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for municipal purposes; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, the City has determined that eliminating competitive bidding is in the best interest of the City in connection with granting the Easement to Grantee because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement; and

WHEREAS, the collective fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is \$145,217, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on October 20, 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 Grant of Easement, in substantially the form attached to this ordinance as Attachment A and incorporated herein by

reference (“Easement”), in favor of Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), pursuant to which the City will grant to Grantee certain utility easements upon portions of City-owned real property located along Kellogg and Renslar Avenues in the California neighborhood (“Properties”) to upgrade and replace existing underground gas pipelines, as more particularly described and depicted on Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for municipal purposes.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$145,217, which Grantee has agreed to pay.

Section 5. That the proceeds from the Easement 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 Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into the Water Works Fund 101.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the Easement, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the

terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to grant the Easement to Grantee so that Grantee may begin construction without delay, thereby avoiding any unnecessary or costly delay in upgrading its utility services for the benefit of the City.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

[SPACE ABOVE FOR RECORDER'S OFFICE]

Property: North of Renslar Ave between Kellogg Ave
and Linneman St; Haney St; & Reservoir

GRANT OF EASEMENT

In consideration of the sum of \$145,217 and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, with an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants and conveys to **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202, its successors and assigns ("**Grantee**"), perpetual, non-exclusive easements to construct, operate, use, patrol, maintain, repair, and remove an underground pipe line for the underground transportation of gas, including but not limited to, all equipment such as underground ducts, conduits, wires, cables, manholes, pipes, grounding systems, above-ground pipeline markers, and all other appurtenances, fixtures, and equipment necessary for the underground transportation of gas (the "**Facilities**"), across portions of certain real property more particularly depicted and described on Exhibit A (Survey Plats) attached hereto and incorporated herein by reference (the "**Easements**" or the "**Easement Areas**", as applicable). Grantee shall not enlarge, add-to, or expand the Facilities within the Easement Areas without the prior written consent of Greater Cincinnati Water Works ("**GCWW**"), as more particularly detailed in that certain *Letter Agreement* by and between the parties that is hereby incorporated herein by reference and shall be a part hereof. The parties acknowledge and agree that the contents of the *Letter Agreement*, including the attachments thereto constitute infrastructure records that are exempt from release or disclosure pursuant to Ohio Revised Code Section 149.433. The tracts of real property burdened by the Easement Areas are more particularly described on Exhibit B (Legal Description—the Property) attached hereto and incorporated herein by reference (the "**Property**"). Notwithstanding the foregoing, the rights herein granted to Grantee are subject and subordinate to the rights of the public utilities owned, operated, or managed by Grantor, namely, GCWW and the Metropolitan Sewer District of Greater Cincinnati ("**MSD**"). Grantee shall ensure that Grantor's public utility lines and facilities are not damaged or otherwise disturbed by Grantee's exercise of the rights herein granted and that Grantor's access to existing and prospective public utility facilities is not denied or unreasonably impaired. Grantee hereby agrees that it shall perform or shall cause the performance of all excavation and backfill work within the Easement Areas in accordance with GCWW specifications.

Grantor hereby grants and conveys to Grantee, its successors, and assigns temporary construction easements on, over, under, and across those portions of the Property more particularly described and depicted on Exhibit A, including the right to access and re-access the temporary construction easements for uses associated with the initial establishment, construction, and installation of the Facilities (the "**Temporary Construction Easements**" or "**Temporary Construction Easement Areas**", as applicable). The Temporary Construction Easements shall terminate automatically at such time that Grantee completes construction and installation of the Facilities and has completed all necessary work to restore or repair any and all physical damage to the surface or subsurface areas of the Temporary Construction Easement Areas caused by Grantee, its employees, agents, contractors, or subcontractors in connection with the establishment, construction, and installation of the Facilities.

The City Manager, in consultation with GCWW, has determined that (i) the Easements and Temporary Construction Easements will not have an adverse effect on the City's retained interest in the Property; (ii) the Easements and Temporary Construction Easements will not unreasonably interfere with the City's use of the property for municipal purposes; and (iii) granting the Easements and Temporary Construction Easements without competitive bidding is in the best interest of the City because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easements and Temporary Construction Easements.

The City's Real Estate Services Division has determined that the fair market value of the Easements and Temporary Construction Easements, as determined by professional appraisal, is \$145,217, which has been deposited with the Real Estate Services Division.

Cincinnati City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements and Temporary Construction Easements at its meeting on October 20, 2023.

Cincinnati City Council authorized this *Grant of Easement* by Ordinance No. [____], passed on [____].

The respective rights and duties of Grantor and Grantee under this Grant of Easement are as follows:

1. Access. Grantee shall have the right of ingress and egress over the Easement Areas and the Property using existing lanes, driveways, and adjoining public roads where practical as determined by Grantee; provided, however, Grantee shall coordinate with Grantor with respect to its entry and activities upon the Property. Grantor shall have the right to observe all work conducted at the Property.
2. Clearing of Vegetation. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and other vegetation (collectively, "**Vegetation**") within the Easement Areas. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation adjacent to the Easement Areas but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee's removal of Vegetation, Grantee shall restore the surface of the Easement Areas and the Property, as the case may be, to a safe and sightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee shall either completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee shall either re-sod or re-seed the damaged area.
3. Environmental Condition. To the best of Grantor's actual knowledge, without having performed any independent inquiry, investigation, or environmental assessment, the Easement Areas do not contain any hazardous or toxic materials or other environmental contamination.
4. No Obstructions. Grantor shall only place or permit the placement of structures within the Easement Areas that may interfere with Grantee's exercise of its rights hereunder with the prior written consent of Grantee. Grantee shall have the right to remove any and all such unauthorized obstructions and, notwithstanding the provisions of paragraph 7 (Repair of Damage) below, Grantee shall not be required to repair any damage to the surface of the Easement Areas or the Property resulting therefrom. Notwithstanding the foregoing, nothing herein shall be construed to limit or otherwise control Grantor's right to construct, install, operate, maintain, replace, relocate, add to, modify, remove, or abandon public

utility infrastructure and associated equipment, appurtenances, or improvements within the Easement Areas.

5. Storing of Dirt. Grantee shall have the right to pile dirt and other material temporarily and to operate equipment upon the surface of the Easement Areas and also on the land immediately adjacent to the Easement Areas not to exceed fifteen (15) feet in width on either side of the Easement Areas, but only during those times when Grantee is constructing, maintaining, repairing, or removing the Facilities.
6. Repair of Damage. Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Areas and the Property, including without limitation piping, driveways, signs, and landscaping related to or arising from Grantee's exercise of its rights hereunder, including without limitation damage caused by Grantee's employees, agents, contractors, and subcontractors. In making such repairs, Grantee shall restore the affected area to a safe and sightly condition and otherwise to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Land Services, or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.
7. Grantor's Reserved Rights. Grantor shall have the right to use the Easement Areas in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor's and Grantee's use of the Easement Areas shall comply with all applicable laws and codes.
8. Authority to Grant Easements. Grantor represents that it has the necessary authority and title to the Property to grant the Easements to Grantee.
9. Easements to Run with the Land. The provisions hereof shall be deemed to "run with the land" and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations. The rights herein granted to Grantee are subject to any and all existing easements, restrictions, and other matters of record affecting the Property.
10. Exhibits. The following exhibits are attached hereto and incorporated herein by reference.

Exhibit A – *Survey Plats*

Exhibit B – *Legal Description—the Property*

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the _____ day of _____, 2023.

CITY OF CINCINNATI,
an Ohio municipal corporation

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 By:

Andrea Yang, Interim Director
Greater Cincinnati Water Works

Approved as to Form:

Assistant City Solicitor

[ORSANCO SIGNATURE PAGE FOLLOWS]

APPROVED AND CONSENTED TO BY:

OHIO RIVER VALLEY WATER SANITATION COMMISSION,
an interstate agency created and existing by interstate compact

By: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **OHIO RIVER VALLEY WATER SANITATION COMMISSION**, an interstate agency, on behalf of the agency.

Notary Public
My commission expires: _____

[GRANTEE SIGNATURE PAGE FOLLOWS]

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.,
an Ohio corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **Duke Energy Ohio, Inc.**, an Ohio corporation, on behalf of the corporation.

Notary Public
My commission expires: _____

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202


For Grantee's Internal Use:
Line Name/No:
R/W Tract No:
Job Control# _____
LU#
Prep/Chk: RB/ Exec/Rec: _____
Dwg/Fac Ref.: _____


EXHIBIT A
to Grant of Easement
Survey Plat

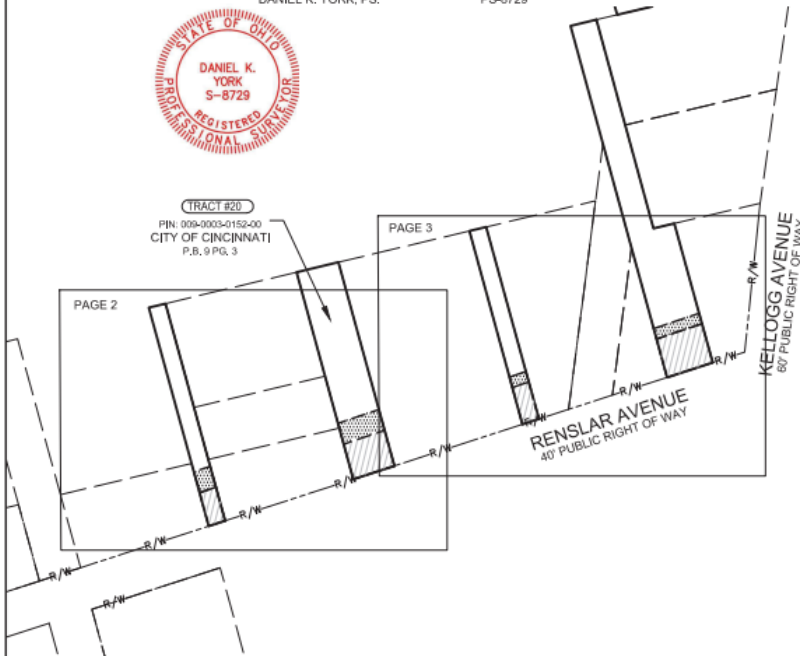
Tract I
Auditor's Parcel No.: 009-0003-0152

AREA TABLE				EXHIBIT A
EASEMENT TYPE	LAND UNIT	ACRES	SQ. FT.	
PIPELINE	N/A	0.094	4,095	THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS
TCE	N/A	0.040	1,725	
USSE	N/A	N/A	N/A	
ACCESS	N/A	N/A	N/A	



CERTIFICATION
I, DANIEL K. YORK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 9, PAGE 3); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 9, PAGE 3; THAT THE RATIO OF PRECISION IS 1:132,140,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN OHIO OAC 4733; THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN OHIO O.R.C. 4905.03 AND MEETS THE ATTACHMENT RULES OF OHIO O.R.C. 317.114 THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON

THIS 21st DAY OF DECEMBER 2022

 DANIEL K. YORK, PS. PS-8729





LEGEND		NOTES	
○ REBAR SET	○ N/F NOW OR FORMERLY DUKE TRACT NUMBER	1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: DUKE ENERGY OHIO, INC.	
● REBAR FOUND	⑬ PG. PAGE	2. AREA BY COORDINATE COMPUTATION METHOD.	
■ CONC. MONUMENT FOUND	D.B. DEED BOOK	3. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET.	
○ COMPUTED POINT (NOT SET)	P.B. PLAN BOOK	4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.	
PE PIPELINE EASEMENT	----- SUBJECT PARCEL	5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.	
TCE TEMPORARY CONSTRUCTION EASEMENT	----- SUBJECT EASEMENT	6. SGC ENGINEERING, L.L.C. CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092.	
USSE UTILITY STATION SITE EASEMENT	----- R/W STREET RIGHT OF WAY		
POC POINT OF COMMENCEMENT	----- ADJACENT PARCEL		
POB POINT OF BEGINNING	----- EXISTING EASEMENT		
R/W RIGHT OF WAY			

 SGC ENGINEERING 3800 RED BANK ROAD, SUITE C CINCINNATI, OH 45227 PHONE: (800)581-4031	DUKE ENERGY OHIO, INC EASEMENT EXHIBIT EASEMENT ACROSS THE LAND OF THE CITY OF CINCINNATI RENSLAR AVENUE, CINCINNATI HAMILTON COUNTY, OHIO	 550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361
	SITE #: 114885 REVISION: 1 LAND UNIT: N/A	

1 OF 4

Exhibit A (Cont.)

Tract I

Auditor's Parcel No.: 009-0003-0152

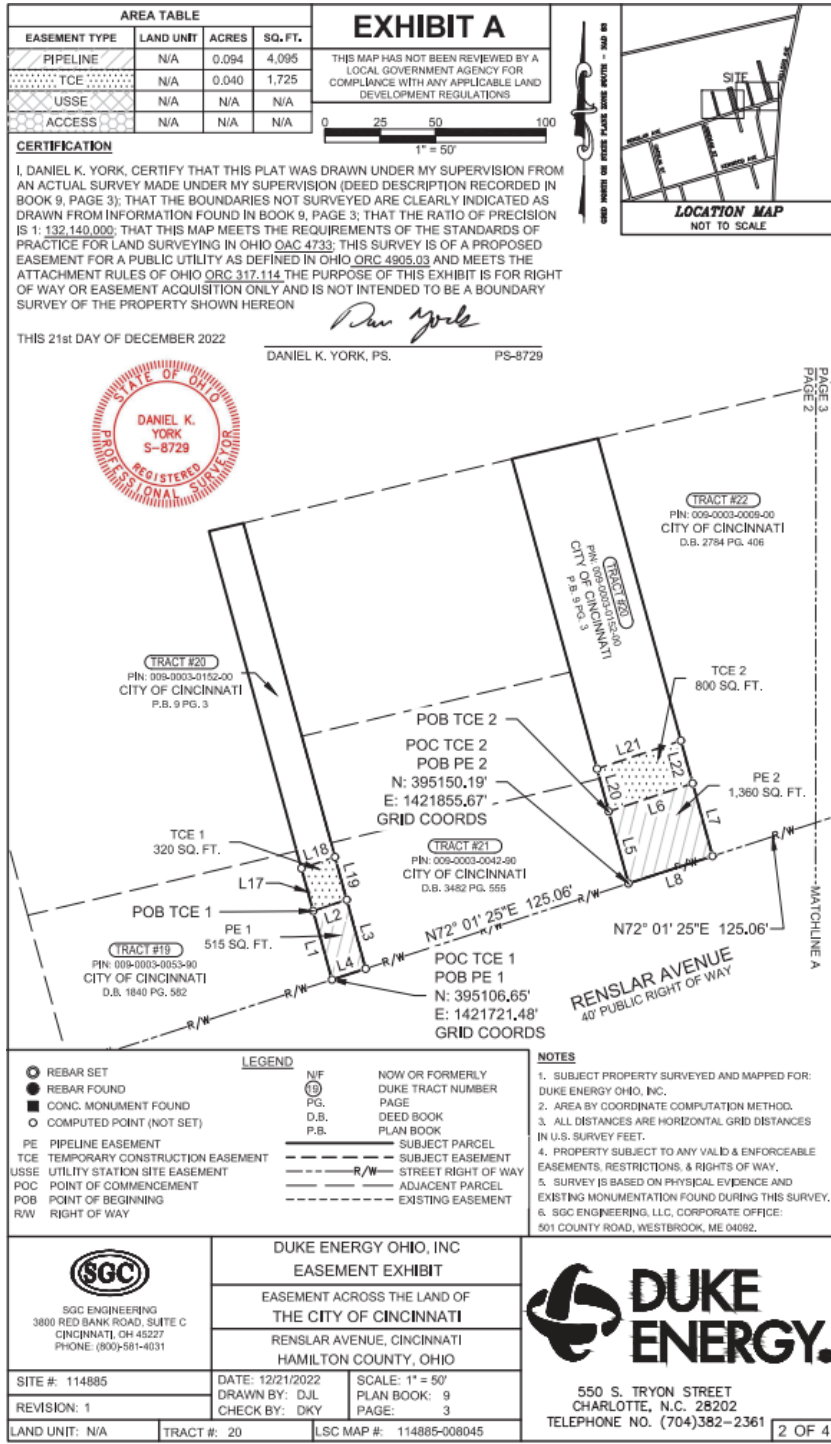


Exhibit A (Cont.)

Tract I

Auditor's Parcel No.: 009-0003-0152

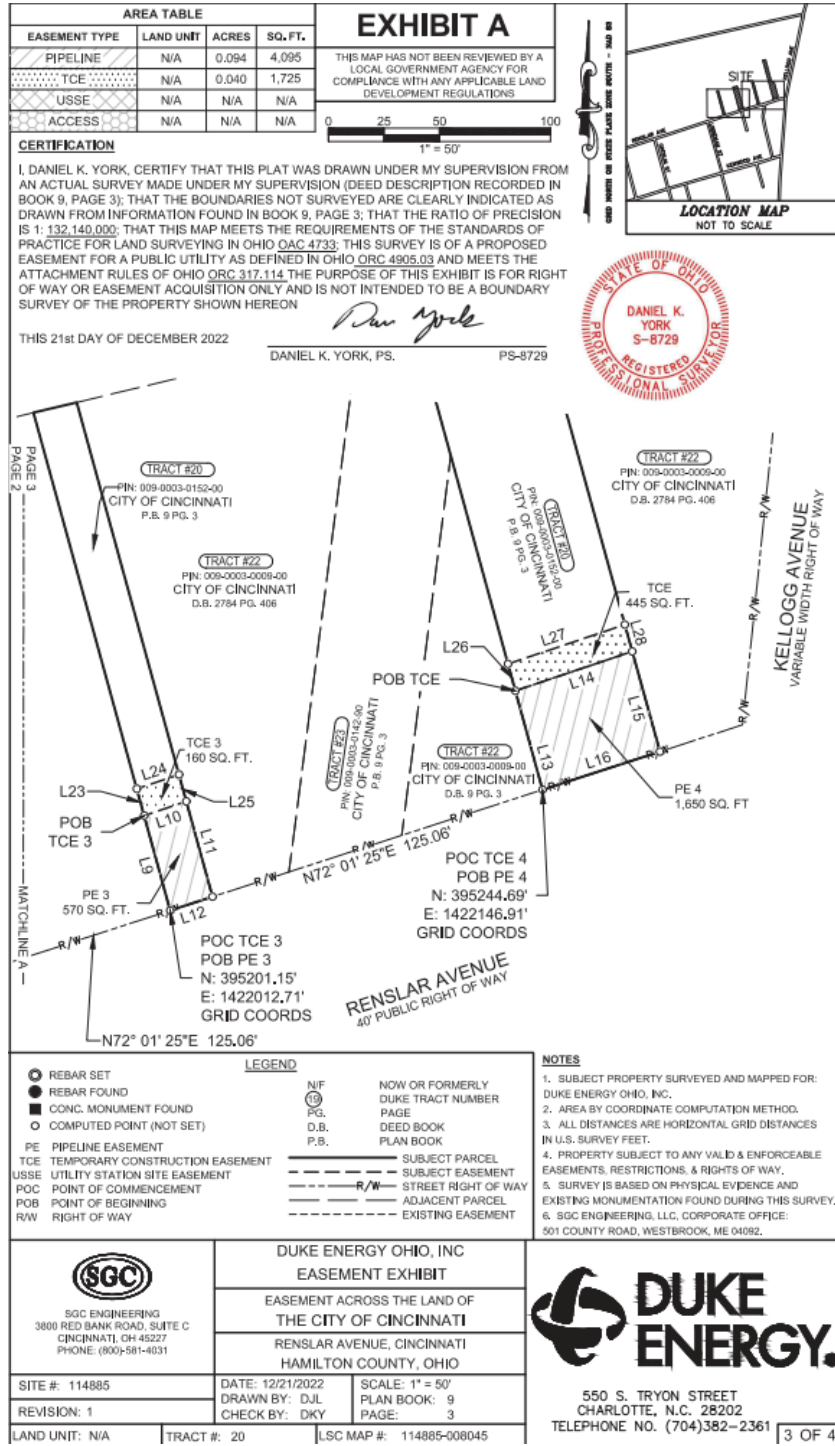


Exhibit A (Cont.)

Tract I

Auditor's Parcel No.: 009-0003-0152

AREA TABLE				EXHIBIT A
EASEMENT TYPE	LAND UNIT	ACRES	SQ. FT.	
PIPELINE	N/A	0.094	4,095	THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS
TCE	N/A	0.040	1,725	
USSE	N/A	N/A	N/A	
ACCESS	N/A	N/A	N/A	

CERTIFICATION

I, DANIEL K. YORK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 9, PAGE 3); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 9, PAGE 3; THAT THE RATIO OF PRECISION IS 1: 132,140,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN OHIO OAC 4733; THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN OHIO ORC 4905.03 AND MEETS THE ATTACHMENT RULES OF OHIO ORC 317.114. THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON

Daniel K. York

THIS 21st DAY OF DECEMBER 2022
DANIEL K. YORK, PS. PS-8729

DANIEL K. YORK
S-8729
REGISTERED PROFESSIONAL SURVEYOR
STATE OF OHIO

Line Table			Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N15° 21' 05"W	32.20'	L15	S15° 26' 29"E	37.46'
L2	N71° 24' 41"E	16.03'	L16	S72° 01' 25"W	44.47'
L3	S15° 21' 05"E	32.37'	L17	N15° 21' 05"W	20.03'
L4	S72° 01' 25"W	16.02'	L18	N71° 24' 41"E	16.03'
L5	N15° 21' 05"W	33.71'	L19	S15° 21' 05"E	20.03'
L6	N71° 24' 41"E	40.06'	L20	N15° 21' 05"W	20.03'
L7	S15° 21' 05"E	34.14'	L21	N71° 24' 41"E	40.06'
L8	S72° 01' 25"W	40.04'	L22	S15° 21' 05"E	20.03'
L9	N15° 21' 05"W	35.48'	L23	N15° 21' 05"W	10.02'
L10	N71° 24' 41"E	16.03'	L24	N71° 24' 41"E	16.03'
L11	S15° 21' 05"E	35.65'	L25	S15° 21' 05"E	10.02'
L12	S72° 01' 25"W	16.02'	L26	N15° 21' 05"W	10.02'
L13	N15° 21' 05"W	36.98'	L27	N71° 24' 41"E	44.42'
L14	S71° 24' 41"W	44.44'	L28	S15° 26' 29"E	10.02'

LEGEND		NOTES
<ul style="list-style-type: none"> ○ REBAR SET ● REBAR FOUND ■ CONC. MONUMENT FOUND ○ COMPUTED POINT (NOT SET) PE PIPELINE EASEMENT TCE TEMPORARY CONSTRUCTION EASEMENT USSE UTILITY STATION SITE EASEMENT POC POINT OF COMMENCEMENT POB POINT OF BEGINNING R/W RIGHT OF WAY 	<ul style="list-style-type: none"> N/F NOW OR FORMERLY DUKE TRACT NUMBER ⊙ PAGE D.B. DEED BOOK P.B. PLAN BOOK ----- SUBJECT PARCEL ----- SUBJECT EASEMENT ----- R/W STREET RIGHT OF WAY ----- ADJACENT PARCEL ----- EXISTING EASEMENT 	<ol style="list-style-type: none"> 1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: DUKE ENERGY OHIO, INC. 2. AREA BY COORDINATE COMPUTATION METHOD. 3. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET. 4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY. 5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY. 6. SGC ENGINEERING, LLC, CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092.
<p style="font-size: x-small;">SGC ENGINEERING 3800 RED BANK ROAD, SUITE C CINCINNATI, OH 45227 PHONE: (800)-581-4031</p>	<p>DUKE ENERGY OHIO, INC EASEMENT EXHIBIT</p> <p>EASEMENT ACROSS THE LAND OF THE CITY OF CINCINNATI</p> <p>RENSLAR AVENUE, CINCINNATI HAMILTON COUNTY, OHIO</p>	<p style="font-size: x-small;">550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361</p>
SITE #: 114885 REVISION: 1 LAND UNIT: N/A	DATE: 12/21/2022 DRAWN BY: DJL CHECK BY: DKY TRACT #: 20	SCALE: NTS PLAN BOOK: 9 PAGE: 3 LSC MAP #: 114885-008045

Exhibit A (Cont.)

Tract II

Auditor's Parcel No.: 009-0003-0009 (-0009, -0017 through -0020, -0028 through -0031 Cons.)

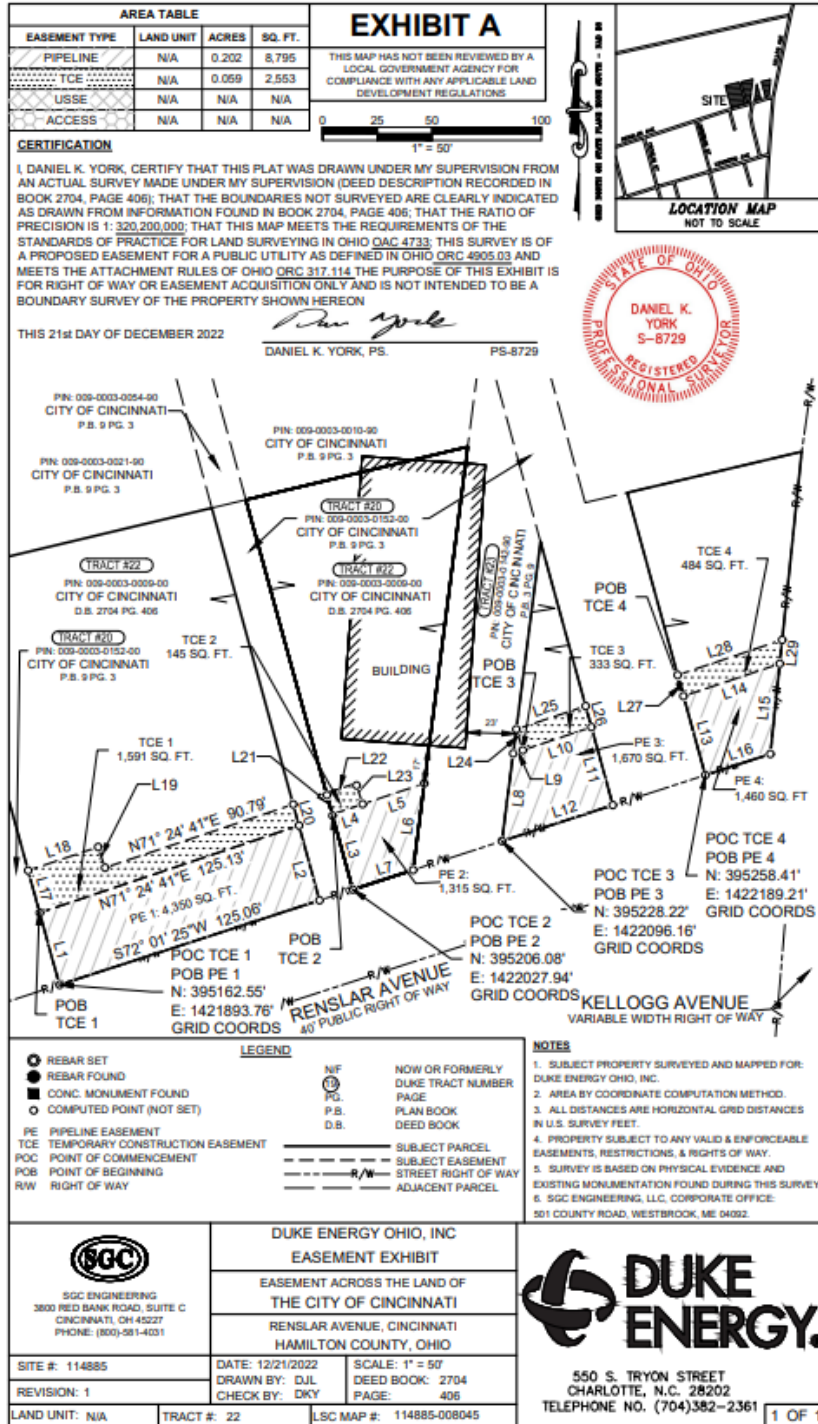


Exhibit A (Cont.)

Tract II

Auditor's Parcel No.: 009-0003-0009 (-0009, -0017 through -0020, -0028 through -0031 Cons.)

AREA TABLE				EXHIBIT A <small>THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS</small>
EASEMENT TYPE	LAND UNIT	ACRES	SQ. FT.	
PIPELINE	N/A	0.202	8,795	
TCE	N/A	0.080	3,465	
USSE	N/A	N/A	N/A	
ACCESS	N/A	N/A	N/A	

CERTIFICATION

I, DANIEL K. YORK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2704, PAGE 406); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 2704, PAGE 406; THAT THE RATIO OF PRECISION IS 1: 320,200,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN OHIO OAC 4733; THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN OHIO ORC 4905.03 AND MEETS THE ATTACHMENT RULES OF OHIO ORC 317.114 THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON

THIS 21st DAY OF DECEMBER 2022

DANIEL K. YORK, PS PS-8729

Line Table			Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N15° 21' 05"W	34.14'	L16	S72° 01' 25"W	31.29'
L2	S15° 21' 05"E	35.48'	L17	N15° 21' 05"W	20.03'
L3	N15° 21' 05"W	35.65'	L18	S15° 21' 05"E	20.03'
L4	N71° 24' 41"E	14.71'	L19	N15° 21' 05"W	10.02'
L5	N71° 24' 41"E	29.74'	L20	N71° 24' 41"E	14.25'
L6	S7° 21' 29"W	39.92'	L21	S17° 59' 09"E	10.00'
L7	S72° 01' 25"W	29.00'	L22	N17° 06' 28"W	10.00'
L8	N7° 21' 29"E	40.43'	L23	N71° 24' 41"E	33.44'
L9	N71° 24' 41"E	4.61'	L24	S15° 21' 05"E	10.02'
L10	N71° 24' 41"E	33.14'	L25	N15° 26' 29"W	10.02'
L11	S15° 21' 05"E	36.98'	L26	N71° 24' 41"E	50.45'
L12	S72° 01' 25"W	53.35'	L27	S5° 55' 35"W	10.99'
L13	N15° 26' 29"W	37.48'			
L14	N71° 24' 41"E	46.44'			
L15	S5° 55' 35"W	41.47'			

LEGEND		NOTES
<ul style="list-style-type: none"> ⊙ REBAR SET ● REBAR FOUND ■ CONC. MONUMENT FOUND ○ COMPUTED POINT (NOT SET) PE PIPELINE EASEMENT TCE TEMPORARY CONSTRUCTION EASEMENT POC POINT OF COMMENCEMENT POB POINT OF BEGINNING R/W RIGHT OF WAY 	<ul style="list-style-type: none"> N/F NOW OR FORMERLY DUKE TRACT NUMBER PG. PAGE P.B. PLAN BOOK — SUBJECT PARCEL - - - SUBJECT EASEMENT - - - R/W - STREET RIGHT OF WAY - - - ADJACENT PARCEL 	<ol style="list-style-type: none"> 1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: DUKE ENERGY OHIO, INC. 2. AREA BY COORDINATE COMPUTATION METHOD. 3. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET. 4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY. 5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THE SURVEY. 6. SGC ENGINEERING, LLC, CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092.

SGC ENGINEERING
3800 RED BANK ROAD, SUITE C
CINCINNATI, OH 45227
PHONE: (900)581-4031

DUKE ENERGY OHIO, INC
EASEMENT EXHIBIT

EASEMENT ACROSS THE LAND OF
THE CITY OF CINCINNATI
RENSLAR AVENUE, CINCINNATI
HAMILTON COUNTY, OHIO

550 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO. (704)382-2361

Exhibit A (Cont.)

Tract III

Auditor's Parcel No.: 009-0003-0142-90

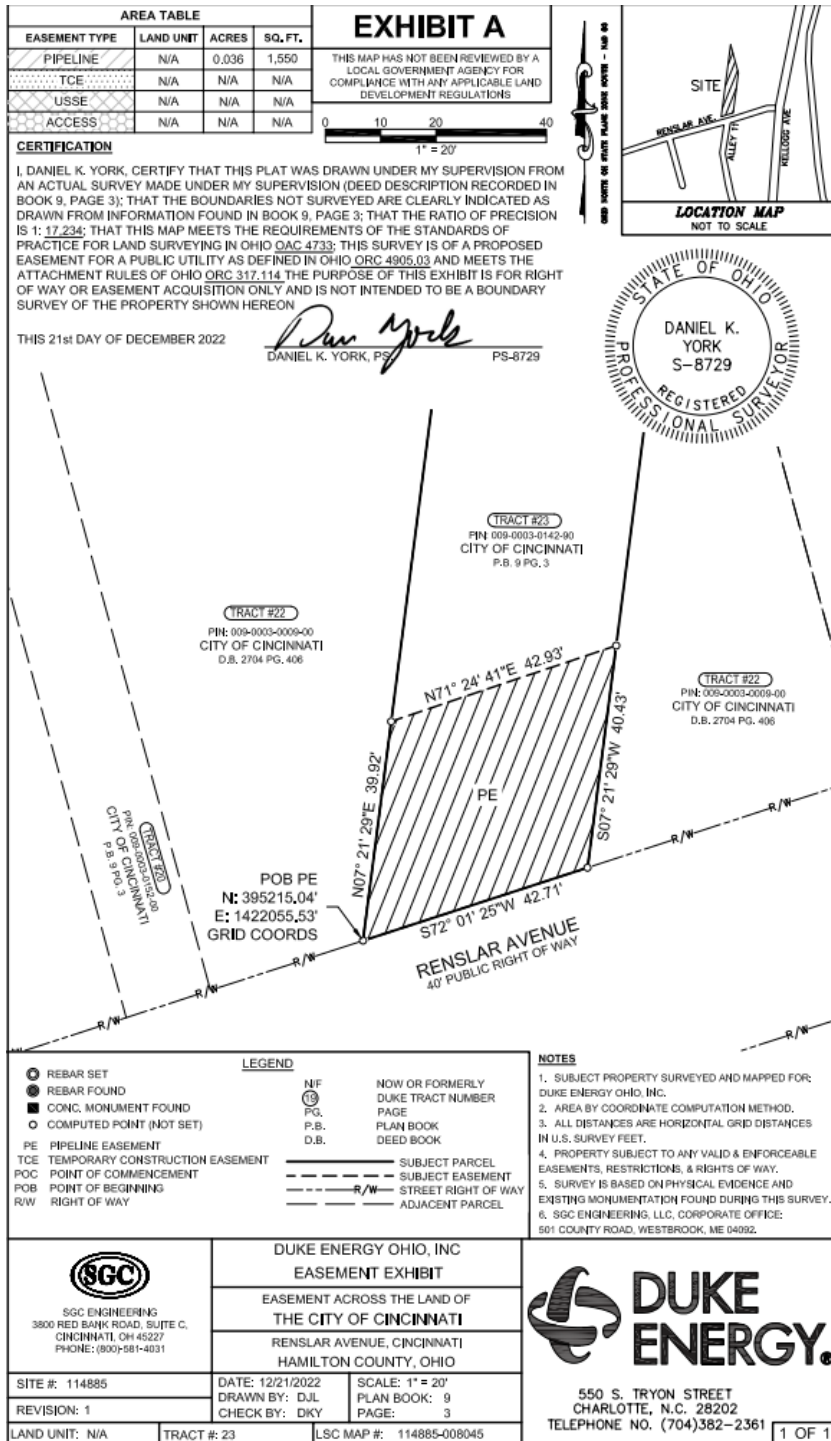


Exhibit A (Cont.)

Tract IV

Auditor's Parcel No.: 009-0003-0042-90

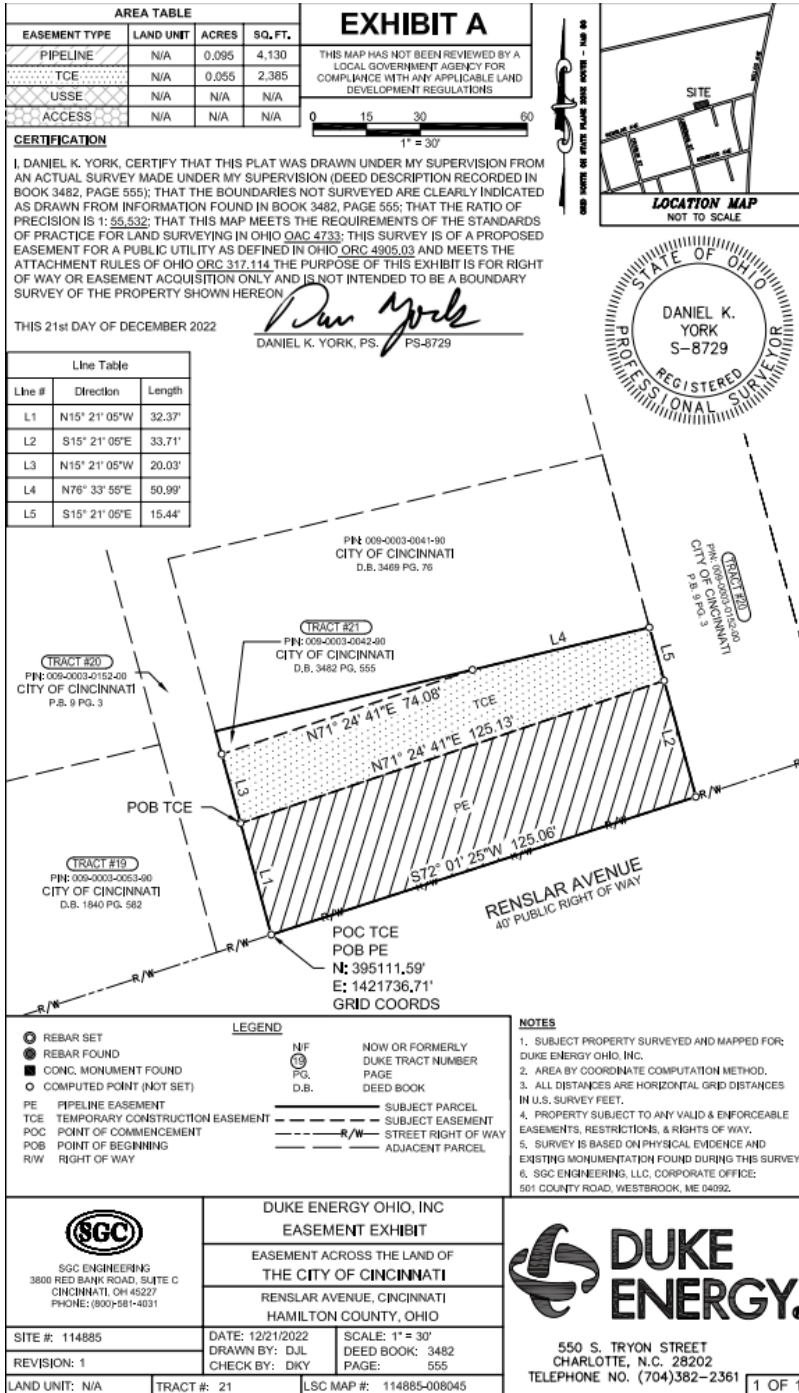


Exhibit A (Cont.)

Tract V

Auditor's Parcel No.: 009-0003-0053-90

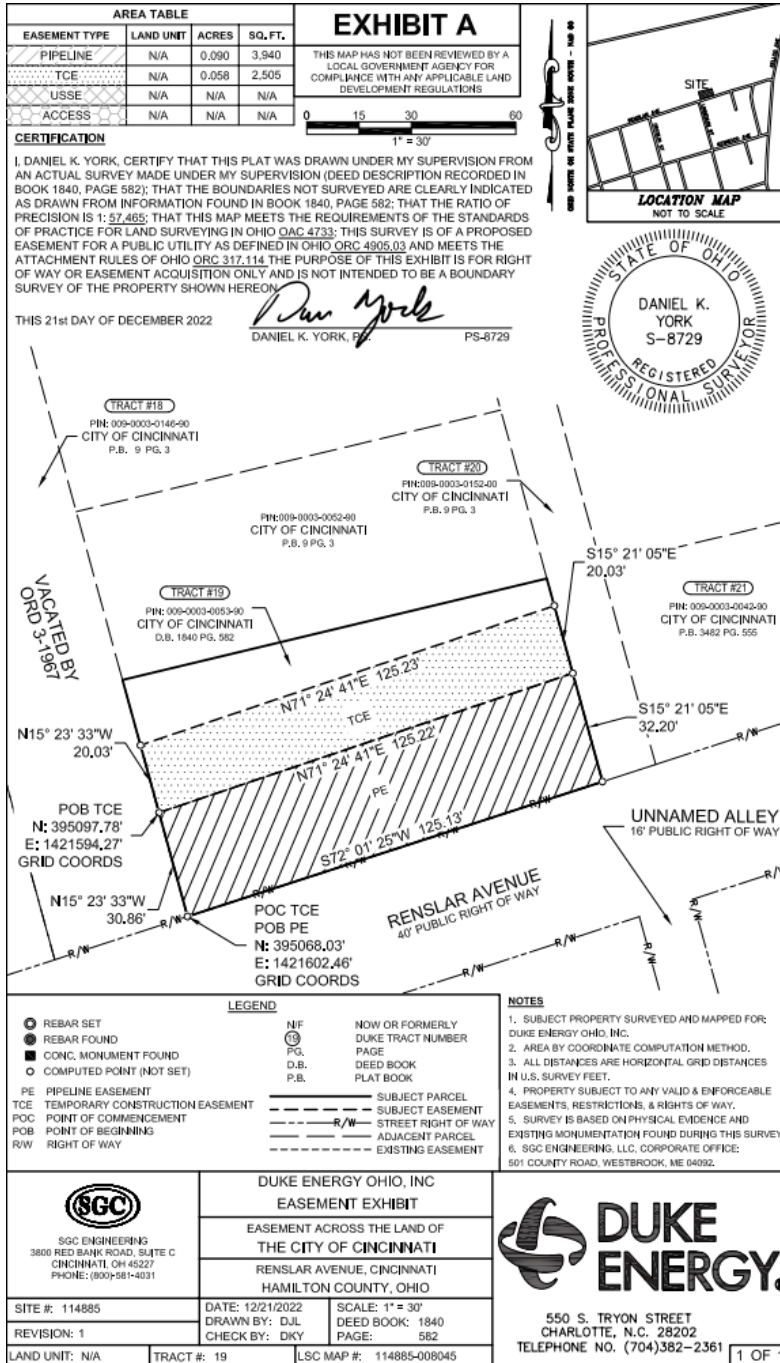


Exhibit A (Cont.)

Tract VI

Auditor's Parcel No.: 009-0003-0146-90

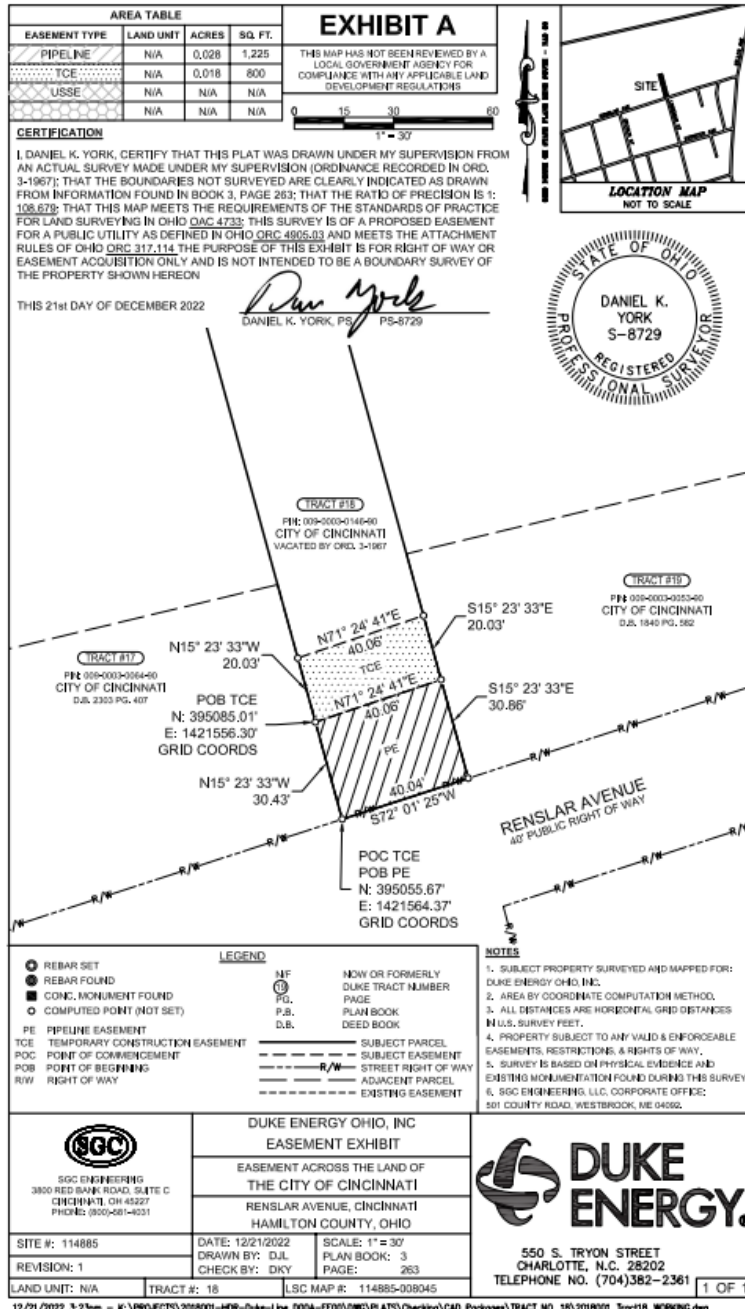


Exhibit A (Cont.)

Tract VII

Auditor's Parcel No.: 009-0003-0064-90

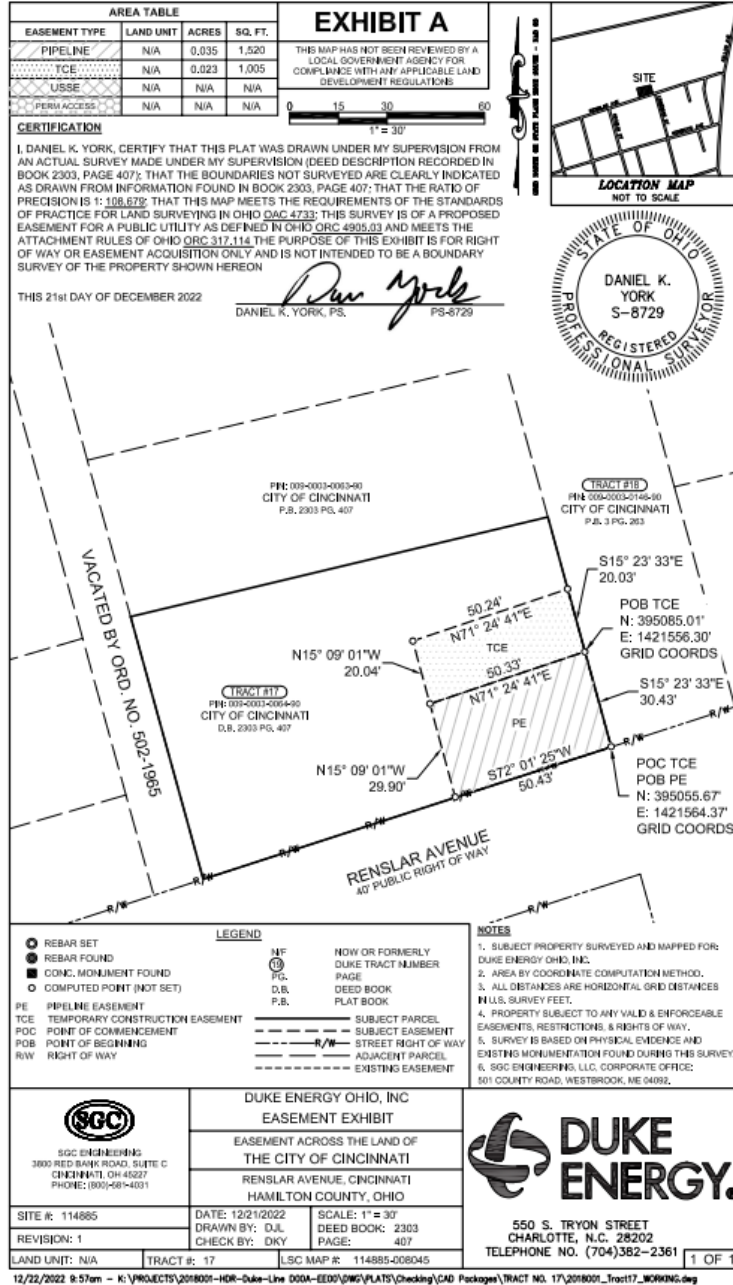
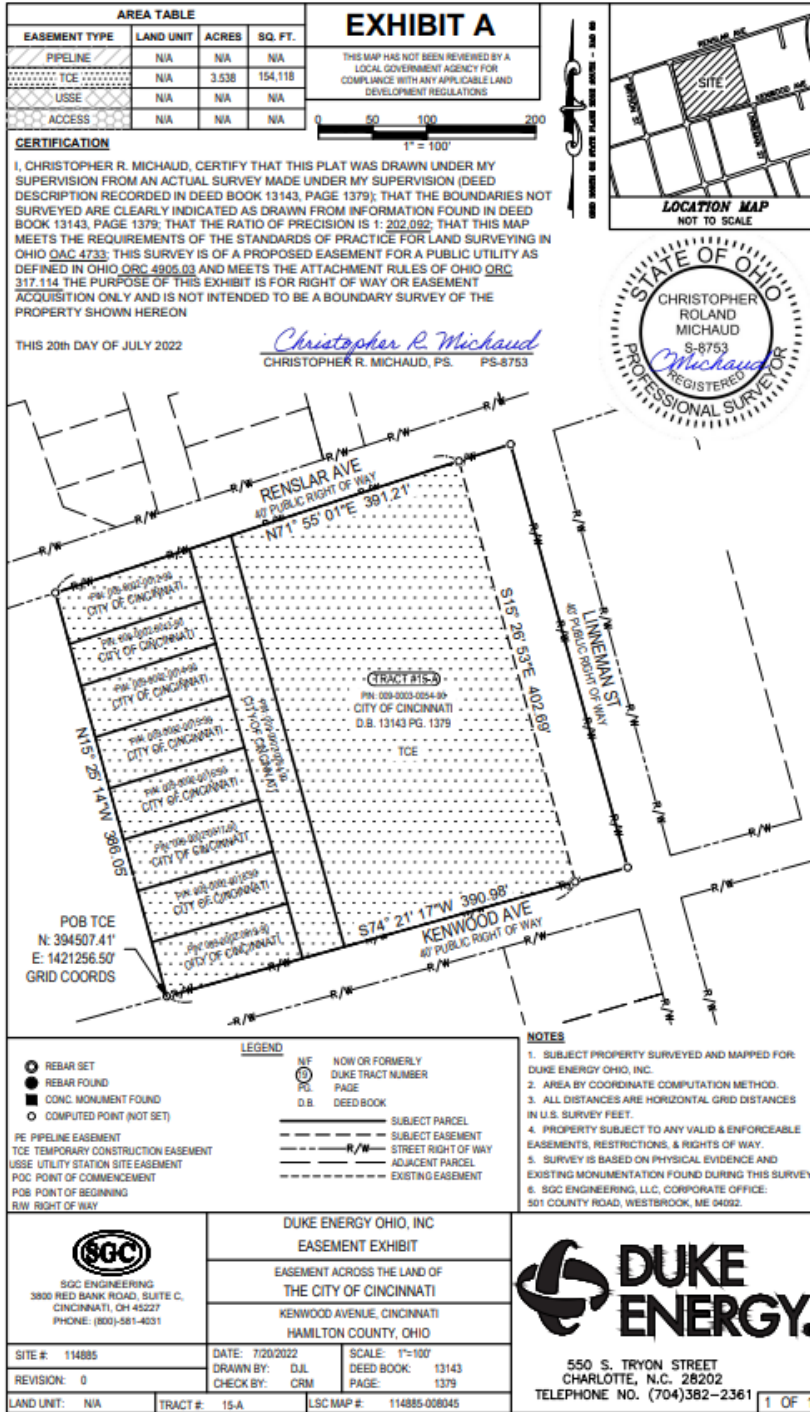


Exhibit A (Cont.)

Tract VIII

Auditor's Parcel No.: 009-0002-0012 thru -0019, & 009-0002-0064



07/25/2022 1:37pm - K:\PROJECTS\201801-HR-Duke-Line 000A-EE00\DWG\PLATS\CAD Packages\TRACT NO. 15-A\TRACT-15-A-CITY OF CNL.dwg

Exhibit A (Cont.)

Tract IX

Auditor's Parcel No.: 007-0003-0228-00

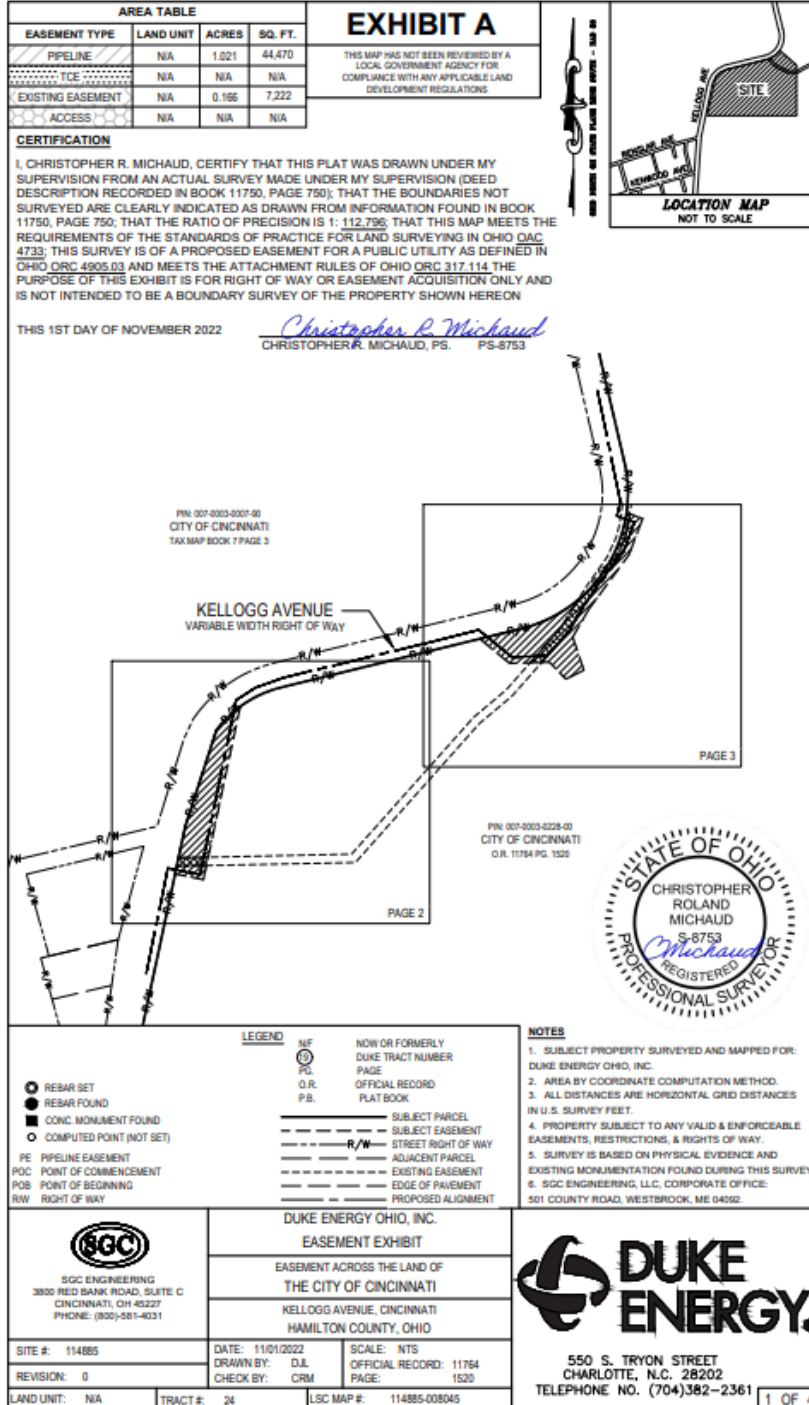
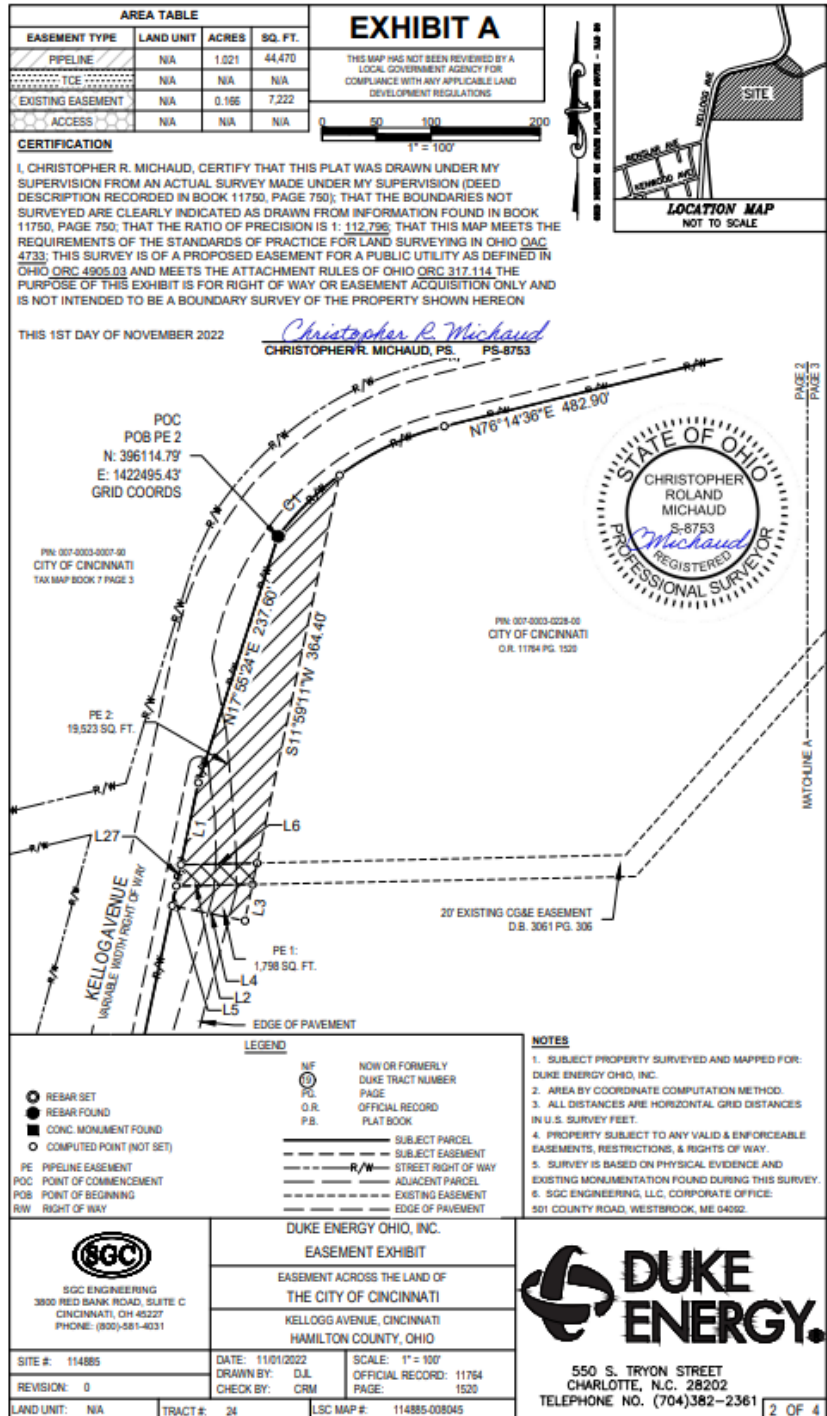


Exhibit A (Cont.)

Tract IX

Auditor's Parcel No.: 007-0003-0228-00



LEGEND

- REBAR SET
- REBAR FOUND
- CONC. MONUMENT FOUND
- COMPUTED POINT (NOT SET)
- PE PIPELINE EASEMENT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY
- NF NOW OR FORMERLY DUKE TRACT NUMBER
- P PAGE
- O.R. OFFICIAL RECORD
- P.B. PLAT BOOK
- SUBJECT PARCEL
- - - SUBJECT EASEMENT
- R/W - STREET RIGHT OF WAY
- - - ADJACENT PARCEL
- - - EXISTING EASEMENT
- - - EDGE OF PAVEMENT

NOTES

1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: DUKE ENERGY OHIO, INC.
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET.
4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
6. SGC ENGINEERING, L.L.C. CORPORATE OFFICE: 501 COUNTRY ROAD, WESTBROOK, ME 04092.

SGC ENGINEERING
3600 RED BANK ROAD, SUITE C
CINCINNATI, OH 45227
PHONE: (800)-561-4031

DUKE ENERGY OHIO, INC.

EASEMENT EXHIBIT

EASEMENT ACROSS THE LAND OF
THE CITY OF CINCINNATI

KELLOGG AVENUE, CINCINNATI
HAMILTON COUNTY, OHIO

550 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO. (704)382-2361

Exhibit A (Cont.)

Tract IX

Auditor's Parcel No.: 007-0003-0228-00

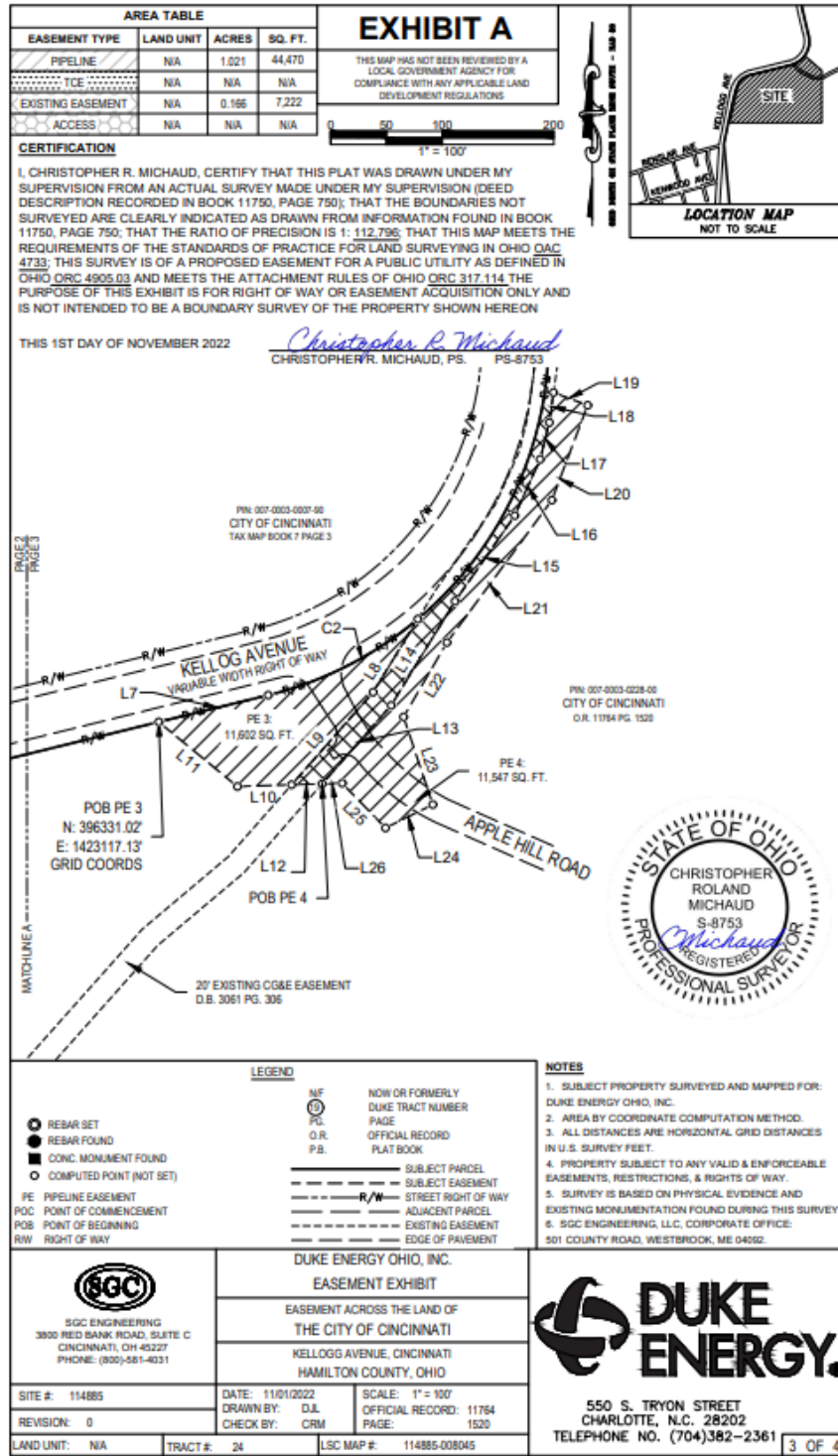


Exhibit A (Cont.)

Tract IX

Auditor's Parcel No.: 007-0003-0228-00

AREA TABLE				EXHIBIT A <small>THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS</small>	 LOCATION MAP <small>NOT TO SCALE</small>
PIPELINE	N/A	1.021	44,470		
TCE	N/A	N/A	N/A		
EXISTING EASEMENT	N/A	0.166	7,222		
ACCESS	N/A	N/A	N/A		

CERTIFICATION

I, CHRISTOPHER R. MICHAUD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 11750, PAGE 750); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 11750, PAGE 750; THAT THE RATIO OF PRECISION IS 1: 112,796; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN OHIO OAC 4733; THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN OHIO ORC 4905.03 AND MEETS THE ATTACHMENT RULES OF OHIO ORC 317.114. THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON

THIS 1ST DAY OF NOVEMBER 2022

CHRISTOPHER R. MICHAUD, PS. PS-8753

LINE TABLE			LINE TABLE		
LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH
L1	N12°02'15"E	77.22	L15	N34°50'03"E	83.53
L2	N88°14'57"E	70.07	L16	N24°17'17"E	56.39
L3	S11°59'11"W	34.54	L17	N13°56'51"E	33.97
L4	N78°20'42"W	68.24	L18	N8°04'24"E	27.15
L5	N12°02'06"E	18.57	L19	S69°21'01"E	32.60
L6	S88°53'05"W	70.01	L20	S28°38'03"W	80.76
L7	N76°14'36"E	100.88	L21	S36°25'09"W	198.59
L8	S31°30'15"W	76.75	L22	S30°09'46"W	77.14
L9	S41°21'04"W	110.64	L23	S18°27'16"E	82.77
L10	S88°12'08"W	48.55	L24	S63°44'45"W	47.37
L11	N50°37'36"W	91.19	L25	N44°02'28"E	55.74
L12	N88°12'08"E	27.41	L26	S88°12'08"W	18.01
L13	N41°21'04"E	93.61	L27	N12°06'21"E	20.00
L14	N31°30'15"E	109.57			

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CH. LENGTH
C1	79.80'	271.80'	016°51'48"	N45°04'39"E	79.87
C2	151.60'	330.00'	036°21'24"	N63°03'54"E	150.47

LEGEND

- REBAR SET
- REBAR FOUND
- CONC. MONUMENT FOUND
- COMPUTED POINT (NOT SET)
- PE PIPELINE EASEMENT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY

NOTES

1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: DUKE ENERGY OHIO, INC.
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET.
4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
6. SGC ENGINEERING, L.L.C. CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04922.

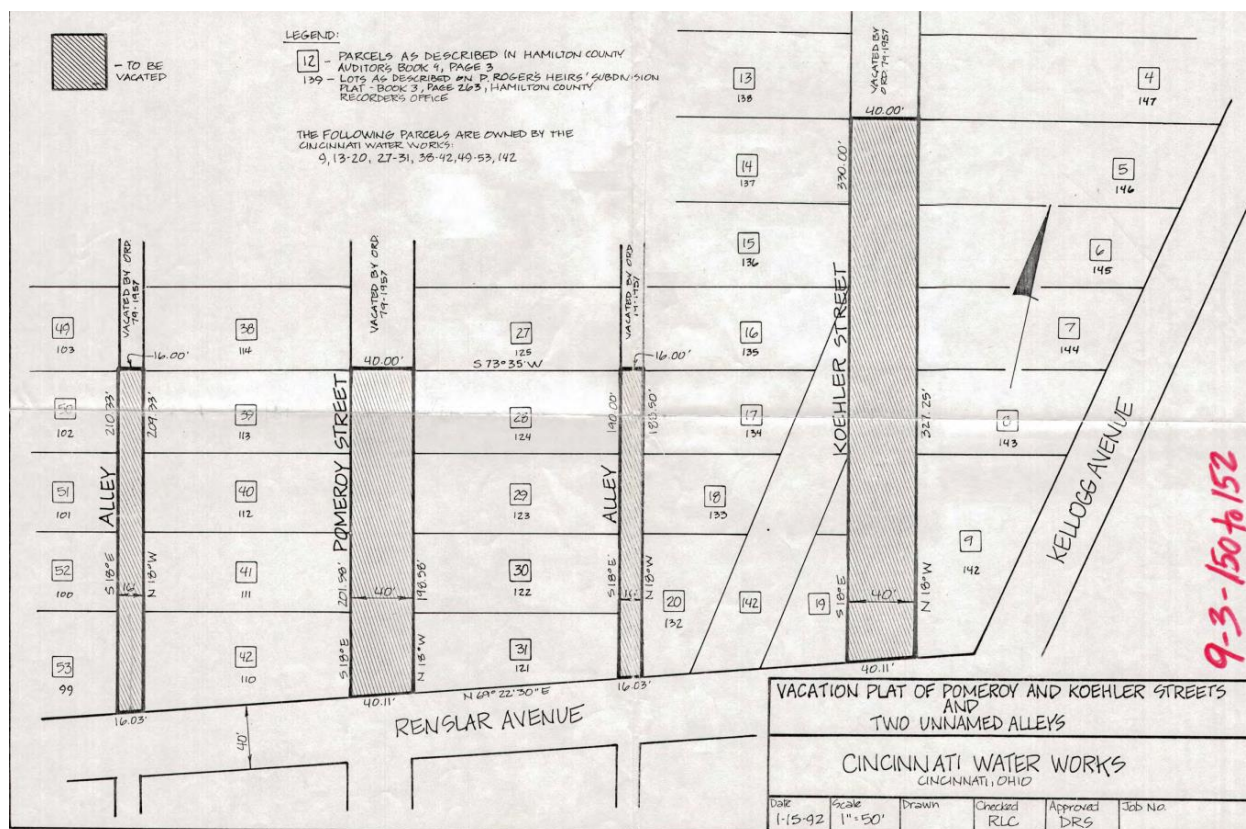
 <small>SGC ENGINEERING 3850 RED BANK ROAD, SUITE C CINCINNATI, OH 45227 PHONE: (800) 581-6031</small>	DUKE ENERGY OHIO, INC. EASEMENT EXHIBIT		 DUKE ENERGY. <small>550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361</small>
	EASEMENT ACROSS THE LAND OF THE CITY OF CINCINNATI KELLOGG AVENUE, CINCINNATI HAMILTON COUNTY, OHIO		
SITE #: 114885 REVISION: 0	DATE: 11/01/2022 DRAWN BY: D.J.L. CHECK BY: CRM	SCALE: NTS OFFICIAL RECORD: 11764 PAGE: 1520	LAND UNIT: N/A TRACT #: 24 LSC MAP #: 114885-008045

11/08/2022 11:38am - K:\PROJECTS\2018001-HDR-Duke-Line 000A-EX00\DWG\PLATS\Checking\CAD Packages\Civil_Golf_Course\Civil_Golf_Course.dwg

Exhibit B
to Grant of Easement
Legal Description-the Property

Tract I

Property Address: None; Vacated former Koehler and Pomeroy Streets and unnamed alleys
Auditor's Parcel No.: 009-0003-0152
Prior Instrument Ref.: OR 5864, Pg. 1876, Hamilton County, Ohio Records



Tract II

Property Address: 5735 Kellogg Ave.
Auditor's Parcel No.: 009-0003-0009 (-0009, -0017 through -0020, -0028 through -0031 Cons.)
Prior Instrument Ref.: DB 4036, Pg. 738; DB 3308, Pg. 534; Hamilton County, Ohio Records

All that certain lot of parcel of ground situated in the Town of California, now a part of the City of Cincinnati, Hamilton County, Ohio, known and designated as Lot No. One Hundred and Forty-two (142) in Roger's Addition to California, a plat of which is recorded in Plat Book 3, Page 263, Hamilton County, Ohio Records.

Being the same premises conveyed to Sarah J. Treuheit by Deed recorded in Deed Book 4008, Page 1293, Hamilton County, Ohio records.

Exhibit B (Cont.)

Also the following property:

Situated in Anderson Township being part of Lot one hundred thirty-two (132) and part of Lot one hundred thirty-three (133) of Patrick Rogers Subdivision as per plat recorded in Plat Book 3, Page 263, of the Records of Hamilton County, Ohio. Said parts of Lots 132 and 133 lying between the former right-of-way of the C.G. & P.R.R. Co., now owned by the City of Cincinnati; Koehler Street and Renslar Avenue and being more particularly described as follows:

Beginning at a point which is the northwest corner of Koehler Street and Renslar Avenue S. $69^{\circ} 22\frac{1}{2}'$ W. a distance of 54.00 feet along the north line of Renslar Avenue; thence N. $4^{\circ} 9' 22''$ E., 143.03 feet along the east line of the former C. G. & P. R. R. Co.; thence S. 18° E. 130.00 feet along the west line of Koehler Street to the place of beginning.

Area = .08 Acre

Being part of the same premises conveyed to the grantor herein by deed dated December 30, 1927 and recorded in Deed Book 1451, page 310 of the Hamilton County, Ohio, Deed Records.

Together with all right, title and interest grantor may have in and to the abandoned right of way of the C.G. & P. RR. Co. which right of way is located along the western boundary of the above described tract.

Tract III

Property Address: None; Former Cincinnati, Georgetown, and Portsmouth Railroad Company right-of-way
Auditor's Parcel No.: 009-0003-0142-90
Prior Instrument Ref.: DB 1700, Pg. 209, Hamilton County, Ohio Records

Tract IV

Property Address: None
Auditor's Parcel No.: 009-0003-0042-90
Prior Instrument Ref.: DB 3907, Pg. 236, Hamilton County, Ohio Records

Situated in the County of Hamilton and State of Ohio, bounded and described as follows, to-wit:

The following described real estate situated in Anderson Township, Hamilton County, Ohio, and being known, numbered and designated as Lots Number One Hundred and ten (110), One Hundred and eleven (111) and One Hundred and twelve (112) of Rogers' Addition to the village of California, Ohio, as recorded in Plat Book 3, Page 263 Recorder's office of Hamilton County, Ohio.

Being the same premises conveyed to the grantor herein by deed recorded in Deed Book 3496, Page 275, Hamilton County, Ohio Records.

Exhibit B (Cont.)

Tract V

Property Address: 5746 Linneman Street
Auditor's Parcel No.: 009-0003-0053-90
Prior Instrument Ref.: DB 3439, Pg. 478, Hamilton County, Ohio Records

Situate in the City of Cincinnati, Hamilton County, Ohio and being all of Lots Nos. 99, 100, 101 and 102 as designated on the plat of Roger's Addition to California as recorded in Plat Book 3, page 263, Hamilton County, Ohio, Plat Records.

Being the same premises conveyed to the grantor herein by deed recorded in Deed Book 2232, pages 17 and 135, and by Certificate of Transfer recorded in Deed Book 3423, page 178, Hamilton County, Ohio Deed Records, and by deed recorded in Deed Book 3427, page 771, Hamilton County, Ohio records.

Exhibit B (Cont.)

Tract VI

Property Address: 5745 Linneman Street
Auditor's Parcel No.: 009-0003-0146-90
Prior Instrument Ref.: DB 3528, Pg. 445, Hamilton County, Ohio Records

Situate, lying and being in Military Survey 395 in the City of Cincinnati, County of Hamilton, State of Ohio, and being a part of Linneman Street and a part of an Unnamed Alley as laid out and dedicated to public use on the plat of P. Roger Heirs' Subdivision as recorded in Plat Book 3, page 263, Hamilton County Recorder's Office and being more particularly described as follows:

LINNEMAN STREET

Beginning at the intersection of the north line of Renslar Avenue (a 40 foot street) and the west line of Linneman Street (a 40 foot street); thence northwardly, along the west line of Linneman Street, 221.58 feet to the southern terminus of that portion of Linneman Street vacated by Ordinance No. 79-1957; thence eastwardly, along said southern terminus, 40 feet to the east line of Linneman Street; thence southwardly, along the east line of Linneman Street, 218.67 feet to the north line of Renslar Avenue; thence westwardly, along the north line of Renslar Avenue, 40 feet, more or less, to the place of beginning.

Tract VII

Property Address: 5745 Linneman Street
Auditor's Parcel No.: 009-0003-0064-90
Prior Instrument Ref.: DB 3505, Pg. 576, Hamilton County, Ohio Records

Situate in the City of Cincinnati, Hamilton County, Ohio, and being known, numbered and designated as Lots Nos. 88, 89, 90 and 91 as laid down on the Plat of California, as made by the heirs of Patrick Rogers, deceased, as per plat recorded in Plat Book 3, page 263, Hamilton County, Ohio, Plat Records.

Being the same premises conveyed to the grantor herein by deed recorded in Deed Book 2309, page 407, Hamilton County, Ohio records.

Exhibit B (Cont.)

Tract VIII

Property Address: 5753-5781 Haney Street
Auditor's Parcel Nos.: 009-0002-0064-00 & 009-0002-0012 thru-0019
Prior Instrument Ref.: DB 3328, Pg. 293; PB 113, Pg. 9-10; & DB 3300, Page 129, Hamilton County, Ohio Records

Beginning at the southeast corner of Lot 1 of Block 30 of T. J. Murdock's Subdivision in Military Survey 395, Anderson Township, Cincinnati, Hamilton County, Ohio, platted in Plat Book 1, Page 69 in the Hamilton County Ohio, Recorder's Office; thence, proceeding northwardly along the east lines of lots 1,2,3,4,5,6,7, and 8 of Block 30, of the said Murdock's Subdivision (which lines form the west line of the present Haney Street) three hundred ninety-four feet (394.00') to the south line of Renslar Avenue (formerly Miller Street); thence, eastwardly forty feet to the west line of P. Roger's Heirs' Subdivision (found in Plat Book 3, Page 263, Hamilton County, Ohio, Recorder's Office); thence, southwardly along the said west line of the P. Roger's Heirs' Subdivision (which is the east line of the present Haney Street) three hundred ninety-four feet (394.00 feet to the north line of Kenwood Avenue (formerly Vail Street)); thence, forty feet (40') west to the place of beginning.

Also:

Situate in the City of Cincinnati, Hamilton County, Ohio, and being all those certain lots or parcels of land situate in the Town of California, (now City of Cincinnati) known and designated as Lot Nos. 1, 2, 3, 4, 5, 6, 7, and 8 in Block 30 in Thomas I. Murdock's Subdivision, as recorded in Plat Book 1, Page 69, Hamilton County, Ohio Records.

Tract IX

Property Address: 5651 Kellogg Avenue
Auditor's Parcel No.: 007-0003-0228-00
Prior Instrument Ref.: OR 11764, Pg. 1520, Hamilton County, Ohio Records

Situated in Military Survey No. 395, Anderson Township, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the Southwest Corner of Registered Land Certificate No. 226390 said point being South 0.90 feet and East 0.98 feet from an existing concrete leaning monument; thence South 76°06'13" West, 591.84 feet to an existing concrete monument; thence South 4°08'06" West, 295.36 feet to a set Iron Pin being the Place of Beginning; thence North 85°51'54" West, 399.68 feet to a set Iron Pin; thence South 36°23'36" West, 130.17 feet to a set Iron Pin; thence South 53°36'24" East, 115.40 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 386.63 feet, and a chord bearing South 16°13'06" East, 469.53 feet, a distance of 504.59 feet as measured along said curve to a set Iron Pin; thence on a curve to the left, said curve having a radius of 132.45 feet, and a chord bearing South 13°07'57" East, 149.28 feet, a distance of 158.59 feet as measured along said curve to a set Iron Pin; thence on a curve to the right, said curve having a radius of 219.28 feet, and a chord bearing South 24°08'56" East, 173.37 feet, a distance of 178.24 feet as measured along said curve to a set Iron Pin; thence on a curve to the right, said curve having a radius of 150.65 feet, and a chord bearing South 22°02'22" West, 117.26 feet, a distance of 120.44 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 254.93 feet, and a chord bearing South 56°54'57" West, 105.78 feet, a distance of 106.55 as measured along said curve to a set Iron Pin; thence on a curve to the right, said curve having a radius of 153.56 feet, and a chord bearing North 85°28'12" West, 132.90 feet, a distance of 137.44 feet as measured along said curve to a set Iron Pin; thence on a curve to the left, said curve having a radius of 67.09 feet, and a chord bearing North 86°47'33" West, 60.84 feet, a distance of 63.15 feet as measured along said curve to a set Iron Pin; thence on a curve to the left, said curve having a radius of 89.13 feet, and a chord bearing South 22°42'11" West, 122.81 feet,

Exhibit B (Cont.)

a distance of 135.47 feet as measured along said curve to a set Iron Pin; thence South 25°08'33" East, 316.08 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 183.08 feet, and a chord bearing South 76°07'31" West, 359.11 feet, a distance of 647.18 feet as measured along said curve to a set Iron Pin; thence on a curve to the left, said curve having a radius of 338.49 feet, and a chord bearing North 17°52'58" West, 178.36 feet, a distance of 180.49 feet as measured along said curve to a set Iron Pin; thence North 30°59'44" West, 484.42 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 546.89 feet, and a chord bearing North 23°37'00" West, 140.48 feet, a distance of 140.87 feet as measured along said curve to a set Iron Pin; thence South 85°19'50" West, 97.05 feet to a set Iron Pin; thence North 39°08'35" West, 194.48 feet to a set Iron Pin; thence North 60°55'16" West, 77.06 feet to a set Iron Pin; thence on a curve to the left, said curve having a radius of 316.26 feet, and a chord bearing South 9°45'47" East, 396.71 feet, a distance of 428.80 feet as measured along said curve to a set Iron Pin; thence on a curve to the right, said curve having a radius of 273.02 feet, and a chord bearing South 7°54'05" East, 356.09 feet, a distance of 387.91 feet as measured along said curve to a set Iron Pin; thence South 46°14'21" East, 348.04 feet to a set Iron Pin; thence South 42°54'10" West, 206.70 feet to a set Iron Pin; thence North 57°12'32" West, 571.45 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 263.95, and a chord bearing North 33°56'14" West, 208.57 feet, a distance of 214.42 feet as measured along said curve to a set Iron Pin; thence on a curve to the left, said curve having a radius of 38.22 feet, and a chord bearing North 79°56'00" West, 71.50 feet, a distance of 92.42 feet as measured along said curve to a set Iron Pin; thence South 27°33'39" West, 409.21 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 135.28 feet, and a chord bearing North 82°12'30" West, 254.61 feet, a distance of 331.64 feet as measured along said curve to a set Iron Pin; thence on a curve to the right, said curve having a radius of 487.20 feet, and a chord bearing North 2°54'54" East, 250.42 feet, a distance of 253.26 feet as measured along said curve to a set Iron Pin; thence North 18°14'03" East, 1092.55 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 272.01 feet, and a chord bearing North 56°48'44" East, 339.24 feet, a distance of 366.30 feet as measured along said curve to a set Iron Pin; thence North 82°12'11" West, 361.73 feet to a set Iron Pin; thence South 19°05'02" West, 430.57 feet to a set Iron Pin; thence South 37°00'20" West, 391.30 feet to a set Iron Pin; thence South 3°30'26" West, 616.24 feet to a set Iron Pin; thence South 8°02'06" East, 366.99 feet to a set Iron Pin; thence South 19°50'03" East, 596.19 feet to a set Iron Pin; thence South 71°16'02" West, 86.86 feet to a set Iron Pin; thence North 19°50'03" West, 597.91 feet to a existing concrete monument; thence South 72°36'50" West, 32.72 feet to a existing concrete monument; thence North 5°11'45" West, 902.26 feet to a set Iron Pin in the East line of existing Kellogg Avenue, 60'R/W; thence continuing in said east line for the following 2 courses, North 12°01'47" East, 622.89 feet to a set Iron Pin; thence North 17°55'04" East, 237.60 feet to a set Iron Pin; thence along the East line of Proposed Kellogg Avenue, 60' R/W, as built, the following 6 courses, on a curve to the right, said curve having a radius of 270.00 feet, and a chord bearing North 56°24'01" East, 183.25 feet, a distance of 186.97 feet as measured along said curve to a set Iron Pin; thence North 76°14'17" East, 583.88 feet to a set Iron Pin; thence on a curve to the left, said curve having a radius of 330.00 feet, and a chord bearing North 31°34'30" East, 463.94 feet, a distance of 514.48 feet as measured along said curve to a set Iron Pin; thence North 13°05'17" West, 346.56 feet to a set Iron Pin; thence on a curve to the right, said curve having a radius of 1370.00 feet, and a chord bearing North 7°23'13" West, 272.18 feet, a distance of 272.63 feet as measured along said curve to a set Iron Pin; thence North 1°41'10" West, 44.84 feet to a set Iron Pin in the east line of existing Kellogg Avenue, 60'R/W; thence continuing in said East line the following 2 courses, North 4°14'04" East, 277.71 feet to a set Iron Pin; thence North 33°59'56" West, 92.36 feet to a set Iron Pin; thence North 62°43'05" East, 249.83 feet to a existing concrete monument; thence North 62°55'43" East, 238.34 feet to a existing Iron Pin; thence North 52°25'02" East, 123.88 feet to a existing Iron Pin; thence North 2°14'12" West, 213.64 feet to a set Iron Pin; thence North 70°41'20" East, 217.93 feet to a existing concrete monument; thence South 71°22'48" East, 407.56 feet to a existing concrete monument; thence South 52°25'49" East, 759.46 feet to a existing concrete monument; thence South 59°46'18" East, 172.29 feet to a existing concrete monument; thence South 13°51'41" East, 1050.00 feet to the Southwest Corner of Registered Land Certificate No. 226390 said point being South 0.90 feet and East 0.98 feet from a existing concrete leaning monument; thence

Exhibit B (Cont.)

South 76°06'13" West, 591.84 feet to a existing concrete monument; thence South 4°08'06" West, 295.36 feet to the Place of Beginning. Containing 6,299,269 square feet (144.611 acres) of land, more or less. Bearing are based on State Plane Coordinates, NAD83 (NSRS2007), State Plane Zone- Ohio South (3402). Subject to all legal highways, easements, and restrictors of record. This legal description is based on a survey performed under the direction of Joseph N. Koopman, Ohio Registration Number 7184.



October 25, 2023

202302264

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance** – Easement in favor of Duke Energy - Gas Pipeline Parks

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Beechmont Avenue and Canoe Court in the Linwood and Mt. Washington neighborhoods of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Beechmont Avenue and Canoe Court in the Linwood and Mt. Washington neighborhoods of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property generally located along Beechmont Avenue in Linwood and Canoe Court in Mt. Washington (“Properties”), as more particularly described and depicted in the Grant of Easement attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”), which Properties are under the management and control of Cincinnati Board of Park Commissioners (“Park Board”); and

WHEREAS, Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), has requested certain utility easements upon portions of the Properties to upgrade and replace existing underground gas pipelines, as more particularly described and depicted in the Easement; and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for park or other municipal purposes; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, the City has determined that eliminating competitive bidding is in the best interest of the City in connection with granting the Easement to Grantee because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement; and

WHEREAS, the collective fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is \$38,478, which Grantee has agreed to pay; and

WHEREAS, the Park Board approved granting the Easement to Grantee at its regular meeting on September 21, 2023; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on October 20, 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 Grant of Easement, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”), in favor of Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), pursuant to which the City will grant to Grantee certain utility easements upon portions of City-owned real property located along Beechmont Avenue and Canoe Court in the Linwood and Mt. Washington neighborhoods (“Properties”) to upgrade and replace existing underground gas pipelines, as more particularly described and depicted on Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for park or other municipal purposes.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$38,478, which Grantee has agreed to pay.

Section 5. That the proceeds from the Easement 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 Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Park Board Permanent Improvement Fund 752.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the

Easement, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to grant the Easement to Grantee so that Grantee may begin construction without delay, thereby avoiding any unnecessary or costly delay in upgrading its utility services for the benefit of the City.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____

Clerk

[SPACE ABOVE FOR RECORDER'S OFFICE]

Property: Magrish Preserve & Otto Armleder

GRANT OF EASEMENT

In consideration of the sum of \$38,478 and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, with an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants and conveys to **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202, its successors and assigns ("**Grantee**"), a perpetual, non-exclusive easements, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipe line for the underground transportation of gas, including but not limited to, all equipment such as underground ducts, conduits, wires, cables, manholes, pipes, grounding systems, above-ground pipeline markers, and all other appurtenances, fixtures, and equipment necessary for the underground transportation of gas (the "**Facilities**"), in, upon, through and across, and under portions of certain real property more particularly depicted and described on Exhibit A (*Survey Plats*) attached hereto and incorporated herein by reference (the "**Easements**" or the "**Easement Areas**", as applicable). The tracts of real property burdened by the Easement Areas are more particularly described on Exhibit B (*Legal Description—the Property*) attached hereto and incorporated herein by reference (the "**Property**"). Notwithstanding the foregoing, the rights herein granted to Grantee are subject and subordinate to the rights of the public utilities owned, operated, or managed by Grantor. Grantee shall ensure that Grantor's public utility lines and facilities are not disturbed and that Grantor's access to existing and prospective public utility facilities is not denied or unreasonably impaired.

Grantor hereby grants and conveys to Grantee, its successors, and assigns temporary construction easements on, over, under, and across those portions of the Property more particularly described and depicted on Exhibit A, including the right to access and re-access the temporary construction easements for uses associated with the initial establishment, construction, and installation of the Facilities (the "**Temporary Construction Easements**" or "**Temporary Construction Easement Areas**", as applicable). The Temporary Construction Easements shall terminate automatically at such time that Grantee completes construction and installation of the Facilities and has completed all necessary work to restore or repair any and all physical damage to the surface or subsurface areas of the Temporary Construction Easement Areas caused by Grantee, its employees, agents, contractors, or subcontractors in connection with the establishment, construction, and installation of the Facilities.

The City Manager, in consultation with Cincinnati Board of Park Commissioners (the "**Park Board**"), has determined that (i) the Easements and Temporary Construction Easements will not have an adverse effect on the City's retained interest in the Property; (ii) the Easements and Temporary Construction Easements will not unreasonably interfere with the City's use of the property for municipal purposes; and (iii) granting the Easements and Temporary Construction Easements without competitive bidding is in the

best interest of the City because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easements and Temporary Construction Easements.

The City's Real Estate Services Division has determined that the fair market value of the Easements and Temporary Construction Easements, as determined by professional appraisal, is \$38,478, which has been deposited with the Real Estate Services Division.

The Park Board approved the Easements and Temporary Construction Easements at its meeting on [_____].

Cincinnati City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements and Temporary Construction Easements at its meeting on [_____].

Cincinnati City Council authorized this *Grant of Easement* by Ordinance No. [_____], passed on [_____].

The respective rights and duties of Grantor and Grantee under this *Grant of Easement* are as follows:

1. Access. Grantee shall have the right of ingress and egress over the Easement Areas and the Property using existing lanes, driveways and adjoining public roads where practical as determined by Grantee.
2. Existing Utility Lines. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Areas ("**Existing Utility Lines**"). The rights herein granted to Grantee are subject and subordinate to the rights of public utility providers with Existing Utility Lines to enter upon the Easement Areas from time to time to construct, install, operate, maintain, repair, reconstruct, reinstall, remove, replace, and abandon utility lines, and related facilities within and around the vicinity of the Easement Areas. Grantee shall ensure that such Existing Utility Lines and facilities are not disturbed and that the utility providers' access to such facilities is not denied or unreasonably impaired. Grantee shall be responsible for paying all costs related to the repair of any and all damage to Existing Utility Lines caused by Grantee, its agents, employees, contractors, and subcontractors.
3. Clearing of Vegetation. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and other vegetation (collectively, "**Vegetation**") within the Easement Areas. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation that is adjacent to the Easement Areas but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee's removal of Vegetation, Grantee shall use best efforts to leave the Easement Areas and Property in a safe and sightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee will completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee will either re-sod or re-seed the damaged area.
4. Repair of Damage. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Areas and any and all damage to the Property resulting from Grantee's exercise of its rights hereunder, including without limitation damage caused by Grantee's employees, agents, contractors, and subcontractors. In making such repairs, Grantee shall restore the affected area to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim

for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Land Services, or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.

5. Grantor's Reserved Rights. Grantor shall have the right to use the Easement Areas in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor's and Grantee's use of the Easement Areas shall comply with all applicable laws and codes.
6. No Obstructions. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Areas, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor. Notwithstanding the foregoing, nothing herein shall be construed to limit or otherwise control Grantor's right to construct, install, operate, maintain, replace, relocate, add to, modify, remove, or abandon public utility infrastructure and associated equipment, appurtenances, or improvements within the Easements.
7. Easements to Run with the Land. The provisions hereof shall be deemed to "run with the land" and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations. The rights herein granted to Grantee are subject to any and all existing easements, restrictions and other matters of record affecting the Property.
8. Exhibits. The following exhibit(s) is attached hereto and made a part hereof.

Exhibit A – *Survey Plats*

Exhibit B – Legal Description - Property

[Grantor Signature Page Follows]

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the _____ day of _____, 2023.

CITY OF CINCINNATI,
an Ohio municipal corporation

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 by:

Jason Barron, Director
Cincinnati Park Board

Approved as to Form:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.,
an Ohio corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **DUKE ENERGY OHIO, INC.**, an Ohio corporation, on behalf of the corporation.

Notary Public
My commission expires: _____

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202

For Grantee's Internal Use:
Work Order # _____
Pad # _____
Prepared Date: _____

Exhibit A
to Grant of Easement

Tract I
Auditor's Parcel No.: 021-0005-0001-90

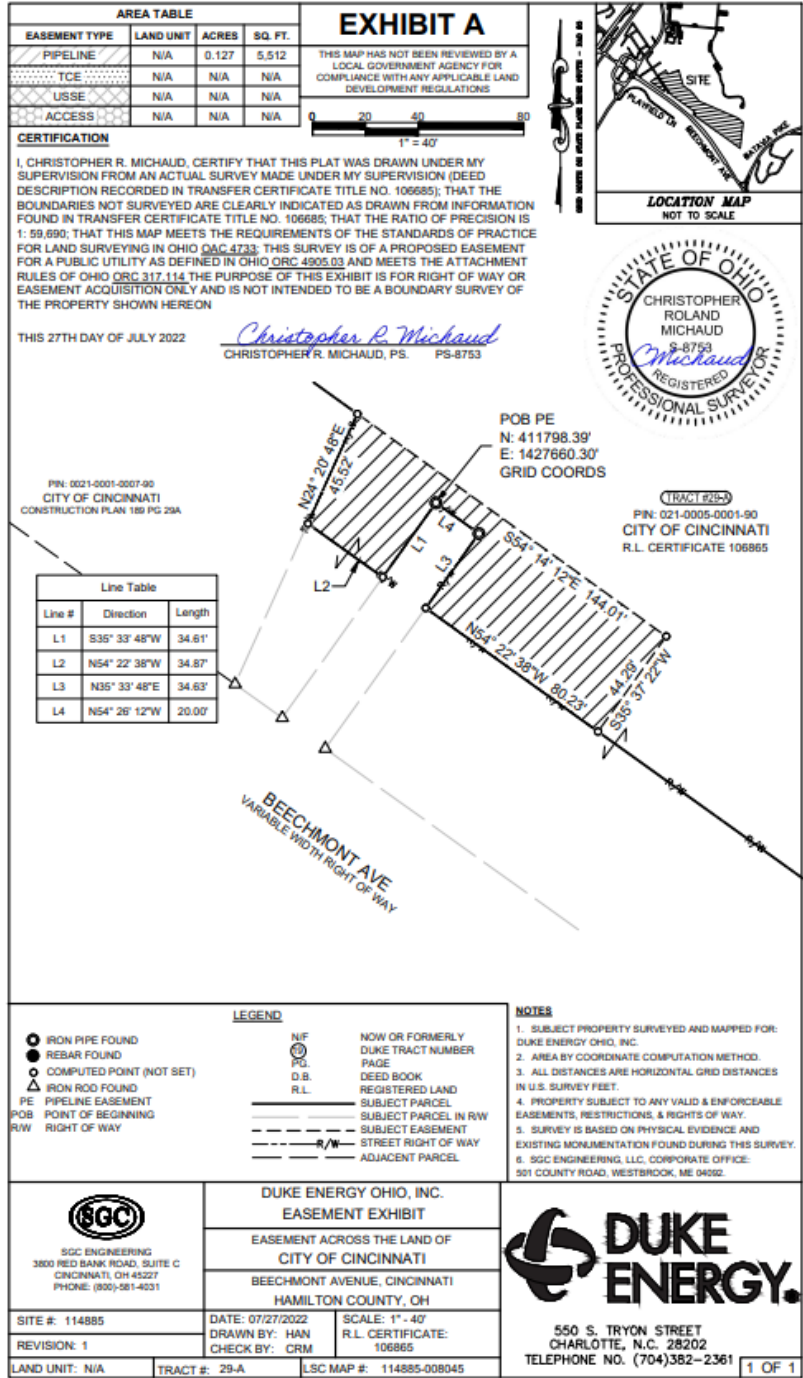


Exhibit A (Cont.)

Tract II

Auditor's Parcel No.: 021-0001-0001-90

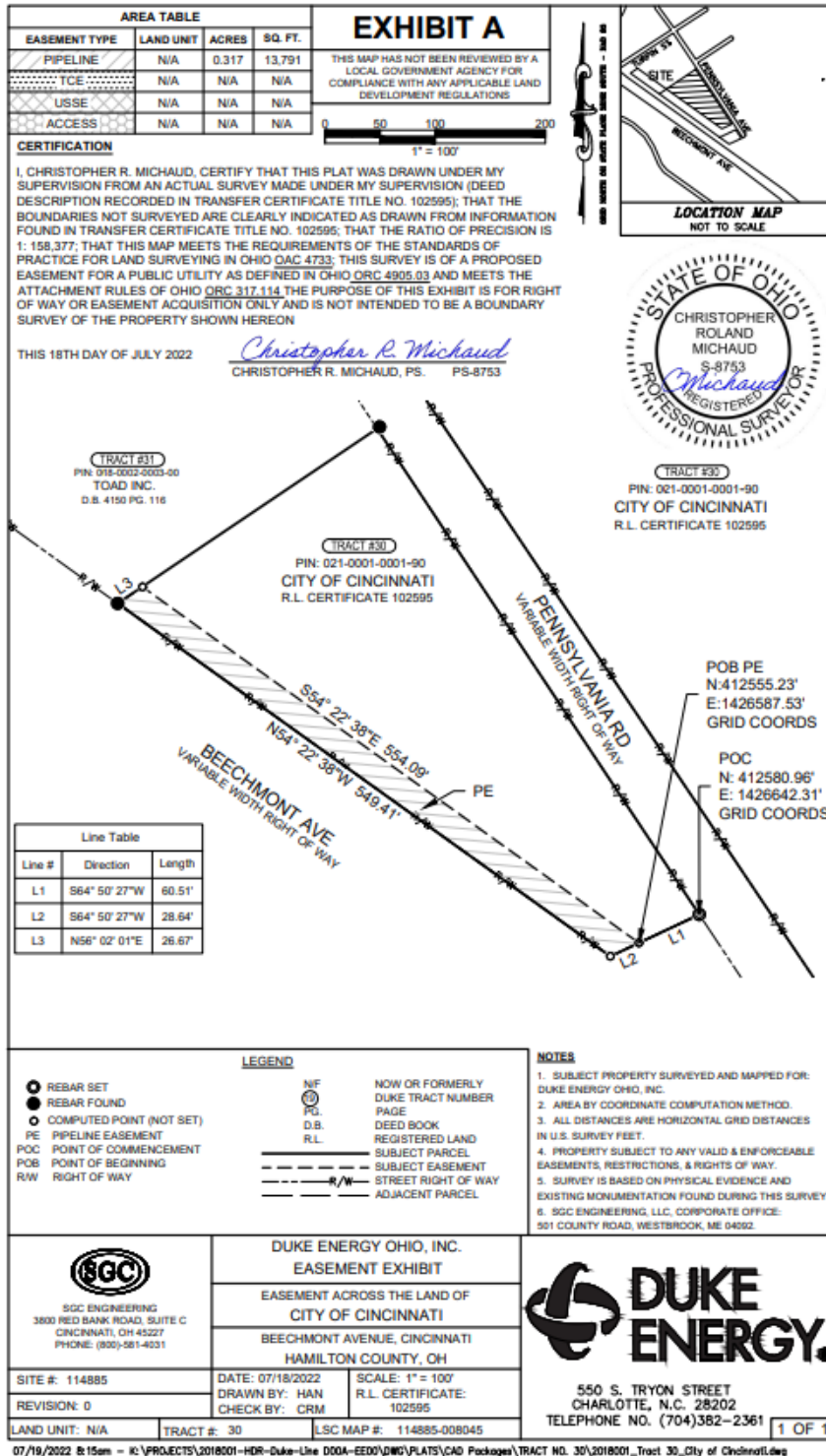


Exhibit A (Cont.)

Tract III

Auditor's Parcel No.: 007-0004-0036-00

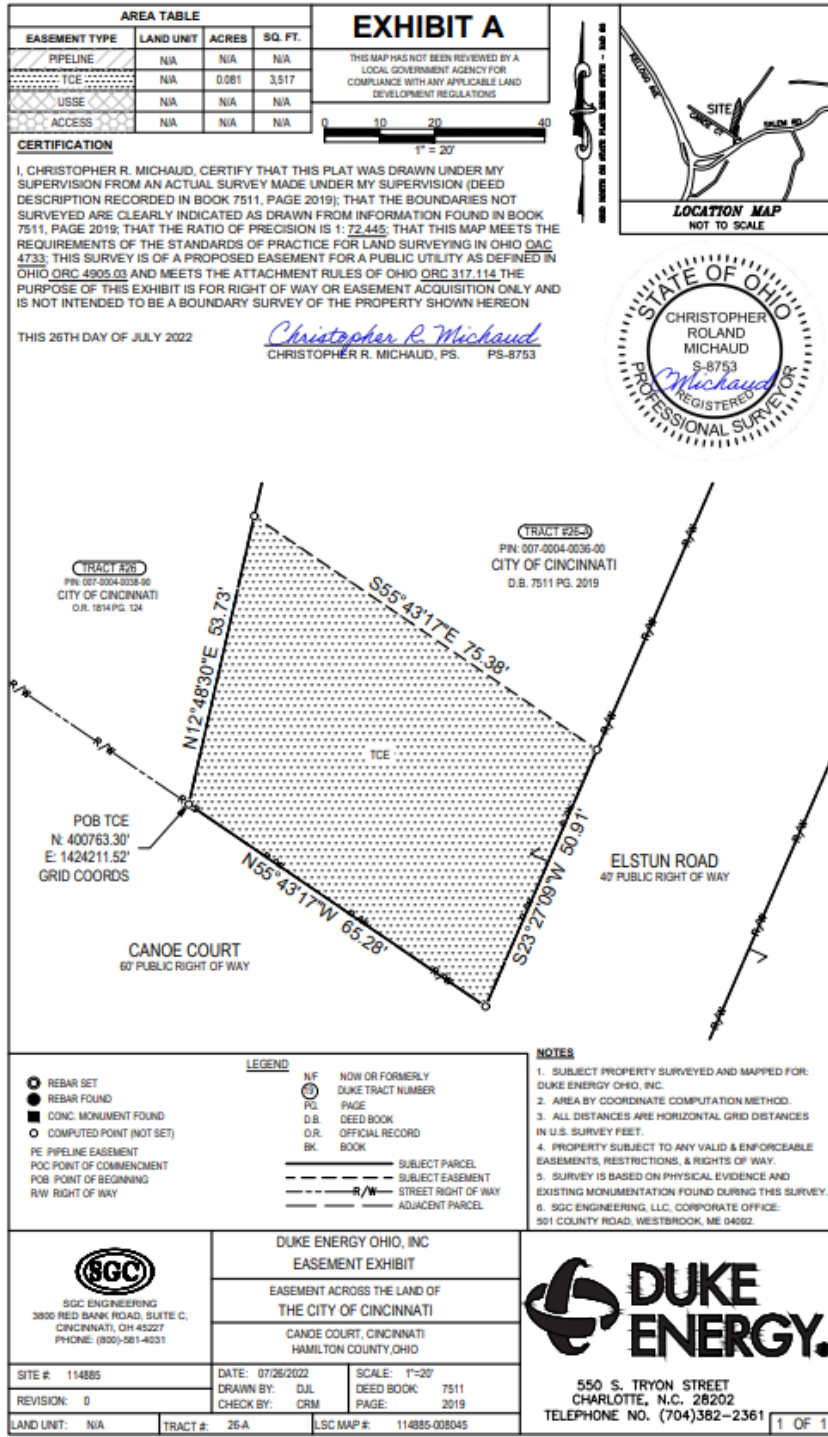


Exhibit B

Tract I

Property Address: Beechmont Avenue
Auditor's Parcel No.: 021-0005-0001
Prior Instrument Ref.: RL Cert Book 291, Pg. 306, Hamilton County, Ohio Registered Land Records Certificate No. 106865

SITUATE IN SECTIONS 13 AND 19, TOWN 4, FRACTIONAL RANGE 2, MIAMI PURCHASE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON BAR AT THE NORTHEAST CORNER OF SECTION 19, SAID IRON BAR ALSO BEING THE NORTHWEST CORNER OF SECTION 13, THENCE SOUTH 0°36'13" EAST, ALONG THE SECTION LINE BETWEEN SECTION 19 AND SECTION 13, 1097.38 FEET TO THE PLACE OF BEGINNING FOR THE PARCEL OF LAND HEREIN TO BE DESCRIBED, THENCE NORTH 22°02' WEST, 569.23 FEET TO AN IRON BAR, THENCE SOUTH 62°03' WEST, 398.43 FEET TO AN IRON BAR, THENCE NORTH 32°19' WEST 161.47 FEET TO AN IRON BAR IN THE SOUTHERLY LINE OF HOADLY LANE, THENCE SOUTH 50°24' WEST, ALONG THE SOUTHERLY LINE OF HOADLY LANE 327.16 FEET TO AN IRON BAR AT THE SOUTHEAST CORNER OF PENNSYLVANIA AVENUE AND HOADLY LANE, THENCE SOUTH 39°36' EAST, ALONG THE EASTERLY LINE OF PENNSYLVANIA AVENUE 708.95 FEET TO AN IRON BAR, THENCE NORTH 58°27' EAST, 11.48 FEET TO AN IRON BAR, THENCE SOUTH 39°36' EAST, 115.56 FEET THENCE SOUTH 59°58' EAST, 970.13 FEET TO AN IRON BAR, THENCE SOUTH 18°37' WEST 112.22 FEET TO AN IRON BAR IN THE NORTHERLY LINE OF OLD BEECHMONT AVENUE, THENCE ALONG THE NORTHERLY LINE OF OLD BEECHMONT AVENUE SOUTH 60°10' EAST 21.90 FEET TO AN IRON BAR, THENCE NORTH 29°50' EAST 100.00 FEET TO AN IRON BAR, THENCE SOUTH 60°10' EAST, 20.00 FEET TO AN IRON BAR, THENCE SOUTH 29°50' WEST 100.00 FEET TO AN IRON BAR IN THE NORTHERLY LINE OF OLD BEECHMONT AVENUE, THENCE SOUTH 60°10' EAST, ALONG THE NORTHERLY LINE OF OLD BEECHMONT AVENUE 1947.70 FEET TO AN IRON BAR AT THE WESTERLY EDGE OF THE LITTLE MIAMI RIVER, THENCE UP THE WESTERLY EDGE OF THE LITTLE MIAMI RIVER NORTH 3°19' WEST 535.19 FEET, THENCE NORTH 7°29' EAST 368.29 FEET, THENCE LEAVING SAID RIVER NORTH 58°27' WEST, 256.74 FEET, THENCE NORTH 69°57' WEST 561.00 FEET, THENCE NORTH 73°52' WEST, 858.00 FEET TO AN IRON BAR, THENCE NORTH 45°30' WEST 462.00 FEET TO AN IRON BAR, THENCE NORTH 61°06' WEST, 318.12 FEET TO A POINT OF THE SECTION LINE BETWEEN SECTION 19 AND SECTION 13, AND THE PLACE OF BEGINNING.

CONTAINING 47.85 ACRES OF LAND.

Exhibit B (Cont.)

Tract II

Property Address: Beechmont Avenue
Auditor's Parcel No.: 021-0001-0001 & 021-0001-0002
Prior Instrument Ref.: RL Cert Book 279, Pg. 794, Hamilton County, Ohio Registered Land Records Certificate No. 102595

Commencing at an iron bar at the northeast corner of Sec. 19, said iron bar being the northwest corner of Sec. 13; thence, S0°36'13"E, along the Sec. line between Sec. 19 and Sec. 13, 1674.49 feet to a point; thence N59°58'W, 432.73 feet to an iron bar; thence, N39°36'W, 115.56 feet to an iron bar; thence, S58°27'W, 61.98 feet to a point in the westerly line of Pennsylvania Avenue; thence, N39°36'W along the westerly line of Pennsylvania Avenue, 150.54 feet to an iron bar and the place of beginning for the parcel of land herein to be described, thence S58°48'W 87.98 feet to an iron bar; thence, N61°09'W, 542.52 feet to an iron bar; thence, N50°24'E, 286.35 feet to an iron bar in the westerly line of Pennsylvania Avenue; thence, S39°36'E, along the westerly line of Pennsylvania Avenue 517.38 feet to an iron bar and the place of beginning.

Containing 2.17 acres of land.

Tract III

Property Address: Elstun Road
Auditor's Parcel No.: 007-0004-0036-00
Prior Instrument Ref.: OR 7511, Pg. 2019, Hamilton County, Ohio Records

BEGINNING at a point in the west line of Lot 7 of W. P. Elstun Farm Subdivision, plat of which is recorded in Plat Book 4, Page 60, Hamilton County, Ohio Records, which point lies South 25° 30' West 199.39 feet from the northwest corner of said Lot No. 7; thence from said point of beginning South 20° 28' East 64.76 feet to a point; thence South 6° 58' East 100 feet to a point; thence South 0° 26' West 100 feet to a point; thence South 2° 33' West 100 feet to a point; thence South 3° 45' West 28.53 feet to a point; thence South 3° 45' West 303.12 feet to a point in Kellogg Avenue as now constructed; thence North 62° 27' West 157.26 feet to a point in Kellogg Avenue as now constructed; thence North 8° 30' East 528 feet along the west line of said Lot 7 to a point; thence North 25° 30' East 108.61 feet to the point and place of beginning.



October 25, 2023

To: Mayor and Members of City Council 202302257
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance** – Easement in favor of Duke Energy - Gas Pipeline
CRC

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Canoe Court and Renslar Avenue in the Mt. Washington and California neighborhoods of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Daniel Betts, Director, Cincinnati Recreation Commission

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Duke Energy Ohio, Inc., granting utility easements across portions of City-owned property generally located along Canoe Court and Renslar Avenue in the Mt. Washington and California neighborhoods of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property generally located along Canoe Court and Renslar Avenue in the Mt. Washington and California neighborhoods (“Properties”), as more particularly described and depicted in the Grant of Easement attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”), which Properties are under the management of Cincinnati Recreation Commission (“CRC”); and

WHEREAS, Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), has requested certain utility easements upon portions of the Properties to upgrade and replace existing underground gas pipelines, as more particularly described and depicted in the Easement; and

WHEREAS, the City Manager, in consultation with the CRC, has determined that granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for recreation or other municipal purposes; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, the City has determined that eliminating competitive bidding is in the best interest of the City in connection with granting the Easement to Grantee because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement; and

WHEREAS, the collective fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is \$281,196, which Grantee has agreed to pay; and

WHEREAS, CRC approved granting the Easement to Grantee at its regular meeting on September 19, 2023; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on October 20, 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 Grant of Easement, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”), in favor of Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), pursuant to which the City will grant to Grantee certain utility easements upon portions of City-owned real property located along Canoe Court and Renslar Avenue in the Mt. Washington and California neighborhoods (“Properties”) to upgrade and replace existing underground gas pipelines, as more particularly described and depicted on Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Properties, and (ii) will not unreasonably interfere with the City’s use of the Properties for recreation or other municipal purposes.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$281,196, which Grantee has agreed to pay.

Section 5. That the proceeds from the Easement 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 Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into the Recreation Permanent Improvement Fund 751.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the

Easement, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to grant the Easement to Grantee so that Grantee may begin construction without delay, thereby avoiding any unnecessary or costly delay in upgrading its utility services for the benefit of the City.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S OFFICE]

Property: Various CRC properties

GRANT OF EASEMENT

In consideration of the sum of \$281,196 and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, with an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants and conveys to **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202, its successors and assigns ("**Grantee**"), a perpetual, non-exclusive easements, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipe line for the underground transportation of gas, including but not limited to, all equipment such as underground ducts, conduits, wires, cables, manholes, pipes, grounding systems, above-ground pipeline markers, and all other appurtenances, fixtures, and equipment necessary for the underground transportation of gas (the "**Facilities**"), in, upon, through and across, and under portions of certain real property more particularly depicted and described on Exhibit A (*Survey Plats*) attached hereto and incorporated herein by reference (the "**Easements**" or the "**Easement Areas**", as applicable). The tracts of real property burdened by the Easement Areas are more particularly described on Exhibit B (*Legal Description—the Property*) attached hereto and incorporated herein by reference (the "**Property**"). Notwithstanding the foregoing, the rights herein granted to Grantee are subject and subordinate to the rights of the public utilities owned, operated, or managed by Grantor. Grantee shall ensure that Grantor's public utility lines and facilities are not disturbed and that Grantor's access to existing and prospective public utility facilities is not denied or unreasonably impaired.

Grantor hereby grants and conveys to Grantee, its successors, and assigns temporary construction easements on, over, under, and across those portions of the Property more particularly described and depicted on Exhibit A, including the right to access and re-access the temporary construction easements for uses associated with the initial establishment, construction, and installation of the Facilities (the "**Temporary Construction Easements**" or "**Temporary Construction Easement Areas**", as applicable). The Temporary Construction Easements shall terminate automatically at such time that Grantee completes construction and installation of the Facilities and has completed all necessary work to restore or repair any and all physical damage to the surface or subsurface areas of the Temporary Construction Easement Areas caused by Grantee, its employees, agents, contractors, or subcontractors in connection with the establishment, construction, and installation of the Facilities.

The City Manager, in consultation with Cincinnati Recreation Commission ("**CRC**"), has determined that (i) the Easements and Temporary Construction Easements will not have an adverse effect on the City's retained interest in the Property; (ii) the Easements and Temporary Construction Easements will not unreasonably interfere with the City's use of the property for municipal purposes; and (iii) granting the Easements and Temporary Construction Easements without competitive bidding is in the best interest of

the City because, as a practical matter, no one other than Grantee, a public utility regulated by the Public Utility Commission of Ohio, would have any use for the Easements and Temporary Construction Easements.

The City's Real Estate Services Division has determined that the fair market value of the Easements and Temporary Construction Easements, as determined by professional appraisal, is \$281,196, which has been deposited with the Real Estate Services Division.

CRC approved the Easements and Temporary Construction Easements at its meeting on [_____].

Cincinnati City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements and Temporary Construction Easements at its meeting on [_____].

Cincinnati City Council authorized this *Grant of Easement* by Ordinance No. [_____], passed on [_____].

The respective rights and duties of Grantor and Grantee under this *Grant of Easement* are as follows:

1. **Access.** Grantee shall have the right of ingress and egress over the Easement Areas and the Property using existing lanes, driveways and adjoining public roads where practical as determined by Grantee.
2. **Existing Utility Lines.** Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Areas ("**Existing Utility Lines**"). The rights herein granted to Grantee are subject and subordinate to the rights of public utility providers with Existing Utility Lines to enter upon the Easement Areas from time to time to construct, install, operate, maintain, repair, reconstruct, reinstall, remove, replace, and abandon utility lines, and related facilities within and around the vicinity of the Easement Areas. Grantee shall ensure that such Existing Utility Lines and facilities are not disturbed and that the utility providers' access to such facilities is not denied or unreasonably impaired. Grantee shall be responsible for paying all costs related to the repair of any and all damage to Existing Utility Lines caused by Grantee, its agents, employees, contractors, and subcontractors.
3. **Clearing of Vegetation.** Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and other vegetation (collectively, "**Vegetation**") within the Easement Areas. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation that is adjacent to the Easement Areas but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee's removal of Vegetation, Grantee shall use best efforts to leave the Easement Areas and Property in a safe and slightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee will completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee will either re-sod or re-seed the damaged area.
4. **Repair of Damage.** Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Areas and any and all damage to the Property resulting from Grantee's exercise of its rights hereunder, including without limitation damage caused by Grantee's employees, agents, contractors, and subcontractors. In making such repairs, Grantee shall restore the affected area to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Land Services,

or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.

5. Grantor's Reserved Rights. Grantor shall have the right to use the Easement Areas in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor's and Grantee's use of the Easement Areas shall comply with all applicable laws and codes.
6. No Obstructions. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Areas, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor. Notwithstanding the foregoing, nothing herein shall be construed to limit or otherwise control Grantor's right to construct, install, operate, maintain, replace, relocate, add to, modify, remove, or abandon public utility infrastructure and associated equipment, appurtenances, or improvements within the Easements.
7. Easements to Run with the Land. The provisions hereof shall be deemed to "run with the land" and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations. The rights herein granted to Grantee are subject to any and all existing easements, restrictions and other matters of record affecting the Property.
8. Exhibits. The following exhibit(s) is attached hereto and made a part hereof.

Exhibit A – *Survey Plats*

Exhibit B – Legal Description - Property

[Grantor Signature Page Follows]

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the ____ day of _____, 2023.

CITY OF CINCINNATI,
an Ohio municipal corporation

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 by:

Daniel Betts, Director
Cincinnati Recreation Commission

Approved as to Form:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.,
an Ohio corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **DUKE ENERGY OHIO, INC.**, an Ohio corporation, on behalf of the corporation.

Notary Public
My commission expires: _____

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202

For Grantee's Internal Use:
Work Order # _____
Pad # _____
Prepared Date: _____

Exhibit A
to Grant of Easement

Tract I

Auditor's Parcel No.: 009-0003-0120 thru -0135 & 009-0003-0145

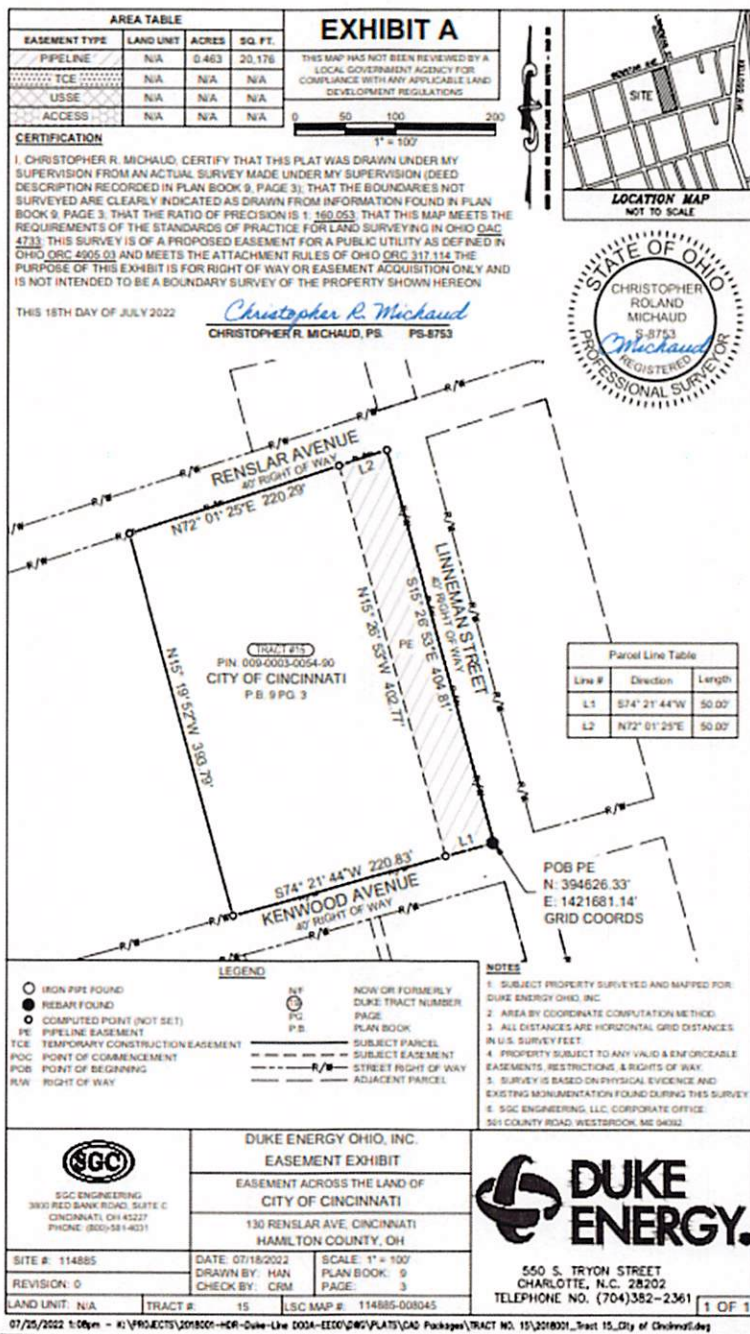


Exhibit A (Cont.)

Tract I

Auditor's Parcel No.: 009-0003-0120 thru -0135 & 009-0003-0145

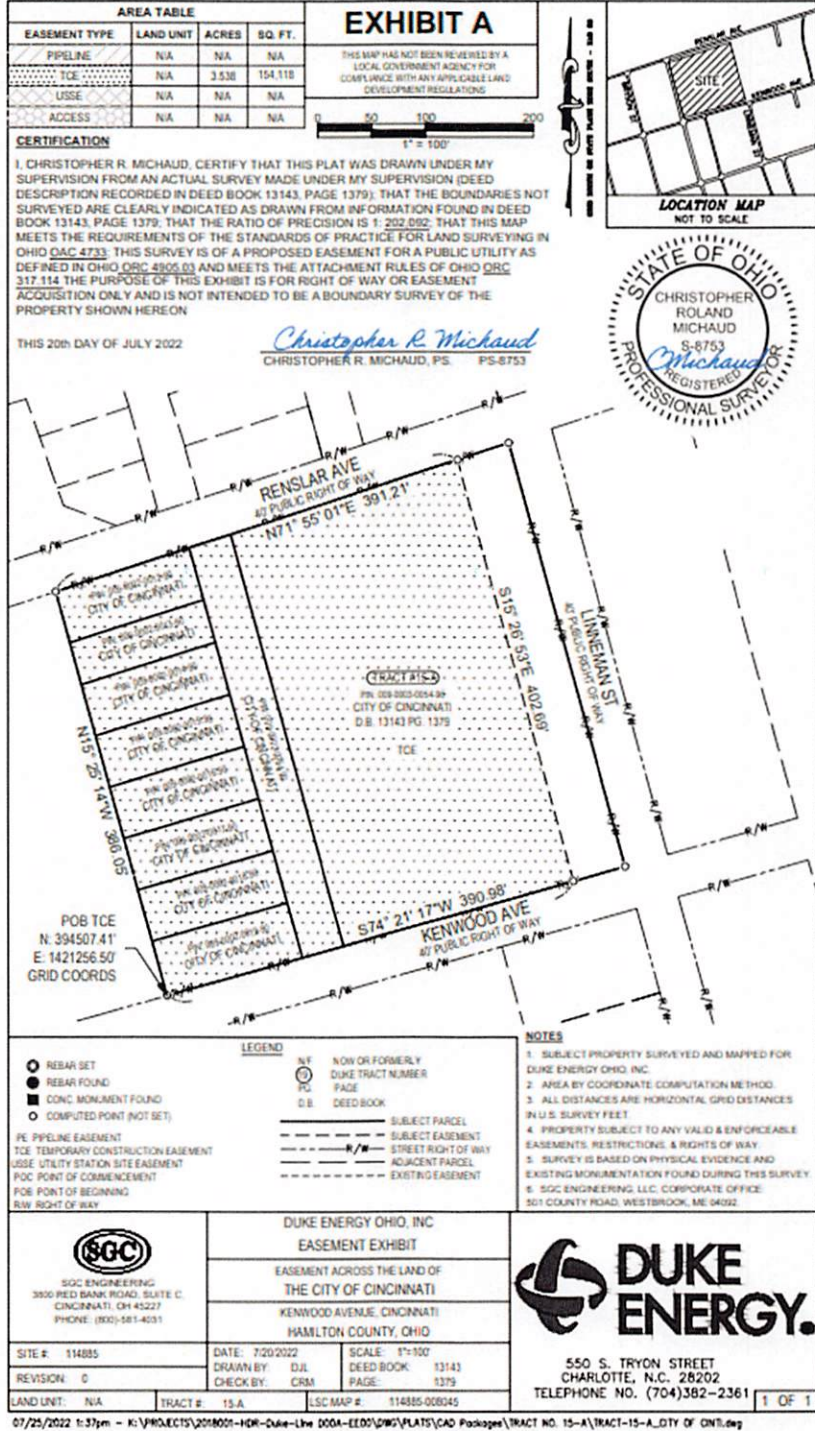


Exhibit A (Cont.)

Tract II

Auditor's Parcel No.: 007-0004-0038

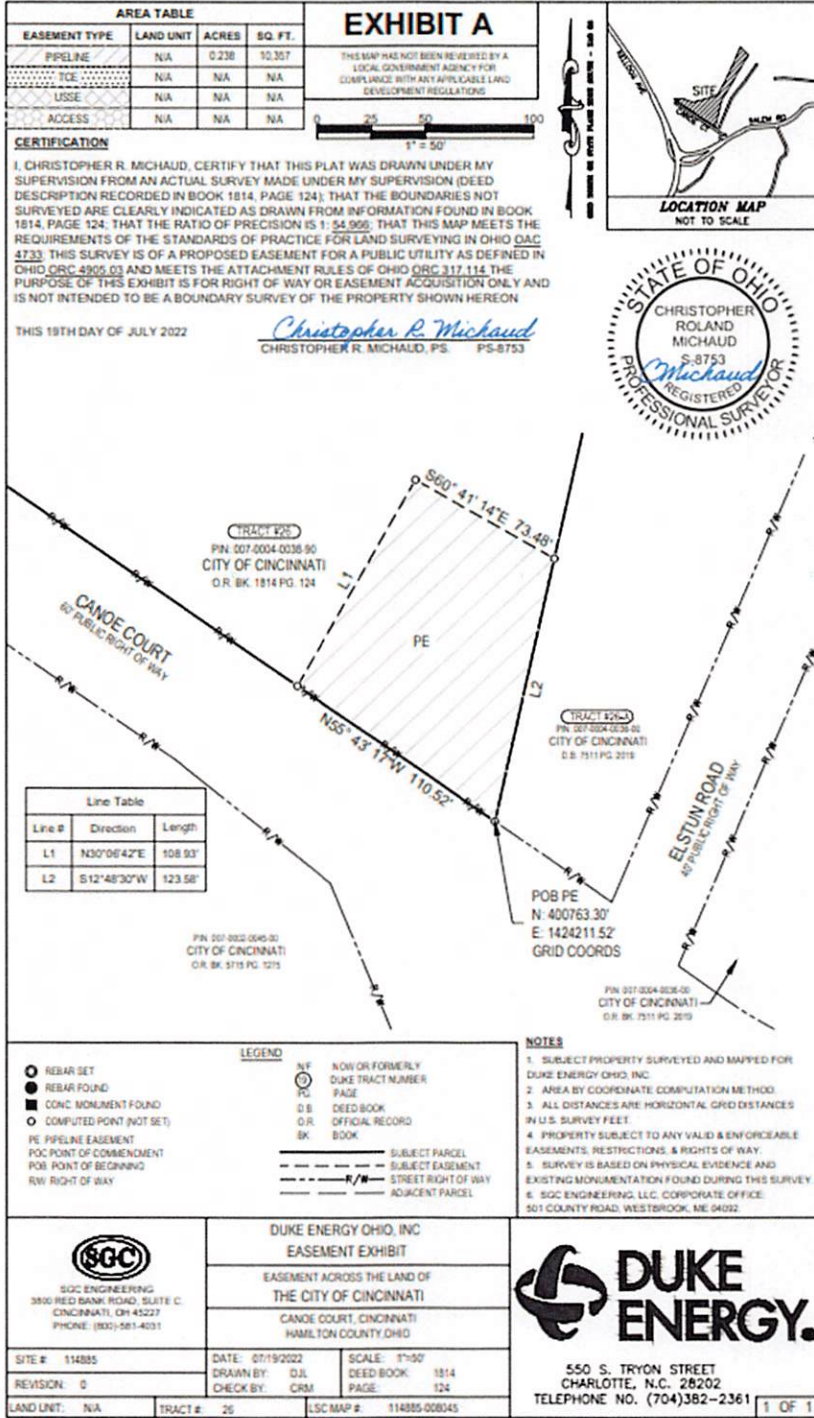


Exhibit B

Tract I

Property Address: 130 Renslar Avenue
Auditor's Parcel No.: 009-0003-0120 thru -0135 & 009-0003-0145
Prior Instrument Ref.: DB 2731, Pg. 325; DB 2735, Pg. 192; and DB 2991, Pg. 446, Hamilton County, Ohio Records

Situate in Anderson Township, Hamilton County, Ohio, and being Lot Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 of Rogers Subdivision in the Village of California, Hamilton County, Ohio, as the same appears of record in Deed Book 868, Page 23, Hamilton County, Ohio Records.

Being the same premises conveyed to Nicholas Brokamp, by Certificate of Transfer No. 189225, as recorded in Deed Book 2693, Page 6, Hamilton County, Ohio Records.

Also:

Situate in the Village of California (now a part of the City of Cincinnati), Anderson Township, Hamilton County, Ohio, and being all of Lot No. 29 of the P. Roger's Heirs Subdivision, as the same appears on the Plat Records of Hamilton County, Ohio in Plat Book 3, Page 263, in the Recorder's Office of Hamilton County, Ohio. Said lot fronts 50 feet on the east side of Haney Street and 130 feet in depth.

Being the same premises conveyed to Morris Gershuny by deed recorded in Deed Book 2725, Page 189, Hamilton County, Ohio Records.

Also:

Situated, lying; and being in the City of Cincinnati, County of Hamilton, State of Ohio and being an Unnamed Alley as shown on Roger's Subdivision recorded in Plat Book 3, Page 263, Hamilton County Recorder's Office and being more particularly described as follows:

From the intersection of the westerly line of Linneman Street (a 40 foot street) and the southerly line of Renslar Avenue (a 40 foot street) measure S67° 36' 40"W along the southerly line of Renslar Avenue a distance of 130 feet to a point in the easterly line of the aforementioned Unnamed Alley (16 feet wide) for the Place of Beginning; thence, S20° 21'E along the easterly line of said Unnamed Alley a distance of 417.05 feet to the northerly line of Kenwood Avenue (a 40 foot street); thence, South 68° 05'W along said northerly line of Kenwood Avenue a distance of 16 feet to a point in the westerly line of said Unnamed Alley; thence, N20° 21'W along said westerly line a distance of 416.90 feet to a point in the said southerly line of Renslar Avenue; thence, N67° 36' 40"E along said southerly line of Renslar Avenue a distance of 16 feet to the Place of Beginning.

Being the same premises vacated as public right-of-way by Cincinnati City Council by Ordinance No. 336-1958, passed by Council on September 24, 1958.

Tract II

Property Address: Kellogg Avenue
Auditor's Parcel No.: 007-0004-0038-90
Prior Instrument Ref.: DB 1841, Pg. 124, Hamilton County, Ohio Records

Also, the following described real estate, to-wit: Situated in Military Survey No. 1723 in Anderson Township, Hamilton County, State of Ohio and more particularly described as follows: Beginning at a point in the center line of Kellogg Avenue at the southwest corner of Lot Seven of the W.P.Elstun Farm Subdivision, as recorded in Plat Book 4, page 60, Hamilton County Recorder's Office; thence north 8 degrees, 30 minutes East in the west line of said Lot No. 7 a distance of 528.00 feet to an angle in said west line; thence north 25 degrees, 30 minutes east in the west line of said Lot No. 7 and lot eight (8) of said subdivision, 924 feet to the northwest corner of said Lot No.8; thence northwestwardly in the southwesterly line of Lot No. 5 of said subdivision 205.92 feet, more or less, to the easterly bank of the Little Miami River; thence southwestwardly along the easterly bank of the Little Miami River 1515 feet more, or less, to the center line of Kellogg Ave; thence southeastwardly in the center line of Kellogg Ave. 825 feet, more or less, to the place of beginning, subject to the rights of the public in all legal highways, and subject also to the right-of-way of the Cincinnati, Georgetown and Portsmouth Railway Company, and being part of the real estate transferred to grantor herein by Affidavit of Inheritance to the grantor herein and Ray Gallagher as the heirs of James Gallagher, deceased.



202302300

Date: November 1, 2023

To: Mayor Aftab Pureval
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Emergency Ordinance – FY 2023 Year End Closeout Mayor Allocation**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

ESW/CNS (dmm)
Attachment
392161

EMERGENCY

City of Cincinnati

CNS

115W

An Ordinance No. _____

- 2023

AUTHORIZING the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, in 2015, in Ordinance No. 253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, with such policy being later revised in 2019 through Ordinance No. 213-2019 and revised again in 2022 through Ordinance No. 56-2022; and

WHEREAS, in accordance with the revised Stabilization Funds Policy, Council established a new balance sheet reserve account within the General Fund, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Council is now appropriating \$3,850,000 in the “Infrastructure and Capital Project Reserve” balance sheet reserve account to various projects; now, therefore,

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

Section 1. That \$3,850,000 is transferred from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050.

Section 2. That capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” is established to provide resources for industrial site redevelopment projects.

Section 3. That \$1,600,000 is transferred from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects.

Section 4. That new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” is established within the General Fund.

Section 5. That \$2,000,000 is transferred from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood.

Section 6. That \$250,000 is transferred and appropriated from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements.

Section 7. That the “Industrial Site Redevelopment – GF CO” capital improvement program project is declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 8. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 7.

Section 9. 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 accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

November 1, 2023

To: Mayor and Members of City Council

202302301

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2023 Year-End Recommended Transfers and Appropriations for City Council Allocation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

This Emergency Ordinance would authorize the various transfers and appropriations as recommended in the Administration’s FY 2023 Carryover to FY 2024 Report (B Version) (Item #202302199) which includes the following transfers and appropriations:

Administration’s Recommended One-Time Uses

- Deferred Capital Maintenance (\$7,095,646) – The recommended \$7,095,646 allocation will provide funding to address the backlog of deferred maintenance of the City’s capital assets as well as information technology equipment. The recommended projects include the following amounts by department:
 - Enterprise Technology Solutions – \$1,795,646
 - \$795,646 to replace radios used by multiple City Departments including Police and Fire
 - \$500,000 for Lifecycle Asset Replacement of Windows based devices
 - \$250,000 to install, repair, and replace uninterruptable power supply (UPS) systems at all network locations
 - \$250,000 to replace the City’s phone systems and provide a unified communications system
 - City Manager’s Office – \$400,000
 - An additional allocation of funds for the Office of Environment and Sustainability (OES) to add one new location and partially fund an additional location (Millvale and Evanston) as Solar Panel Battery Backup Resiliency Hubs

- Department of Community and Economic Development – \$1,000,000
 - Funds for the Division of Parking Services for improvements to off-street parking garages
- Department of Public Services – City Facilities Management (CFM) – \$3,400,000
 - \$1,000,000 for asbestos abatement at various City facilities
 - \$1,000,000 for improvements at public safety facilities
 - \$500,000 for the Fire Training Center
 - \$400,000 for an electrical Arc Flash Hazard Study and mitigation efforts
 - \$250,000 for heating, ventilation, and air conditioning (HVAC) upgrades at various City facilities
 - \$250,000 for safety upgrades at various City facilities
- Department of Public Services – Fleet Services – \$500,000
 - Funds to replace the Cincinnati Police Department’s Special Weapons and Tactics (SWAT) vehicle

This Emergency Ordinance does not include items proposed by the Mayor which are included in a separate Emergency Ordinance to be considered by the City Council.

Additional information regarding the overview of the City of Cincinnati’s financial condition for the fiscal year (FY) ending June 30, 2023, can be found in the Revised Department of Finance Report for the Fiscal Year Ended June 30, 2023 (unaudited) (Item #202302200).

The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

cc: William “Billy” Weber, Assistant City Manager
 Andrew M. Dudas, Budget Director
 Karen Alder, Finance Director

Attachments

EMERGENCY

CNS

- 2023

AUTHORIZING the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

WHEREAS, in 2015, in Ordinance No. 253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, with such policy being later revised in 2019 through Ordinance No. 213-2019 and revised again in 2022 through Ordinance No. 56-2022; and

WHEREAS, in accordance with the revised Stabilization Funds Policy, Council established a new balance sheet reserve account within the General Fund, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Council is now appropriating \$7,095,646 in the “Infrastructure and Capital Project Reserve” balance sheet reserve account to various projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer; now, therefore,

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

Section 1. That \$7,095,646 is transferred from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050.

Section 2. That \$7,095,646 is transferred and appropriated from the unappropriated surplus of General Fund 050 to new or existing capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for the one-time infrastructure and capital projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer.

Section 3. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 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 accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

Passed: _____ 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter totaling \$7,095,646.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	050	General Fund	230926	Radio Replacements - GFCO	1,703,292.00	2,498,938.00	795,646.00
	050	General Fund	240913	Telephone System Upgrades	206,000.00	456,000.00	250,000.00
	050	General Fund	240918	Lifecycle Asset Acquisition and Replacement	451,000.00	951,000.00	500,000.00
	050	General Fund	240930	Uninterruptible Power Supply Systems - GFCO	0.00	250,000.00	250,000.00
City Manager OES 104	050	General Fund	241040	Solar Panel Battery Backup Resiliency Hub	325,000.00	725,000.00	400,000.00
Enterprise Services Parking Facilities 248	050	General Fund	242400	Parking Garage Rehabilitation	0.00	1,000,000.00	1,000,000.00
Public Services City Facility Management 255	050	General Fund	232533	Public Safety Facilities Improvements - GFCO	1,000,000.00	2,000,000.00	1,000,000.00
	050	General Fund	232546	Fire Training Facility/Tower - GF	3,400,000.00	3,900,000.00	500,000.00
	050	General Fund	242540	Arc Flash Hazard Mitigation - GFCO	0.00	400,000.00	400,000.00
	050	General Fund	242541	City Facility Asbestos Abatement - GFCO	0.00	1,000,000.00	1,000,000.00
	050	General Fund	242543	City Facility HVAC Upgrades - GFCO	0.00	250,000.00	250,000.00
	050	General Fund	242544	City Facility Security Upgrades - GFCO	0.00	250,000.00	250,000.00
Motorized Equip. 981	050	General Fund	242533	Fleet Replacements - SWAT Truck - GFCO	0.00	500,000.00	500,000.00
							7,095,646.00



Reggie Harris
Councilmember

11/9/2023

MOTION

To Allocate FY24 Carryover Dollars and Establish "Thriving Neighborhoods" Funding

WE MOVE to accept the Mayor and administration's FY24 carryover dollar recommendations as listed in Ordinance #202302300 without modification as indicated in the following chart:

Project Name	Amount
Industrial Site Redevelopment – GF CO	\$1,600,000
West End Community Development Initiatives	\$2,000,000
Keep Cincinnati Beautiful Capital Facilities Improvement	\$250,000

WE FURTHER MOVE to accept the following administrative recommendations for FY24 carryover dollars as indicated in the chart below:

Fund #	Project Name	Amount
240913	Telephone System Upgrades	\$250,000
240918	Lifecycle Asset Acquisition and Replacement	\$500,000
240930	Uninterruptable Power Supply Systems - GFCO	\$250,000
241040	Solar Panel Battery Backup Resiliency Hub	\$400,000
232533	Public Safety Facility Improvements - GFCO	\$1,000,000
242540	ARC Flash Hazard Mitigation	\$400,000
242541	City Facility Asbestos Abatement	\$1,000,000
242543	City Facility HVAC Upgrades - GFCO	\$250,000
242544	Fleet Replacement – SWAT Truck - GFCO	\$500,000
	Total	\$4,550,000

WE FURTHER MOVE to allocate the remaining FY24 carryover dollars to support Thriving Neighborhoods as indicated in the chart below, with \$1,000,000 to be administered through Homebase for

strategic CDC Site acquisition and project support, \$1,045,646 to go towards our Parks and Recreation Departments for the replacement of playgrounds and critical failing infrastructure, and \$500,000 to supplement DOTE's community-led pedestrian safety initiatives.

Thriving Neighborhoods Projects:

Project Name	Amount
Homebase – CDC “Quickstrike” Acquisition & Project Funding	\$1,000,000
Deferred Maintenance – Parks and CRC Projects	\$1,045,646
Community Pedestrian Safety Projects	\$500,000
Total	\$2,545,646

Councilmember Reggie Harris

Councilmember Jeff Cramerding

STATEMENT

With the passage of Issue 22 and the projected influx of capital dollars for deferred maintenance, this Council should prioritize strategic investments that will continue to grow our neighborhoods, improve quality of life, and attract further investment in our communities. This plan is a combination of investing in City infrastructure that is in desperate need of repairs while also recognizing the neighborhood infrastructure that is critical to our citizens but has historically lacked the *proactive* investment to bring it to productive use.

Pedestrian safety has been a top priority of this Council, and with additional funding our Department of Transportation and Engineering can complete more community-led initiatives that make our streets more accessible and save lives. Our Community Development Corporations are the nexus of safety, affordable housing, and improving quality of life for our communities. There is a need for nimble funds to be able to act quickly when strategic properties hit the market or project deals need to be closed within a preset timeframe.

Our CRC and Park facilities are how most citizens interact with the City, and we know they are in a particularly bad state of disrepair. This additional funding will allow for early investments in these facilities, especially playgrounds and those listed on the City's top 10 critical failing infrastructure list. These will have major implications on quality of life, public safety, and health. This will keep 80% of the administrative recommended funding going towards deferred maintenance projects, which is a stated value of this Council.