

EMERGENCY

CFG

-2022

ESTABLISHING capital improvement program project account no. 980x233x232355, “Queensgate SORTA Easement Improvements,” for the purpose of providing Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way formerly known as McClean Street, adjacent to the Southwest Ohio Regional Transit Authority (“SORTA”) facility in the Queensgate neighborhood, and to provide resources for eligible labor, materials, tools, and technologies needed to plan, design, build, and inspect these improvements; **AUTHORIZING** the transfer and appropriation of \$1,500,000 from the unappropriated surplus of Income Tax-Transit Fund 759 to newly created capital improvement program project account no. 980x233x232355, “Queensgate SORTA Easement Improvements”; and further **AUTHORIZING** the appropriation of \$9,064,004.89 from the unappropriated surplus of Income Tax-Transit Fund 759 to the SORTA non-personnel operating budget account no. 759x081x7200 for the purpose of implementing the provisions of Ordinance No. 0247-2020 that, authorized the City Manager to execute an Amendment to the City-SORTA Agreement for the transfer of funds from Income Tax-Transit Fund 759 to SORTA.

WHEREAS, Ordinance No. 0407-2016 authorized the City Manager to execute an Agreement of Lease with the United States Postal Service for two sections of the City-owned former right-of-way known as McClean Street in the Queensgate neighborhood; and

WHEREAS, on October 26, 2016, SORTA consented to this Agreement of Lease, Contract No. 75x0099, regarding a portion of the vacated right-of-way formerly known as McClean Street, adjacent to the SORTA facility in the Queensgate neighborhood; and

WHEREAS, SORTA also benefits from access to the City-owned former right-of-way known as McClean Street in the Queensgate neighborhood; and

WHEREAS, Ordinance No. 0247-2020 authorized the City Manager to execute an Amendment to the 1973 City-SORTA Agreement for the transfer of funds from Income Tax-Transit Fund 759 and the transfer of real property to SORTA; and

WHEREAS, on August 28, 2020, the City Manager and SORTA executed an Amendment to the 1973 City-SORTA Agreement; and

WHEREAS, Ordinance No. 0299-2020 authorized the appropriation of \$3,000,000 to SORTA for the initial reconciliation of Income Tax-Transit Fund 759; and

WHEREAS, Ordinance No. 0408-2020 authorized the appropriation of \$5,724,193.76 to SORTA for the second reconciliation of Income Tax-Transit Fund 759; and

WHEREAS, the sum of \$9,064,004.89 represents the remaining resources available in Income Tax-Transit Fund 759 as well as the third and final reconciliation, which will be paid to SORTA pursuant to the 1973 City-SORTA Agreement, as amended; now, therefore,

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

Section 1. That the establishment of new capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements," is hereby authorized for the purpose of providing Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way formerly known as McClean Street, adjacent to the Southwest Ohio Regional Transit Authority ("SORTA") facility in the Queensgate neighborhood, and to provide resources for eligible labor, materials, tools, and technologies needed to plan, design, build, and inspect these improvements.

Section 2. That the transfer and appropriation of the sum of \$1,500,000 from the unappropriated surplus of Income Tax-Transit Fund 759 to newly established capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements," is hereby authorized for the purpose of providing Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way formerly known as McClean Street, adjacent to the SORTA facility in the Queensgate neighborhood, and to provide resources for eligible labor, materials, tools, and technologies needed to plan, design, build, and inspect these improvements.

Section 3. That Council hereby authorizes the transfer and appropriation of the sum of \$9,064,004.89 from the unappropriated surplus of Income Tax-Transit Fund 759 to the Southwest Ohio Regional Transit Authority non-personnel operating budget account no. 759x081x7200 for the purpose of implementing the provisions of Ordinance No. 0247-2020 that authorized the City

Manager to execute an Amendment to the 1973 City-SORTA Agreement, which Amendment requires a reconciliation of the unencumbered fund balance.

Section 4. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 3 herein.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reasons for the emergency are the immediate need to provide resources for Queensgate SORTA easement improvements and for the finalization of the Income Tax-Transit Fund 759 reconciliation with SORTA so SORTA is paid in a timely manner in compliance with the Amendment to the 1973 City-SORTA Agreement.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk